

Please note that, although every effort has been made to ensure this translation is accurate and consistent, it is for informational purposes only. In case of any dispute or inconsistencies, the Dutch version is authentic.

Procedure of the Minister of Economic Affairs of 15 March 2013, no. WJZ/12356756, containing rules on the provision of information and intelligence by the Netherlands Authority for Consumers and Markets, and amending several ministerial regulations in connection with the establishment of the Netherlands Authority for Consumers and Markets (Procedure on the Provision of Information by ACM)

The Minister of Economic Affairs;

Considering Section 67, paragraph 2, subparagraph b of the State Taxes Act; Section 14, paragraph 4 of the Services Act; Section 4a, paragraph 3, Section 21, paragraph 3, Section 40a, Section 80, paragraph 2, and Section 95k, paragraph 5 of the Dutch Electricity Act; Section 8, paragraph 3, Section 52a, paragraph 3, Section 66, paragraph 2, and Section 81e, paragraph 2 of the Dutch Gas Act; Section 7, paragraph 3, subparagraph a of the Establishment Act of the Netherlands Authority for Consumers and Markets; Section 14, paragraph 2 of the Framework Act for autonomous administrative authorities; Section 23, paragraph 2, Section 25, paragraphs 1, 3 and 6, Section 27, paragraph 2 of the Dutch Postal Act; Section 36, paragraph 3, subparagraph e of the Dutch Railway Act; Section 2.1, paragraph 5, subparagraph b, Section 2.3, paragraphs 3 and 4, and Section 6a.19, paragraph 2 of the Dutch Telecommunications Act; Section 65 of the Dutch Health Care Market Regulation Act; Article 2, paragraph 1 of the Decision regarding the number application process; Article 5 of the Decision on the alternative allocation of numbers; Article 3.5a, paragraph 1 of the Decision on universal service and end-user interests; Article 5 of the Decision on fees under the Dutch Telecommunications Act; Article 20 of the Decision regarding mobile-telecommunication licenses; Article 8a, paragraph 3 of the Decision on Drinking Water; Article 12 of the Decision on Frequencies; Article 7, paragraph 3 of the Decision on Postal Services.

Decides;

§ 1. Provision of information and intelligence

Article 1

In this decision, the act is understood to be the Establishment Act of the Netherlands Authority for Consumers and Markets.

Article 2

1. The Netherlands Authority for Consumers and Markets (ACM) is authorized to provide information and intelligence to the following administrative authorities, agencies, and regulators, insofar such is necessary for the proper execution of their tasks:
 - a. *The Dutch Tax Administration / Fiscal Intelligence and Investigation Service & Economic Investigation Service (FIOD-ECD)*: information and intelligence for the purpose of tracking down violations of tax law;
 - b. *Public Administration Probity Screening Agency (Bureau BIBOB)*: information and intelligence needed for issuing an advisory opinion at the request of ACM within the meaning of Section 9 of the Public Administration Probity Screening Act (Wet BIBOB);
 - c. *The Central Fund for Public Housing*¹: information and intelligence for the purpose of the task laid down in Section 71a of the Dutch Housing Act;
 - d. *Dutch Data Protection Authority (DPA)*²: information and intelligence for the purpose of the task laid down in Section 51 of the Dutch Data Protection Act;
 - e. *The Dutch Copyright Supervisory Board (CvTA)*: information and intelligence for the purpose of the task laid down in Section 2, paragraph 2 of the Dutch Act regarding Oversight of Collective Management Organizations for Copyrights and Neighboring Rights;
 - f. *The Dutch Media Authority (CvdM)*: information and intelligence for the purpose of the task laid down in Section 7.11 of the Dutch Media Act;
 - g. *The National Crime Squad (Dienst National Recherche) of the Dutch National Police*: information and intelligence for the purpose of tracking down and combating cybercrime;
 - h. *The Dutch Health Inspectorate*³: information and intelligence for the purpose of compliance with Sections 82 through 96 of the Dutch Medicines Act;
 - i. *The Netherlands Gaming Authority*: information and intelligence for the purpose of the task laid down in Section 33b of the Dutch Betting and Gaming Act;
 - j. *Digital government service Logius*: information and intelligence for the purpose of oversight of certification service providers within the meaning of Section 1.1 of the Dutch

¹ Translator's note: Currently the Housing Associations Authority (Aw), part of the Human Environment and Transport Inspectorate (ILT).

² Translator's note: In the Dutch text, the former name is used: *College Bescherming Persoonsgegevens*.

³ Translator's note: Currently the Dutch Health and Youth Care Inspectorate (IGJ).

Telecommunication Act;

- k. *The National Cyber Security Centre*: information and intelligence for the purpose of tracking down and combating cybercrime;
 - l. *The Dutch central bank DNB*: information and intelligence for the purpose of the task laid down in Section 1:24 of the Financial Supervision Act, Section 151 of the Dutch Pensions Act, and Section 146 of the Occupational Pension Scheme (Mandatory Membership) Act;
 - m. *The Dutch Healthcare Authority (NZa)*: information and intelligence for the purpose of the task laid down in Section 16 of the Health Care Market Regulation Act;
 - n. *The Dutch Public Prosecution Service (OM)*: information and intelligence for the purpose of the task laid down in Section 124 of the Judiciary Organization Act;
 - o. *The Dutch Tax Administration*: information and intelligence for the purpose of enforcement of Dutch tax law, as referred to in Section 2, paragraph 1, subparagraph a of the State Taxes Act;
 - p. *The Dutch Authority for the Financial Markets (AFM)*: information and intelligence for the purpose of the task laid down in Section 3.1 of the Dutch Act on Enforcement of Consumer Protection (Whc) and Section 1:25 of the Financial Supervision Act.
2. ACM is authorized to provide information and intelligence to individuals or boards, working under the authority of the Minister of Economic Affairs⁴ or the Minister of Infrastructure and the Environment⁵, insofar such is necessary for the proper execution of the powers statutorily granted to them to issue decisions or to carry out acts other than issuing decisions.

§ 2. Amendments to and repeals of ministerial regulations

Article 3

[eds. Amends the Drinking Water Regulation]

Article 4

[eds. Amends the Postal Regulation 2009]

Article 5

[eds. Amends the Regulation concerning the application process when granting licenses in order of

⁴ Translator's note: Currently the Minister of Economic Affairs and Climate Policy.

⁵ Translator's note: Currently the Minister of Infrastructure and Water Management.

receipt]

Article 6

[eds. Amends the Regulation concerning the administrative process for numbers]

Article 7

[eds. Amends the Regulation concerning buyers and monitoring the Dutch Electricity Act and Dutch Gas Act]

Article 8

[eds. Amends the Regulation concerning categories of personal data in connection with the Health Care Market Regulation Act]

Article 9

[eds. Amends the Regulation concerning the evaluation of the Dutch Electricity Act and the Dutch Gas Act]

Article 10

[eds. Amends the Regulation concerning putting railway vehicles into service]

Article 11

[eds. Amends the Regulation concerning the information profile for DCS 1800]

Article 12

[eds. Amends the Regulation concerning the information profile for DCS 1800 in combination with GSM]

Article 13

[eds. Amends the Regulation concerning the information profile for GSM]

Article 14

[eds. Amends the Regulation concerning quality aspects of system operation with regard to electricity and natural gas]

Article 15

[eds. Amends the Regulation concerning metering tariffs]

Article 16

[eds. Amends the Regulation concerning the minimum package of leased lines]

Article 17

[eds. Amends the Regulation on the universal service and end-user interests]

Article 18

[eds. Amends the Regulation concerning the procedures for auctioning and drawing lots for numbers]

Article 19

[eds. Amends the Regulation concerning the trusted service list]

Article 20

[eds. Amends the Implementation regulation for the State Taxes Act]

Article 21

[eds. Repeals the Regulation concerning the legal position of permanent members of the Netherlands Independent Post and Telecommunications Authority (OPTA)]

§ 3. Final provisions**Article 22**

This regulation shall enter into force when Section 2 of the Establishment Act of the Netherlands Authority for Consumers and Markets enters into force.

Article 23

This regulation shall be cited as: Regulation on the provision of information by ACM.

This regulation shall be published with its explanatory notes in the Dutch Government Gazette.

The Hague, 15 March 2013

The Minister of Economic Affairs,
H.G.J. Kamp