



World Consumer Protection Map

Contribution by
Chile



Page 2: Contact of respondent

Q1 Name of responding member State **Chile**

Q2 Name of responding authority/agency:

SERNAC

Page 3: Consumer protection legislation

Q7 Does your country's Constitution contain a provision on consumer protection? **No**

Q8 If you do, please provide de following details: **Respondent skipped this question**

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 **07/03/1997**

Q11 If your main specific law on consumer protection has been revised, when was the date of its latest revision? Date **08/01/2018**

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

1- Name of law **Ley sobre Protección de los Derechos de los Consumidores**

1- URL link **<https://www.leychile.cl/Navegar?idNorma=61438>**

Consumer Protection Survey

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

Consumer rights/legitimate needs,
Physical safety,
Product quality,
Terms and conditions ,
Promotional marketing and sales practices (including misleading advertisement) ,
Electronic commerce,
Public utilities,
Tourism,
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):

Access by consumers to essential goods and services	None
Protection of vulnerable and disadvantaged consumers	None
Voluntary codes for businesses	None
Restrictive business practices (competition/antitrust)	DECRETO LEY N° 211 QUE FIJA NORMAS PARA LA DEFENSA DE LA LIBRE COMPETENCIA
Promotion of sustainable consumption	Ley N° 20.920 de Responsabilidad Extendida del Productor
Food distribution	None
Water	Código de Aguas, Decreto con Fuerza de Ley N° 382 - Ley de Servicios Sanitarios
Pharmaceuticals	Código Sanitario, Ley N° 20.724. Modifica el Código Sanitario en materia de regulación de farmacias y medicamentos (“Ley de Fármacos”)
Energy	Ley General de Servicios Eléctricos, Reglamento General Ley Servicios Eléctricos
Data protection and privacy	Ley N° 19628 sobre Protección de la Vida Privada

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

Access by consumers to essential goods and services	None
Protection of vulnerable and disadvantaged consumers	None
Voluntary codes for businesses	None
Restrictive business practices (competition/antitrust)	http://www.fne.gob.cl/wp-content/uploads/2010/12/DL_211_refundido_2016.pdf
Promotion of sustainable consumption	https://www.leychile.cl/Navegar?idNorma=1090894
Food distribution	None
Water	https://www.leychile.cl/Navegar?idNorma=5605 , https://www.leychile.cl/Navegar?idNorma=5545
Pharmaceuticals	https://www.leychile.cl/Navegar?idNorma=5595
Energy	https://www.leychile.cl/Navegar?idNorma=258171 , https://www.leychile.cl/Navegar?idNorma=124102
Data protection and privacy	https://www.leychile.cl/Navegar?idNorma=141599

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Q16 Name of Ministry responsible for consumer protection:

Ministerio de Economía, Fomento y Turismo

Q17 URL link of responsible Ministry for consumer protection:

<http://www.economia.gob.cl/>

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

1990

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

Q20 Name of main consumer protection authority/agency:

Servicio Nacional del Consumidor (SERNAC)

Q21 URL of main consumer protection authority/agency:

<https://www.sernac.cl/>

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Q22 Year of creation:

1990

Q23 Annual budget: (in USD)

19

Q24 Total number of staff:

301

Q25 Total number of staff directly affected to consumer protection:

62

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

Ley N° 19.496 sobre Protección de los Derechos de los Consumidores

URL to law/decreed

<https://www.leychile.cl/Navegar?idNorma=61438>

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 ,
Physical safety,
Product quality,
Terms and conditions ,
Promotional marketing and sales practices (including misleading advertisement)
,
Voluntary codes for businesses ,
Electronic commerce,
Financial services,
Tourism,
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)	Fiscalía Nacional Económica
Promotion of sustainable consumption	Superintendencia de Medio Ambiente
Food distribution	Superintendencia de Salud
Water	Superintendencia de Servicios Sanitarios
Pharmaceuticals	Superintendencia de Salud
Energy	Superintendencia de Electricidad y Combustibles
Public utilities	Superintendencias
Data protection and privacy	Consejo para la Transparencia

Consumer Protection Survey

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

Restrictive business practices(competition/antitrust)	http://www.fne.gob.cl/
Promotion of sustainable consumption	http://www.sma.gob.cl/
Food distribution	http://www.supersalud.gob.cl/
Water	http://www.siss.cl/
Pharmaceuticals	http://www.supersalud.gob.cl/
Energy	http://www.sec.cl/
Data protection and privacy	http://www.consejotransparencia.cl/

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 ,
Restrictive business practices (competition/antitrust) ,
Electronic commerce,
Financial services,
Tourism,
Data protection and privacy ,
Dispute resolution,
Redress,
Consumer education,
Consumer information

Consumer Protection Survey

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:

Promotion of sustainable consumption	Superintendencia del Medio Ambiente
Food distribution	Superintendencia de Salud
Water	Superintendencia de Servicios Sanitarios
Pharmaceuticals	Superintendencia de Salud
Energy	Superintendencia de Electricidad y Combustibles
Public utilities	Superintendencias

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

Promotion of sustainable consumption	www.sma.gob.cl/
Food distribution	www.supersalud.gob.cl/
Water	www.siss.cl/
Pharmaceuticals	www.supersalud.gob.cl/
Energy	www.sec.cl/

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

289.000 reclamos

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)

59000

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

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

Indemnizaciones de perjuicios (compensaciones), tanto el Juicios Colectivos, como en Mediaciones colectivas que corresponden a un Mecanismo alternativo de resolución de conflictos.

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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? **Yes**

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

Reference of the law/decree

Ley N° 19.496

URL to law/decree

<https://www.leychile.cl/Navegar?idNorma=61438>

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 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	CONADECUS
1- Website	http://www.conadecus.cl/
2- Name	ODECU
2- Website	http://www.odecu.cl/
3- Name	ANADEUS

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

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

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Q47 If there is, please provide the following details

Name	Ley N° 19.496 sobre Protección de los Derechos de los Consumidores
URL Link	https://www.leychile.cl/Navegar?idNorma=61438

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?

Name of case	CMPC (COLUSIÓN PAPEL TISSUE)
Year of case	Inicio 2015 a la fecha
Total amount in USD	150 millones

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

Comments:

SERNAC realiza una labor permanente de detección de hechos potencialmente constitutivos de infracción a la Ley N° 19.496, de Protección al Consumidor, y de otras normas especiales vinculadas a la protección del consumidor. En este contexto, cuando se advierte que un problema afecta a un grupo de consumidores, pone en marcha la herramienta de la Mediación Colectiva. Dicha herramienta, apunta a que el problema de consumo colectivo o masivo, se resuelva en una instancia voluntaria para el proveedor en beneficio de todos los afectados, buscando para aquellos, una solución técnicamente suficiente y que puede contemplar: – Cambio de la conducta del proveedor. – Comunicaciones: Los mecanismos que el proveedor deberá disponer para poner en conocimiento de los consumidores afectados la propuesta de solución. – Comprobabilidad: Los mecanismos que el proveedor deberá disponer para demostrar ante SERNAC el cumplimiento efectivo e íntegro de la implementación de la propuesta de solución. La Mediación Colectiva implica un proceso transparente e igualitario para todos los proveedores que, de cara a los consumidores, están disponibles para solucionar el problema de consumo

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estén disponibles para solucionar el problema de consumo que ha escapado de lo individual. Sus etapas son las siguientes: Apertura de la Mediación: etapa en la que se comunica el inicio de la mediación colectiva mediante un Oficio a los consumidores, la empresa, a los organismos reguladores y fiscalizadores de ésta. Empresa acepta o rechaza participar de la Mediación: dado que la mediación colectiva es un proceso voluntario, la empresa podría eventualmente no querer participar. En este caso, el SERNAC determinará los pasos a seguir, de acuerdo a la situación y el marco de la Ley. Instancias de diálogo: cuando la empresa participa en la mediación, se reúne con el SERNAC para presentarle alternativas de solución y tiempos de implementación para los consumidores afectados. El SERNAC en esta fase analiza eventuales compensaciones y formas de corregir las prácticas que vulneran los derechos de los consumidores. Aprobación o rechazo de propuesta de solución: El SERNAC hará una evaluación técnica para determinar si la solución ofrecida responde de manera integral al problema reclamado. Si el SERNAC estima que la solución no lo hace, podría dar inicio a una acción judicial, donde un juez deberá determinar la responsabilidad de la empresa. Si, por el contrario, el SERNAC acepta la solución, la comunicará a los consumidores y a los medios de comunicación. En el caso en que a usted no le resulte satisfactoria la solución acordada, tiene el derecho de acudir a los tribunales, ya sea para que la justicia persiga la eventual responsabilidad de la empresa o porque sus daños y perjuicios no se vieron reparados. Implementación de la solución: es el tiempo acordado con SERNAC durante el cual la empresa deberá implementar la solución ofrecida. Acreditación de cumplimiento: La empresa debe demostrar al SERNAC que cumplió con el acuerdo alcanzado en el proceso de esta mediación colectiva, a través de una auditoría externa o con la validación técnica por parte de este Servicio. Cierre de la mediación colectiva: Finaliza el proceso y se informa de ello a los consumidores, a la empresa, a los organismos reguladores y fiscalizadores de ésta.

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

1- Name

Mediación Colectiva SERNAC

1- URL Link

<https://www.sernac.cl/proteccion-al-consumidor/mediaciones-colectivas/>

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**

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

1- Name of initiative	Reforma al SERNAC
1- Scope of application	Proyecto de Ley en tramitación

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**

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

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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)		5
Informal (memoranda of understanding)	3	6

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):

<https://www.portaltransparencia.cl/PortalPdT/pdttta/-/ta/AH009/AR/AREST/14505375>

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

<https://www.direcon.gob.cl/acuerdos-comerciales/>

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

<https://www.portaltransparencia.cl/PortalPdT/pdttta/-/ta/AH009/AR/AREST/14505375>

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

Consumer rights/legitimate needs,
Physical safety,
Product quality,
Terms and conditions,
Promotional marketing and sales practices (including misleading advertisement),
Electronic commerce,
Tourism,
Dispute resolution,
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,
Obtain redress,
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		Yes
As a donor	Yes	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

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?

**Product hazard,
Product labelling,
Legislation, dispute resolution,
Electronic commerce,
Financial services**

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	Programa Escolar Educación Financiera
1- Scope of initiative	El Programa Escolar de Educación Financiera es una iniciativa dirigida a establecimientos educacionales municipales o particulares subvencionados, que imparten enseñanza básica y/o media, orientado a incorporar contenidos de Educación Financiera en la educación formal. Surge a raíz de las recomendaciones de la OCDE en las que se reconoce la necesidad de impulsar programas de Educación Financiera en la escuela, y a partir de la implementación de la Ley N°20.555 del SERNAC, que tiene entre sus objetivos principales educar a la ciudadanía en la temática financiera.
1- URL link	http://pef.sernaceduca.cl/

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	ODECU
1- URL link of initiative	www.odecu.cl/
2- Name of consumer organization/association	CONADECUS
2- URL link of initiative	www.conadecus.cl/

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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:

1- Main area of work	Comportamiento Empresas Comercio Electrónico
1- URL link to online library or publication(s)	https://www.sernac.cl/category/estudios/
2- Main area of work	Etiquetado, rotulación
2- URL link to online library or publication(s)	https://www.sernac.cl/category/estudios/
3- Main area of work	Diferencias Precios
3- URL link to online library or publication(s)	https://www.sernac.cl/category/estudios/
4- Main area of work	Créditos de consumo
4- URL link to online library or publication(s)	https://www.sernac.cl/category/estudios/
5- Main area of work	Publicidad
5- URL link to online library or publication(s)	https://www.sernac.cl/category/estudios/

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**
