Antitrust developments in Mexico – interview with Andrea Marván, Chair Commissioner of the National Antitrust Commission

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Introduction

In an international context marked by the reconfiguration of supply chains, the rise of digital markets, the resurgence of active industrial policies, and a growing social demand for tangible results, competition authorities face unprecedented pressure: to be more technical and closer; firmer and more predictable; more coordinated at a global level and, at the same time, deeply attentive to local realities.

At an international level, in the competition landscape, some constants repeat: the need to strengthen investigative tools, reduce resolution times, prioritise cases with direct impact on consumers and households and actively participate in the debate on economic policy without sacrificing independence. Another element is also evident: international cooperation is no longer optional, but structural.

In this article, and just six months after the implementation of a reform to the competition regime in Mexico, Andrea Marván, Chair Commissioner of the National Antitrust Commission, shares her vision on the new institutional stage in the country, the internal adjustments derived from the reform, the balance between firmness and legal certainty and the role that the country can play both in Latin America and in multilateral forums such as the International Competition Network. The interview offers a detailed look at how a more robust authority is being built in powers, more results-focused, and more integrated into the global conversation on competition.

Interview with Andrea Marván

You have had a very significant trajectory in competition policy that led you to lead the antitrust authority at a moment of profound institutional change. Which preparatory experiences – professional, academic, or personal – do you consider have been most decisive in facing these challenges?

First, thank you very much, Marta. Thank you and the International Bar Association for your interest in this interview.

My personal background has always been strongly oriented towards public service. From a very young age, I understood its importance and grew up with the vocation to contribute to my country through it. I had a very brief experience in the private sector. The private sector was very appealing to me and it was an enriching experience; however, when I left, I realised that I needed to give my profession a deeper sense of purpose.

I am trained as a lawyer, although sometimes I sound more like an economist than a lawyer. My background is legal. While I really enjoyed litigation and private practice, I felt that it lacked the component of public service that I had grown up with and seen at home. When I went to pursue my master's degree, I did so with a very clear goal: first, to return to my country after completing it to contribute to Mexico; and second, to do so through public service.

It was during my master's studies that I became more closely acquainted with competition policy and its complexity. Competition policy has something very unique: it combines highly complex legal and economic analysis with the real potential to tangibly improve the lives of consumers. It is a highly technical discipline, but one whose benefits are fully concrete and measurable.

From my time in the master's programme, I was very clear that I wanted to return to Mexico and work in the competition authority. That is how I joined the thencompetition authority in the cartels division. There, I had the chance to be part of many 'firsts': planning the first inspection visits, setting up the forensic laboratory and developing investigative tools that had not existed before.

I saw firsthand how essential the use of investigative tools is to detect and substantiate illegal conduct. I also had the opportunity to participate in international exchanges and experiences. That stage was very important in my professional development because, while setting up the forensic lab and conducting the first inspections, I realised the relevance and indispensable need for international cooperation and for relationships among competition authorities. Other authorities trained us and helped lay the foundations for those first actions.

In the cartels division, I had the opportunity to work on some very significant cases, such as the sugar case[1] and others related to the financial sector. Later, I became Chief of Staff to the head of the Investigative Authority – who acts as the prosecutor of competition policy in Mexico. There, I gained a much broader perspective on the tools of competition policy and how they are applied.

I had the chance to analyse investigations of both abuse of dominance and the first market studies that were conducted when this tool was incorporated. Additionally, given that the Investigative Authority is autonomous, I could appreciate the importance of promoting competition policy and of fostering close cooperation with other authorities.

After many years in highly technical areas, I had a brief tenure at the Directorate General for the Promotion of Competition. There, I confirmed, in practice, the importance of competition advocacy: raising awareness of why it matters, maintaining dialogue with public, private, and academic stakeholders and explaining its impact.

Subsequently, I was appointed Commissioner and, shortly after, Chair Commissioner of the then-Federal Commission for Economic Competition (COFECE). I currently continue as Chair Commissioner of the new antitrust authority, the National Antitrust Commission (CNA).

What are the most significant substantive changes introduced by the reform in the investigation of anti-competitive practices and merger control?

The most significant changes introduced by the 2025 reform are aimed at strengthening the authority and making it more efficient, predictable and consistent nationwide. First, we now have a single competition authority covering all sectors, including telecommunications and broadcasting. This resolves a situation that had existed for more than ten years, where there was some confusion

1 COFECE (Decision IO-006-2013, 21 June 2013)

about which agencies regulated each market. With this unification, we now have clarity on the authority's jurisdiction, which strengthens legal certainty and allows the law to be applied in a uniform and consistent manner.

Regarding powers, the authority now has stronger tools to investigate and sanction anti-competitive practices, such as cartels, abuse of dominance and economic concentration. This means that wherever a competition problem exists, the CNA can act decisively and fully enforce the law. In addition, the reform significantly increases penalties, both in amount and scope, reinforcing the authority's deterrent capacity and ensuring that companies take competition rules seriously.

Where no competition problem exists, however, the focus shifts: the authority must promote transparency, certainty and predictability, thereby encouraging innovation and investment. The reform makes it clear that competition policy is not only for sanctioning but also for creating clear, reliable rules that support the efficient functioning of markets.

Another important change involves shorter deadlines for resolving procedures. This requires the authority to be faster and more efficient, which in turn requires internal adjustments, effective coordination and strategic resource allocation. The goal is for decisions to be timely, have a real impact on markets and provide economic agents with clarity about the rules of the game.

Overall, the reform seeks to consolidate the CNA as a stronger, more efficient and more reliable authority, capable of rigorously enforcing the law when necessary while simultaneously creating an environment of certainty and predictability that promotes competitive markets, innovation and economic growth. In other words, the authority not only protects consumers and ensures effective competition, but also plays a key role in fostering investment and market confidence.

The strategy that the authority will need to follow is the one we are implementing: where a competition problem exists, act quickly and effectively; where no problem exists, ensure that the authority's actions encourage innovation and promote investment. If there is a violation of the law, it will be enforced fully and with full force; where there is no problem, the authority plays a crucial role in providing certainty, being transparent and fostering innovation and investment.

What internal adjustments have been necessary to ensure compliance with the new law?

I would summarise it by saying that we focused on making the institution more operationally efficient and strengthening key areas. We also took the opportunity to reevaluate what had worked and what had not in previous years. Based on that assessment, we made several adjustments that I consider fundamental.

First, since there is now a single competition authority, we had to create an operational area responsible for the special procedures provided for in the new law, such as the declaration of preponderance and the issuance of asymmetric regulation. This is a key point.

There were also changes in merger control, particularly because thresholds were reduced and deadlines shortened. For this reason, we strengthened the mergers area. This is important to highlight because it implies a higher workload in a shorter period.

We also made adjustments to administrative personnel, meaning areas not directly related to operational functions, in order to prioritise and strengthen the operational areas.

Two additional adjustments are particularly relevant and even reflect recommendations from the peer review conducted by the Organisation for Economic Cooperation and Development (OECD) a few years ago for Mexican competition authorities. I am referring to the creation of the positions of Chief Economist and General Counsel.

While the Investigative Authority maintains its full autonomy, as mandated by the United States–Mexico–Canada Agreement (USMCA) and the Constitution, the OECD noted – and I agree – that there was insufficient harmonisation of criteria. These two positions were therefore created with a transversal role.

The Chief Economist, in addition to the functions already carried out by the Directorate General of Economic Studies – such as producing studies, providing technical support to areas handling judicial procedures and mergers and offering economic advice to the Plenary – now has a broader mandate. We aim for this role to operate similarly to how it functions in the EU: as an advisor to the Plenary, while also contributing to the standardisation of economic criteria and methodologies.

This does not imply intervening in individual cases of the Investigative Authority, whose autonomy remains intact, but it does allow progress toward standardising economic criteria and methodologies, which sometimes varied across different areas of the authority.

Similarly, the General Counsel, in addition to being responsible for defending the Commission's decisions in court, also becomes the legal advisor to the Plenary. This role is important in promoting consistency and homogeneity in legal criteria and ensuring that the Plenary's interpretation of the law is properly reflected in the Commission's technical areas.

In sum, the main adjustments have been strengthening operational areas as a result of changes in the law – both through the incorporation of the telecommunications sector and the shortening of deadlines – and creating these two transversal roles within the institution.

What results do you expect from the competition reform? Are there any emblematic cases in recent months that illustrate the 'new approach' under the reform?

We want this Commission to prioritise its cases and act, first, to protect Mexican consumers and households. Second, to be an authority that fosters investment, establishes clear rules and is as predictable as possible. And third, to have strong tools and sufficiently trained personnel.

A recent case that exemplifies this approach is the resolution concerning the corn flour market, which was issued not long ago. This is a market very close to Mexican households, as corn flour is the main input for making tortillas. In Mexico, 65.8 kilograms of tortillas are consumed per person per year on average, representing a significant portion of household budgets.

At the same time, tortillerías are mostly small businesses or small and medium-sized enterprises (SMEs). Many people in Mexico do not buy tortillas in supermarkets but in traditional tortillerías. For this reason, the market itself is particularly important.

It is also important to emphasise that this was a market investigation for barriers to competition, not an investigation for a law violation. The investigation was conducted, a preliminary determination was issued proposing certain measures, and initially, one of the proposed measures was divestiture due to high market shares.

However, after careful analysis, the Antitrust Commission determined that the most drastic measure should not be applied at that time. Instead, real, tangible and verifiable measures were implemented, aimed at increasing competition and breaking contractual ties that tortillerías had with a single large supplier.

There has been much discussion about why divestiture was not chosen. The economic value of the contracts being modified is equivalent to several production plants of the company involved. Nevertheless, the decision was made not to use the most extreme measure but to seek proportional solutions that would open up the market.

The next step is to closely monitor compliance with these commitments and observe how the market evolves. This case is emblematic both because of the type of market involved and the way the procedure was conducted: the most drastic measure was carefully assessed, and specific, verifiable actions aimed at opening the market were implemented.

Globally, we are seeing a trend of governments returning to strong industrial policies to ensure, for example, economic growth. How does competition policy complement other public policies?

Recently, both at the Blueprint Conference organised by the European Commission – attended by Vice President and Commissioner Teresa Ribera – and at a forum I attended, the Antitrust Summit organised by *The Economist*, this has been a recurring question.

There is an ongoing dialogue about whether competition policy is the 'main dish' or the 'side dish', that is, whether it is the central element or a complement within economic policy design. I will not enter that discussion in those terms, but I do believe – and here I return to something I mentioned at the start regarding the importance of advocacy and dialogue – that competition policy can complement other public policies, and dialogue is essential to achieve this.

In merger reviews or investigations, the competition authority must be highly technical, impartial and independent because many interests are involved. That part admits no concessions.

However, where constant dialogue is important is in the design of other public policies. Industrial policy is not in conflict with competition policy; it can be complementary. The key is analysing in which markets or sectors industrial policies are implemented and how they are designed.

A well-implemented industrial policy can even help increase competition in a market, create space for more goods and services, improve quality or reduce prices. That is why I consider these topics complementary and see competition policy as playing a role in this process.

It is also important not to fall into the idea that competition policy is omnipotent and can solve absolutely everything. It is not. But it is a special, cross-cutting tool that can contribute to the design of other public policies.

This is where dialogue and advocacy take a central role: competition authorities, with their particular market perspective, can participate in public discussion and contribute to policy design.

Another point I mentioned recently at *The Economist* conference is that it is also valid to observe where a country's development priorities are directed: which sectors are being strengthened, where productivity is being sought and where new industries, innovation, or investment are being promoted.

In Mexico, for example, the National Development Plan establishes priorities every six years. Without undermining the independence of the competition authority, it can be valid to consider these priorities when deciding which investigations or studies to prioritise.

In that sense, rather than debating whether competition policy is the main dish or a side dish, I would describe it as a major complement in the design of other public policies. I also consider it very important that it participates in their development from its technical and independent perspective.

Considering global trends in competition, how do you see your role as ICN Chair contributing to greater balance and coordination among competition authorities internationally?

That is right. Last May, I had the honour of being elected Chair of the Steering Group of the International Competition Network (ICN). Currently, the ICN is composed of over 154 members from 139 jurisdictions. It is the largest platform of its kind – and I would say the only one of this scale – among competition authorities, facilitating both the exchange of ideas and cooperation as well as knowledge sharing.

The platform continues to grow. In recent months, the competition authorities of Cape Verde, the UAE, and most recently Guatemala were admitted, which was especially gratifying for me as Guatemala is a neighbouring and close country.

The main challenge I face, and the one I am working on, is ensuring that the ICN remains an inclusive platform while continuing to be useful both for smaller authorities and for larger, more mature authorities, as they are commonly described.

The challenge lies in making sure that the topics discussed and the materials produced are useful for more mature authorities – currently very focused on digital markets, labour markets and other frontier issues – while also being useful for authorities that remain focused on more traditional markets or are still developing institutional capacity.

This work does not fall solely on me or my team; it depends on the entire network structure, which has various working groups focused on cartels, abuse of dominance, advocacy, mergers, among others. The members of these groups themselves define the agenda.

From the chair, we constantly strive to ensure that topics are of interest, timely and balanced between issues relevant to more mature authorities and those still in earlier stages of development.

With this approach, in addition to renewing the network's operational framework – something that had not been done in many years and required significant work – we aim for the ICN to set an example in transparency and governance.

We also renewed leadership positions. In addition to the Chair, there is a Vice Chair focused on technological matters, not only analysing digital markets but also on building internal capacity to process information, utilise technological tools and leverage artificial intelligence (AI) in investigations.

Another Vice Chair focuses on strengthening dialogue with other stakeholders, helping the network move beyond the 'competition bubble' and fostering meaningful engagement with public, private and academic actors. A further Vice Chair focuses on communication and disseminating ICN materials more broadly.

There is still much work ahead. It is a challenge I take on responsibly, especially given the current context, but fortunately, we have managed to keep members engaged and active within the platform.

How does the National Antitrust Commission incorporate international cooperation as a tool for the effective enforcement of competition law?

International cooperation, as I mentioned earlier, is something whose importance I understood from my first experiences in the competition authority. It is absolutely essential.

We maintain constant cooperation with other authorities. In cases of mergers spanning multiple jurisdictions, we are in continuous communication and coordination with our counterparts. To be clear, given the economic integration between Mexico and the US – and considering that it was recently announced that Mexico is the US's main trading partner – most of our mergers involve US companies, many of which have effects in more than one jurisdiction.

For this reason, we cooperate very closely with the US competition authority. We also cooperate with Europe and other Latin American authorities, but the relationship with the US is particularly intense due to the level of economic integration.

A similar dynamic occurs in investigations. There is close communication and collaboration, especially with the US, but also with Europe and other jurisdictions.

Moreover, the new competition law expanded the possibilities for collaboration and information sharing with other authorities. In a globalised world, this is absolutely necessary. Just reviewing our statistics on mergers and investigations shows that more and more cases have effects across multiple jurisdictions or involve foreign companies.

All of this is completed while always considering the realities of the Mexican market and strictly protecting confidential information. We are proud that the Mexican authority has been recognised for the careful handling of confidential information. Of course, we maintain the highest standards of information protection while sustaining a global perspective and close relationships with other authorities.

As Chair, how has the National Antitrust Commission positioned itself as a reference point in the region?

For us, it is very important to maintain alliances and be an active part of the Latin American competition community. Mexico occupies a very particular position: it is deeply integrated into the US economy while also being part of Latin America. This strategic and unique position allows us to collaborate closely with our sister agencies in the region.

We participate very actively in workshops held at the Latin America Regional Center of the OECD.

We also hold the secretariat of the Group of Competition Agencies of the Americas (GrACA), which brings together the heads of competition authorities across the continent. At the operational level, we also lead the Inter-American Alliance for Competition Defence.

We maintain constant communication with authorities in the region. Just as we once received training and workshops from European and US authorities to establish our forensic laboratory, conduct verification visits and strengthen intelligence areas, today, we play an active role sharing that experience with Latin American authorities.

Considering what we have discussed, what is the National Antitrust Commission's plan for the future?

We are about to launch a series of actions to develop our Institutional Programme 2025–2030. We want this new Antitrust Commission to be an authority close to citizens and consumers, as well as other authorities at the federal, state and local levels, and to the private sector.

The reform and the creation of this new authority place us in a strategic position to be a strong authority in terms of powers, while also being an authority that provides transparency and certainty.

In addition to ongoing investigations and substantive work, in the coming months we will focus on building this institutional programme around clear pillars: what we can do to improve the lives of people and households, and in which sectors we can encourage innovation and provide certainty for investment.

This is the direction we aim to consolidate in this new institutional stage.

Conclusion

Throughout this interview, a clear vision emerges regarding the state of competition policy in Mexico and internationally: a turning point in which authorities must be simultaneously stronger in their powers, more efficient in their operations and more aware of the economic context in which they operate. The legitimacy of an authority is not sustained solely by the breadth of its powers but by the technical quality of its decisions, the consistency of its criteria and its ability to generate certainty.

A central thread in this conversation is precisely that balance. On the one hand, a strong authority with enhanced tools and the real capacity to intervene when anti-competitive conduct occurs. On the other, an institution that understands that predictability, transparency and clarity of rules are indispensable conditions for fostering investment, innovation and growth. In a global environment where industrial policy, market digitalisation and geoeconomic reorganisation are central, competition policy cannot act in isolation, but it also cannot relinquish its technical independence.

The institutional dimension is also strongly evident. Creating new internal roles to standardise economic and legal criteria, strengthening operational areas and reducing procedural timelines imply not only administrative adjustments but a cultural transformation: moving from a logic of capacity accumulation to one of measurable and timely performance. This emphasis on efficiency and consistency reflects a global trend in which authorities are evaluated not only for their rulings but also for their real impact and process clarity.

At an international level, leadership in multilateral forums and constant cooperation with other jurisdictions reflect another consensus shared by many agencies today: markets are transnational, and competition law enforcement must be as well. Coordination, sharing best practices and building common standards are no longer aspirations but requirements for effective law enforcement.

Finally, the interview highlights a conception of competition policy as a cross-cutting tool of the state: not as a substitute for other public policies nor as an omnipotent instrument, but as a technical complement that can enhance the design of development, productivity, and innovation strategies. Maintaining this delicate balance – firmness in law enforcement, openness to institutional dialogue and clarity for economic agents – will be a permanent challenge. In this tension lies, to a large extent, the credibility and maturity of the authority in the years ahead.