

<b>MEXICO</b>			
<b>COMPETITION FRAMEWORK</b>			
Competition Law	The Federal Law on Economic Competition (“Competition Law”) was enacted on December 24, 1992 and amended in 2006 and 2011.		
Competition Authority	Federal Competition Commission, Comisión Federal de Competencia, (“FCC”) started functioning in 1993. <b>Website:</b> <a href="http://www.cfc.gob.mx/">http://www.cfc.gob.mx/</a>		
<b>STATUS OF THE COMPETITION AUTHORITY</b>			
<b>Accountability</b>			
Does the Competition Authority have obligations before the executive?	Yes	X	Obligations to report to the executive on on-going investigations upon request.
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.
		√	The Competition Authority has to report on an annual basis to the executive. <i>See</i> article 28 of the Competition Law.
Does the Competition Authority have obligations before the legislature?	No	X	Obligation to publish an annual report on its activities.
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.
		X	Its activities are monitored by an independent auditor or by oversight committees.
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions of the Competition Authority are subject to judicial review. <i>See</i> Competition Law, article 28.
<b>Independence</b>			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> Competition Law, article 26.	
Does the executive have powers to decide on specific cases based on public interest?	No		
Does the executive retain decision-making powers over the Competition Authority?	No		
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes		
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	<b>Fiscal year budget for 2012:</b> 221.3 mill pesos.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	Memorandum of Understanding with the Treasury	
<b>GOVERNANCE OF THE COMPETITION AUTHORITY</b>			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body	<i>See</i> Competition Law, article 25.	
Are the heads appointed by a minister?	Yes	By the executive.	
Are the heads appointed by representatives of more than one government branch?	No		
Is there a fixed period during which removal is prohibited?	No	Under article 26 of the Competition Act, removal is possible when serious infringement occurs.	
Is the tenure of the heads renewable?	Yes	Article 27 of the Competition Act states that there is a maximum of ten years.	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	<i>See</i> Competition Law, article 26.	
<b>ARCHITECTURE</b>			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a minister?	Stand-alone agency	<i>See</i> article 23 of the Competition Law.	
<b>POLICY-MAKING AGENTS -DIVERSIFICATION-</b>			
How many agencies are responsible for competition enforcement?	One agency.		
Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?	Yes	With the Consumer Protection Agency (“PROFECO”) and Energy regulator.	
<b>POLICY DUTIES</b>			

Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Exclusive competition mandate	X	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		Other mandates: Not applicable.	
<b>PORTFOLIO INSTRUMENTS</b>			
<b>Law Enforcement</b>			
Does the Competition Authority have powers to investigate cartels?	Yes	See Competition Law, article 24(1).	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	See Competition Law, article 24(2).	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	See Competition Law, article 24(1).	
Does the Competition Authority have powers to accept leniency applications?	Yes	See Competition Law, articles 29 and 33.	
Does the Competition Authority have powers to accept seek criminal punishment?	Yes	See Competition Law, article 24(4).	
<b>Advocacy</b>			
Can the Competition Authority issue opinions on draft legislation?	Yes	See Competition Law, article 24(6).	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	It is voluntary.	
<b>Rulemaking</b>			
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	√	Guidelines on the calculation of fines.
		√	Guidelines on merger control.
		√	Guidelines on the economic analysis of abuse of dominance cases.
<b>Research &amp; Reporting</b>			
Can the Competition Authority carry out market studies?	Yes	See article 24(8) bis 2 of the Competition Law.	
Can the Competition Authority report to the legislature on the results of market studies?	Yes		
<b>DECISION-MAKING FUNCTIONS</b>			
<b>Aggregated Functions</b>			
Does the Competition Authority make the decision to investigate and to prosecute cases?	Yes		
Does the Competition Authority make guilty findings?	Yes		
Does the Competition Authority impose punishments?	Yes		
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No		
Can the Competition Authority's decisions be appealed to a court?	Yes		
<b>Disaggregated Functions—Prosecutorial Model</b>			
Are there different authorities that make the decision to investigate and to prosecute cases?	No		
Are disputes presented for decision to a separate entity/tribunal?	No		