

Mexico City, October 27th, 2020.

The Federal Antitrust Commission announces an investigation regarding alleged monopolistic practices (cartel activity) in the Non-Residential Real Estate Leasing Market.

Dear clients and friends,

On October 22, 2020, the Investigation Authority of the Federal Antitrust Commission (“COFECE”) announced via the Federal Official Gazette the opening of an ex-officio investigation regarding alleged absolute monopolistic practices (Cartel Activity) in the Non-Residential real estate leasing Market (countrywide), in terms of article 53 of the Federal Economic Competition Law and possibly in terms of article 9 of the former Competition Law, due to the fact that such Authority has knowledge of certain conducts that assumedly constitute possible monopolistic practices in the investigated market. Therefore, said ex-officio investigation to the Countrywide Non-Residential Real Estate Leasing Market could cause the following consequences:

- The Authority may require any individual or company to exhibit any information or documents deemed necessary related to the investigation, either as a defendant or as a collaborating third party, as well as suppliers or any other economic agent of the investigated market.
- The Authority may order the performance of on-site inspections of any other economic agent related to the investigated market.

Upon conclusion of the investigation, if the Authority finds elements that indicate a probable responsibility of the investigated economic agents, it will initiate the correspondent administrative procedure, in which the Commission may impose, among other, the following penalties:

- A maximum fine equivalent to 10% of the Economic Agent’s annual income, regardless of the corresponding civil or criminal liability.
- Up to 10 years of imprisonment for the person found guilty of the Economic Agent’s monopolistic practice.

Finally, once the COFECE’s resolution is considered as *res judicata*, third parties that may have suffered damages deriving from the monopolistic practices have the right to file judicial actions before the Administrative District Courts specialized in Antitrust, Broadcasting and Telecommunications.

The lawyers of Mañón Quintana are at your service for any question or comment related to the scope of this newsletter.

Sincerely,

Antonio Mañón
antonio.manon@mqsc.mx

Gerardo Quintana-Pineda
gerardo.quintana@mqsc.mx

Jorge Rosales-Fernandez
jorge.rosales@mqsc.mx

Dario Jandette-Fuentes
dario.jandette@mqsc.mx

Santiago J. Nuñez-Chaim
santiago.nunez@mqsc.mx

Julio J. Copo-Terres
julio.copo@mqsc.mx

Antonio Barrera-Rios
antonio.barrera@mqsc.mx

Gerardo Sanchez
gerardo.sanchez@mqsc.mx

Enock Perez-Arias
enock.perez@mqsc.mx

Beatriz Gonzalez-Alanis
beatriz.gonzalez@mqsc.mx

Paulina Ruiz
paulina.ruiz@mqsc.mx

Sofia Philippe
sofia.philippe@mqsc.mx

Nuria Ledezma
nuria.ledezma@mqsc.mx

Fernando Salinas
fernando.salinas@mqsc.mx

Ilse Salgado
ilse.salgado@mqsc.mx

Bruno Saab
bruno.saab@mqsc.mx

Juan Daniel Martinez
daniel.martinez@mqsc.mx

Frida Salgado
frida.salgado@mqsc.mx

Paulina Martin-Gonzalez
paulina.martin@mqsc.mx

Hugo Oseguera
hugo.oseguera@mqsc.mx

Ciudad de México

Córdoba 42, Piso 5 - B,
Roma Norte, 06700,
Ciudad de México

C. +52 (55) 8438.0000
D. +52 (55) 8438.0001
contacto@mqsc.mx

Tijuana

Misión de San Javier 10643,
suite 400, piso 4, Zona Río,
22010, Tijuana, B.C.

C. +52 (664) 615.7150