Peru - National Plan on Consumer Protection; Public Policy on Consumer Protection; Consumer Protection Law (Consumer Code)

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Session 2: Information sharing

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Consumer protection law (Consumer Code)

Public policy on Consumer Protection

National Plan on Consumer Protection
Major findings

Robust consumer protection system recognized domestically and internationally.

Legislative and public policy framework is comprehensive and balanced, integrating the UN Guidelines and best international practices.

The code is systematic.

Public policy instruments are relevant, ambitious and realistic.
Key recommendations

- Legislative framework
- Public policy framework
- Institutional framework
Consumer protection in e-commerce: situation in Peru

Specific regulation
- Despite the growth of e-commerce in Peru, there is no regulation that specifically protects the digital consumer.
- Our Civil Code tries to fill this gap; however, this legislation does not regulate or establish minimum legal provisions for consumer protection.

What to do?
The Peruvian National Authority has seen the need to promote the modification of the Consumer Protection Code, incorporating provisions that standardize the minimum information.
Consumer Authority proposal: key elements

- Action in case of imminent risk of dangerous products
- Minimum standard information
- Liability of intermediaries
- Consumer age verification
- Right of withdrawal
- Simplification of the Complaint Book for SMEs

Consumer Protection in E-commerce and Product safety
## Handling complaints

<table>
<thead>
<tr>
<th>Method</th>
<th>Deadline</th>
<th>Cost</th>
<th>Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>RECLAMA VIRTUAL online platform</td>
<td>5-15 BUSINESS DAYS</td>
<td>FREE OF CHARGE</td>
<td>NO</td>
</tr>
<tr>
<td>ALO telephone service</td>
<td>7-15 BUSINESS DAYS</td>
<td>FREE OF CHARGE</td>
<td>NO</td>
</tr>
<tr>
<td>Trade associations</td>
<td>15-30 BUSINESS DAYS</td>
<td>FREE OF CHARGE</td>
<td>NO</td>
</tr>
<tr>
<td>Complaints books</td>
<td>30 BUSINESS DAYS</td>
<td>FREE OF CHARGE</td>
<td>NO</td>
</tr>
<tr>
<td>Consumer arbitration</td>
<td>45 BUSINESS DAYS</td>
<td>FREE OF CHARGE</td>
<td>YES</td>
</tr>
<tr>
<td>Summary complaints procedure</td>
<td>30 DAYS FIRST INSTANCE + 30 DAYS SECOND INSTANCE = 60 CALENDAR DAYS</td>
<td>36.00 soles</td>
<td>NO</td>
</tr>
<tr>
<td>Ordinary complaints procedure</td>
<td>120 DAYS FIRST INSTANCE + 120 DAYS SECOND INSTANCE = 240 CALENDAR DAYS</td>
<td>36.00 soles</td>
<td>NO</td>
</tr>
</tbody>
</table>
ODR’s and international initiatives

"Digital Platform and Interoperable Mobile Application for the Solution of Consumer Claims for the members of the Pacific Alliance (PA) in the face of the pandemic and post-pandemic due to COVID-19”

This project was led by the Consumer protection Agency of Peru and presented to Pacific Alliance (AP), in coordination with the consumer protection agencies of Chile (Sernac), Colombia (SIC) and Mexico (Profeco), within the framework of inter-institutional cooperation for the resolution of cross-border consumer disputes.

This initiative was born in the Consumer Protection Subgroup of the AP. If financing for this project was obtained, it was expected to have a tool for the management of claims at the cross-border level.
Thank you!

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