CONSUMER AFFAIRS & PRODUCT LIABILITY

CLIENT ALERT

MARCH/2020

NEW DECREE Nº 10.271/2020: GMC'S RESOLUTION ABOUT THE CONSUMER'S PROTECTION IN E-COMMERCE OPERATIONS

Recently the Decree nº 10.271/2020 was enacted determining the enforcement of Resolution nº 37/19 issued by Mercosur's Common Market Group ('Grupo Mercado Comum') that establishes rules to be followed by the suppliers in e-commerce's operations in order to protect consumers.

The Decree is very similar to Decree no. 7,962/2013, which has been in force for some years in Brazil and regulates offers and contracts in electronic commerce.

The Decree is based on the duty of transparency and information that guides consumer protection legislation. For example, the Decree determines that (i) the access to the contracting terms must be easy and visible, (ii) the text of the contracts must be clear and legible, without mentioning texts or documents that are not attached to it or that were not delivered simultaneously, (iii) the supplier must provide mechanisms to allow express confirmation of the transaction and (iv) it is assured to the consumer the right to regret in the terms of the law.

The new Decree also lists information that must be provided by the supplier in its website. For example:

- Supplier's commercial and social name;
- Physical and electronic address;
- The essential characteristics of the product or service, including the risks to consumer's health and safety;
- Price, taxes, delivery or insurance costs and methods of payment;
- Terms, conditions and/or limits of the offer and availability of the product or service, and many other determinations that are established by the Decree.

PRACTICE AREA
Dispute Resolution
Consumer Affairs
& Product Liability

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For further information, please send a message to **news@veirano.com.br**

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Veirano's Consumer Affairs team is available to clarify any issues or assist in this subject.

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