



Department of Justice

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DOJ AND FTC SIGN ANTITRUST COOPERATION AGREEMENT WITH MEXICO

Agreement Provides for Increased Cooperation and Coordination Between U.S. and Mexican Antitrust Agencies

MEXICO CITY, MEXICO -- Assistant Attorney General Joel I. Klein today signed an antitrust cooperation agreement with Mexico, which will enable the antitrust agencies in the two countries to improve their law enforcement relationship with each other. The agreement also was signed by Federal Trade Commission Chairman Robert Pitofsky and Mexico's Secretary of Trade and Industrial Development, Herminio Blanco Mendoza.

The new agreement contains provisions for antitrust enforcement cooperation and coordination, notification about enforcement actions that may affect the other country, conflict avoidance and consultations with respect to enforcement actions, technical cooperation, and effective confidentiality protections.

Mexico is the United States's second largest export market in the Western Hemisphere, after Canada. The U.S. antitrust agencies and Mexico's Federal Competition Commission, established in 1993, have steadily improved their ties, both bilaterally and under the terms of the North American Free Trade Agreement.

"This new agreement is a significant step in developing a close relationship between the antitrust agencies of the United States and Mexico," said Attorney General Janet Reno. "It is an important tool that will be used to protect consumers in both countries."

Highlights of the new agreement include:

- The parties acknowledge that it is in their mutual interest to cooperate in antitrust enforcement generally and to share information that will facilitate effective application of their laws and promote better understanding of each other's enforcement policies and activities. The parties also agree to consider coordination of enforcement actions when pursuing enforcement activities with regard to related matters;
- In a "positive comity" provision, each party agrees to give careful consideration to requests by the other party to take appropriate antitrust enforcement action against illegal conduct within its jurisdiction that injures the requesting party's important interests;
- Each party will notify the other of specified antitrust enforcement activities that may affect the important interests of the other party. In order to minimize possible conflicts arising out of antitrust enforcement actions, the parties agree to give careful consideration to one another's important interests throughout all phases of enforcement activities. The parties also will consult with each other upon request about matters covered by the agreement; and
- Each party will maintain the confidentiality of sensitive information provided by the other party.

"Together, these provisions provide a sound basis for enhanced cooperation, while minimizing possible conflicts between the two nations' antitrust enforcement activities," said Joel I. Klein, Assistant Attorney General in charge of the Department's Antitrust Division. "We look forward to working more closely with our Mexican colleagues at a time when sound antitrust enforcement is a high priority in both the United States and Mexico."

The agreement does not change existing law in either country and is not a comprehensive antitrust mutual legal assistance agreement authorized by the International Antitrust Enforcement Assistance Act of 1994. The U.S. has such an agreement with Australia.

This cooperation agreement is similar to those reached with Brazil, Canada, the EU, Israel and Japan.

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