



World Consumer Protection Map

Contribution by
Madagascar



Page 2: Contact of respondent

Q1 Name of responding member State **Madagascar**

Q2 Name of responding authority/agency:

MINISTERE DU COMMERCE ET DE LA CONSOMMATION

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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 **Dans le préambule (Expression générale, mais pas spécifique pour la protection des consommateurs)**

URL link **<http://mjp.univ-perp.fr/constit/mg2010.htm>**

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 **11/09/1973**

Q11 If your main specific law on consumer protection has been revised, when was the date of its latest revision? Date **10/08/2015**

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

1- Name of law	Ordonnances n ° 73 - 054 et 73 - 055 du 11 s eptembre 1973
1- URL link	www.commerce.gov.mg/wp-content/uploads/2017/05/CONCURRENCE-1.pdf
2- Name of law	LOI n ° 97 - 025 du 31/07/1997 régissant l'organisation de la Concurrence ainsi que l'information et la protection des consommateurs .
2- URL link	www.commerce.gov.mg/wp-content/uploads/2017/05/CONCURRENCE-1.pdf
3- Name of law	Loi n°2015-014 du 10/08/2015 sur les garanties et la protection des consommateurs
3- URL link	https://www.ecolex.org/.../loi-n-2015-014-sur-les-garanties-et-la-protection-des-conso .
4- Name of law	Loi n°2014-024 du 05/11/2014 sur les transactions électroniques
4- URL link	www.anre.gov.mg/wp-content/uploads/2016/04/loi2014024_05112014.pdf

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 ,
Physical safety,
Product quality,
Terms and conditions ,
Promotional marketing and sales practices (including misleading advertisement) ,
Restrictive business practices (competition/antitrust) ,
Electronic commerce,
Food distribution,
Water,
Pharmaceuticals,
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): **Respondent skipped this question**

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

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Q16 Name of Ministry responsible for consumer protection:

MINISTERE DU COMMERCE ET DE LA CONSOMMATION

Q17 URL link of responsible Ministry for consumer protection:

www.commerce.gov.mg/

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

Depuis 1960

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

Q20 Name of main consumer protection authority/agency:

DIRECTION DE LA PREVENTION DES FRAUDES ET DE LA PROTECTION DES CONSOMMATEURS (au niveau Central) /
DIRECTION REGIONALE DU COMMERCE ET DE LA CONSOMMATION (au niveau des régions)

Q21 URL of main consumer protection authority/agency:

www.commerce.gov.mg/

Q22 Year of creation:

1960

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Q23 Annual budget: (in USD)

200000

Q24 Total number of staff:

231

Q25 Total number of staff directly affected to consumer protection:

145

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

DECRET N° 2014 - 296 du 13/05/2014 fixant les attributions du Ministre du Commerce et de la Consommation ainsi que l'organisation générale de son Ministère

URL to law/decree

www.commerce.gov.mg/wp-content/uploads/2014/07/organigramme.pdf

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

**Consumer rights/legitimate needs,
Physical safety,
Product quality,
Terms and conditions ,
Promotional marketing and sales practices (including misleading advertisement)
,
Restrictive business practices(competition/antitrust),
Electronic commerce,
Financial services,
Food distribution,
Water,
Pharmaceuticals,
Energy,
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:

Protection of vulnerable and disadvantaged consumers

Ministère de la population et de la protection sociale

Tourism

Ministère du Tourisme

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

Respondent skipped this question

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

Consumer rights/legitimate needs,

Physical safety,

Product quality,

Terms and conditions ,

Promotional marketing and sales practices (including misleading advertisement)

,

Restrictive business practices (competition/antitrust) ,

Electronic commerce,

Food distribution,

Water,

Pharmaceuticals,

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:

Protection of vulnerable and disadvantaged consumers

Ministère de la Population et de la Protection sociale

Energy

Ministère de l'Energie et des Hydrocarbures

Tourism

Ministère du Tourisme

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?

70

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) **Respondent skipped this question**

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

Sanction pécuniaire / Fermeture temporaire de l'établissement / destruction des produits non conformes ou sanction pénale

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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

Loi n°2015-014 duj 10/08/2015 sur les garanties et la protection des consommateurs (décret d'application en attente)

URL to law/decree

<http://www.commerce.gov.mg/>

Q42 Do consumer organizations/associations fulfil any of the following functions? **Consultation in policy making,**
Consumer education,
Consumer information,
Legal representation of consumers' individual interests before courts
,
Legal representation for consumer collective actions

Consumer Protection Survey

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

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

1- Name	Réseau National de la Défense des Consommateurs
1- Website	E mail : consommateur.rndc@gmail.com
2- Name	Fikambanana Miaro ny Zon'ny Mpanjifa Malagasy
2- Website	-
3- Name	4. GROUPE D' ACTIONS ET DE REFLEXION POUR LA DEFENSE DES USAGERS ET CONSOMMATEURS (GARDUC)
3- Website	E mail : harilivah@gmail.com

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

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? **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? **Comments:**
Néant

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**

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? **Respondent skipped this question**

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

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

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

1- Name of initiative **Contrôle de conformité des produits avant leur mise sur le marché**

1- Scope of application **Denrées alimentaires, produits de cosmétiques et d'hygiène corporelle, savons et détergents, matériaux de construction**

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

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): **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

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

Respondent skipped this question

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

Respondent skipped this question

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

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

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

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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,
Weight and measures, prices and quality ,
Environmental protection,
Electronic commerce,
Financial services

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:

1- Name of initiative Initiatives à résultats rapides (IRR)
1- Scope of initiative Etiquetage, affichage de prix, poids et mesures, normes et qualité, hygiène
1- Impact (short description) Consommateurs responsables

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

No

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

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

1- Main area of work Elaboration des textes juridiques
1- URL link to online library or publication(s) <http://www.commerce.gov.mg/>

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
