



The digital economy

Promoting fast and affordable broadband

The Netherlands Authority for Consumers and Markets (ACM) does its best to ensure that everyone has fast broadband connections, for example by stimulating the roll-out of fiber-optic connections and 5G. In addition, ACM in 2021 will complete **a study into the price trends and innovation in the market for fixed telecom and broadband services** in order to find out whether this market is functioning properly at the moment. On the basis of that study, among other things, ACM will **offer more clarity regarding the future regulatory regime on the fixed-telecom market**. New legislation offers more opportunities for offering telecom providers without their own networks access to a fixed network if that is needed for ensuring that the market functions properly.

Enforcement actions against online misleading practices

In its **Guidelines on the protection of the online consumer**, ACM explains at what point online persuasion turns into online deception. On the basis of those guidelines, we will start taking **enforcement actions** in 2021. ACM welcomes any indications and reports about problems that are covered in the guidelines, for example about misleading designs of websites, and about paid rankings that do not meet the requirements as set out in the Guidelines.

Keeping a close watch on algorithms

Algorithms play an increasingly larger role in the way businesses offer their services. ACM continues to invest in its oversight of algorithms. We launched a trial to see how we can **monitor algorithms** used by market participants. This experience helps ACM design its oversight of algorithms in practice, and it helps us in informing market participants about what they can expect if ACM checks their algorithms.

Investigation into access of payment apps to NFC chips

We launched an **investigation into the access of payment apps** to the so-called *near field communication* (NFC) chips found in mobile phones. NFC technology offers the ability to make contactless payments in brick-and-mortar stores using your smartphone. Some smartphones will deny payment apps other than those of their manufacturers access to the NFC chip. ACM wishes to find out whether the rules have been violated, whether innovation with regard to payment apps has been restricted, and whether the freedom of choice of consumers and businesses has been restricted.

Sector inquiry into IT systems in the health care sector

In 2021, ACM publishes its **sector inquiry into digital information systems of hospitals**. These information systems play an important role in innovation in the health care sector, and also with regard to the proper exchange of information. With the sector inquiry, ACM will get a better picture of potential market problems that are associated with digital information systems of hospitals.

Completing an investigation into terms and conditions of app stores

App stores are a crucial link in many digital business chains. Businesses must have access to app stores in order to reach their consumers through apps. The terms and conditions that providers of app stores use thus have **an effect on the innovation and functioning of many digital markets**. In 2021, ACM will **complete an investigation** into the terms and conditions used by one of those providers of app stores.

Study into apps for public transportation

ACM will **complete a study into online platforms** that allow travelers to plan, book, and pay for trips from doorstep to destination. These so-called **MaaS-services (Mobility as a Service)** are expected to stimulate the use of public transportation as well as, for example, the use of bike-sharing programs, and to lower people's dependency on their own cars. In that way, MaaS contributes to sustainability. It is important that all providers (both large and small, new and existing) get the opportunity to offer innovative mobility services. We want to **identify** what potential obstacles the public-transportation market is facing that are limiting the growth of this market.

The energy transition

Keeping in mind the balance between affordability and the energy transition

The Netherlands is fully committed to the sustainable-energy transition. ACM expects the energy transition to lead to higher costs. Besides affordability, energy affordability for consumers is another public interest that ACM protects. That is why we will **keep in mind the balance between the promotion of the energy transition and energy affordability for consumers**, both in the short term and in the long term. In 2021, we will look for that perfect balance in our method decisions for system operators between, on the one hand, energy affordability and, on the other hand, sufficient opportunities for operators to invest in the energy transition.

Taking action against misleading claims about sustainability

Consumers more and more often wish to make sustainable choices when purchasing products or services. We stimulate this by making sure that, in their purchasing decisions, consumers are able to rely on honest and clear information, for example about the origin of their power or when adding insulation to their homes. That is why, in 2021, we will **take action against businesses that make misleading claims** about the sustainable qualities of their products and services. In 2021, we will **check whether energy suppliers inform their customers properly** about the origin of their electricity, not just of their green power, but also of their gray power. In addition, we will deal with businesses that are unclear about the price of electricity when using charging stations, or about their offers for participating in wind energy, or with regard to their energy contracts in their customer-recruitment efforts.

Information about collaborations between businesses with regard to sustainability

On the basis of the draft version of its Guidelines regarding sustainability agreements, ACM will **offer information to businesses that launch collaborations with regard to sustainability**. We are ready to examine how to make sustainability arrangements compatible with the rules. If the principles laid down in the guidelines are followed in good faith, but the arrangements turn out to be at odds with competition rules, ACM will seek adjustments to those arrangements, but it will not impose any fines. In early-2021, we will publish a new draft version of the guidelines, which we will use, among other purposes, as input in the European debate about this topic.

Latitude for experiments with new energy sources

For the energy transition to be successful, it is necessary that market participants have sufficient latitude to innovate and experiment. That is why ACM devotes attention to studies into new energy sources. In that context, ACM will examine to what extent it is able to give **system operators in 2021 more latitude for experiments** in order to stimulate the energy transition, for example with regard to hydrogen.

Assessments of the Energy Act and Heat Act

This year, the Dutch Minister of Economic Affairs and Climate Policy (EZK) is expected to submit the bills for a new **Energy Act** and a new **Heat Act** to the Dutch House of Representatives. The new Energy Act will combine the current Dutch Gas Act and the Dutch Electricity Act. This new statutory framework will support and promote the energy transition. The Heat Act contains expanded duties for ACM. Oversight of heat companies will help boost consumer confidence in the supply of heat as an alternative to natural gas. That is good for the energy transition. **ACM will assess the feasibility and enforceability of these new rules**, before the bills are sent to the Dutch House of Representatives.

Stimulating a resolution to congestion problems on energy networks

In 2021, ACM will adjust the **rules** for system operators so that it becomes clearer what their rights and obligations are in the case of congestion on their networks. In this way, ACM wishes **to stimulate actively an expedited resolution to any problems on the network** as a result of congestion. By congestion, ACM means bottlenecks in the network, where there is insufficient capacity to meet demand for the distribution of electricity or natural gas. Such congestion is also an obstacle for the energy transition.

Effects of the coronavirus (COVID-19) pandemic

Distribution of the effects of the coronavirus crisis

The effects of the coronavirus crisis are not felt equally among individuals and businesses in the Netherlands. **Some groups and sectors are hit harder than other ones.** As part of its mission to ensure that markets work well for people and businesses, ACM in 2021 will devote attention to the **distribution effects** of the crisis in general, and, more specifically, to those of its oversight. In that context, ACM will look at, among other aspects, the distribution between individuals and businesses, but also between businesses and groups of individuals.

Extra attention for vulnerable consumers

ACM **educates consumers about their rights** through its consumer information portal ACM ConsuWijzer. In that context, ACM in 2021 will devote extra attention to the protection of individuals in vulnerable positions, which have worsened as a result of the coronavirus (COVID-19) pandemic. We remind individuals of their rights, and offer support when they wish to exercise those rights, for example, by urging businesses in sectors that have been hit by the pandemic to fulfill their obligations. Think of, for example, paying out vouchers for cancelled trips or live events.

Good practices for collaborations in the health care sector

In 2021, ACM will pay special **attention to concrete plans for far-reaching forms of collaborations in the health care sector** and it will publish several **good practices**, which are real-world examples that are allowed. In order to keep health care accessible, affordable, and of high quality, now and in the future, it is necessary to work together in the sector. The coronavirus crisis has re-emphasized the importance thereof. In its policy rule 'The right care in the right place' (JZOJP), ACM explained how it will conduct oversight over such collaborations. Competition rules do offer latitude for collaborations, as long as they are in the interests of patients and insured.

Preliminary study into the consequences for the retail industry

ACM will study the potential consequences of the crisis on retail markets. Visitor numbers to and turnovers of brick-and-mortar stores are expected to suffer a structural decline, and vacancy rates in traditional main streets (or high streets) are expected to go up. That will have a negative effect on the appeal of those same main streets and stores. ACM will launch a **preliminary study** into this broader problem, and will sift through

its regulatory toolkit in order to see if, in any way, it can help physical markets function well, and help downtown areas stay livable.

What else will ACM do?

Taking action against buyer agreements

In 2021, ACM will complete various investigations into **illegal buyer agreements** made among competitors regarding the prices they pay to their suppliers. Suppliers do not get the opportunity to sell their products at competitive prices, and thus receive lower prices for their products. In 2021, ACM will publish the results of **an investigation into a buyer agreement** involving reusable waste products, as well as the results of an investigation into a possible buyer agreement in the agricultural sector.

Unfair commercial practices in the agricultural sector

In its monitor of the agricultural sector, ACM will launch another study into the **prices of agricultural products**. This monitor shows for each link in the chain a product's purchasing price that undertakings pay as well as its selling price. The monitor thus paints a perfect picture of how those markets function, and shows what obstacles exist to a more sustainable production.

Investigations into the influence of suppliers on the prices of retailers

Many suppliers keep an eye on the consumer prices that retailers charge. In some cases, **undue pressure** may be exerted on retailers to raise their prices. That is not allowed. It prevents retailers from setting their own prices, and competition between retailers is reduced. **In 2021, ACM will complete two investigations** into such practices, one involving consumer electronics, and the other involving the home-decor sector.

Affordability of expensive prescription drugs

Competition in the pharmaceutical sector helps promote innovation and safeguard the affordability of prescription drugs. ACM enforces compliance with the competition rules among drug manufacturers, including **the prohibition of charging excessive prices by dominant undertakings**. In that context, ACM in 2021 will **complete an investigation**, and it will actively look for reports that may indicate abuse of dominance.

The effect is central in consumer protection

Consumers must be able to navigate markets with confidence, and, when doing so, be able to make the right choices. That is why businesses that offer products to consumers are required to provide clear information about those products. Such information must be easy-to-find and easy-to-understand. ACM in 2021 will, **together with businesses, assess the actual effectiveness of their online communications**. ACM also challenges businesses to improve that effectiveness. For example, ACM is working on transparency standards that will actually benefit consumers.

Post-pandemic public-transportation monitor

Public transportation has suffered immensely because of the coronavirus pandemic. ACM will **closely follow the recovery of various sectors**, and, in that context, will pay special attention to the level playing field in the rail sector (passengers and freight, national and international). We will publish an **updated public-transportation monitor**, and, in future monitors, we will pay special attention to sustainability aspects in transportation.