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**Presidency of the Republic
Office of the President's Chief of Staff
Office of the Deputy Chief of Legal Matters**

DECREE No. 7738 OF MAY 28, 2012

Effectiveness Approves the Structure and the Table of Commissioned Positions of the Administrative Council for Economic Defense – CADE; reallocates commissioned positions and positions of trust; amends Decrees No. 6,061 of March 15, 2007, No. 2,181 of March 20, 1997, and No. 1,306 of November 9, 1994.

The **PRESIDENT OF THE REPUBLIC**, exercising the powers vested in her by the main provision of article 84, item VI, sub-item “a” of the Federal Constitution,

DECREES:

Article 1 The Structure and the Table of Commissioned Positions of the Administrative Council for Economic Defense – CADE are hereby approved, as provided for by Exhibits I and II hereto.

Article 2 As provided for by Exhibit III hereto, the following commissioned positions of the Group of Upper Direction and Advisory – DAS and Remunerated Positions – FG shall be reallocated:

I – from the Ministry of Justice to the Public Management Office of the Ministry of Planning, Budget and Management: three DAS 102.1;

II – from CADE to the Public Management Office of the Ministry of Planning, Budget and Management:

- a) one DAS 101.5;
- b) four DAS 101.2; and
- c) five FG-3;

III – from the Public Management Office of the Ministry of Planning, Budget and Management to the Ministry of Justice:

- a) one DAS 101.6;
- b) one DAS 101.5;
- c) four DAS 101.1; and
- d) five FG-3; and

IV – from the Public Management Office of the Ministry of Planning, Budget and Management to CADE:

a) two positions of a Special Nature – NE, being one position of President of CADE and one position of General Superintendent of CADE;

- b) four DAS 101.6;
- c) fourteen DAS 101.4;
- d) six DAS 101.3;

- e) six DAS 101.1;
- f) five DAS 102.4;
- g) three DAS 102.3;
- h) fourteen DAS 102.2; and
- i) fifteen DAS 102.1.

Article 3 The positions reallocated pursuant to Sole paragraph of article 121 of Law No. 12,529 of November 30, 2011 are those specified in Exhibit IV hereto.

Article 4 The positions discontinued pursuant to article 126 of Law No. 12,529 of November 30, 2011 are those specified in Exhibit V hereto.

Article 5 Exhibit II to Decree No. 6,061 of March 15, 2007 shall be hereinafter in effect with the amendments set forth in Exhibit VI to this Decree.

Article 6 Exhibit I to Decree No. 6,061 of 2007 shall be hereinafter in effect with the following amendments:

“Article 2.....

II –

c) National Secretariat of the Consumer: Consumer Protection and Defense Department;

d) Legal Affairs Office:

.....” (Regulatory Rule)

“Article 17. It shall be incumbent upon the National Secretariat of the Consumer to perform the duties set forth by Law No. 8,078 of September 11, 1990, and specifically:

I – to prepare, promote, oversee and coordinate the Consumer Protection and Defense National Policy;

II – to integrate, combine and coordinate the National System for Consumer Defense – SNDC;

III – to link up with federal administration bodies with duties relating to consumer protection and defense;

IV – to direct and coordinate actions for protection and defense of consumers;

V – to prevent, investigate and repress violations of the consumer defense rules;

VI – to promote, develop, coordinate and oversee actions of disclosure of the consumer’s rights for the effective exercise of citizenship;

VII – to carry out actions intended to ensure consumers’ rights and interests;

VIII – to adopt actions for maintenance and expansion of the Consumer Defense Information National System – SINDEC, and ensure access to its information;

IX – to receive and forward consultations, reports or suggestions presented by consumers and representative entities or legal entities of public or private law;

X – to sign agreements with public bodies, entities and private institutions to carry out plans, programs and inspect compliance to federal rules and measures;

XI – to encourage, including with funds and special programs, the creation of state, district and municipal consumer defense governmental bodies and the organization by the citizens of entities for that purpose;

XII – to enter into conduct adjustment commitments;

XIII – to prepare and disclose the supplementary list of abusive contractual clauses and practices in accordance with the Consumer Protection Code;

XIV – to direct, instruct and evaluate actions for qualification in consumer defense intended for members of the National System for Consumer Defense;

XV – to establish actions for monitoring the consumption market, in order to support consumer protection and defense public policies;

XVI – to request the cooperation of entities of recognized technical and scientific expertise for achievement of its goals;

XVII – to oversee the regulatory process, aiming at the effective protection of the consumer’s rights; and

XVIII – to take part in Brazilian and international bodies, forums, commissions and committees that deal with consumer protection and defense or issues of the consumer’s interest.” (Regulatory Rule)

“Article 19. It is incumbent upon the Consumer Protection and Defense Department to support the National Secretariat of the Consumer in the compliance to the duties established by Law No. 8,078 of 1990.” (Regulatory Rule)

Article 7 Decree No. 2,181 of March 20, 1997 shall be hereinafter in effect with the following amendments:

“Article 2 The SNDC is composed of the National Secretariat of the Consumer of the Ministry of Justice and the other federal, state, Federal District and municipal bodies and consumer defense civil organizations.” (Regulatory Rule)

“Article 3 It is incumbent upon the National Secretariat of the Consumer of the Ministry of Justice to coordinate the policy of the National System for Consumer Defense, by doing the following:

.....

XII – to sign agreements and conduct adjustments instruments, as provided for by paragraph 6 of article 5 of Law No. 7,347 of July 24, 1985;

.....” (Regulatory Rule)

“Article 4.....

.....

V – to prepare and disclose on a yearly basis, within the scope of its authority, the record of substantiated complaints against suppliers of products and services as referred to by article 44 of Law No. 8,078 of 1990 and send a copy thereof to the National Secretariat of the Consumer of the Ministry of Justice;

.....” (Regulatory Rule)

“Article 5.....”

Sole paragraph. If more than one administrative proceeding is filed by different legal entities of public law for investigation of any violation arising out of the same fact attributed to the same supplier, any conflict of authority shall be settled by the National Secretariat of the Consumer, which may consult the National Permanent Consumer Defense Commission – CNPDC, taking into account at all times the federative competency to legislate on the respective economic activity.” (Regulatory Rule)

“Article 9. The inspection of the consumption relationship referred to by Law No. 8,078 of 1990, by this Decree and by any other consumer defense rules shall be carried out throughout the Brazilian territory by the National Secretariat of the Consumer of the Ministry of Justice, by the federal bodies that are members of the National System for Consumer Defense, by the bodies that are associated with the Office and by the consumer protection and defense bodies created by the States, Federal District and Municipalities, in their respective fields of activity and authority.” (Regulatory Rule)

“Article 16. In case of administrative proceedings pending before more than one State and involving diffuse or collective interests, the National Secretariat of the Consumer may undertake them, after consultation with the National Permanent Consumer Defense Commission and the senior authorities of the state systems.” (Regulatory Rule)

“Article 50. Where the proceeding is prosecuted by the Consumer Protection and Defense Department, the judgment of the case shall be the liability of the Officer of such body, and appeal therefrom may be filed with the official of the National Secretariat of the Consumer, within ten days as from the date of notice of such judgment, as ultimate court of appeals.” (Regulatory Rule)

“Article 56. As provided for by article 51 of Law No. 8,078 of 1990, and for the purpose of directing the National System for Consumer Defense, the National Secretariat of the Consumer shall disclose, on a yearly basis, a supplementary list of contractual clauses that are deemed abusive, especially for the purpose of application of the provisions of item IV of the main provision of article 22.

.....” (Regulatory Rule)

“Article 63. With grounds on Law No. 8,078 of 1990 and any supplementary law, the National Secretariat of the Consumer may issue administrative acts, aiming at strict compliance to the consumer protection and defense rules.” (Regulatory Rule)

Article 8. Decree No. 1,306 of November 9, 1994 shall be hereinafter in effect with the following amendments:

“Article 3.....”

I – a representative of the National Secretariat of the Consumer of the Ministry of Justice, who shall preside over it;

.....” (Regulatory Rule)

“Article 5 The National Secretariat of the Consumer of the Ministry of Justice shall operate as the Office of the Executive Secretariat of the Fund for the Defense of Diffuse Rights - CFDD.” (Regulatory Rule)

Article 9. Any annotations arising out of the processed amendments shall take place within twenty days as from the date of effectiveness of this Decree.

Paragraph 1. After the annotations set forth in the main provision hereof, the President of CADE shall arrange for publication by the Federal Official Gazette, within thirty days, of the nominal list of the holders of the commissioned positions of the Group - Upper Direction and Advisory – DAS referred to in Exhibit II, which shall also indicate the number of vacant positions, their names and respective levels.

Paragraph 2. The terms of CADE's current Commissioners as of the date of effectiveness of this Decree shall be maintained, and shall be carried out until the originally expected term, as provided for by paragraph 1 of article 113 of Law No. 12529 of November 30, 2011.

Paragraph 3. The change in the levels of positions referred to in paragraph 2, as set forth in Exhibit II hereto, does not result in need for a new act of appointment.

Article 10. CADE's internal regulations shall be approved by the full session of the Administrative Tribunal and published by the Federal Official Gazette within ninety days as from the date of effectiveness of this Decree.

Article 11. The following are hereby revoked:

I – article 18 of Exhibit I to Decree No. 6.061 of March 15, 2007; and

II – Decree No. 5,344 of January 14, 2005.

Article 12. This Decree comes into force as of May 29, 2012.

Brasília, May 28, 2012; 191st year of the Independence and 124th year of the Republic.

DILMA ROUSSEFF

José Eduardo Cardozo

Eva Maria Cella Dal Chiavon

The foregoing does not supersede the text published by the Federal Official Gazette (DOU) on May 29, 2012

EXHIBIT I

STRUCTURE OF THE ADMINISTRATIVE COUNCIL FOR ECONOMIC DEFENSE

CHAPTER I NATURE AND AUTHORITY

Article 1 The Administrative Council for Economic Defense – CADE, a judging entity with jurisdiction throughout the Brazilian territory, subordinated to the Ministry of Justice, with headquarters and jurisdiction in the Federal District, has the purpose of preventing and repressing violations against the economic order, directed by the provisions of Law No. 12,529 of November 30, 2011, and by the constitutional parameters of free enterprise, free competition, social function of property, consumer defense and repression of abuse of economic power.

CHAPTER II ORGANIZATIONAL STRUCTURE

Article 2. CADE has the following organizational structure:

I – units of direct and immediate support to the President:

a) President's Office;

- b) International Unit;
- c) Public Relations Unit; and
- d) Planning and Projects Unit;

II – sectional bodies:

- a) Management Office;
- b) Auditing Unit; and
- c) Attorney General’s Office;

III – specific and Sole bodies:

- a) General Superintendence;
- b) Department of Economic Studies; and

IV – collegiate body: Administrative Tribunal.

CHAPTER III MANAGEMENT AND APPOINTMENT

Article 3 The Administrative Tribunal, a judging body, hereinafter referred to as the Tribunal, shall have as members a President and six Commissioners chosen among citizens who are older than thirty years and have a notorious legal or economic knowledge and trustworthy reputation, appointed by the President of the Republic, after they have been approved by the Federal Senate.

Article 4 The General Superintendence shall be managed by the General Superintendent, chosen among citizens who are older than thirty years and have a notorious legal or economic knowledge and trustworthy reputation, appointed by the President of the Republic, after they have been approved by the Federal Senate.

Sole paragraph. The General Superintendent shall indicate the Deputy Superintendents.

Article 5 CADE’S Attorney General’s Office shall be managed by an Attorney General, who shall be appointed by the President of the Republic, after approved by the Federal Senate, chosen among Brazilian citizens who are older than thirty years and have a notorious legal or economic knowledge and trustworthy reputation.

Article 6 The Department of Economic Studies shall be managed by a Chief Economist, who shall be jointly appointed by the General Superintendent and by the President, chosen among Brazilian citizens of irreproachable reputation and notorious economic knowledge.

Article 7 The other commissioned positions and remunerated positions shall be filled as provided for by the applicable law.

CHAPTER IV COLLEGIATE BODY

Article 8 The decisions of the Tribunal shall be adopted by a majority, with the minimum attendance of four members, and the resolution quorum shall be at least three members.

Sole paragraph. The decisions of the Tribunal are not subject to appeal within the Executive Branch, and the execution thereof shall be immediately carried out, with immediate

notice to the Public Prosecutors' Office for any other applicable legal measures within its scope of authority.

Article 9 The Attorney General and the Chief Economist may attend the meetings of the Tribunal, without voting right.

Paragraph 1 The Attorney General and the Chief Economist shall be subject to the same rules of impediment applicable to the Commissioners, except regarding attendance at the sessions.

Paragraph 2 In case of absence, temporary leave or impediment of the Attorney General, the full session shall indicate and the President shall designate a substitute among the members of the Attorney General's Office.

Article 10. The Tribunal may answer consultations about pending conducts, upon payment of fee together with the respective documents.

Sole paragraph. CADE shall define in a resolution any supplementary rules for the consultation procedure set forth in the main provision hereof.

Article 11. The federal authorities, the officials of any federal agency, foundation, public company and government-controlled private company and the regulatory bodies are required to provide all assistance and collaboration that may be requested by CADE, including by preparing technical opinions about the matters within their field of competence, subject to penalty of liability.

CHAPTER V INCUMBENCIES OF THE BODIES

Section I Bodies of Direct and Immediate Support to the President

Article 12. It is incumbent upon the President's Office:

I – to support the President in the supervision and coordination of the activities of the Units that compose CADE;

II – to provide support to the President in his/her political and social representation and in the activities of administrative support to the Tribunal;

III – to oversee and control any documents and proceedings submitted to the President's Office; and

IV – to oversee the disclosure of any normative acts and orders of the President's Office.

Article 13. It is incumbent upon the International Unit:

I – to advise the President's Office in all matters related to the antitrust authority's international interface;

II – to cooperate to enable the import of international anticompetitive practices that are appropriate to the Brazilian reality; and

III – to contribute towards the promotion of international cooperation with foreign competition authorities.

Article 14. It is incumbent upon Public Relations Unit:

I – to coordinate, manage and oversee the activities of social and institutional communication concerning CADE;

II – to update CADE’s websites on the internet and intranet; to produce and oversee the production and disclosure of institutional publications; and

III – to support the disclosure of events promoted by CADE.

Article 15. It is incumbent upon the Planning and Projects Unit:

I – to support the President’s Office in any matters concerning the strategic planning of the antitrust authority, management of special projects and monitoring of governmental programs under CADE’S liability; and

II – to coordinate any activities concerning information systems for planning, monitoring and management of projects together with the Management Office.

Section II

Sectional Bodies

Article 16. It is incumbent upon the Management Office:

I – to implement any of the President’s decisions concerning the agency’s management;

II – to plan, coordinate and oversee the performance of the activities relating to the federal systems of planning and budget, organization and institutional innovation, accounting and financial management, management of information resources and information technology, human resources and miscellaneous services concerning CADE;

III – to promote combination with the core bodies of the federal systems referred to in item II of the main provision hereof, and inform and instruct CADE’s bodies regarding compliance with the administrative rules;

IV – to carry out preparation and consolidation of the plans and programs of the activities of its field of competence and submit them to management decision;

V – to oversee and promote the assessment of projects and activities;

VI – to develop the activities of budget, financial and accounting execution concerning CADE;

VII – to set up accountability by the parties ordering expense and any other parties liable in charge of public assets and resources and anyone causing any damage, loss, or any other irregularity resulting in damage to the public treasury; and

VIII – to plan, coordinate and oversee the performance of the activities relating to management of documents, filing, processing and support to the Tribunal, including control, moving, storage and file of documents and proceedings concerning CADE’s administrative and substantial activities.

Article 17. It is incumbent upon the Auditing Unit:

I – to carry out CADE’s accounting, financial, budget and operating inspection, by overseeing, reviewing and evaluating the efficacy of application of its controls;

II – to oversee, by means of audit procedures, the execution of CADE’s budget in all aspects and phases of the expense realization and of control and protection of its property; and

III – to promote and conduct studies.

Article 18. It is incumbent upon CADE’s Attorney General’s Office, the executive body of the Federal Attorney-General Office:

I – to provide legal advisory and consultancy to CADE;

II – to represent CADE in court and out of court, with due regard for the rules established by the Federal Attorney-General Office, including for purposes of:

a) carrying out court execution of its judgments and precedents;

b) adopting any legal measures requested by the Tribunal or by the General Superintendence as required for the cessation of violations of economic order or for the obtainment of documents to support any administrative proceedings of any kind whatsoever; and

c) entering into judicial settlements in proceedings relating to violations of economic order, with authorization of the Tribunal;

III – to direct CADE’s judicial representation, when it is under the liability of the other executive bodies of the Federal Attorney-General Office;

IV – to provide legal advisory and consultancy to CADE, applying the provisions of article 11 of Supplementary Law No. 73 of February 10, 1993, as applicable;

V – to support the other executive bodies of the Federal Attorney-General Office in the ascertainment of liquidity and legality of the credits of any kind whatsoever relating to CADE’s activities to be recorded as executable tax debt and for the respective amicable or judicial collection;

VI – to issue, whenever expressly requested by a Commissioner or by the General Superintendent, an opinion regarding any proceedings within CADE’S scope of authority, being established that any such order shall not result in suspension of the term of analysis or loss to the regular processing of the case;

VII – to ensure compliance with the Federal Constitution and with any laws and acts issued by the public authorities, especially the provisions of Law No. 12,529 of 2011, under the normative direction of the Office of the General Counsel to the Federal Government and the Federal Attorney-General Office; and

VIII – to set CADE’s legal direction, supporting the preparation and enactment of its normative and interpretative acts, in association with the applicable bodies of the agency; and

IX – to submit to the Office of the General Counsel to the Federal Government or to the Federal Attorney-General Office, as the case may be, any request for investigation of any wrongdoing committed by any of its members in the exercise of their duties.

Sole paragraph. It is incumbent upon CADE’s Attorney General’s Office, when carrying out judicial execution of the decisions of the General Superintendence and of the Tribunal, to keep the President, the Commissioners and the General Superintendent informed about the status of any legal proceedings and measures.

Section III

Specific and Sole Bodies

Article 19. It is incumbent upon the General Superintendence:

I – to ensure compliance with Law No. 12,529 of 2011, by monitoring and overseeing the market practices;

II – to continuously oversee the commercial activities and practices of any individuals or legal entities that hold a dominant position in any relevant market of goods or services, in order to prevent violations against the economic order, and for that purpose that body may request any required information and documents, keeping legal confidentiality thereof as applicable;

III – upon evidence of any violation against the economic order, to carry out preparatory proceeding of administrative inquiry and administrative inquiry for investigation of any violations of economic order;

IV – to decide on groundlessness of evidence, filing the records of the administrative inquiry or of its preparatory proceeding;

V – to file and support with evidence any administrative proceeding for imposition of administrative penalties due to violations against the economic order, any proceeding for investigation of any merger or acquisition, any administrative proceeding for analysis of any merger or acquisition and any administrative proceeding for imposition of incidents of procedural penalties filed for prevention, investigation or repression of violations against the economic order;

VI – in the interest of evidentiary support of the procedural types referred to by Law No. 12,529 of 2011:

a) to request information and documents from any individual or legal entities, bodies, authorities and public or private entities, keeping legal confidentiality thereof as applicable, as well as to order any legal procedures that may be required for performance of its duties;

b) to request clarifications from any individuals or legal entities, bodies, authorities and public or private entities, as provided for by law No. 12,529 of 2011;

c) to carry out inspection at the principal place of business, any establishment, office, branch or subsidiary of any investigated company, of inventories, objects, documents of any kind whatsoever, as well as commercial books, computers and electronic files, being authorized to obtain or request copies of any documents or electronic data;

d) to request to the Judiciary, by means of CADE Attorney General's Office, any order for search and seizure of objects, documents of any kind whatsoever, as well as commercial books, computers and magnetic files of any company or individual, in the interest of any administrative inquiry or administrative proceeding for imposition of administrative penalties due to violations against the economic order, applying the provisions of article 839 *et seq* of Law No. 5,869 of January 11, 1973 – Brazilian Code of Civil Proceeding, as applicable, without requirement for filing of a principal action;

e) to request to see and copy any documents and objects contained in any inquiries and administrative proceedings filed by any bodies or entities of the federal public administration;

f) to request to see and copy any police investigations, legal proceedings of any kind whatsoever, as well as administrative investigations and proceedings filed by any other public bodies, provided that the Council shall comply with the same confidentiality restrictions that may have been established in the original proceedings;

VII – to resort to the Tribunal *ex officio* whenever it decides to file any administrative proceeding for imposition of administrative penalties due to violations against the economic order;

VIII – to send to the Tribunal, for judgment, any administrative proceedings filed by it, whenever there is characterization of violation against the economic order in its opinion;

IX – to provide cease and desist agreements due to violation against the economic order, submitting it to the Tribunal's approval, and to inspect compliance therewith;

X – to recommend to the Tribunal the conditions for the implementation of merger control agreements and to inspect compliance therewith;

XI – to adopt preventive measures that lead to cessation of any practice that represents a violation against the economic order, setting a term for compliance therewith and the amount of the daily fine to be imposed in case of violation thereof;

XII – to receive, support with evidence and approve or oppose to any administrative proceedings for analysis of mergers and acquisitions before the Tribunal;

XIII – to direct the bodies and entities of the public administration about the adoption of measures required for compliance with Law No. 12,529 of 2011;

XIV – to conduct studies and research aiming at directing the policy of prevention of violations against the economic order;

XV – to instruct the public about the different kinds of violation against the economic order and the ways of prevention and repression thereof;

XVI – to carry out any other duties established by law;

XVII – to provide the Judiciary, upon request, with information about the status of any investigations, being also authorized to supply copies of the case records to support legal proceedings; and

XVIII – to adopt any administrative measures required for enforcement of and compliance with the decisions of the full session.

Article 20. It is incumbent upon the Department of Economic Studies to prepare economic studies and opinions, *ex officio* or at the request of the full session, the President, the Reporting Commissioner or the General Superintendent, making sure that any decisions of the body shall be technically and scientifically accurate and updated.

Section IV

Collegiate Body

Article 21. It is incumbent upon the full session of the Tribunal:

I – to ensure compliance with Law No. 12,529 of 2011, its regulations and the internal regulations;

II – to resolve on the existence of violation against the economic order and impose any penalties provided for by law;

III – to resolve on administrative proceedings for imposition of administrative penalties for violations against the economic order filed by the General Superintendence;

IV – to order measures that lead to cessation of violation against the economic order within the term established by it;

V – to approve the provisions of any cease and desist agreements and of merger control agreements, as well as to order the General Superintendence to oversee compliance therewith;

VI – to analyze as part of any appeal the preventive measures adopted by the Reporting Commissioner or by the General Superintendence;

VII – to notify the interested parties of its decisions;

VIII – to request to the bodies and entities of the federal public administration and to the authorities of the States, Municipalities, Federal District and Territories the measures required for compliance with Law No. 12,529 of 2011;

IX – to request any examinations, inspections and studies, and to approve, in each case, the respective professional fees and any other process expenses, which shall be paid by the company, in case that it is punished under Law No. 12,529 of 2011;

X – to analyze any administrative proceedings regarding mergers and acquisitions, as provided for by law No. 12,529 of 2011, and to establish any merger control agreements, whenever it deems to be convenient and appropriate;

XI – to order the General Superintendence to adopt any administrative measures required for enforcement of and strict compliance with its decisions;

XII – to request services and staff to any bodies and entities of the Federal Public Authority;

XIII – to request CADE Attorney General's Office to adopt any administrative and legal measures;

XIV – to instruct the public about the forms of violation against the economic order;

XV – to prepare and approve CADE's internal regulations, providing for its operation, methods of resolutions, procedural rules and organization of its internal services;

XVI – to recommend CADE staff structure, with due regard for the provisions in item II of the main provision of article 37 of the Federal Constitution;

XVII – to prepare the budget proposal under Law No. 12,529 of 2011;

XVIII – to request information from any individual or legal entities, bodies, authorities and public or private entities, keeping legal confidentiality thereof as applicable, as well as to order any legal procedures that may be required for performance of its duties;

XIX – to resolve on compliance with any decisions, commitments and settlements; and

XX – to carry out any other duties provided for by Law No. 12,529 of 2011.

CHAPTER VI

DUTIES OF THE OFFICIALS

Section I

President

Article 22. It is incumbent upon the President:

I – to legally represent CADE in Brazil or abroad, in court or out of court;

II – to preside over meetings of the full session, with voting rights, including the cast vote;

III – to assign by drawing the proceedings to the Commissioners;

IV – to call sessions and set the organization of the agenda thereof;

V – to request, at his/her discretion, the support of the General Superintendence to the Tribunal in the adoption of any extrajudicial measures for enforcement of the Tribunal's decisions;

VI – to oversee the General Superintendence in the adoption of measures for enforcement of the Tribunal's decisions and judgments;

VII – to enter into the commitments and settlements approved by the full session;

VIII – to submit the budget proposal and the ideal allocation of the staff that shall provide service to CADE to the full session for approval;

IX – to direct, coordinate and oversee CADE's administrative activities;

X – to order the expenses concerning CADE, except for expenses of the Managing Unit of the General Superintendence;

XI – to enter into agreements and conventions with Brazilian bodies or entities and to previously submit to the Ministry of Justice any agreements and conventions to be entered into with any foreign or international bodies;

XII – to enter into, after authorization from the Ministry of Justice, any treaties, agreements or conventions of international cooperation with competition protection bodies of other countries, or with international entities, aiming at mutual cooperation and exchange of information concerning competition protection;

XIII – to carry out the duties of central authority for prosecution of active and passive requests of international legal cooperation regarding competition defense, without prejudice to any regimental duties of the Assets Recovery Department and International Legal Cooperation of the National Justice Office of the Ministry of Justice, and any other duties provided for by any other international treaties and conventions to which Brazil is a party;

XIV – to enforce and obtain mutual cooperation and exchange of information with any competition protection bodies of other countries, or with international entities concerning competition defense, as provided for by the treaties, agreements or conventions referred to in item XII of the main provision thereof and, in the absence thereof, based on reciprocity; and

XV – to order CADE Attorney General's Office to adopt any judicial measures established by the Tribunal.

Section II

Commissioners

Article 23. It is incumbent upon the Commissioners:

I – to cast their votes in any proceedings and issues submitted to the Tribunal;

II – to render orders and draw up the decisions in the proceedings reported by them;

III – to request information and documents from any individual or legal entities, bodies, authorities and public or private entities, keeping legal confidentiality thereof as applicable, as well as to order any legal procedures that may be required;

IV – to adopt any preventive measures and set the amount of the daily fine in case of violation thereof;

V – to request, at their discretion, that the General Superintendence carries out any legal procedure and the production of any pieces of evidence that they believe to be appropriate in the records of any administrative proceeding, as provided for by law No. 12,529 of 2011;

VI – to request CADE Attorney General's Office to issue any legal opinion in any proceedings reported by them, as they deem required and in a substantiated court order, as set forth by item VII of the main provision of article 15 of Law No. 12,529 of 2011;

VII – to order the Chief Economist, when required, to issue technical opinions in the proceedings reported by them, without prejudice to regular prosecution of the proceeding, provided that such order shall not result in suspension of the term for analysis or damage to regular prosecution of the proceeding;

VIII – to carry out any other duties assigned to them by the internal regulations;

IX – to recommend any cease and desist agreement and settlements for approval by the Tribunal; and

X – to provide the Judiciary, upon request, with all information about the status of any proceedings, being also authorized to supply copies of the case records to support legal proceedings.

Section III

General Superintendent

Article 24. It is incumbent upon the General Superintendent:

I – to attend the Tribunal's sessions, as he/she deems required, without voting right, and make oral defense as provided for by the internal regulations;

II – to comply and enforce compliance with the Tribunal's decisions, as established by the President;

III – to request to CADE Attorney General's Office any legal procedures regarding the exercise of the duties of the General Superintendence;

IV – to order the Chief Economist to prepare studies and opinions;

V – to order expenses regarding the Managing Unit of the General Superintendence; and

VI – to carry out any other duties provided for by law.

Section IV

Other Officials

Article 25. It shall be incumbent upon CADE's Attorney General, Chief Economist, Managing Director, the Heads of Office, the General Coordinators and any other officials to plan, direct, coordinate and instruct the performance of the activities of the respective units and to carry out any other duties assigned to them by the internal regulations.

CHAPTER VII

PROPERTY AND FINANCIAL FUNDS

Article 26. CADE's property is composed of any assets and rights owned by it or which may be acquired by or donated to it.

Sole paragraph. CADE's assets and rights shall be exclusively used for compliance with its purposes.

Article 27. The following constitute CADE's revenues:

I – the proceeds resulting from the collection of the fee set forth by article 23 of Law No. 12,529 of 2011;

II – the remuneration for services of any kind whatsoever provided to third parties;

III – the allocations established in the General Budget of the Federal Government, any special credits, additional credits, transfers and on-lending granted to CADE;

IV – the funds from any settlements or agreements entered into with any Brazilian and international bodies or entities;

V – any donations, legacies, subventions and any other funds assigned to CADE;

VI – any amounts obtained from the sale or lease of any assets and real estate properties owned by CADE;

VII – the proceeds of the sale of publications, technical material, data and information;

VIII – the amounts obtained from investments of the proceeds set forth in this article in the financial market, as defined by the Executive Branch; and

IX – any other revenues related to its activities that are not specified in items I to VIII of the main provision hereof.

CHAPTER VIII

MISCELLANEOUS AND INTERIM PROVISIONS

Article 28. CADE may request civil clerks of the direct federal public administration, agencies or foundations to hold any positions therein, irrespective of the holding of a commissioned position or a position of trust.

Sole paragraph. Civil servants requested as provided for by this article shall be ensured all rights and advantages to which they may be entitled in their original body or entity, and the period of requisition shall be counted, for all purposes of their employment life, as effective holding of the position held by them in the original body or entity.

EXHIBIT II

a) TABLE OF THE COMMISSIONED POSITIONS OF THE ADMINISTRATIVE COUNCIL FOR ECONOMIC DEFENSE

UNIT	POSITION /JOB No.	POSITION/JOB NAME	NE/DAS/FG
	1	President	NE
	1	Advisor	102.4
	1	Technical Advisor	102.3
PRESIDENT'S OFFICE	1	Head	101.4
	1	Technical Advisor	102.3
	1	Technical Advisor	102.1
International Unit	1	Advisory Head	101.4
	1	Technical Assistant	102.1
Public Relations Unit	1	Advisory Head	101.4
	2	Technical Assistant	102.1
Planning and Projects Unit	1	Advisory Head	101.4
	1	Technical Assistant	102.1
Management Office	1	Managing Director	101.5
Human Resources Unit	1	General Coordinator	101.4
	3	Head	101.1
Proceedings Management Unit	1	General Coordinator	101.4
	1	Coordinator	101.3
	1	Head	101.2
Information Technology Unit	1	General Coordinator	101.4
	3	Head	101.1
Budget, Finance and Logistics Unit	1	General Coordinator	101.4
	4	Head	101.2
	8	Head	101.1
Auditing Unit	1	Head Auditor	101.4
	2	Head	101.1
CADE Attorney General's Office	1	Attorney General	101.5
	1	Deputy Attorney General	101.4
Administrative Matters Unit	1	General Coordinator	101.4
	2	Head	101.1
Legal Studies and Reports Unit	1	General Coordinator	101.4
	2	Head	101.1

Litigation Unit	1	General Coordinator	101.4
	2	Head	101.1
General Superintendence	1	General Superintendent	NE
	1	Advisor	102.4
	1	Technical Advisor	102.3
	2	Deputy Superintendent	101.5
Office	1	Head	101.4
	1	Technical Assistant	102.1
Coordination	3	Coordinator	101.3
	4	Technical Assistant	102.1
Merger and Antitrust Unit 1	1	Head	101.4
	1	Assistant	102.2
	1	Technical Assistant	102.1
	1	Coordinator	101.3
Merger and Antitrust Unit 2	1	Head	101.4
	1	Assistant	102.2
	1	Technical Assistant	102.1
	1	Coordinator	101.3
Merger and Antitrust Unit 3	1	Head	101.4
	1	Assistant	102.2
	1	Technical Assistant	102.1
	1	Coordinator	101.3
Merger and Antitrust Unit 4	1	Head	101.4
	1	Assistant	102.2
	1	Technical Assistant	102.1
	1	Coordinator	101.3
Merger and Antitrust Unit 5	1	Head	101.4
	1	Assistant	102.2
	1	Technical Assistant	102.1
	1	Coordinator	101.3
Merger and Antitrust Unit 6	1	Head	101.4
	1	Assistant	102.2
	1	Technical Assistant	102.1
	1	Coordinator	101.3
Merger and Antitrust Unit 7	1	Head	101.4
	1	Assistant	102.2
	1	Technical Assistant	102.1
	1	Coordinator	101.3
Merger and Antitrust Unit 8	1	Head	101.4
	1	Assistant	102.2
	1	Technical Assistant	102.1
	1	Coordinator	101.3

Department of Economic Studies	1	Chief Economist	101.5
	1	Deputy Chief Economist	101.4
Coordination	2	Coordinator	101.3
	4	Technical Assistant	102.1
Administrative Tribunal	6	Commissioner	101.6
	6	Advisor	102.4
	6	Assistant	102.2

b) SUMMARY CHART OF COSTS OF THE COMMISSIONED POSITIONS OF THE ADMINISTRATIVE COUNCIL FOR ECONOMIC DEFENSE

CODE	DAS – UNIT	CURRENT STATUS		NEW STATUS	
		QTY.	TOTAL AMOUNT	QTY.	TOTAL AMOUNT
NE	5.40	0	0.00	2	10.80
DAS 101.6	5.28	1	5.28	6	31.68
DAS 101.5	4.25	7	29.75	5	21.25
DAS 101.4	3.23	3	9.69	23	74.29
DAS 101.3	1.91	3	5.73	14	26.74
DAS 101.2	1.27	0	0.00	5	6.35
DAS 101.1	1.00	13	13.00	22	22.00
DAS 102.4	3.23	3	9.69	8	25.84
DAS 102.3	1.91	0	0.00	3	5.73
DAS 102.2		0	0.00	14	17.78
DAS 102.1	1.00	6	6.00	22	22.00
SUBTOTAL 1		36	79.14	124	264.46
FG-1	0.20	2	0.40	0	0.00
SUBTOTAL 2		2	0.40	0	0.00
GRAND TOTAL		38	79.54	124	264.46

EXHIBIT III

REALLOCATION OF REMUNERATED POSITIONS AND DUTIES

a) Administrative Council for Economic Defense

CODE	DAS – UNIT	FROM CADE TO SEGEP/MP (a)		FROM CADE TO SEGEP/MP (b)	
		QTY.	TOTAL AMOUNT	QTY.	TOTAL AMOUNT
NE	5.40	-	-	2	10.80
101.6	5.28	-	-	4	21.12
101.5	4.25	1	4.25	-	-
101.4	3.23	-	-	14	45.22
101.3	1.91	-	-	6	11.46
101.2	1.27	4	5.08	-	-
101.1	1.00	-	-	6	6.00
102.4	3.23	-	-	5	16.15
102.3	1.91	-	-	3	5.73
102.2	1.27	-	-	14	17.78

102.1	1.00	-	-	15	15.00
FG-3	0.12	5	0.60	-	-
TOTAL		10	9.93	69	149.26
REALLOCATION BALANCE (b-a)				59	139.33

b) Ministry of Justice

CODE	DAS – UNIT	FROM CADE TO SEGEP/MP (a)		FROM CADE TO SEGEP/MP (b)	
		QTY.	TOTAL AMOUNT	QTY.	TOTAL AMOUNT
101.6	5.28	-	-	1	5.28
101.5	4.25	-	-	1	4.25
101.1	1.00	-	-	4	4.00
102.1	1.00	3	3.00	-	-
FG-3	0.12	-	-	5	0.60
TOTAL		3	3.00	11	14.13
REALLOCATION BALANCE (b-a)				8	11.13

EXHIBIT IV

TABLE OF COMMISSIONED POSITIONS AND REMUNERATED POSITIONS TRANSFERRED FROM
THE MINISTRY OF JUSTICE

TO THE ADMINISTRATIVE COUNCIL FOR ECONOMIC DEFENSE, AS PROVIDED FOR BY SOLE
PARAGRAPH OF ARTICLE 121 OF LAW No. 12529 OF NOVEMBER 30, 2011

CODE	DAS – UNIT	QTY.	TOTAL AMOUNT
DAS 101.6	5.28	1	5.28
DAS 101.5	4.25	1	4.25
DAS 101.4	3.23	6	19.38
DAS 101.3	1.91	5	9.55
DAS 101.2	1.27	9	11.43
DAS 101.1	1.00	3	3.00
DAS 102.1	1.00	1	1.00
FG-3	0.12	5	0.60
TOTAL		31	54.49

EXHIBIT V

TABLE OF COMMISSIONED POSITIONS AND REMUNERATED POSITIONS DISCONTINUED AS
PROVIDED FOR BY ARTICLE 126 OF LAW No. 12529 OF NOVEMBER 30, 2011

a) Administrative Council for Economic Defense

CODE	DAS – UNIT	QTY.	TOTAL AMOUNT
DAS 101.5	4.25	2	8.5
FG-1	0.20	2	0.4
TOTAL		4	8.9

b) Ministry of Justice

CODE	DAS – UNIT	QTY.	TOTAL AMOUNT
DAS 101.5	4.25	1	4.25

FG-3	0.12	16	1.92
TOTAL		17	6.17

EXHIBIT VI

“a) TABLE OF COMMISSIONED POSITIONS AND POSITIONS OF TRUST OF THE MINISTRY OF JUSTICE.

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PLANNING, BUDGET AND ADMINISTRATION SUB-OFFICE	1	Sub-secretary	101.5
	1	Assistant	102.2
	2	Technical Assistant	102.1
Division	2	Head	101.2
Service	1	Head	101.1
Coordination	1	Coordinator	101.3
	10	FG-3	
Modernization and Management General Coordination	1	General Coordinator	101.4
Coordination	2	Coordinator	101.3
Division	4	Head	101.2
Service	1	Head	101.1

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NATIONAL SECRETARIAT OF THE CONSUMER	1	Secretary	101.6
	1	Technical Advisor	102.3
	1	Technical Assistant	102.1
Coordination	1	Coordinator	101.3
Division	2	Head	101.2
Service	2	Head	101.1
Office	1	Head	101.4
Coordination	1	Coordinator	101.3
Service	2	Head	101.1
Institutional Relations General Coordination	1	General Coordinator	101.4
Service	1	Head	101.1
CONSUMER PROTECTION AND DEFENSE DEPARTMENT	1	Officer	101.5
	1	Technical Assistant	102.1
Market Studies and Monitoring General Coordination	1	General Coordinator	101.4
Coordination	3	Coordinator	101.3
Division	3	Head	101.2
Service	1	Head	101.1
Technical Advisory and Administrative Proceedings General Coordination	1	General Coordinator	101.4
Coordination	3	Coordinator	101.3
Division	2	Head	101.2
Service	1	Head	101.1
General Coordination of the National Consumer Defense Information System	1	General Coordinator	101.4
Coordination	1	Coordinator	101.3

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b) TABLE OF COSTS OF THE COMMISSIONED POSITIONS AND REMUNERATED POSITIONS OF THE MINISTRY OF JUSTICE.

CODE	DAS – UNIT	CURRENT STATUS		NEW STATUS	
		QTY.	TOTAL AMOUNT	QTY.	TOTAL AMOUNT
NE	5.40	3	16.20	3	16.20
DAS 101.6	5.28	11	58.08	11	58.08
DAS 101.5	4.25	36	153.00	35	148.75
DAS 101.4	3.23	108	348.84	102	329.46
DAS 101.3	1.91	168	320.88	163	311.33
DAS 101.2	1.27	166	210.82	157	199.39
DAS 101.1	1.00	196	196.00	197	197.00
DAS 102.5	4.25	7	29.75	7	29.75
DAS 102.4	3.23	18	58.14	18	58.14
DAS 102.3	1.91	34	64.94	34	64.94
DAS 102.2	1.27	33	41.91	33	41.91
DAS 102.1	1.00	69	69.00	65	65.00
SUBTOTAL 1		849	1,567.56	825	1,519.95
FG-1	0.20	127	25.40	127	25.40
FG-2	0.15	409	61.35	409	61.35
FG-3	0.12	1.138	136.56	1.122	134.64
SUBTOTAL 2		1.674	223.31	1.658	221.39
GRAND TOTAL		2.523	1,790.87	2.483	1,741.34

(Regulatory Rule)