CONSUMER AFFAIRS & PRODUCT LIABILITY

CLIENT ALERT

APRIL/2020

MINISTRY OF JUSTICE PUBLISHES "QUESTIONS AND ANSWERS" ON MANDATORY ENROLLMENT ON CONSUMIDOR.GOV.BR: DEADLINE FOR COMPANIES TO REGISTER ENDS ON MAY 4, 2020

Recently, a material has been made available to clarify doubts ("Q&As") about the Ordinance no. 15/2020 of the Ministry of Justice and Public Security, which determines the enrollment on the Consumidor.gov.br platform for certain companies, within 30 days, in order to facilitate the mediation via internet of consumer conflicts by the National Secretariat of the Consumer (SENACON).

In the material disclosed, the Ministry of Justice indicates that the requirements listed in the items of paragraph 1 of article 2 of the Ordinance are **cumulative**. In other words, enrollment on the platform is mandatory for companies (or economic groups in which they participate) that (i) have gross revenues of at least BRL 100 million in the last fiscal year, (ii) have reached a monthly average equal to or greater than 1,000 complaints in its customer service channels, **and** (iii) are being sued in more than 500 judicial lawsuits that discuss consumer relations.

It is important to note that such orientation is contrary to the text of the Ordinance, which lists these requirements in an alternative way ("or"), and not cumulative ("e") to demand the mandatory adherence, which causes legal insecurity. On the other hand, as the orientation consists of an official document issued by the Nacional, the adoption of the corresponding understanding by the companies is in accordance with the good faith that shall rule the relations, but the matter is still controversial.

In addition to these requirements, companies must also fit in any of the items below, in order for the enrollment to be mandatory:

- National or regional operation involving public services and essential activities;
- Digital internet service platforms for transportation of passengers, food, or the promotion, offer or sale of own products or third party products to final consumers; or
- Economic agents listed among the 200 companies with more complaints registered in the National Consumer Defense System in 2019.

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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Enrollment can be waived upon request by the companies with few demands before consumer defense organizations or when the enrollment does not facilitate the resolution of conflicts with consumers.

Check out the full content of the "Questions and Answers" here: https://www.novo.justica.gov.br/news/confira-o-perguntas-e-respostas-sobre-obrigatoriedade-de-cadastro-no-consumidor-gov.br

The deadline for companies to adapt to the ordinance ends on May 4, 2020.

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

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