CONSUMER AFFAIRS & PRODUCT LIABILITY

CLIENT ALERT

APRIL/2020

Obligation imposed on the companies to register at Consumidor.gov.br digital platform for mediation of conflicts by SENACON

The Ministry of Justice and Public Security enacted on April 1st, 2020 the Ordinance nº 15/2020 imposing on the companies below the registration at the digital platform Consumidor.gov.br, within 30 days, in order to enable the mediation of consumers' conflicts through the internet by the National Secretary of Consumer Affairs (SENACON):

> Companies (or economic groups to which they belong) that (i) had at least BRL 100 million in gross revenue in the last fiscal year, (ii) have a monthly average of 1,000 complaints or more received through their consumer channels or (iii) are being sued in more than 500 consumer lawsuits, as long as they are/have:
>
> - National or regional operation involving public services and essential activities;
> - Platforms of online services re. passenger and/or food transportation or products to end consumers; and
> - Economic agents listed among the 200 companies with more complaints registered at the National Consumer Defense System, in 2019.

Registration can be waived upon the requested by the companies with few demands at the consumer defense organizations or when the registration does not facilitate the resolution of conflicts with the consumer.

The new Ordinance imposes the obligation of registration at the platform Consumidor.gov.br on a significant number of companies, changing the previous dynamic of voluntary registration and it will certainly create discussion about its legality.

The Ordinance was analyzed through the Technical Note n. 17/2020 prepared by SENACON to privilege mediation of consumer issues during the Covid-19 pandemic. However, the Ordinance is not limited to such period and the Technical Note mentions that the participation at the platform Consumidor.gov.br will be compulsory "specially, but not exclusively" during the Covid-19 pandemic.

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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Finally, note that there is a draft ordinance on the methods to calculate fines currently on public consultation. This ordinance foresees the use of the problem-solving capability of the company through the Consumidor.gov platform as an aggravating factor for the fine. Thus, the compulsory participation at the platform can have a direct financial impact to the penalties imposed.

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

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