

# Maîtriser la récupération de crédits au Brésil

***Dan M. Kraft***

*Avocat au Brésil et au Québec*

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Barreau   
du Québec



OCCASIONS D'AFFAIRES

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# Maîtriser la récupération des crédits au Brésil

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  - Statistiques
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# Statistiques



The World Justice Project

## Brazil

Factors	Scores	Global Rankings	Regional Rankings	Income Group Rankings
Limited Government Powers	0.62	35/97	4/16	6/30
Absence of Corruption	0.52	38/97	3/16	8/30
Order and Security	0.64	69/97	6/16	18/30
Fundamental Rights	0.69	33/97	4/16	5/30
Open Government	0.54	31/97	4/16	7/30
Regulatory Enforcement	0.56	37/97	3/16	7/30
Civil Justice	0.55	43/97	3/16	11/30
Criminal Justice	0.49	52/97	3/16	15/30

Subfactors	Scores
7.1 People can access and afford civil justice	0.64
7.2 Civil justice is free of discrimination	0.69
7.3 Civil justice is free of corruption	0.66
7.4 Civil justice is free of improper government influence	0.69
7.5 Civil justice is not subject to unreasonable delays	0.26
7.6 Civil justice is effectively enforced	0.36
7.7 ADRs are accessible, impartial, and effective	0.58



# Statistiques

## The Global Competitiveness Index in detail

INDICATOR	VALUE	RANK/148
<b>1st pillar: Institutions</b>		
1.01 Property rights .....	4.6.....	51
1.02 Intellectual property protection .....	3.5.....	80
1.03 Diversion of public funds.....	2.3.....	133
1.04 Public trust in politicians.....	1.9.....	136
1.05 Irregular payments and bribes.....	3.9.....	72
1.06 Judicial independence.....	3.9.....	65
1.07 Favoritism in decisions of government officials .....	2.9.....	89
1.08 Wastefulness of government spending.....	2.2.....	132
1.09 Burden of government regulation .....	2.0.....	147
1.10 Efficiency of legal framework in settling disputes ....	3.3.....	101
1.11 Efficiency of legal framework in challenging regs. ...	3.5.....	68
1.12 Transparency of government policymaking.....	3.7.....	112
1.13 Business costs of terrorism .....	6.3.....	<b>22</b>
1.14 Business costs of crime and violence.....	3.4.....	124
1.15 Organized crime.....	4.0.....	126
1.16 Reliability of police services .....	4.3.....	64
1.17 Ethical behavior of firms .....	3.7.....	87
1.18 Strength of auditing and reporting standards .....	5.3.....	<b>31</b>
1.19 Efficacy of corporate boards .....	4.8.....	<b>44</b>
1.20 Protection of minority shareholders' interests .....	4.9.....	<b>26</b>
1.21 Strength of investor protection, 0–10 (best)* .....	5.3.....	69



### The Global Competitiveness Report 2013–2014

Klaus Schwab, World Economic Forum



Starting a Business	Dealing with Construction Permits	Getting Electricity	Registering Property	Getting Credit	Protecting Investors	Paying Taxes	Trading Across Borders	Enforcing Contracts	Resolving Insolvency
123	130	14	107	109	80	159	124	121	135

## Enforcing Contracts <sup>i</sup>

[View details >](#) [View methodology >](#) [Compare all economies >](#)

DB 2014 RANK **121** DB 2013 RANK\*\*\* **121** CHANGE IN RANK **0**

DB 2014 DTF\*\* (% POINTS) **49.98** DB 2013 DTF\*\* (% POINTS) **49.98** IMPROVEMENT IN DTF\*\* (% POINTS) **0.00**

Indicator	Brazil	Latin America & Caribbean	OECD
Time (days)	731	734	529
Cost (% of claim)	16.5	31.0	21.0
Procedures (number)	44	40	31

	Indicator
<b>Time (days)</b>	731
Filing and service	41
Trial and judgment	480
Enforcement of judgment	210
<b>Cost (% of claim)</b>	16.5
Attorney cost (% of claim)	12.6
Court cost (% of claim)	2.8
Enforcement Cost (% of claim)	1.1
<b>Procedures (number)</b>	44
<b>Number of Procedures</b>	45
Electronic filing of court cases	-1
<b>Total Number of Procedures</b>	44

# Institutions

## Pouvoir Judiciaire

CF/88 - Art. 5 (Droits et devoirs individuels e collectifs)

XXXV – aucune loi peut **exclure l'examen par le Judiciaire** d'un dommage où d'une menace à un droit.

LIII – personne peut être objet d'un procès où sentence, sauf quand conduit par une **autorité compétente**

LXXVIII devant les tribunaux judiciaires où administratifs à tous est assuré un **délai raisonnable** de durée du procès et les **moyens** qui garantissent leur **rapidité**

# Institutions

## Pouvoir Judiciaire

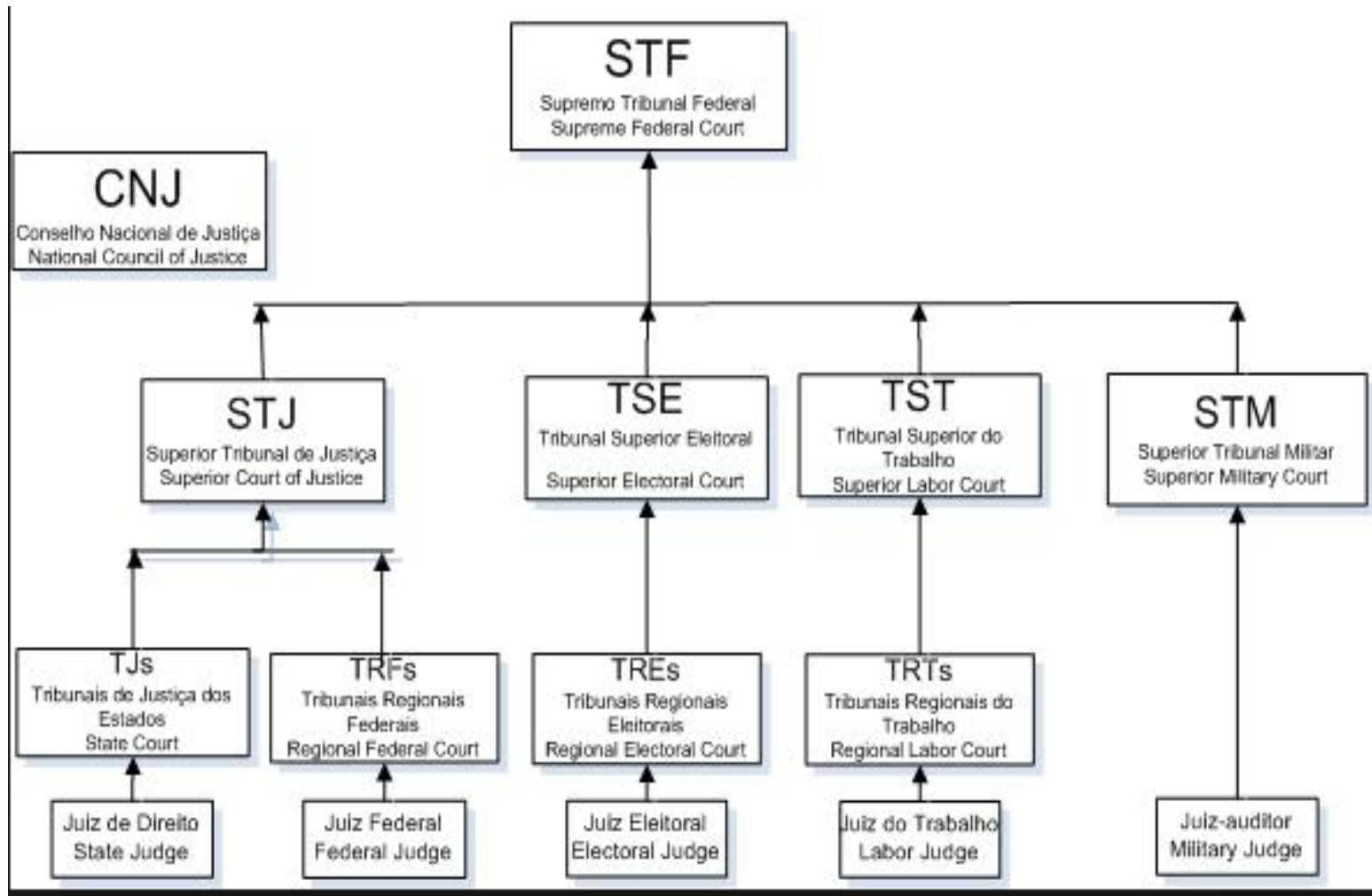
CPC - Art. 620. Si le créancier peut opter à récupérer son crédit par plusieurs moyens, le juge déterminera que cela se fasse par le moyen moins pénible au débiteur.

### Ordre pour saisir les biens du débiteur (art. 655):

- Argent
- Véhicules
- Biens meubles
- Biens immeubles
- bateaux/aéronef
- actions d'entreprise
- revenus...

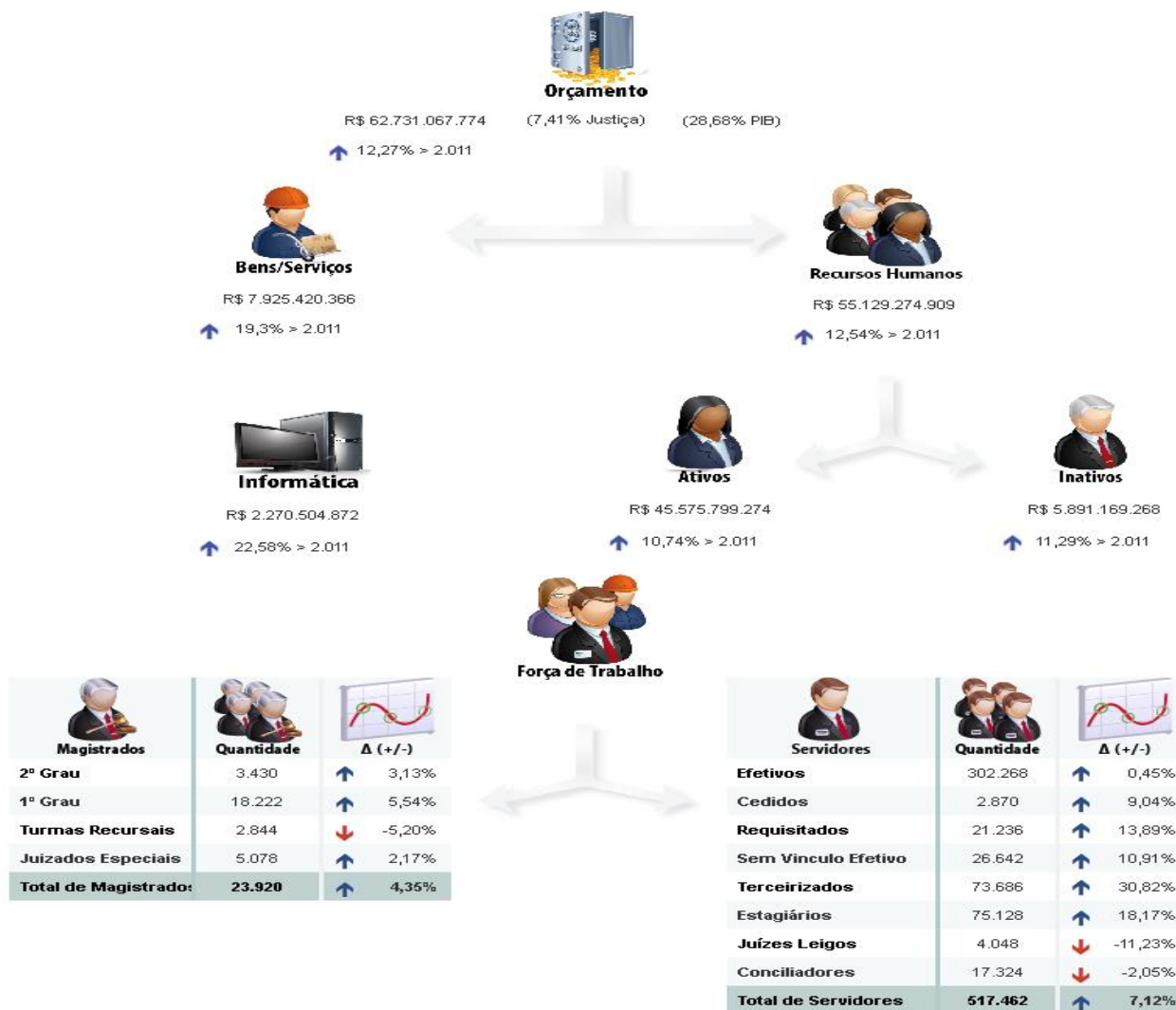


# Structure Judiciaria





# Machine Judiciária dos Estados (2012)



Grupo	Tribunal de Justiça Estadual	CP - Casos Pendentes		CN - Casos Novos		T Baix - Total de Processos Baixados		Sent - Total de Sentenças / Decisões	
Grande Porte	Minas Gerais	3.568.250	3°	1.784.162	4°	1.584.884	4°	1.529.268	4°
Grande Porte	Paraná	3.397.674	4°	1.332.182	5°	1.465.870	5°	1.077.814	5°
Grande Porte	Rio de Janeiro	8.062.108	2°	2.624.415	2°	2.355.881	2°	2.326.017	2°
Grande Porte	Rio Grande do Sul	2.442.682	5°	1.796.697	3°	1.697.944	3°	1.837.924	3°
Grande Porte	São Paulo	19.330.397	1°	5.811.195	1°	5.490.689	1°	4.434.120	1°
Médio Porte	Bahia	1.441.589	8°	728.248	7°	605.456	7°	523.911	8°
Médio Porte	Ceará	972.960	10°	356.262	11°	433.974	10°	334.556	11°
Médio Porte	Distrito Federal	567.628	15°	390.675	10°	423.127	11°	379.852	10°
Médio Porte	Espírito Santo	842.031	12°	352.460	12°	329.364	14°	287.579	14°
Médio Porte	Goiás	1.266.421	9°	505.923	9°	565.443	8°	526.133	7°
Médio Porte	Maranhão	442.071	19°	237.226	18°	266.479	15°	251.925	15°
Médio Porte	Mato Grosso	941.621	11°	303.218	15°	240.335	18°	240.229	16°
Médio Porte	Pará	682.239	14°	328.371	13°	368.264	13°	311.106	12°
Médio Porte	Pernambuco	2.090.428	6°	557.297	8°	459.746	9°	420.968	9°
Médio Porte	Santa Catarina	2.074.411	7°	826.948	6°	800.461	6°	731.621	6°
Pequeno Porte	Acre	77.327	26°	96.185	24°	104.475	24°	86.916	24°
Pequeno Porte	Alagoas	419.107	20°	173.144	22°	187.350	22°	152.437	22°
Pequeno Porte	Amapá	67.932	27°	71.273	27°	100.849	25°	69.336	25°
Pequeno Porte	Amazonas	690.336	13°	249.469	17°	252.795	16°	200.775	19°
Pequeno Porte	Mato Grosso do Sul	516.397	17°	304.867	14°	400.728	12°	300.392	13°
Pequeno Porte	Paraíba	544.352	16°	288.835	16°	228.957	20°	225.773	17°
Pequeno Porte	Piauí	145.497	24°	87.986	26°	56.629	26°	63.666	26°
Pequeno Porte	Rio Grande do Norte	369.452	21°	215.007	19°	248.221	17°	186.767	20°
Pequeno Porte	Rondônia	257.395	23°	210.247	20°	228.673	21°	181.945	21°
Pequeno Porte	Roraima	80.929	25°	94.943	25°	29.725	27°	31.418	27°
Pequeno Porte	Sergipe	450.713	18°	186.849	21°	231.487	19°	218.110	18°
Pequeno Porte	Tocantins	276.773	22°	125.955	23°	110.819	23°	90.605	23°
	<b>Justiça Estadual</b>	<b>52.018.720</b>		<b>20.040.039</b>		<b>19.268.625</b>		<b>17.021.163</b>	



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# Documents de Crédit

- Contrat
- Titre exécutoire extrajudiciaire / judiciaire
- Document de vente / livraison
- Absence de documents

# Actions

- Constitution du Crédit
  - Phase de connaissance
  - Phase d'exécution
  - Jurisdiction / compétence
- Justice X arbitrage
- Documents nécessaires pour démarrer
- Défis / attentes

# Remerciements

Dan Kraft

Montréal – (514) 903-9547

Brésil – (31) 4042-0550

[www.kraft.adv.br](http://www.kraft.adv.br)



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