

GC Alert

Competencia Económica
Antitrust

abril 2022

Cofece inicia investigación de barreras e insumos esenciales en el mercado de comercio electrónico minorista en México

El 31 de marzo de 2022, la Comisión Federal de Competencia Económica (“Cofece”) publicó en el Diario Oficial de la Federación el extracto del acuerdo por el cual anunció el inicio de una investigación en el mercado de comercio electrónico minorista en territorio nacional. Esta investigación es con el objetivo de determinar la posible existencia de barreras a la competencia y/o insumos esenciales que pudieran generar efectos anticompetitivos.

Este tipo de investigación no es sancionatoria de conductas ilícitas, sino que tiene por objeto eliminar barreras estructurales, o abrir el acceso a insumos esenciales, que estén impidiendo la competencia y la libre concurrencia.

Las barreras a la competencia son las características estructurales, normas y/o, actos, que dificultan el acceso de competidores, limitan su capacidad para competir o que distorsionan el proceso de competencia.

Por otra parte, un insumo esencial es un

Cofece launches investigation of barriers to competition and essential inputs in the retail e-commerce market in Mexico

On March 31st, 2022, the Federal Economic Competition Commission (“Cofece”) published in the Federal Official Gazette an extract of the official communication by which it announced the beginning of an investigation in the retail e-commerce market in Mexico. The aim of this investigation is to determine the possible existence of barriers to competition and/or essential inputs that could generate anti-competitive effects.

The purpose of this type of investigation is not to sanction unlawful conduct, but rather to eliminate structural barriers, or to open access to essential inputs preventing competition and free market access.

Barriers to competition are structural characteristics, legal provisions and/or acts, that hinder access of competitors, limit their ability to compete or distort the competition process.

On the other hand, an essential input is an

elemento insustituible e indispensables para la producción o prestación de bienes y servicios.

La Autoridad Investigadora de la Cofece tiene un periodo aproximado de dos años y medio para llevar a cabo la investigación. Si existen elementos para determinar la existencia de barreras a la competencia y/o insumos esenciales, Cofece podrá ordenar la eliminación de barreras, acceso a los insumos, y emitir recomendaciones a las autoridades públicas.

Consulta el aviso de inicio de la investigación [aquí](#).

Gonzalez Calvillo representa una amplia variedad empresas nacionales y multinacionales de diversas industrias, ya sea como agentes investigados o como terceros coadyuvantes, en las investigaciones por barreras a la competencia e insumos esenciales más representativas de los últimos años.

[Competencia Económica](#)

irreplaceable and indispensable element for the production or provision of goods and services.

Cofece's Investigative Authority has a period of approximately two and a half years to carry out the investigation. If sufficient evidence is found to determine the existence of barriers to competition and/or essential inputs, Cofece may order the suppression of barriers, access to inputs, and issue recommendations to the corresponding public authorities.

Read the official communication [here](#).

Gonzalez Calvillo advises a wide variety of national and multinational companies across different industries, either as investigated agents or as third parties, in some of the most representative investigations for barriers to competition and/or essential inputs in the last few years.

[Antitrust](#)

our areas

Advertising & Marketing

AML, Anti-corruption and Compliance

Arbitration and Mediation

Private Equity and Fund Formation

Antitrust

Government Procurement and Public Bids

Corporate

Energy, Oil & Gas and Electricity

Corporate Finance

Franchising and Licensing

Mergers and Acquisitions

Infrastructure and Project Finance

Real Estate

Labor, Employment and Corporate Compensation

Life Sciences & Health Care

Civil and Commercial Litigation

Constitutional and Administrative Litigation

Environment, Agrarian and Social Impact

Capital and Debt Markets – Securities

Intellectual Property

Consumer Protection

Data Protection

Banking and Finance Regulation

Information Technology

Telecommunications and Broadcasting