

MINISTRY OF ECONOMY OPENS PUBLIC CONSULTATION ON NEW REGULATION FOR EXTRAJUDICIAL COLLECTION

On September 9, 2025, the Ministry of Economy, Development and Tourism, together with SERNAC, **launched a public consultation** process regarding a new draft **Regulation on Extrajudicial Collection**.

This initiative seeks to **implement the mandates of Laws No. 21,062 and No. 21,320**, which amended the Consumer Protection Law in this area.

The Regulation establishes the form, conditions, and requirements for compliance with these obligations, providing a detailed framework for debtor communications, collection procedures, contact limits, chargeable costs, and recordkeeping obligations.

Main provisions of the Regulation:

• Differentiation of communications

- Distinguishes preventive reminders of due dates (only with the consumer's authorization and free of charge) from extrajudicial collection actions, which may only begin on the business day following the due date of the obligation.

• Standardization of debtor information: "Notice of Extrajudicial Collection"

- Creates a single, mandatory format with minimum information: debt amount, interest, collection expenses, payment options, and consumer rights.
- Includes specific sections: debt summary, payment options table, arrears cost breakdown, contact limits, confidentiality, prohibition of imitating judicial documents, and contact channels.

• Procedure and mandatory early management

- Actions may only be carried out on business days and within business hours (Monday to Saturday, 8:00 a.m. to 8:00 p.m.).

This news alert is provided by Carey y Cía. Ltda. for educational and informational purposes only and is not intended and should not be construed as legal advice.

Carey y Cía. Ltda.
Isidora Goyenechea 2800, 43rd Floor.
Las Condes, Santiago, Chile.
www.carey.cl

- Establishes mandatory early management within the first 15 business days of default, free of charge and at the provider's expense.
- At the time of contracting, the consumer must be expressly informed whether collection will be carried out directly or through a third party.

•**Strict contact limitations**

- Maximum of 1 phone call or in-person visit per calendar week.
- Up to 2 additional written/digital actions per week, with at least 2 business days between them.
- Prohibits communications that resemble judicial documents or contain references to seizures or credit reporting databases.

•**Debtor privacy safeguards**

- Strict restrictions on who may receive information about the debt.
- In calls or visits, the collector must adequately verify the interlocutor's identity before disclosing information.

•**Suspension of procedure and SERNAC platform**

- Collection must be suspended in cases of payment, initiation of judicial proceedings, or insolvency procedures.
- SERNAC will implement an electronic platform allowing consumers to request suspension of extrajudicial collection actions.

•**Collection costs**

- Only costs actually incurred in actions involving effective contact with the consumer may be charged, and only after 20 business days of default.
- Must comply with the limits set forth in Article 37 of the CPL.

•**Recordkeeping and storage of information**

- Providers and collection agencies must digitally record and store each collection action for at least 2 years.

•**Entry into force and contract adjustments**

- The Regulation will take effect 12 months after its publication.
- Adhesion contracts must be amended through annexes sent to consumers within 90 business days of publication.

Participation in the public consultation: The consultation process will remain open until **October 1, 2025**. Interested parties may submit comments on the Ministry of Economy's website.

Authors: Mónica Pérez; Aldo Molinari; Eduardo Reveco