

## Letter of Services to Citizens

### Administrative Council for Economic Defense – CADE

The Administrative Council for Economic Defense – CADE is an independent federal agency linked to the Ministry of Justice, with its headquarters and jurisdiction in the Federal District, and performs, across all the national territory, the duties set by Law No. 12529/2011.

CADE's mission is to ensure fair competition in the marketplace, and it is the entity responsible, within the Executive branch, for investigating and deciding, in the last instance, competition issues and also responsible for foster and promote the culture of fair competition. The agency has three main functions:

**Preventive:** to analyze and decide upon mergers, acquisitions of control, incorporations and other types of economic concentration between major companies, which may create a risk to fair competition.

**Punitive:** to investigate and judge, throughout the national territory, cartels and other conducts that may be harmful to fair competition.

**Educative:** to instruct the general public about the conducts that may harm competition; to encourage and stimulate studies and academic researches about the subject, hold partnerships with universities, research institutes, associations and government bodies; to hold or support courses, lectures, seminars and events related to the subject; and to edit publications, such as the Journal of Competition Defense ) and releases.

There are proceedings that give effect to the preventive and punitive functions, which are, respectively, merger cases and administrative proceedings that investigate violations to the economic order.

#### **SERVICES:**

#### **Consultation of cases under analysis and judged by CADE**

It is possible to consult the entire progress of ongoing cases and judged cases at CADE, as well as public documents related to them.

Consultation is available at [www.cade.gov.br](http://www.cade.gov.br), by clicking on the link "Case Search". The proceedings are immediately available, having no deadline for the research.

#### **1. Means of services provisions and forms of access**

Since 1 January, 2015, CADE has been adopting the Electronic Information System – SEI as the official system to manage the cases and electronic documents of agency. Thus, all documents and cases of CADE are in the electronic system only.

#### **Access to restricted documents:**

It is necessary to registry the external user at SEI in relation to all persons interested in accessing restricted documents of proceedings at CADE, or that will electronically sign documents, such as contracts and agreements.

#### **The registry consists of the following steps:**

- Filling of the electronic form - The interested person shall fill the electronic form available at the CADE'S website and register as an external user, creating a login and a password.

- Presentation of documents - The interested person shall present in person an identity card that contains the number of the Individual Taxpayer Registration Number (CPF). Another option is to send by mail a copy of the documents, certified by the notary office, to the Management Center of SEI, which operates at CADE'S Headquarters. Address: SEPN 515 Conjunto D, Lote 4, Ed. Carlos Taurisano, CEP (Zip Code): 70770-504, Brasília, Federal District. The Management Center authorizes the interested person to access the SEI, enabling his login and password.

- Request to access a specific proceeding - The access to the proceedings shall be requested by a specific petition, in the respective case file, in accordance with the reference documents attached to Resolution No. 11 of November 24, 2014.

The External User Access is available at [www.cade.gov.br](http://www.cade.gov.br), by clicking on the link "Case Search" or by clicking on the banner located below the main menu of the said website.

### **Access to public proceedings:**

The public proceedings are also available at the website [www.cade.gov.br](http://www.cade.gov.br), by clicking on the link "Case Search".

At the Proceeding's menu, the option Certification of Documents was also included, which allows the checking of documents electronically signed. At the same menu, the option Publications was also included, which allows the consultation of the administrative acts published at CADE'S Electronic Report.

It is also possible to consult the proceedings in person, at the service desk of CADE'S Headquarters. The proceeding/case consultation service cannot be made by phone.

For the second half of 2015, two new services are expected:

- New form for Complaints, for registration of anticompetitive conducts.
- Electronic petition and electronic notification of mergers.

While the electronic petition is not available, CADE shall continue to receive documents at its Headquarters or by email.

If you have any questions or if you need further instructions, please contact the areas responsible for the services:

### **Procedural Coordination at the General Superintendence**

Phone: +55 61 3221 8443

Email: [sgprocessual@cade.gov.br](mailto:sgprocessual@cade.gov.br)

### **Service Desk**

Phones: +55 61 3221 8500, 3221 8507, 3032 9691 and 3032 9692

### **Notification and Judgment of Mergers**

After the presentation by the interested persons, including upon the collection of the procedural fee, CADE analyzes and decides on the mergers, acquisitions of control or parts of one or more companies, incorporations, association agreements, consortium or joint ventures and other acts of economic concentration between major companies (see article 90) that may cause risk to the fair competition, as set forth in Law No. 12.529/2011.

#### **1. Requirements, documents and information necessary to access the service**

The request for approval of the mergers mentioned in Law No. 12529/2011 shall be sent to CADE and shall have attached thereto the information and documents necessary for the filing of the administrative proceeding, as defined in a resolution of CADE, as well as the receipt of collection of the procedural fee. It is possible to check the specific legislation at the website [www.cade.gov.br](http://www.cade.gov.br).

## **Legislation**

It is worth to point out the Resolution No. 2 of May 29, 2012, which defines the notifications of the acts mentioned in article 88 of Law No. 12592 of November 30, 2011, which describes the fast track proceeding for the analysis of mergers and gives other provisions; and the Interministerial Order No. 994 of May 30, 2012, which adapts the amounts set in article 88, items I and II, of Law 12529/2011 (cases of mandatory presentation of the mergers).

### **2. *Maximum term for the service provision:***

Article 88, paragraphs 2 and 8, of Law 12.529/2011 determines the maximum term of three hundred and thirty (330) days to establish the control of the mergers, as from the filing of the petition or of its amendment.

### **3. *Means of services provisions and forms of access:***

It is possible to research the proceedings of mergers electronically, by means of the website [www.cade.gov.br](http://www.cade.gov.br).

It is also possible to check such proceedings in person, at the service desk in CADE's Headquarters. The petition is still made in person or by email to [protocolo@cade.gov.br](mailto:protocolo@cade.gov.br). The notifications of mergers are published in the Federal Official Gazette (DOU), Section 3. The decisions taken in such proceedings are available at Section 1 of the Federal Official Gazette.

The decisions can be verified in person at CADE's Headquarters.

Law 12.529/2011, that entered into force in May, 2012, restructured the Brazilian Competition Defense System – SBDC and established new functions and attributions to CADE, which required the preparation of new Internal Statute that entered into force at the same time of the mentioned law.

In addition to the Internal Statute CADE is reviewing its internal rules, in order to reduce analysis time of the administrative proceeding, as well as to bring better judicial security to the inspected parties.

CADE has been issuing resolutions on the notification of mergers, list of areas of business activities, recommendations for technical opinions, regulations of Cease and Desist Agreements (TCC in its acronym in Portuguese), and monitoring of the fulfillment of the decisions, commitments and agreements celebrated with CADE, and the implementation of the Electronic Information System – SEI.

## **Information Service to Citizens - SIC/CADE**

### **1. *Means of services provisions and forms of monitoring and access***

It is made by electronic means, with the registry of the requests at the Information Service to Citizens Electronic System – e-SIC.

SIC CADE also has a service desk at the CADE's Headquarters, which is open for the public from Monday to Friday, from 9:00 a.m. to 5:00 p.m., uninterruptedly.

**Alternative procedures for service when the electronic service is unavailable:**

The request shall be formalized by email to sic@cade.gov.br or in person at the CADE's Headquarters.

**2. *Maximum term for the service provision***

SIC CADE serves and instructs the public with the access and order the processing of the information requests. In accordance with the laws, the request of the citizen does not need to be founded, and the response, if available, shall be provided immediately or given in up to 20 days, extensible for more 10 days upon explicit justification. The denial of access shall be justified and communicated to the petitioner.