

The practices which may be deemed relative monopolistic practices are agreements or combinations that unduly impede market access to third parties, or which give exclusive advantages to certain persons, in the following cases:

- between non-competitors:
 - the establishment of exclusive distribution arrangements, whether based on subject matter, geographic territories or time periods, including the allocation of customers or suppliers; and
 - the imposition of obligations not to compete;
- the imposition of price or other conditions which distributors or suppliers must observe upon re-sale of goods or provision of services;
- tying arrangements;
- the conditioning of sales or other transactions on obligations not to deal with certain third parties;
- the refusal to deal with certain parties; and
- concerted action to pressure or retaliate against third parties.

2.2 Restricted economic concentrations: prior approval

Restricted economic concentrations are defined as those between any persons or enterprises, whether competitors or not, having the purpose or effect of diminishing, damaging or impeding competition in identical, similar or substantially related goods or services. The Competition Law identifies certain factors that the Commission must consider in determining whether a concentration violates this prohibition, such as the likely market power or price-fixing abilities of the resulting concentration. The Commission has the power to condition its approval of a proposed concentration on the restructuring of the transaction to avoid anti-competitive consequences. It is also empowered to order that prohibited concentrations be undone.

Proposed concentrations meeting the following monetary thresholds must be notified to the Commission prior to their consummation:

- transactions having a value in excess of twelve million times the daily minimum wage (DMW) for the Federal District (N \$18.30 pesos as of April 1, 1995) or approximately US \$35.4 million (at N \$6.20 pesos per US dollar);
- transactions involving the accumulation of more than 35 percent of the assets or shares of a person or enterprise with assets or sales exceeding 12 million times the DMW (approximately US \$35.4 million);
- transactions involving:
 - persons or enterprises whose combined assets or yearly sales exceed 48 million DMW (approximately US \$141.7 million) and
 - an accumulation of assets or capital exceeding 4.8 million DMW (approximately US \$14.2 million).