



Historic Drop in Pirated Mobile Phones Marks a New Era of Regulatory Enforcement in Brazilian E-Commerce

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The Brazilian market for irregular smartphones underwent a significant shift in 2025, with the share of these devices in total sales falling from 19% to 12%, according to data released by the Brazilian Electrical and Electronics Industry Association (ABINEE). This sharp decline reflects not only increased governmental oversight but also an important evolution in the conduct of e-commerce platforms, which have adopted more effective mechanisms for verifying and moderating listings.

This transformation can be traced to 2024, when Anatel intensified its dialogue with major marketplaces and introduced the mandatory collection and validation of EAN codes for all mobile phone listings. The provision of consolidated databases of homologated devices — including both locally manufactured and officially imported models — allowed platforms to adjust their systems and identify non-compliant products with greater accuracy. This technical alignment reduced the circulation of uncertified devices without imposing unreasonable barriers on legitimate sellers.

Within the same context, Senacon strengthened its cooperation initiatives with the private sector, requesting removal of irregular listings and encouraging the updating of internal due diligence procedures. Platforms responded with more standardized contractual frameworks, improved automated filters, and revised seller-onboarding policies, thereby contributing to a safer environment for consumers and merchants.

Another relevant development was Anatel's 2025 resolution establishing joint and several liability for marketplaces and online stores involved in the sale of non-homologated devices. Although this represents an important regulatory milestone, the rule was accompanied by cooperative channels and practical guidelines that facilitated its implementation. Many platforms were already addressing the issue with increasing rigor, and the new legal framework largely consolidated practices that were already maturing.

The Brazilian Supreme Court's decision on Article 19 of the Marco Civil da Internet also produced indirect effects. By holding that online intermediaries are subject to proportional preventive duties when faced with clear indications of illegality, the Court reinforced the importance of consistent, transparent, and reasonable moderation mechanisms. For marketplaces already investing in governance and compliance, the ruling provided greater legal certainty for removal and prevention efforts.

Together, these factors help explain the contraction of the informal market. The integration of homologation databases, the development of automated detection tools, increased coordination among Anatel, the Federal Revenue Service, Senacon, and the Ministry of Justice, as well as the maturation of platforms' internal compliance systems, have created a more robust structure to curb irregular practices. The result stems not from isolated punitive action, but rather from a combined process of regulatory and technological adaptation.

Projections for 2026 point to the continuation of this collaborative model, in which authorities and companies share information, refine standards, and align incentives to protect consumers and reduce the weight of illegal market. With increasingly sophisticated compliance tools, the trend is for the sale of irregular mobile phones to

continue declining, while preserving the competitive and innovative dynamics of Brazilian e-commerce.

In this environment of growing regulatory consolidation, the recent issuance of Interpretative Declaratory Act RFB No. 3/2025 by the Brazilian Federal Revenue Service, is likewise expected to produce relevant effects. By standardizing the interpretation of procedures for the retention and disposal of goods seized in customs proceedings – by adopting the administrative procedure that requires right holders of infringed trademarks to issue a certificate of inauthenticity – the Federal Revenue Service reduces internal inconsistencies and increases administrative predictability.

The expectation is that this harmonization, together with other protective measures already implemented by the Brazilian government, will contribute to a more consistent handling of irregular merchandise, including mobile phones introduced into the country without meeting legal requirements, reinforcing the broader set of initiatives that has been discouraging informal trade.

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