

# **ACM's focus areas**

## **This is what ACM will do in 2022**

The mission of the Netherlands Authority for Consumers and Markets (ACM) is ensuring that markets work well for people and businesses, now and in the future. When markets function well, businesses compete fairly with one another, and people and businesses are not harmed by unfair practices. ACM protects people and businesses against misleading practices and abuse of dominant positions.

ACM enforces compliance with competition rules and consumer protection rules in most markets. In several specific markets, where monopolies exist, we also regulate consumer prices, such as those for energy distribution. In order to protect people and businesses against market power in advance, ACM assesses mergers and acquisitions. Through our educational efforts, we also help consumers exercise their rights. And, drawing on our experience as regulator, we give advice to lawmakers with regard to regulation. The trends and developments that ACM sees also often transcend our national borders and the boundaries of our areas of competence. That is why we work closely together with other regulators, both at home and abroad, with representatives of consumers and businesses, as well as with many other organizations in order to ensure that markets work well.

### **Keeping a close watch on markets, keeping an eye on all people**

The rules that ACM enforces are aimed at people and businesses. ACM finds it important that markets work well for all people, including those that are in vulnerable positions or individuals whose level of self-reliance is lower than average. To that end, we need to be in close contact with the ones we ultimately do it for, especially for those that have a harder time finding us. ACM already works closely together with civil-society organizations so that ACM can be found and reached more easily. In addition, we constantly look for new ways to incorporate reports and perspectives from as many people as possible into our activities. In that way, we prevent that we miss any market problems or that we choose solutions that only work for some people but not for others. Over the next 12 months, ACM will flesh out its initiatives.

### **2022-2023 ACM Agenda**

We do not just want to penalize violations, but we also want to tackle the underlying causes and prevent repeat violations. It's about making a difference on a societal level. That requires the ability to read the room, as well as making choices about what we will focus on. That is why, once every two years, ACM announces several topics for its Agenda. In 2022-2023, ACM will focus on the following three topics:

1. The energy transition and sustainability transitions
2. The digital economy
3. The housing market

### **The energy transition and sustainability transition**

Combating climate change is one of the top priorities of lawmakers and of society as a whole. In the execution of its regulatory duties, ACM wishes to help realize the energy transition as much as possible, as well as help society make the transition towards more sustainability. At the same time, the current energy crisis underscores the urgent yet continued importance of energy affordability and security of supply. The recent collapses of energy suppliers have sometimes led to economic hardship among financially vulnerable individuals. Throughout these difficult times, ACM has been sufficiently able to protect security of supply, but has struggled with its limited arsenal of tools to protect consumers against the financial consequences of bankruptcies. In 2022, ACM will evaluate the use of its regulatory instruments during the energy crisis. At the same time, ACM will continue to create conditions for a more sustainable supply of energy. In addition, ACM helps realize more sustainable products and services, for example, by taking enforcement action against misleading sustainability claims.

Some of ACM's activities in 2022:

- Checking whether system operators make the necessary investments for expanding their system capacities while maintaining the quality of those systems. In that context, ACM will also pay attention to the choices that system operators make in that regard, in light of the energy transition.

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- Giving system operators room to experiment with new energy carriers such as the transport of hydrogen.
- Helping solve congestion on the grid (congestion prevents the grid from handling the increase in demand or supply). ACM does so by paying extra attention to reasonable connection deadlines for system operators, and developing a standard for that. ACM will additionally develop standards for the handling of congestion.
- Sitting down with policymakers about the organization of the energy market for consumers, on the basis of our experiences with oversight during the energy crisis;
- Giving competitors room for making sustainability agreements with each other (under certain conditions), in advance of European rules;
- Continuing to deal with misleading sustainability claims used in connection with products and services.

### **The digital economy**

As consumer authority and enforcer of competition rules, ACM takes a critical look at trends and developments in the digital economy. Risks in the digital world partially differ from those in the 'analog' economy. For example, as a result of the dynamic nature of the digital economy, dominant market participants emerge sooner, such as big platforms, on which consumers and businesses are dependent. Furthermore, businesses are more and more able to steer and influence consumers. Algorithms are a key driver behind that dynamic. In our oversight of abuse of dominance and misleading practices towards consumers, ACM will work closely together with regulators at home and abroad. In addition, ACM ensures that people and businesses will have access to well-functioning digital infrastructures at a reasonable price.

Some of ACM's activities in 2022:

- Dealing with the exertion of undue influence on consumers (primarily young consumers) in digital ecosystems such as games;
- Dealing with fake engagement such as unfair reviews and likes;
- Confronting online services and platforms with unreasonable general terms and conditions;
- Finalizing the market study into cloud services;
- Publishing guidelines 'IT in the health-care market', clarifying competition rules for IT suppliers and other market participants in the health-care market.
- Handing down decisions regarding access for telecom providers without networks of their own to fixed networks;
- Clarifying the preconditions for shutting down 2G and 3G networks and those for collaborations between market participants in the roll-out of 5G.

### **The housing market**

The Dutch housing market is extremely tight at the moment. Many people have a hard time finding affordable housing. ACM has a small role on the housing market, but the protection of consumers against unfair practices by providers on the housing market (rentals and sales) deserves special attention. In addition, ACM will assess whether distortions of competition exacerbate the housing shortage.

Some of ACM's activities in 2022:

- Conducting a market study into market power on the municipal-land market, with extra attention to 'stalled sites', which are plots that can be developed, but where no development is planned;
- Intensifying our oversight of rental agencies and realtors in order to deal with illegal agency fees. In addition, through our consumer information portal ACM ConsuWijzer, we will provide homeseekers with more information about what fees rental agencies can and cannot charge.

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### **Other activities in 2022:**

- We protect consumers against traders that take advantage of urgent situations. Think of emergency services such as locksmiths and plumbers. In addition, we wish to prevent consumers that go online looking for a specific government service from unintentionally ending up with a commercial intermediary by tracking down unfair online customer-attraction practices by such intermediaries.
- We have been granted a new regulatory duty under the new Dutch Act regarding unfair commercial practices in the agricultural and food supply chain (in Dutch: 'Oneerlijke Handelspraktijken Landbouw'). This law strengthens the bargaining position of farmers, growers, and fishermen vis-à-vis major buyers. People are invited to file reports with ACM regarding unfair commercial practices in these sectors.
- We will step up our detection and enforcement activities with regard to abuse of dominance on the prescription-drug market. In that context, ACM in 2022 will pay particular attention to excessive prices and barriers to entry around the time when the patents of expensive drugs expire.
- We proactively give policymakers input for their discussions about how the desired enhancement of direction and cooperation in the health-care industry can be implemented best. In that context, we pay special attention to the prevention of dominant positions, and to ensuring there is room for a diverse and innovative range of health-care services.