

## ORDINANCE MJSP / MI N° 03/2019

This Ministerial Order disciplines **Recall** for substitution or fixing vehicles that were considered dangerous after its introduction on the market.

The MINISTER FOR INFRASTRUCTURE, in the use of his legal assignments given to him by the Article 35, only paragraph, X and XI, of the Law n° 13.844, from 18 June 2019, and the MINISTER OF JUSTICE AND PUBLIC SECURITY, in the use of his legal assignments given to him by the Article 37, VI, of the Law n° 13.844, 18 June 2019,

SOLVE:

Article 1. This Ministerial Order disciplines Recall for substitution or fixing vehicles that were considered dangerous after its introduction in the market, according to Article 10 of the Law n° 8.078, from 11 September 1990, and its regulation.

Article 2. The supplier of automobiles, electric cars, trailers and halftrailers that, after its introduction in the market, that knows that its product is dangerous, has to immediately inform the fact, by electronic way, the National Traffic Department (DENATRAN), according to its manual of recall register in the "National Automobiles Register" (RENAVAM) System, besides other communications according to the Law or other regulations.

Paragraph 1. For this Ministerial Order, supplier is understood as automakers, producers, importers or transformers of automobiles, electric cars, trailers and halftrailers.

Paragraph 2. The National Traffic Department will provide a service, in RENAVAM, that will allow suppliers to make events related to recall, which will have registers, consults, notifications to the owner and recall laws, by refunding costs, according to the regulations about the access to the electronic Systems e Subsystems of that Department.

Paragraph 3. Vehicle suppliers will be allowed to ask the National Traffic Department information related to vehicles of its own brand, imported independently for beating and possible beginning of a recall.

Article 3. The National Traffic Department will provide a notification service of recalls of vehicles, providing the secrecy of personal information, to send individual communications about the beginning of a recall to the vehicle owner, together with the Warning Notice.

Paragraph 1. The Warning Notice will need to be according to the Ministry of Justice and Public Security regulation.

Paragraph 2. The personal communication about a recall start, will contain the distinctive signals of the National Traffic Department and the National Consumer's Office, will be together with the Warning Notice and sent to the owner, preferably by an electronic mode provided by the National Traffic Department.

Paragraph 3. If the owner does not have to the electronic mode provided by the National Traffic Department, the personal communication about a recall start, together with

Warning Notice, will be sent by the supplier.

Paragraph 4. The automobiles recall notification service will provide to suppliers, to the National Traffic Department and to the National Consumer's Office, monthly reports related to the relation of notifications sent and recalls confirmations receivings to the owner, according the manual to a recall register in the RENAAM System.

Paragraph 5. The direct personal communciation sent by the recall vehicules system does not withdraw the obligation of a general communications to the society, about the danger of the vehicule, according the Art. 10, paragraph 2, of the Law nº 8.078, from 11 september 1990, that has instituted the Consumer Protection Code.

Paragraph 6. Suppliers shall store, on physical or electronic media, in accordance with the disclosure form, individual direct vehicle recall reports of vehicle recall while all vehicles have not serviced the campaign

Paragraph 7. Both the National Traffic Department and the National Consumer's Office, independently, may request, at any time, the presentation of proof of individual communication to suppliers.

Article 4. Vehicle suppliers must issue and deliver to the consumer the certificate of call service, containing the identification of the recall, indication of the place, date, time and duration of service, the measure adopted and the guarantee of services.

Paragraph 1. The certificate referred to in the caput may be sent in a file with a PDF extension, through the technological solution provided by the National Traffic Department and to the electronic address of the current owner of the vehicle, if he is informed by him at the time of the service.

Paragraph 2. Suppliers must offer on their electronic site the possibility of printing the document that proves the fulfillment of the recall mentioned in the caput, at any time.

Article 5. After notification of the start of the recall to the National Traffic Department and the National Consumer's Office, vehicle suppliers must submit, at the latest, every fifteen days, information on the updated universe of vehicles served, in accordance with the terms of the manual for recall record in the RENAAM System.

Paragraph 1. All the recall process must be informed to the National Consumer's Office for follow-up, especially if there is an accident of consumption due to the defect of the product.

Paragraph 2. After receiving the electronic report of the recall service, the National Traffic Department will immediately process the information update in the RENAAM System.

Article. 6 The information regarding the recall campaigns not answered within one year, as of the date of their communication, must be included in the Vehicle Registration and Licensing Certificate (CRLV)

Paragraph 1. Vehicle suppliers shall send information to the RENAAM System regarding the recall service within fifteen days after the service is performed.

Paragraph 2. After receiving the recall information, the CRLV will be issued at the next vehicle licensing, without the need to record the unattended recall information.

Paragraph 3. In case the vehicle owner requires the CRLV before the next license of the vehicle, without recording the recall, shall bear the possible costs and expenses for this new issue.

Paragraph 4. In the case of electronic CRLV, the information referred to in § 2<sup>o</sup> may be inserted through an update of the application by the National Traffic Department.

Article 7. The recall information contained in the databases of the National Traffic Department is the responsibility of the vehicle suppliers, who are responsible for any damage caused to the citizen or to the company as a result of this information, pursuant to art. 43 of the Consumer Protection Code.

Article 8. In the case of complaints or complaints regarding possible harmfulness or dangerousness, the supplier may be required to analyze the vehicle or its component, to be performed in a body or entity accredited or indicated by the National Traffic Department, with the costs borne by the supplier, in order to be verified the need for recall.

Paragraph 1. The National Transit Department may request from the supplier samples of the national or imported vehicle or component lots, as well as all the necessary project information to clarify and evaluate the problem denounced or claimed.

Paragraph 2 - The supplier shall submit the required samples and make them available in a place previously defined by the National Traffic Department.

Paragraph 3. In the event that the supplier does not present the samples or information requested, in the manner determined by the National Traffic Department, the Certificate of Adaptation to the Traffic Law (CAT) of the vehicle may be suspended by said body until compliance with the determination.

Article 9. Failure to comply with the provisions of this Ordinance will subject vehicle suppliers to the penalties provided for in the Consumer Defense Code and Decree No. 2,181 of March 20, 1997, as well as the cancellation of the CAT of the vehicle by the National Traffic Department, due process of law.

Article 10. Joint Ordinance No. 69 of December 15, 2010 is hereby repealed.

Article 11. This ordinance shall enter into force ninety days after the date of its publication.