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Interact Law

Peru, March 23 2020

COVID 19 FAQs regarding COMPETITION, CONSUMERS AND TELECOMMUNICATIONS in Peru

Can Indecopi regulate the prices of basic necessities under the declared emergency situation in the country?

Indecopi is an administrative entity that does not have the power to regulate prices in the market, since there is no price or tariff control for any product or service in the country, except for public services.

Indecopi, in its capacity as the National Consumer Protection Authority, can sanction suppliers who do not respect the prices they report or who agree to set them (concert), thus generating a detriment to consumers.

What will happen to the processing time of administrative procedures at Indecopi?

In accordance with the second paragraph of the second complementary and final provision of D.U. 0262020, the calculation of the processing periods for administrative proceedings subject to positive and negative silence that are in progress to date (in entities of the Executive Branch such as Indecopi) is suspended from March 16, 2020 until April 28, 2020 (including), with the exception of those that have a pronouncement by the authority pending notification to the interested party. The Executive may approve by supreme decree the list of those procedures whose processing is not subject to the above-mentioned exception. Complementarily, by means of Emergency Decree 029-2020, this suspension of the computation of terms was extended to all other types of administrative procedures in charge of the entities of the Executive Branch, including Indecopi.

What happens if, as a result of the emergency measures, it is not possible to comply with the delivery of a good or service contracted by consumers?

The supplier of goods and services shall be exonerated from liability if it can be shown that the noncompliance had as its origin and direct cause the emergency measures and restrictions adopted by the State.

Can you share the information of employees who have been diagnosed with the COVID-19 virus?

Data related to health is considered sensitive data by the Personal Data Protection Act and its regulations. In this sense, they cannot be disclosed without the owner's consent. If information is shared, without such consent, companies might face fines of between 5 UIT (\$ / 21, 500.00) and 50 UIT (\$ / 215, 000.00).

Who can report on those who have been diagnosed with the COVID-19 virus?

The only official institution authorized to report confirmed cases is the Ministry of Health by virtue of its legal attributions. Thus, health establishments nationwide must implement the required security measures to guarantee the confidentiality of the information.



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Will public telecommunications services (telephone, cable and internet) be suspended because of the state of emergency?

No. However, the Ministry of Transport and Communications is empowered to order the suspension of outgoing traffic (outgoing calls) and data (Internet) from the lines, if malicious calls (jokes, insults, silence) are made to the emergency, urgent and information centers. The suspension will last thirty (30) calendar days and some lines from which malicious calls were generated have already been suspended.

If I have not paid my telecommunications bill (fixed or mobile telephone, cable and internet) will my service be suspended?

No, Osiptel has provided by Resolution of the Presidency 00035-2020-PD/OSIPTEL that, during the state of emergency, operators may not suspend or terminate public telecommunications services due to lack of payment.

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