



## **World Consumer Protection Map**

Contribution by  
Peru



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Page 2: Contact of respondent

**Q1** Name of responding member State **Peru**

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**Q2** Name of responding authority/agency:

Autoridad Nacional de Protección del Consumidor - INDECOPI

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Page 3: Consumer protection legislation

**Q7** Does your country's Constitution contain a provision on consumer protection? **Yes**

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**Q8** If you do, please provide de following details:

Text of constitutional norm with reference to consumer protection

**Artículo 65.- Protección al consumidor. El Estado defiende el interés de los consumidores y usuarios. Para tal efecto garantiza el derecho a la información sobre los bienes y servicios que se encuentran a su disposición en el mercado. Asimismo vela, en particular, por la salud y la seguridad de la población.**

URL link

**<http://www.pcm.gob.pe/wp-content/uploads/2013/09/Constitucion-Pol%C3%ADtica-del-Peru-1993.pdf>**

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**Q9** Does your country have have specific law(s) on consumer protection ? **Yes**

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**Q10** If you do, when was the main specific law first enacted? Date **01/09/2010**

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**Q11** If your main specific law on consumer protection has been revised, when was the date of its latest revision? Date **29/12/2016**

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## Consumer Protection Survey

**Q12** Please provide the following details of the current specific law(s):

|                |                                                                                                                                                                                                                                                                                                   |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1- Name of law | <b>Ley 29571, Código de Protección y Defensa del Consumidor</b>                                                                                                                                                                                                                                   |
| 1- URL link    | <a href="https://www.indecopi.gob.pe/documents/20195/177451/CodigoDProteccionyDefensaDelConsumidor%5B1%5D.pdf/934ea9ef-fcc9-48b8-9679-3e8e2493354e">https://www.indecopi.gob.pe/documents/20195/177451/CodigoDProteccionyDefensaDelConsumidor%5B1%5D.pdf/934ea9ef-fcc9-48b8-9679-3e8e2493354e</a> |
| 2- Name of law | <b>Decreto Legislativo 1308</b>                                                                                                                                                                                                                                                                   |
| 2- URL link    | <a href="https://www.indecopi.gob.pe/documents/20182/438150/Codigo+de+proteccion+y+defensa+del+consumidor.pdf/d62492e6-ad58-83fc-5688-624915470cb3">https://www.indecopi.gob.pe/documents/20182/438150/Codigo+de+proteccion+y+defensa+del+consumidor.pdf/d62492e6-ad58-83fc-5688-624915470cb3</a> |

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**Q13** Please check all the fields that your consumer protections law(s) cover.

**Consumer rights/legitimate needs,**

**Access by consumers to essential goods and services** ,

**Protection of vulnerable and disadvantaged consumers** ,

**Physical safety,**

**Product quality,**

**Terms and conditions** ,

**Promotional marketing and sales practices (including misleading advertisement)** ,

**Promotion of sustainable consumption** ,

**Tourism,**

**Financial services,**

**Dispute resolution,**

**Consumer education,**

**Consumer information**

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## Consumer Protection Survey

**Q14** From your previous answer, your specific consumer protection law(s) do(es) not cover the following field(s). Please name the relevant law(s) covering this/these field(s):

|                                                        |                                                                                 |
|--------------------------------------------------------|---------------------------------------------------------------------------------|
| Voluntary codes for businesses                         | <b>Código de Protección y Defensa del Consumidor y Resolución SBS 3274-2017</b> |
| Restrictive business practices (competition/antitrust) | <b>Decreto Legislativo 701 y Decreto Legislativo 1304</b>                       |
| Water                                                  | <b>Decreto Legislativo 1280</b>                                                 |
| Pharmaceuticals                                        | <b>Ley General de Salud 26842</b>                                               |
| Energy                                                 | <b>Decreto Ley 25844</b>                                                        |
| Data protection and privacy                            | <b>Ley 29733</b>                                                                |

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**Q15** Please indicate the URL Link of the relevant law(s) to each field:

|                                                        |                                                                                                                                                                                                                                                                       |
|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Voluntary codes for businesses                         | <a href="http://ima01.gestion.pe/doc/0/0/2/4/3/243991.pdf">http://ima01.gestion.pe/doc/0/0/2/4/3/243991.pdf</a>                                                                                                                                                       |
| Restrictive business practices (competition/antitrust) | <a href="https://www.indecopi.gob.pe/web/defensa-de-la-libre-competencia/legislacion">https://www.indecopi.gob.pe/web/defensa-de-la-libre-competencia/legislacion</a>                                                                                                 |
| Water                                                  | <a href="http://www.sunass.gob.pe/websunass/index.php/sunass/quienes-somos/marco-normativo">http://www.sunass.gob.pe/websunass/index.php/sunass/quienes-somos/marco-normativo</a>                                                                                     |
| Pharmaceuticals                                        | <a href="http://www.digemid.minsa.gob.pe/Main.asp?Seccion=475">http://www.digemid.minsa.gob.pe/Main.asp?Seccion=475</a>                                                                                                                                               |
| Energy                                                 | <a href="http://www.osinergmin.gob.pe/seccion/centro_documental/PlantillaMarcoLegalBusqueda/Decreto%20Ley%20N%C2%25844%20-%20LCE.pdf">http://www.osinergmin.gob.pe/seccion/centro_documental/PlantillaMarcoLegalBusqueda/Decreto%20Ley%20N%C2%25844%20-%20LCE.pdf</a> |
| Data protection and privacy                            | <a href="https://www.minjus.gob.pe/wp-content/uploads/2013/04/LEY-29733.pdf">https://www.minjus.gob.pe/wp-content/uploads/2013/04/LEY-29733.pdf</a>                                                                                                                   |

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Page 5: Consumer protection institutions

**Q16** Name of Ministry responsible for consumer protection:

Indecopi

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**Q17** URL link of responsible Ministry for consumer protection:

<https://www.indecopi.gob.pe>

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**Q18** Year when consumer protection was assumed by the current responsible ministry:

1992

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## Consumer Protection Survey

**Q19** Do you have a main consumer protection authority/agency? **Yes**

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**Q20** Name of main consumer protection authority/agency:

Autoridad Nacional de Protección del Consumidor - Indecopi

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**Q21** URL of main consumer protection authority/agency:

<https://www.consumidor.gob.pe/inicio>

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**Q22** Year of creation:

2010

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**Q23** Annual budget: (in USD)

10493500

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**Q24** Total number of staff:

15

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**Q25** Total number of staff directly affected to consumer protection:

150 aprox

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**Q26** Do you have a law/decree that governs the main consumer protection authority/agency? **Yes**

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**Q27** If you do, please provide the following details:

Reference of the law/decree

**Decreto Supremo 107-2012-PCM Reglamento de Organización y Funciones del Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual**

URL to law/decree

**<https://busquedas.elperuano.pe/normaslegales/aprueban-modificaciones-al-reglamento-de-organizacion-y-func-decreto-supremo-n-107-2012-pcm-858318-2/>**

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## Consumer Protection Survey

**Q28** Does your main consumer protection authority/agency have POLICY MAKING powers over any of the following fields?

Consumer rights/legitimate needs, ,  
Access by consumers to essential goods and services ,  
Protection of vulnerable and disadvantaged consumers ,  
Product quality,  
Terms and conditions ,  
Voluntary codes for businesses ,  
Electronic commerce,  
Tourism,  
Dispute resolution,  
Consumer education,  
Consumer information

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### Page 7: Consumer protection institutions

**Q29** From your previous answer, your main authority/agency does not have POLICY MAKING powers over the following fields. Please name the relevant authorities/agencies with powers over these fields:

|                                                       |                                                  |
|-------------------------------------------------------|--------------------------------------------------|
| Restrictive business practices(competition/antitrust) | <b>Comisión de Libre Competencia</b>             |
| Financial services                                    | <b>Superintendencia de Banca, Seguros y AFP</b>  |
| Promotion of sustainable consumption                  | <b>Ministerio del Ambiente</b>                   |
| Water                                                 | <b>SUNASS</b>                                    |
| Pharmaceuticals                                       | <b>DIGEMID</b>                                   |
| Energy                                                | <b>OSINERGMIN</b>                                |
| Data protection and privacy                           | <b>Ministerio de Justicia y Derechos Humanos</b> |

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**Q30** URL Link of the relevant authority/agency to each field:

|                                                       |                                                                                      |
|-------------------------------------------------------|--------------------------------------------------------------------------------------|
| Restrictive business practices(competition/antitrust) | <b><a href="http://www.indecopi.gob.pe">www.indecopi.gob.pe</a></b>                  |
| Financial services                                    | <b><a href="http://www.sbs.gob.pe">www.sbs.gob.pe</a></b>                            |
| Promotion of sustainable consumption                  | <b><a href="http://www.minam.gob.pe">www.minam.gob.pe</a></b>                        |
| Water                                                 | <b><a href="http://www.sunass.gob.pe">www.sunass.gob.pe</a></b>                      |
| Pharmaceuticals                                       | <b><a href="http://www.digemid.minsa.gob.pe">http://www.digemid.minsa.gob.pe</a></b> |
| Energy                                                | <b><a href="http://www.osinergmin.gob.pe">www.osinergmin.gob.pe</a></b>              |

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## Consumer Protection Survey

**Q31** Does your main consumer protection authority/agency have ENFORCEMENT powers over any of the following fields?

Consumer rights/legitimate needs,  
Access by consumers to essential goods and services ,  
Protection of vulnerable and disadvantaged consumers ,  
Product quality,  
Terms and conditions ,  
Promotional marketing and sales practices (including misleading advertisement)  
,  
Voluntary codes for businesses ,  
Electronic commerce,  
Financial services,  
Pharmaceuticals,  
Tourism,  
Dispute resolution,  
Consumer education,  
Consumer information

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**Q32** From your previous answer, your main consumer protection authority/agency does not have ENFORCEMENT powers over the following fields. Please name the relevant authorities/agencies with powers over these fields:

|                                                        |                                                   |
|--------------------------------------------------------|---------------------------------------------------|
| Restrictive business practices (competition/antitrust) | <b>Comisión de Libre Competencia del Indecopi</b> |
| Promotion of sustainable consumption                   | <b>Ministerio del Medio Ambiente</b>              |
| Water                                                  | <b>SUNASS</b>                                     |
| Energy                                                 | <b>OSINERGMIN</b>                                 |
| Data protection and privacy                            | <b>Ministerio de Justicia y Derechos Humanos</b>  |

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**Q33** URL Link of the relevant authority/agency to each field:

Respondent skipped this question

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**Q34** Regarding enforcement, how many infringement cases does your authority/agency handle on average per year?

Respondent skipped this question

## Consumer Protection Survey

**Q35** Has your authority/agency imposed sanctions and/or other measures for breaches of consumer protection law(s)? **Yes**

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**Q36** Maximum amount for sanction/measure allowed by consumer protection law(s): (in USD)

550000

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**Q37** Record highest amount for any sanction/measure imposed: (in USD) **Respondent skipped this question**

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**Q38** Please detail if necessary, what kind of sanctions and/or other measures are available in your jurisdiction

Infracciones leves, con una amonestación o con una multa de hasta cincuenta (50) UIT. Infracciones graves, con una multa de hasta ciento cincuenta (150) UIT. Infracciones muy graves, con una multa de hasta cuatrocientos cincuenta (450) UIT. Asimismo,

- a. Reparar productos.
  - b. Cambiar productos por otros de idénticas o similares características, cuando la reparación no sea posible o no resulte razonable según las circunstancias.
  - c. Entregar un producto de idénticas características o, cuando esto no resulte posible, de similares características, en los supuestos de pérdida o deterioro atribuible al proveedor y siempre que exista interés del consumidor.
  - d. Cumplir con ejecutar la prestación u obligación asumida; y si esto no resulte posible o no sea razonable, otra de efectos equivalentes, incluyendo prestaciones dinerarias.
  - e. Cumplir con ejecutar otras prestaciones u obligaciones legales o convencionales a su cargo.
  - f. Devolver la contraprestación pagada por el consumidor, más los intereses legales correspondientes, cuando la reparación, reposición, o cumplimiento de la prestación u obligación, según sea el caso, no resulte posible o no sea razonable según las circunstancias.
  - g. En los supuestos de pagos indebidos o en exceso, devolver estos montos, más los intereses correspondientes.
  - h. Pagar los gastos incurridos por el consumidor para mitigar las consecuencias de la infracción administrativa.
  - i. Otras medidas reparadoras análogas de efectos equivalentes a las anteriores.
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**Q39** Are there any non-governmental consumer organizations/associations in your country? **Yes**

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**Q40** Do you have a law/decreed that governs consumer organizations/associations? **No**

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**Q41** In case you have a law/decreed that governs consumer organizations, please provide the following details:

Reference of the law/decreed

**Código de Protección y Defensa del Consumidor**

URL to law/decreed

<https://www.indecopi.gob.pe/documents/20195/177451/CodigoDProteccionyDefensaDelConsumidor%5B1%5D.pdf/934ea9ef-fcc9-48b8-9679-3e8e2493354e>

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## Consumer Protection Survey

**Q42** Do consumer organizations/associations fulfil any of the following functions?

**Consultation in policy making,**  
**Legal advice to consumers** ,  
**Consumer education,**  
**Consumer information,**  
**Consumer publications,**  
**Legal representation of consumers' individual interests before courts**  
,  
**Legal representation for consumer collective actions**

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**Q43** Do consumer groups/associations receive public funding? **Yes**

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**Q44** Name the three largest non-governmental consumer organizations/associations in your jurisdiction:

|            |                                                                      |
|------------|----------------------------------------------------------------------|
| 1- Name    | <b>Aspec</b>                                                         |
| 1- Website | <b><a href="http://www.aspec.org.pe">http://www.aspec.org.pe</a></b> |
| 2- Name    | <b>Elegir</b>                                                        |
| 2- Website | <b><a href="http://elegirperu.org">http://elegirperu.org</a></b>     |

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**Q45** Can consumers obtain redress through judicial channels? **Yes**

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**Q46** Is there a specialized judicial mechanism for consumer complaints? **No**

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**Q47** If there is, please provide the following details **Respondent skipped this question**

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**Q48** Do you have collective redress/class actions for consumer complaints? **Yes**

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**Q49** Who can represent consumer interests in court?

**Lawyers,**  
**Consumer protection enforcement authority/agency,**  
**Consumer associations**

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## Consumer Protection Survey

**Q50** What is the highest damages award following a collective redress/class action?

Respondent skipped this question

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**Q51** Regarding out-of-court/alternative consumer dispute resolution, are there any of the following?

**Mediation/ Conciliation,  
Arbitration,**

Comments:

Se encuentran en el Código de Protección y Defensa del Consumidor, y se han implementado en el Indecopi

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**Q52** If there are any of the above, please provide the following details:

Respondent skipped this question

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**Q53** Are there any CROSS-BORDER out-of-court/alternative consumer dispute resolution initiatives?

**No**

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**Q54** If there are, please provide the following details:

Respondent skipped this question

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**Q55** Are there any self-regulation initiatives from businesses?

**Yes**

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**Q56** Please provide (up to) 4 examples of the self-regulation initiatives from businesses:

1- Name of initiative

**Defensoria del Asegurado**

1- Scope of application

**Seguros**

1- URL link

<http://www.defaseg.com.pe>

2- Name of initiative

**Defensoria del Consumidor Automotor**

2- Scope of application

**Automotriz**

2- URL link

<https://dca.org.pe>

3- Name of initiative

**Defensor del Cliente Financiero**

3- Scope of application

**Financiero**

3- URL link

<http://www.dcf.com.pe>

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**Q57** Are there any co-regulation initiatives between businesses and public entities?

**Yes**

## Consumer Protection Survey

**Q58** Please provide (up to) 4 examples of the co-regulation initiatives between businesses and public entities:

|                         |                                                                   |
|-------------------------|-------------------------------------------------------------------|
| 1- Name of initiative   | <b>Campaña de cables eléctricos</b>                               |
| 1- Scope of application | <b>Consumidores y proveedores, seguridad de productos</b>         |
| 2- Name of initiative   | <b>Campaña Euro IV con</b>                                        |
| 2- Scope of application | <b>Uso de combustible de bajo octanaje, con sector automotriz</b> |

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**Q59** Do self-regulation and/or co-regulation initiatives cover any of the following issues? (Please relate to UNGCP Guideline 11)

**Responsible commercial behaviour** ,

**Disclosure of information and transparency** ,

**Education and awareness-raising** ,

**Consumer complaints and disputes**

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Page 13: Consumer protection institutions

**Q60** What kind and how many international cooperation agreement(s) on consumer protection does your authority/agency participate in?

**Respondent skipped this question**

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**Q61** Please provide name and URL link of formal bilateral agreements (treaties):

**Respondent skipped this question**

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**Q62** Please provide name and URL link of informal bilateral agreements (memoranda of understanding):

**Respondent skipped this question**

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**Q63** Please provide name and URL link of formal multilateral/regionals agreements (treaties) that address consumer protection:

**Respondent skipped this question**

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**Q64** Please provide name and URL link of informal multilateral/regionals agreements (memoranda of understanding) that address consumer protection:

**Respondent skipped this question**

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**Q65** Do cooperation agreements on consumer protection (be those formal/informal/bilateral/regional) cover any of the following fields?

**Respondent skipped this question**

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## Consumer Protection Survey

**Q66** Does your consumer protection enforcement authority/agency have any of the following powers regarding cross-border fraudulent and deceptive commercial practices affecting consumers?

Respondent skipped this question

**Q67** Do you have any experience in cross-border cooperation on enforcement?

Respondent skipped this question

**Q68** If you do, please provide a short description

Respondent skipped this question

**Q69** Do you engage in technical cooperation or capacity building activities on consumer protection?

Respondent skipped this question

**Q70** If you have engaged in technical cooperation or capacity building activities on consumer protection as a recipient/as donor and/or through an international organization/network, please provide the following details for each initiative

Respondent skipped this question

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**Q71** Does your authority/agency carry out information and education initiatives?

Yes

**Q72** Do information and education initiatives carried out by your authority/agency cover any of the following fields?

**Health, nutrition, prevention of food-borne diseases and food adulteration**  
,  
**Product hazard,**  
**Product labelling,**  
**Legislation, dispute resolution,**  
**Environmental protection,**  
**Financial services,**  
**Efficient use of materials, energy, water**

**Q73** Does your authority/agency provide specific education and information initiatives for vulnerable and disadvantaged consumers?

Yes

## Consumer Protection Survey

**Q74** If your authority/agency does, please provide the following details:

|                        |                                                                                                                            |
|------------------------|----------------------------------------------------------------------------------------------------------------------------|
| 1- Name of initiative  | <b>Mapa de Consumo</b>                                                                                                     |
| 1- Scope of initiative | <b>Orientar a los consumidores sobre las instituciones que tienen competencias para resolver sus conflictos de consumo</b> |
| 1- URL link            | <b><a href="https://www.consumidor.gob.pe/mapaconsumo">https://www.consumidor.gob.pe/mapaconsumo</a></b>                   |
| 2- Name of initiative  | <b>Julieta checa la etiqueta</b>                                                                                           |
| 2- Scope of initiative | <b>Educar en la lectura de etiquetado de productos</b>                                                                     |
| 2- URL link            | <b><a href="http://julietachecalaetiqueta.pe">http://julietachecalaetiqueta.pe</a></b>                                     |

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**Q75** Do consumer organizations/associations provide education and information initiatives? **Yes**

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**Q76** If consumer organizations/associations do, please provide the following details: **Respondent skipped this question**

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Page 15: Consumer protection policies

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**Q77** Does your authority/agency conduct research and analysis on consumer protection issues? **Yes**

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**Q78** If your authority/agency does, please provide the following details: **Respondent skipped this question**

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**Q79** Do other organizations/associations conduct research and analysis on consumer protection? **Respondent skipped this question**

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**Q80** If other organizations/associations do, please provide the following details: **Respondent skipped this question**

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