

Digital Markets Bulletin



*October
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CGM Advogados highlights the main regulatory and competition developments regarding digital platforms in Brazil

The firm closely follows legislative discussions, Supreme Court judgements, and CADE investigations into major digital players.

São Paulo, October 2025.

CGM Advogados has been strategically following the main regulatory and competition debates involving large digital platforms in Brazil. Among the topics being followed, we highlight the legislative deliberations on the bill to regulate "big techs," the recent decisions of the Administrative Council for Economic Defense ("CADE") involving companies such as Google, Amazon, and Apple, the recent publication of the so-called "Digital ECA" (Digital Statute for Children and Adolescents), changes at the National Data Protection Agency ("ANPD"), the progress of the artificial intelligence regulation bill, and the developments of the Federal Supreme Court ("STF") ruling on the "Marco Civil da Internet" (Brazilian Civil Rights Framework for the Internet).

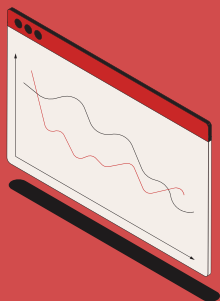


1 | Regulation of digital platforms: CADE may take on a central role

On September 17, 2025, President Lula submitted Bill No. 4,675/2025 - on the regulation of digital platforms - to the National Congress for consideration. The proposal, drafted by the Ministry of Finance, establishes an "ex ante" regulatory regime for platforms with "structural control power," with a focus on promoting competition, transparency, and interoperability. The main points of the proposal are:

- **Criteria for defining regulated platforms:** based on indicators such as number of users, market position, and ability to influence the digital ecosystem.
- **Specific conduct obligations:** including prohibition of self-preferencing practices, a requirement for interoperability and transparency in recommendation algorithms.

- **Functional separation mechanisms:** to avoid conflicts of interest between intermediation activities and direct competition with business users.
- **The ability to impose structural and behavioral remedies:** based on prospective analysis of competitive risk.
- **Creation of a specialized unit within CADE:** with powers for continuous monitoring, imposition of obligations, and coordination with other regulatory authorities.
- **Institutional cooperation:** with ANPD, National Telecommunications Agency ("Anatel"), Central Bank of Brazil, and others, to ensure regulatory coherence in converging digital environments.



The bill proposes amending the Brazilian Competition Law (Law No. 12,529/2011) to create the Superintendence of Digital Markets, with powers to investigate and monitor the activities and commercial practices of players with "systemic relevance" in digital markets (the platforms regulated by this new CADE superintendence).



The bill defines such agents as having the following main characteristics: (i) presence in one or more multi-sided markets, (ii) market power associated with network effects; (iii) existence of vertical integrations and activities in adjacent markets, (iv) strategic position for the development of third-party business activities, (v) access to a significant amount of relevant personal and commercial data, (vi) significant number of users; or (vii) offering multiple digital products or services. In addition, they must have annual gross revenue above BRL 50 billion worldwide, or above BRL 5 billion in Brazil.



If the bill is approved and enacted, the future Superintendence of Digital Markets will be able to initiate, investigate, monitor, and submit administrative proceedings to CADE's Tribunal to identify players of systemic relevance in digital markets, and may impose obligations on such players. Investigations initiated by CADE's General Superintendence regarding players of systemic importance in digital markets will be referred to the new unit.



The new superintendence unit will not analyze mergers and acquisitions or other forms of business concentration, even if they involve agents under its supervision.

The bill also establishes various types of special obligations that may be imposed by CADE's Tribunal on players of systemic relevance in digital markets.



The bill does not include rules on content distributed by digital platforms. This subject has been under the Federal Government's radar but still faces political resistance to moving forward.

1.1. Brazilian regulatory proposal is aligned with European and British models

As mentioned in our latest edition of the Digital Markets Bulletin, the Ministry of Finance's proposal is in line with international experiences, especially those of the European Union and the United Kingdom and differs from the more reactive approach adopted in the United States. To learn more about these key points of comparison, access the latest edition of our Bulletin [here](#).

1.2. Processing of the bill

The bill will be reviewed by various committees in the House of Representatives, but there is no deadline for those committees – or even the plenary House of Representatives – to deliberate on the proposal, considering that President Lula did not request constitutional urgency for the bill. Depending on the deliberations, the bill may be sent to the Plenary of the House of Representatives or directly to the Federal Senate for voting.



2 | CADE intensifies action on big techs and advances in institutionalizing antitrust policy for digital platforms

CADE has been expanding its role in investigations and decisions involving large digital platforms. In 2025, the agency made progress in relevant cases and announced institutional measures with the aim of consolidating a competition policy adapted to the dynamics of the digital economy. Among the highlights:

- **Creation of a specialized technical unit:** in June 2025, CADE's General Superintendent, Alexandre Barreto, confirmed the creation of a unit dedicated exclusively to the analysis of conducts and market structures involving digital platforms. The new structure, confirmed by the bill and already in the implementation phase, aims to speed up and deepen investigations in digital environments, recognizing that "time is different" in this type of market.
- **Google:** CADE is investigating possible self-preferencing practices in Google Shopping and favoritism in search results, as well as conduct in the programmatic advertising chain. The Jedi Blue case, which involved an alleged anti-competitive agreement with Meta, was dismissed, but generated relevant votes on criteria for analyzing vertical agreements in digital markets.

- **Amazon:** investigations analyze Amazon's undue advantage in favor of its own products (Amazon Basics), the use of third-party data to obtain an undue advantage, and possible practices to exclude competitors in the marketplace. The investigations are ongoing with a focus on the structure and operating logic of the marketplace.
- **Apple:** on June 30, 2024, CADE's General Superintendence recommended that Apple be convicted of anti-competitive conduct in the digital ecosystem of the iOS operating system. The investigation investigates alleged abusive practices by Apple, such as imposing exclusive use of its payment system by app developers (allowing only its own system to be used in-app) and restricting the distribution and marketing of third-party digital services outside the App Store (restriction on sideloading). The case will be analyzed by CADE's Tribunal of and has already been assigned to one of the commissioners for a final ruling. At the same time, an investigation is ongoing into possible abuse of dominant power through its App Tracking Transparency policy, which imposes limitations on third parties in the advertising services market. This investigation remains in the preliminary phase by CADE's General Superintendence.



3 | Digital ECA and updates at ANPD

On September 17, important regulations were published for the landscape of data protection and digital protection in Brazil: the Digital Child and Adolescent Statute (Law No. 15,211/2025 – the so called “ECA Digital”), aimed at strengthening the protection of children and adolescents in digital environments, together with Decree No. 12,622/2025 and Provisional Measure No. 1,317/2025, which redefine the structure and expand the powers of the ANPD. These changes not only reflect the attention given to the protection of data and vulnerable groups in Brazil’s digital environment but also strengthen the institutional role of the ANPD.

3.1. Digital ECA – Law No. 15,211/2025

As expected, on September 17 the President of the Republic enacted Law No. 15,211/2025, which addresses the protection of children and adolescents in digital environments – also referred to as the Digital Child and Adolescent Statute (Digital ECA). Below, we highlight some of the most relevant topics of the new law:

SCOPE OF THE DIGITAL ECA:

the law addresses the protection of children and adolescents in digital environments and applies to any information-technology product or service directed to, or likely to be accessed by, minors (under 18 years old) in Brazil, regardless of its location, development, manufacturing, offering, marketing, or operation.

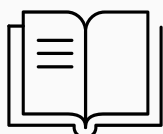


OBLIGATION:

among other obligations, it is noteworthy mentioning the need to ensure privacy and safety by design, manage risks, and classify content by age, block illegal/pornographic or age-inappropriate content; develop settings that prevent compulsive use, and display age ratings upon access. In addition, services that are improper, inadequate or prohibited for minors must adopt effective measures to prevent access, including reliable age verification at each access (self-declaration being forbidden).

NOTIFICATION AND CONTENT REMOVAL:

platforms must provide reporting channels and, upon notification by the victim, legal representative, Public Prosecutor's Office, or child-rights protection entities, promptly remove content that violates the rights of children or adolescents (regardless of a court order), while ensuring to the author of the content the right to challenge the decision. Journalistic content is excluded from these rules.

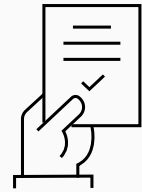


TRANSPARENCY:

large scale services (with more than 1 million children or adolescents as users in Brazil) must publish semiannual reports with the information described in Article 31 of the Digital ECA (including, but not limited to, available reporting channels and investigation systems/processes, the number of reports received and of content or account moderation actions, technical improvements for protecting children's and adolescents' data and for verifying parental consent; among other information).

SANCTIONS:

entities in breach of the Digital ECA may be subject to penalties including warnings; fines of up to 10% of the economic group's revenue in Brazil or, if there is no revenue, fines ranging from BRL 10 to BRL 1,000 per registered user (limited to R\$50 million per infraction); and temporary or definitive suspension of activities, without prejudice to other civil, criminal, or administrative sanctions.

**REPRESENTATIVE REQUIREMENT:**

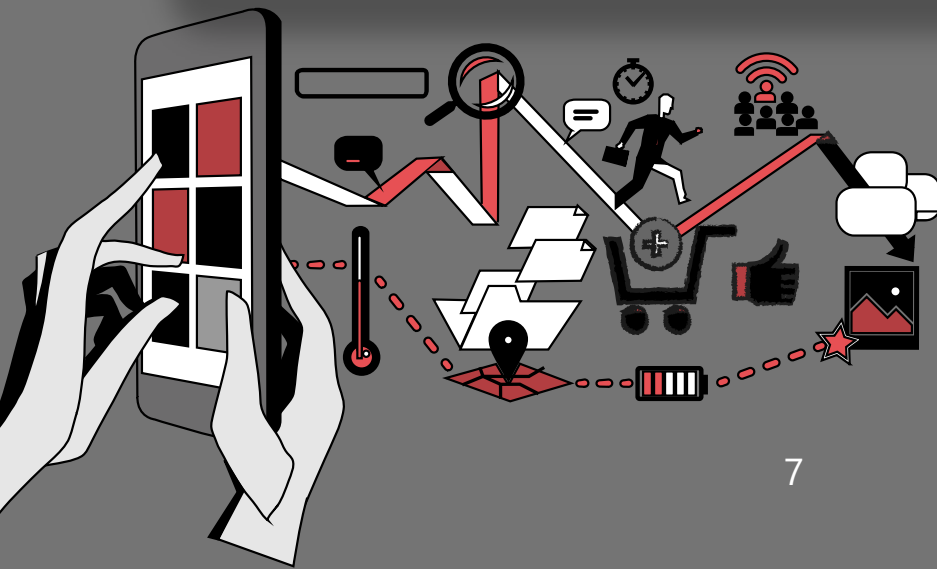
service or product providers located outside Brazil must keep a legal representative in Brazil with powers to receive summons, subpoenas, or notifications, among others, in any judicial or administrative proceeding, as well as to respond to public bodies and authorities and assume, on behalf of the foreign company, responsibilities before public administration authorities.

INDEPENDENT AGENCY:

the Digital ECA also provides that an independent administrative authority may issue complementary regulations and will have the power to oversee and enforce the Digital ECA. Per our comments below on Decree No. 12,622/2025 and Provisional Measure No. 1,317/2025, this role will be carried out by the newly restructured National Data Protection Agency (ANPD).

**ENTRY INTO FORCE:**

according to the text amended by Provisional Measure No. 1,319/2025, the Digital ECA will come into force six months after its publication, on March 17, 2026.



In relation to the original Digital ECA Bill of Law approved by the National Congress, the President of the Republic vetoed the following provisions:

- **Paragraph 7 of Article 35 of the Bill of Law**, based on formal unconstitutionality, as the intended legal provision assigned to the National Telecommunications Agency (Anatel) the authority to forward blocking orders and define the most appropriate technique for their implementation. This provision was deemed to have a defect of initiative, as it violated the Federal Constitution by granting new powers to Anatel.
- **Article 36 of the Bill of Law**, for being contrary to the public interest, as it established that fines imposed under the new legislation would be allocated to the National Fund for Children and Adolescents without specifying the duration of such allocation, as required by the 2025 Budget Guidelines Law.
- **Article 41 of the Bill of Law**, which sets forth that the law would enter into force one year after its official publication, for being contrary to the public interest, considering that such timeframe was incompatible with the urgency of the matter.

3.2. Provisional Measure No. 1,317/2025

With the issuance of Provisional Measure No. 1,317/2025, the ANPD, originally named National Data Protection Authority, becomes the National Data Protection Agency, with the status of a regulatory agency, linked to the Ministry of Justice, with functional, technical, decision-making, administrative, and financial autonomy.

This Provisional Measure also provides for the creation of new internal bodies within the ANPD, the establishment of a Data Protection Regulation and Oversight career track, as well as positions and functions to strengthen the ANPD's structure.

3.3. Decree No. 12,622/2025

To address the need for an independent administrative authority to protect the rights of children and adolescents in the digital environment, as established by the Digital ECA, and considering the structural changes to the ANPD introduced by Provisional Measure No. 1,317/2025, Decree No. 12,622/2025 was issued to regulate the aforementioned law and designate the ANPD as the authority responsible for such protection.

The Decree also establishes powers for the National Telecommunications Agency (Anatel) and the Brazilian Internet Steering Committee (CGI.br) to receive blocking court orders, within the scope of protecting children and adolescents in the digital environment.



4 | Artificial Intelligence (“AI”): Bill still under review in the House of Representatives

As mentioned in our last Bulletin, Bill of Law No. 2,338/2023, introduced by the Federal Senate, establishes the legal framework for the development and ethical use of artificial intelligence in Brazil. The proposal is currently under review by a Special Committee in the House of Representatives and has as its central axis the protection of fundamental rights, the promotion of innovation, and the mitigation of risks associated with AI.

In the last months, representatives from government agencies and companies have been appointed and included in the discussions on the impacts of regulation, and other bills of law addressing the subject have been attached to the Bill No. 2,338/2023. With the advance of the issues related to the regulation of digital platforms and the protection of children and adolescents in the digital environment, the pace of Bill No. 2,338/2023 has somewhat slowed. However, it is still possible that the final report will be presented in the second half of 2025, with the possibility of a plenary vote by the end of the year.

To understand the main points of the Bill of Law No. 2,338/2023, please refer to the latest edition of our [Bulletin](#).



5 | Partial unconstitutionality of Article 19 of the Brazilian Civil Rights Framework for the Internet

Finally, in our last Bulletin, we highlighted that, by majority of votes, the Supreme Court (STF) altered the interpretation of Article 19 of the Internet Civil Rights Framework for the Internet (Law No. 12,965/2014) ruling it partially unconstitutional.

With this ruling, article 19 – which originally established that internet application providers could only be held civilly liable for damages arising from third-party content if they failed to take action to remove such content after a specific court order – is now interpreted in a way that allows platforms to be held liable, even without a court order, in certain circumstances.

Although the full judgment has not yet been published, the precedent set under the general repercussion mechanism (*tese de repercussão geral*) on the matter established by the STF defines the parameters for the liability of digital platforms.

In line with the plea made by the STF to the legislator in the general repercussion thesis, it is expected that the Federal Government and the Congress will move forward with the drafting of a specific bill of law establishing rules on content distributed by digital platforms. As mentioned above, this issue is on the table, but it still faces political resistance to advance.

For more information on the parameters established by the general repercussion thesis, access the latest edition of our [Bulletin](#).

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