

## Antitrust regulator fines credit data company for refusal to deal in Mexico

Janith Aranze 01 March 2019



Mexico's competition authority has fined Dun & Bradstreet 27.4 million pesos (US\$1.5 million) for refusal to grant a competitor access to its database, but dropped allegations against another credit bureau due to lack of evidence.

Mexico's Federal Economic Competition Commission (COFECE) said on Monday that Dun & Bradstreet abused its dominance by refusing to grant its only competitor, Círculo de Crédito, access to its credit history database. However the authority was forced to drop its discriminatory pricing probe into Transunion for lack of evidence. Buró de Crédito owns both Dun & Bradstreet and Transunion.

A credit bureau collects data on the credit history of individuals and companies and offers credit history services to banks and loan companies. Dun & Bradstreet and Círculo de Crédito only collect credit history data on companies, while Transunion collects data on individuals.

COFECE said Dun & Bradstreet's refusal to share its dataset prevented Círculo de Crédito from entering the credit information market. Mexico only has three credit bureaus and the full credit history of a client can be dispersed across all three companies, said COFECE, and financial regulation forces bureaus to share datasets with each other.

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Dun also has 15 times more clients than Círculo de Crédito, the agency noted.

Dun & Bradstreet disputes COFECE's reading of the regulation and maintains it has no obligation to share its data with rivals.

The authority opened its probe in 2015 and issued its statement of objections in 2017. COFECE's seven-member board of commissioners came to a unanimous verdict on the case.

But the authority's board of commissioners held there was no evidence to suggest that Transunion had discriminated when selling access to its data. The authority had alleged the banks that own a share of Transunion – Banamex, BBVA Bancomer, Banorte, HSBC Mexico, Santander and Scotiabank Inverlat – accessed Transunion's database at a discount.

Francisco Fuentes Ostos, a partner at Mijares, Angoitia, Cortés y Fuentes SC and counsel to Transunion and Dun & Bradstreet, said it is unfortunate COFECE could not be convinced that Dun's conduct did not amount to refusal to deal and said his client will now appeal the decision.

Von Wobeser y Sierra SC partner Fernando Carreño said the decision of the board of commissioners rejected the position of the investigative arm of the authority and sends a "strong message" that the board takes care when reviewing the facts presented by its investigative arm.

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He said it is rare for the board to go back on a statement of objections, and it shows the agency will be strict in analysing the facts of a case. This “is very good for the board’s independence and professionalism”, he said, adding that the investigative arm of the authority has to be much more rigorous and thorough when evaluating the evidence before them.

Omar Guerrero, a partner at [Hogan Lovells \(Mexico\)](#), said COFECE is showing that vertical restraints matter after bringing very few such cases in recent years.

A Dun & Bradstreet spokesperson said it is a minority shareholder in Buró de Crédito and all questions should be directed to Buró de Crédito. Buró de Crédito could not be reached for comment.

## **Counsel to Transunion and Dun & Bradstreet**

[Mijares, Angoitia, Cortés y Fuentes SC](#)

Partners Francisco Fuentes Ostos and Pilar Mata, and associates Carlos Orci, Elian Avila, Patricio Rivas, Marisa Labrador and Carlos Ahumada

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