



World Consumer Protection Map

Contribution by
Brazil



Page 2: Contact of respondent

Q1 Name of responding member State **Brazil**

Q2 Name of responding authority/agency:

National Secretariat for Consumers (Senacon) / Ministry of Justice

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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

Article 5. All persons are equal before the law, without any distinction whatsoever, Brazilians and foreigners residing in the country being ensured of inviolability of the right to life, to liberty, to equality, to security and to property, on the following terms: [...] XXXII – the State shall provide, as set forth by law, for the defense of consumers; Article 170. The economic order, founded on the appreciation of the value of human work and on free enterprise, is intended to ensure everyone a life with dignity, in accordance with the dictates of social justice, with due regard for the following principles: [...] V – consumer protection;

URL link

http://www.planalto.gov.br/ccivil_03/constituicao/constituicaocompilado.htm

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

Consumer Protection Survey

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

Date

11/09/1990

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

Respondent skipped this question

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

1- Name of law

Law 8.078/90 - Consumer Protection Code

1- URL link

http://www.planalto.gov.br/ccivil_03/Leis/L8078compilado.htm

2- Name of law

Decree n. 7.963/2013 - Creates the National Plan for Consumption and Citizenship

2- URL link

http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2013/decreto/d7963.htm

3- Name of law

Decree n. 7.962/2013 - Regulates the Consumer Protection Code regarding E-Commerce

3- URL link

http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2013/decreto/d7962.htm

4- Name of law

Ordinance n. 487 - Recall Procedures

4- URL link

<http://justica.gov.br/seus-direitos/consumidor/saude-e-seguranca/anexos/portaria-no-487-2012.pdf>

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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)
,
Voluntary codes for businesses ,
Electronic commerce,
Promotion of sustainable consumption ,
Food distribution,
Water,
Pharmaceuticals,
Energy,
Public utilities,
Tourism,
Data protection and privacy ,
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):

Restrictive business practices (competition/antitrust)

Law 12.529/2011 - Competition System

Consumer Protection Survey

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

Restrictive business practices (competition/antitrust)

http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2011/Lei/L12529.htm

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Q16 Name of Ministry responsible for consumer protection:

Ministry of Justice

Q17 URL link of responsible Ministry for consumer protection:

<http://justica.gov.br/>

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

1991

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

Yes

Q20 Name of main consumer protection authority/agency:

National Secretariat for Consumers

Q21 URL of main consumer protection authority/agency:

<http://www.defesadoconsumidor.gov.br/>

Q22 Year of creation:

2012

Q23 Annual budget: (in USD)

950000

Q24 Total number of staff:

90

Consumer Protection Survey

Q25 Total number of staff directly affected to consumer protection:

39

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

Q27 If you do, please provide the following details:

Reference of the law/decreed

Ordinance n. 905/2017

URL to law/decreed

<http://www.justica.gov.br/Acesso/institucional/sumario/regimento/senacon/regimento-senacon-portaria-905-2017.pdf>

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,
Electronic commerce,
Promotion of sustainable consumption,
Food distribution,
Public utilities,
Tourism,
Data protection and privacy,
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:

Restrictive business practices(competition/antitrust)	Administrative Council for Economic Defense
Financial services	Brazilian Central Bank
Water	National Water Agency
Pharmaceuticals	Brazilian Health Regulatory Agency
Energy	Brazilian ELelectricity Regulatory Agency

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

Restrictive business practices(competition/antitrust)	http://en.cade.gov.br/
Financial services	http://www.bcb.gov.br/en#!/home
Water	http://www3.ana.gov.br/ANA-EN
Pharmaceuticals	http://portal.anvisa.gov.br/english
Energy	http://www.aneel.gov.br/

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 ,**
- 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)	Administrative Council for Economic Defense
Financial services	Brazilian Central Bank
Food distribution	Ministry of Agriculture, Livestock and Food Supply
Water	National Water Agency
Pharmaceuticals	Brazilian Health Regulatory Agency
Energy	Brazilian Electricity Regulatory Agency
Public utilities	For each public utility in Brazil there is a specific authority (Telecommunications: ANATEL; Health: Ministry of Health; etc)
Tourism	Ministry of Tourism
Data protection and privacy	There isn't any authority with such power

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

Restrictive business practices (competition/antitrust)	http://www.cade.gov.br/
Financial services	http://www.bcb.gov.br/
Food distribution	http://www.agricultura.gov.br/
Water	http://www.ana.gov.br/
Pharmaceuticals	http://portal.anvisa.gov.br
Energy	http://aneel.gov.br
Public utilities	(http://www.anatel.gov.br; http://portalms.saude.gov.br/)
Tourism	http://www.turismo.gov.br/
Data protection and privacy	n/a

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

500

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)

2500000

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

2160000

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

1. Fine to the provider
 2. Seizure of products
 3. Product destruction
 4. Annulment of the product's registration
 5. Prohibition on manufacturing
 6. Suspension of product/service supply
 7. Temporary activity suspension
 8. Revocation of usage permission or concession
 9. Withdrawal of the facility permission or their activity license
 10. Full or partial interdiction of the facility or activity
 11. Administrative intervention
 12. Imposition of counteradvertising
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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? **No**

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

Reference of the law/decree	General Law that governs civil associations
URL to law/decree	http://www.planalto.gov.br/ccivil_03/Leis/l9790.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

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Q43 Do consumer groups/associations receive public funding? **No**

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

1- Name	IDEC
1- Website	https://idec.org.br/
2- Name	Proteste
2- Website	https://www.proteste.org.br/
3- Name	Movimento das Donas de Casa e Consumidores de Minas Gerais
3- Website	https://mdcmg.com.br/

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

Q46 Is there a specialized judicial mechanism for consumer complaints? **Yes**

Q47 If there is, please provide the following details

Name	Special Small Claim Courts (under the jurisdiction of each state)
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Q48 Do you have collective redress/class actions for consumer complaints? **Yes**

Q49 Who can represent consumer interests in court? **Consumers individually, Lawyers**

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,

Comments:

Consumidor.gov.br is an alternative dispute resolution mechanism launched in 2014 by the National Secretariat for Consumers (Senacon). It aims to solve consumers' complaints directly between providers and consumers, without any intervention from the State. Senacon and local consumer protection agencies have the role to supervise, but not to interfere. Brazil has a state (administrative) mediation system for consumer's complaints, called PROCON (Administrative Consumer Protection Agencies), in all states, capital cities and almost all cities with more than 500.000 inhabitants. PROCONs are funding by the municipalities (Cities) or by the states. Together with Senacon, they form a 'system of national consumer protection', but without hierarchize powers.

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

1- Name

Consumidor.gov.br

1- URL Link

<https://www.consumidor.gov.br/>

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

Yes

Q54 If there are, please provide the following details:

1- Name

Pilot Project in Attention to Tourists as Consumers

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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

Bank Self-regulation

1- Scope of application

Financial Services

1- URL link

<http://www.autorregulacaobancaria.com.br/pagina/17/16/pt-br/normativos>

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

No

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

Respondent skipped this question

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

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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)	1	
Informal (memoranda of understanding)	4	

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

Uruguay (2011): Acordo de Cooperação Técnica entre o Ministério da Economia e Finanças da República Oriental do Uruguai e o Ministério da Justiça da República Federativa do Brasil para a transferência de conhecimento e tecnologia do Sistema Nacional de Informações de Defesa do Consumidor - SINDEC

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

1. Germany (2014) - Declaração Conjunta de Intenções sobre Cooperação entre o Ministério Federal da justiça e Proteção do Consumidor (BMJV) da República Federal da Alemanha e o Ministério da Justiça da República Federativa do Brasil
2. China (2016) - Memorandum of Understanding on Cooperation in the Field of Consumer Protection between the State Administration for Industry and Commerce of the People's Republic of China and the Ministry of Justice and Citizenship of the Federal Republic of Brazil
3. Korea (2012) - Memorandum of Understanding on Mutual Cooperation in Consumer Protection between the Korean Consumer Agency and the Department of Consumer Protection and Defense of the Ministry of Justice of Brazil
4. Portugal (2012) - Protocolo de Intenções de Cooperação no domínio da Defesa do Consumidor entre a Direção-Geral do Consumidor de Portugal e o Departamento de Proteção e Defesa do Consumidor, por meio da Secretaria de Direito Econômico do Ministério da Justiça do Brasil

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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

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

Germany, Brazil, China and GIZ - ENhanced law enforcement of consumer protection rule in selected newly industrialized countries.

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,
Protection of vulnerable and disadvantaged consumers ,
Physical safety,
Product quality,
Promotional marketing and sales practices (including misleading advertisement)
,
Electronic commerce,
Financial services,
Tourism,
Data protection and privacy ,
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?

Share information and evidence

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

No

Q68 If you do, please provide a short description

Respondent skipped this question

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

	Bilaterally	Through an international organization/network
As a recipient	No	No
As a donor	No	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	Project UNDP BRA/11/008 - Strengthening the Consumer and Competition Protection in Brazil
1- Name of cooperating partner(s)	UNDP, National Secretariat for Consumers, Administrative Council for Economic Defense and the Brazilian Cooperation Agency
1- Starting date of programme/project	2011
1- Finish date of programme/project	2018
1- Scope of programme/project (list areas of work)	Strengthening the Consumer Protection in Brazil; and strengthening the competition system in Brazil

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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,

Electronic commerce,

Financial services,

Sustainable consumption ,

Other (please specify):

Products and Services Disclosure

Consumer Protection Survey

Q73 Does your authority/agency provide specific education and information initiatives for vulnerable and disadvantaged consumers? **No**

Q74 If your authority/agency does, please provide the following details: **Respondent skipped this question**

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

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

1- Name of consumer organization/association	IDEC
1- URL link of initiative	http://www.idec.org.br
2- Name of consumer organization/association	Proteste
2- URL link of initiative	http://www.proteste.org.br

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

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

1- Main area of work	Telecommunication
2- Main area of work	E-commerce
3- Main area of work	Civil Aviation
4- Main area of work	Health Insurance
5- Main area of work	Public utilities

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

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

1- Main area of work	Pharmaceuticals
2- Main area of work	Child disclosure
3- Main area of work	Financial Services
4- Main area of work	Telecommunication
5- Main area of work	Public Utilities
