

Consumer protection procedures to be simplified

This legislative decree endeavours to provide a more efficient solution to the consumer controversies that have sprung up by the issuance of swift and timely rulings from the National Institute for the Defence of Competition and Intellectual Property, generally abbreviated to Indecopi.

The main changes are:

In the event of the provider making good on their incorrect behaviour before being notified that they are being charged, the procedure will be closed. This rectification will no longer be taken as a mitigating factor when setting the sanction.

Non-compliance with the conciliation agreement or arbitration ruling will be sanctioned with a fine of between one (1) and two hundred (200) UITs [taxation units]; this was not formerly regulated.

In the event that the supplier does not contest the suit brought, the procedure will be provisionally concluded, and a warning issued. This does not apply in cases of discrimination, although it will be considered a mitigating factor.

Parties required to comply with a corrective or cautionary measure who do not do so will be fined at least 3 UITs; in the case of micro-enterprises, the fine will be at least 1 UIT.

Indecopi may declare an early conclusion to a proceeding in the following circumstances: (i) when the plaintiff withdraws before the last administrative ruling is notified; and (ii) when the parties reach an agreement putting an end to the dispute.