



World Consumer Protection Map

Contribution by
Argentina



Page 2: Contact of respondent

Q1 Name of responding member State **Argentina**

Q2 Name of responding authority/agency:

DIRECCIÓN NACIONAL DE DEFENSA DEL CONSUMIDOR

Page 3: Consumer protection legislation

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

Q8 If you do, please provide de following details:

Text of constitutional norm with reference to consumer protection

Artículo 42.- Los consumidores y usuarios de bienes y servicios tienen derecho, en la relación de consumo, a la protección de su salud, seguridad e intereses económicos; a una información adecuada y veraz; a la libertad de elección, y a condiciones de trato equitativo y digno. Las autoridades proveerán a la protección de esos derechos, a la educación para el consumo, a la defensa de la competencia contra toda forma de distorsión de los mercados, al control de los monopolios naturales y legales, al de la calidad y eficiencia de los servicios públicos, y a la constitución de asociaciones de consumidores y de usuarios. La legislación establecerá procedimientos eficaces para la prevención y solución de conflictos, y los marcos regulatorios de los servicios públicos de competencia nacional, previendo la necesaria participación de las asociaciones de consumidores y usuarios y de las provincias interesadas, en los organismos de control.

URL link

<http://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/804/norma.htm>

Consumer Protection Survey

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

Yes

Q10 If you do, when was the main specific law first enacted?

Date

15/10/1993

Q11 If your main specific law on consumer protection has been revised, when was the date of its latest revision?

Date

19/09/2014

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

1- Name of law

DEFENSA DEL CONSUMIDOR

1- URL link

<https://www.argentina.gob.ar/defensadelconsumidor>

2- Name of law

SISTEMA DE RESOLUCION DE CONFLICTOS EN LAS RELACIONES DE CONSUMO

2- URL link

<http://servicios.infoleg.gob.ar/infolegInternet/anexos/235000-239999/235275/norma.htm>

Consumer Protection Survey

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) ,
Restrictive business practices (competition/antitrust) ,
Electronic commerce,
Promotion of sustainable consumption ,
Water,
Energy,
Public utilities,
Financial services,
Dispute resolution,
Redress,
Consumer education,
Consumer information

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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):

Pharmaceuticals	Ley 25649
Tourism	Ley 25997
Data protection and privacy	Ley 25326

Consumer Protection Survey

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

Pharmaceuticals

<http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=77881>

Tourism

<http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=102724>

Data protection and privacy

<http://servicios.infoleg.gob.ar/infolegInternet/anexos/60000-64999/64790/texact.htm>

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Q16 Name of Ministry responsible for consumer protection:

MINISTERIO DE PRODUCCIÓN

Q17 URL link of responsible Ministry for consumer protection:

<https://www.argentina.gob.ar/produccion>

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

2015

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

Yes

Q20 Name of main consumer protection authority/agency:

SECRETARÍA DE COMERCIO

Q21 URL of main consumer protection authority/agency:

<http://servicios.infoleg.gob.ar/infolegInternet/anexos/305000-309999/307419/texact.htm>

Q22 Year of creation:

2013

Q23 Annual budget: (in USD)

520000

Consumer Protection Survey

Q24 Total number of staff:

950

Q25 Total number of staff directly affected to consumer protection:

124

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

Q27 If you do, please provide the following details:

Reference of the law/decree

DECRETO 174/2018

URL to law/decree

<http://servicios.infoleg.gob.ar/infolegInternet/anexos/305000-309999/307419/texact.htm>

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,
Physical safety,
Product quality,
Terms and conditions,
Promotional marketing and sales practices (including misleading advertisement),
Voluntary codes for businesses,
Restrictive business practices(competition/antitrust),
Electronic commerce,
Promotion of sustainable consumption,
Dispute resolution,
Redress,
Consumer education,
Consumer information

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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:

Financial services	Banco Central de la República Argentina
Food distribution	INAL - ANMAT
Water	ERAS
Pharmaceuticals	ANMAT
Energy	MINISTERIO DE ENERGÍA Y MINERÍA
Public utilities	ENRE -ENARGAS - ENACOM
Tourism	MINISTERIO DE TURISMO
Data protection and privacy	AGENCIA DE ACCESO A LA INFORMACIÓN PÚBLICA

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

Financial services	http://www.bcra.gov.ar/
Food distribution	http://www.anmat.gov.ar/webanmat/formularios/tramites_inal.asp
Water	http://www.eras.gov.ar/
Pharmaceuticals	http://www.anmat.gov.ar/webanmat/formularios/tramites_inal.asp
Energy	https://www.argentina.gob.ar/energiaymineria
Public utilities	https://www.argentina.gob.ar/enre https://www.enargas.gob.ar/ https://www.enacom.gob.ar/
Tourism	http://www.turismo.gov.ar/
Data protection and privacy	http://www.jus.gob.ar/datos-personales.aspx

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 ,
Physical safety,
Product quality,
Terms and conditions ,
Promotional marketing and sales practices (including misleading advertisement)
,
Voluntary codes for businesses ,
Electronic commerce,
Promotion of sustainable consumption ,
Public utilities,
Tourism,
Dispute resolution,
Redress,
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)	COMISIÓN NACIONAL DE DEFENSA DE LA COMPETENCIA
Financial services	BANCO CENTRAL DE LA REPÚBLICA ARGENTINA
Food distribution	INAL -ANMAT
Water	ERAS
Pharmaceuticals	ANMAT
Energy	MINISTERIO DE ENERGÍA Y MINERÍA
Data protection and privacy	AGENCIA DE ACCESO A LA INFORMACIÓN PÚBLICA

Consumer Protection Survey

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

Restrictive business practices (competition/antitrust)	https://www.argentina.gob.ar/defensadelacompetencia
Financial services	IDEM RESPUESTA 31
Food distribution	IDEM RESPUESTA 31
Water	IDEM RESPUESTA 31
Pharmaceuticals	IDEM RESPUESTA 31
Energy	IDEM RESPUESTA 31
Data protection and privacy	IDEM RESPUESTA 31

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

65000

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

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

227000

Q37 Record highest amount for any sanction/measure imposed: (in USD)

5000

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

a) Apercibimiento.

b) Multa de PESOS CIEN (\$ 100) a PESOS CINCO MILLONES (\$ 5.000.000).

c) Decomiso de las mercaderías y productos objeto de la infracción.

d) Clausura del establecimiento o suspensión del servicio afectado por un plazo de hasta TREINTA (30) días.

e) Suspensión de hasta CINCO (5) años en los registros de proveedores que posibilitan contratar con el Estado.

f) La pérdida de concesiones, privilegios, regímenes impositivos o crediticios especiales de que gozare.

Consumer Protection Survey

Q39 Are there any non-governmental consumer organizations/associations in your country? **Yes**

Q40 Do you have a law/decree that governs consumer organizations/associations? **Yes**

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

Reference of the law/decree **RESOLUCIÓN 90/2016 Secretaría de Comercio**
URL to law/decree **<http://servicios.infoleg.gob.ar/infolegInternet/anexos/260000-264999/261225/norma.htm>**

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

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

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

1- Name **ADECUA**
1- Website **www.adecua.org.ar**
2- Name **UNIÓN DE CONSUMIDORES DE ARGENTINA "UCA"**
2- Website **www.ucargentina.org.ar**
3- Name **ADELCO**
3- Website **www.adelco.org.ar**

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

Consumer Protection Survey

Q46 Is there a specialized judicial mechanism for consumer complaints?

No

Q47 If there is, please provide the following details

Respondent skipped this question

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

Yes

Q49 Who can represent consumer interests in court?

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

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:

La Ley 26993 creó el COPREC como sistema de conciliación previa obligatoria en las disputas de consumo. El sistema prevé una instancia conciliatoria llevada a cabo por mediadores inscriptos para llevar a cabo esas funciones. Desde 1998 funciona el Sistema Nacional de Arbitraje de Consumo -SNAC-, previsto en el Artículo 59 de la Ley 24240 de Defensa del Consumidor. Participan en el sistema árbitros provenientes de las asociaciones de consumidores, cámaras empresarias y funcionarios de la Dirección Nacional de Defensa del Consumidor

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

1- Name

SNAC

1- URL Link

<https://www.argentina.gob.ar/reclamar-ante-el-sistema-nacional-de-arbitraje-del-consumo-snac>

2- Name

COPREC

2- URL Link

<https://www.argentina.gob.ar/reclamar-un-proveedor-en-el-servicio-de-conciliacion-previa-en-las-relaciones-de-consumo-coprec>

Consumer Protection Survey

Q53 Are there any CROSS-BORDER out-of-court/alternative consumer dispute resolution initiatives? **No**

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**

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

1- Name of initiative	CÓDIGO DE PRÁCTICAS BANCARIAS
1- Scope of application	Mejores prácticas bancarias
1- URL link	http://www.aba-argentina.com/derechos-del-usuario/codigo-de-practicas-bancarias/
2- Name of initiative	CODIGO DE BUENAS PRACTICAS COMERCIALES COPAL-CAS
2- Scope of application	Sector supermercadista
2- URL link	http://copal.org.ar/wp-content/uploads/2015/06/bpc_2000.pdf
3- Name of initiative	Código de Buenas Prácticas Comerciales para el Sector de la Propiedad Horizontal
3- Scope of application	Proveedores inmobiliarios y servicios
3- URL link	http://www.ceprara.org.ar/codigo-de-buenas/
4- Name of initiative	CÓDIGO DE BUENAS PRÁCTICAS DIGITAL
4- Scope of application	Relaciones entre agencias de publicidad y anunciantes
4- URL link	http://www.aapublicidad.org.ar/wp-content/uploads/2016/05/C%C3%B3digo-de-Buenas-Pr%C3%A1cticas-Digital.pdf

Q57 Are there any co-regulation initiatives between businesses and public entities? **No**

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

Consumer Protection Survey

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

Fair and equitable treatment ,

Responsible commercial behaviour ,

Disclosure of information and transparency ,

Education and awareness-raising ,

Protection of privacy ,

Consumer complaints and disputes

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

	Bilateral	Multilateral/Regional
Formal (treaties)		
Informal (memoranda of understanding)	1	3

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

Respondent skipped this question

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

DNDC Argentina -INDECOPI Perú (2017)

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

Respondent skipped this question

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

Foro Iberoamericano de Agencias Gubernamentales de Protección al Consumidor -FIAGC- <http://201.144.226.20/>
 Red Consumo Seguro y Salud OEA <http://www.oas.org/es/sla/rcss/>
 Programa UNCTAD/COMPAL <https://unctadcompal.org/https://unctadcompal.org/>

Consumer Protection Survey

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

Policy making,
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),
Electronic commerce,
Promotion of sustainable consumption,
Tourism,
Dispute resolution,
Redress,
Consumer education,
Consumer information

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

Investigate,
Pursue,
Share information and evidence,
Other (please specify):
Investigar y diseñar acuerdos con otras jurisdicciones para la implementación de mecanismos de resolución de conflictos transfronterizos

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

Yes

Q68 If you do, please provide a short description

Como integrante del Grupo Intergubernamental de Expertos de UNCTAD, se trabaja en la concreta implementación de las Directrices de Naciones Unidas para la Protección del Consumidor

Consumer Protection Survey

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

Bilaterally

Through an international organization/network

As a recipient

Yes

As a donor

Yes

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

1- Name of programme/project	Escuela INDECOPI-COMPAL
1- Name of cooperating partner(s)	INDECOPI Perú
1- Starting date of programme/project	2017
1- Finish date of programme/project	2017
1- Scope of programme/project (list areas of work)	Capacitación para funcionarios de la DNDC
2- Name of programme/project	ESCUELA ARGENTINA DE EDUCACIÓN EN CONSUMO
2- Name of cooperating partner(s)	Argentina
2- Starting date of programme/project	marzo de 2018
2- Scope of programme/project (list areas of work)	Cursos gratuitos y de corta duración relacionados con la defensa de los consumidores. Están orientados a profesionales independientes, asociaciones de consumidores, proveedores, cámaras empresariales, comunicadores, colegios profesionales, docentes, organismos del sector público nacionales e internacionales, entes reguladores y ONG, para que repliquen los conocimientos aprendidos y optimicen el aprovechamiento de los recursos públicos.

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

Consumer Protection Survey

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,

Weight and measures, prices and quality ,

Environmental protection,

Electronic commerce,

Financial services,

Efficient use of materials, energy, water ,

Sustainable consumption

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

Yes

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

1- Name of initiative

Escuela Argentina de Educación en Consumo

1- Scope of initiative

local, regional e internacional

1- URL link

<https://www.argentina.gob.ar/participar-de-la-escuela-argentina-de-educacion-en-consumo>

1- Impact (short description)

Al cierre de inscripciones para las primeras actividades (abril de 2018) se han inscripto más de 600 interesados de diversos orígenes y residencias.

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

Yes

Q76 If consumer organizations/associations do, please provide the following details:

Respondent skipped this question

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

Yes

Consumer Protection Survey

Q78 If your authority/agency does, please provide the following details:

1- Main area of work

Resolución de conflictos de consumo

1- URL link to online library or publication(s)

<https://www.argentina.gob.ar/defensadelconsumidor>

2- Main area of work

Capacitación - Formación de formadores

2- URL link to online library or publication(s)

<https://www.argentina.gob.ar/participar-de-la-escuela-argentina-de-educacion-en-consumo>

Q79 Do other organizations/associations conduct research and analysis on consumer protection?

No

Q80 If other organizations/associations do, please provide the following details:

Respondent skipped this question
