



Netherlands Consumer Authority  
*Ministry of Economic Affairs, Agriculture and  
Innovation*

# 2012

# 2013

## AGENDA

Please note: This is an interactive PDF file. [Click on the underlined words in the text to access additional information.](#)

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# About the Netherlands Consumer Authority

## Promoting fair business practices between businesses and consumers

Since January 1, 2007, the Netherlands Consumer Authority (CA) has enforced compliance with consumer protection laws in the Netherlands, promoting fair business practices between businesses and consumers. Its most important tasks are: taking action against [collective violations](#) of consumer protection laws, and stimulating consumers and businesses to increase their knowledge about their rights and obligations. To that end, it pursues a problem-solving enforcement approach in order to achieve the best result possible for consumers. The CA is part of the Ministry of Economic Affairs, Agriculture and Innovation.

## Mission and tasks

The mission of the CA is to promote fair business practices between businesses and consumers, taking the economic interests of consumers as its starting point.

Our most important tasks are:

1. Ending collective violations of consumer protection laws.
2. Informing consumers about their rights and obligations, and stimulating consumers to exercise their rights.

## Taking action against violations of consumer protection laws

Under the Dutch Act on Enforcement of Consumer Protection, the CA is authorized to take actions against collective violations of consumer protection legislation:

### Consumer protection legislation

- [unfair business practices](#)
- [electronic commerce](#)
- [general conditions](#)
- [consumer purchases and warranty](#)
- [distance selling](#)
- [package holidays](#)
- [door-to-door selling](#)
- [price transparency in the airline industry](#)
- [obligation to provide information when providing services](#)
- [timeshare](#)

Source: More information on the laws and regulations the Netherlands Consumer Authority enforces can be found on [www.consumentenautoriteit.nl](http://www.consumentenautoriteit.nl).

Most of the consumer-protection-related legislation has been set out in the Dutch Civil Code. The CA can take action in domestic cases, but also in cross-border cases. For example, this may be cases where the provider is established in the Netherlands and the aggrieved consumers live in another Member State of the European Union.

## Informing consumers about their rights and obligations

Through consumer information portal ConsuWijzer, the CA informs consumers about their rights and obligations. Another aim of ConsuWijzer is to empower consumers, stimulating them to exercise their rights vis-à-vis providers.

ConsuWijzer is jointly operated by the CA, the Netherlands Independent Post and Telecommunication Authority (OPTA) and the Netherlands Competition Authority (NMa). ConsuWijzer can be reached by phone, email, regular mail and online. Consumers can turn to ConsuWijzer for questions about and facts on current issues, reporting abuses and negative experiences with providers. Furthermore, ConsuWijzer provides detailed information on various consumer-related topics, and offers information on important consumer issues. It also helps consumers in other ways: checklists, sample letters and a shop scan. Armed with these kinds of tools, consumers are able to prepare themselves for situations in which they need to stand up for their rights.



# About the Agenda

The indications and reports submitted to ConsuWijzer provide the Netherlands Consumer Authority (CA) with valuable information, which can be used in its enforcement efforts. Informing consumers and taking enforcement actions thus enhance each other.

## Objective of the Agenda

The Agenda is the CA's compass. The focus areas in the Agenda provide the CA's regulatory and enforcement activities some direction. Furthermore, the Agenda provides insight in the choices the CA makes regarding the use of its staff and resources. The CA wants to allocate its resources to those areas where they are needed most, based on the thereto relevant criteria. In addition, it aims to use its staff and resources effectively to such an extent that consumer problems are solved quickly and effectively.

Since 2010, the CA sets its Agenda for a period of two years. This two-year period was chosen because it turns out that structural, industry-wide and appreciable behavioral changes are rarely achieved within a single year. Next to the allocation of staff and resources to the focus areas, the CA is able to reserve capacity to respond to unexpected consumer problems which fall outside the scope of the focus areas. In other words, in such situations, too, does the CA take action to prevent or reduce consumer harm. Actively monitoring potential consumer problems, which can occur in various areas, will therefore continue to play an important role in order to identify these problems on time.

## Focus areas from the previous Agenda

The CA has observed a marked improvement in the areas the CA focused on in 2010 and 2011. Several focus areas will therefore not return in the 2012-2013 Agenda. However, the CA will obviously continue to monitor these areas, such as [SMS services](#) and [warranties](#), and take action if so needed. After all, it is vital that the CA's efforts result in structural behavioral changes.

## The selection of subjects

The subjects in this Agenda have been selected on the basis of information about (collective) consumer problems, coming from various sources. Most of the time, this information involves indications the CA has obtained through investigations of its own, and through ConsuWijzer. The selection is also based on information from consumer organizations, self-regulation bodies, and media reports. In June 2011, the CA held a meeting with social organizations, which contributed tremendously to the selection of the subjects in the Agenda.

## Criteria for selecting the focus areas

The CA uses fixed prioritization criteria according to which the focus areas are weighed and selected. These criteria are:

### Criteria for selecting focus areas

- The extent of consumer harm: a large group of consumers is harmed and the harm per consumer is considerable.
- The impact on consumer confidence: certain subjects are relevant from the perspective of repairing or enhancing consumer confidence.
- The impact on the market: certain behavior has a negative impact on the level of (fair) competition.

### Involvement of social organizations

Under the Dutch Act on Enforcement of Consumer Protection, the CA has created the [National Forum](#). The CA and social organizations, such as consumer organizations and central associations of undertakings, participate in this Forum to discuss and harmonize consumer protection initiatives, and to inform parties about the effects of consumer protection. The development of the CA's new Agenda is a recurring item on the Forum's agenda. Apart from the fact that the National Forum continues to be a statutory requirement under the [Dutch Act on Enforcement of Consumer Protection](#), the three merging authorities (CA, OPTA and the NMa) plan to get the social organizations involved in the creation of an Agenda for the upcoming Netherlands Authority for Consumers and Markets (ACM).

### Consultation

Based on available information and existing prioritization criteria, the CA selected its focus areas. These were laid down in a draft Agenda, for which an extensive public consultation was held. A considerable number of social organizations seized this opportunity, and put forward their opinions during the consultation period<sup>1</sup>. In addition, the Agenda was an agenda item at a meeting of the National Forum. The CA would like to thank all of the parties that have responded for their positive comments as well as for their critical or additional remarks. The CA has used all reactions to enhance and clarify the Agenda even further. The reactions did not prompt any major amendments to the Agenda. Finally, the CA is very grateful to the Minister of Economic Affairs, Agriculture and Innovation for his approval of the Agenda.

<sup>1</sup> Reactions can be found on [www.consumentenautoriteit.nl](http://www.consumentenautoriteit.nl)

### Merger of the Netherlands Consumer Authority, the NMa, and OPTA

The Agenda 2012-2013 marks a special period in the CA's history. The CA will soon be celebrating its five-year anniversary, which will also be its last anniversary. On January 1, 2013, the CA will cease to exist as an independent authority. On that date, it will merge with OPTA and the NMa into a new regulatory authority: the Netherlands Authority for Consumers and Markets (ACM). With these authorities, who had already been working together closely, joining forces in the ACM, an even more effective approach to consumer and market problems can be realized. In the ACM's organizational structure, consumer-related tasks, including those in energy and telecommunications, will be housed in a single department. ConsuWijzer and its back office will also move into this consumer department. Consumer protection will thus secure a prominent place within the ACM.

This Agenda will be an important basis for the activities of the ACM's consumer department. That is why this Agenda was drawn up in close collaboration with OPTA and the NMa. In 2012, the aforementioned focus areas will be re-examined in order to evaluate them in relation to the ACM's tasks. Social organizations will also be consulted.

### The Netherlands Authority for Consumers and Markets

3 October 2011 – press release

*Merger of CA, NMa and OPTA to be realized on January 1, 2013*

The Netherlands Authority for Consumers and Markets (ACM) will be the new name for the merged authority created by the combination of the Netherlands Consumer Authority, the Independent Post and Telecommunications Authority of the Netherlands (OPTA), and the Netherlands Competition Authority (NMa).

This name is laid down in the bill concerning the establishment of the new authority, the proposal for which is currently at advisory stage.

Chris Fonteijn, the Chairman-to-be of the new authority, reacts: 'The name is succinct yet solid, one that immediately makes clear what the new authority stands for: making markets work in order to protect consumer interests.'

The consolidation of these three authorities is realized through two separate bills: the earlier mentioned establishment bill and a substantive bill. Mr. Fonteijn, currently still Chairman of the Board of the NMa and Chairman of the Commission of OPTA, explains: 'The former bill concerns the creation of the new authority, making sure its independent position is properly secured.' The new authority will be run by a board, consisting of three members, and governing in a spirit of collegiality. It will focus on three main themes: consumer protection, industry-specific regulation, and competition oversight. Governance anchored in collegiality will safeguard the coherence between these three themes. The substantive bill will simplify procedures, and streamline powers.

Source: [www.consumentenautoriteit.nl](http://www.consumentenautoriteit.nl)

# Focus areas for 2012-2013

On the basis of its prioritization criteria, the Netherlands Consumer Authority (CA) decided on the following focus areas:

- [misleading and aggressive telemarketing](#)
- [online shopping: delivery and payment problems](#)
- [untransparent prices in the travel industry](#)

Before the three focus areas are explained, it should be noted that the CA believes that violations of consumer protection regulations must be ended as quickly and effectively as possible in order to prevent harm (economic and non-economic) to consumers or to limit this harm as much as possible. To this end, the CA often (and successfully) takes enforcement actions informally. This means that the CA often gives businesses the opportunity to end the violations themselves before intervening. Situations in recent years where such an approach did not lead to the desired outcome have resulted in a practice characterized by the use of 'rapid interventions'. These involve interventions that lead to a quick resolution of the violation, such as a commitment or an accelerated order subject to periodic penalty payments. Fines remain an important instrument for producing an effect in situations where other instruments fail, or where the specific circumstances call for strong and punitive action.

Several sections in the Agenda refer to the role ConsuWijzer can play in dealing with specific focus areas. In addition to oversight and enforcement, the CA will continue to promote offering consumers more information, and raising awareness to inform and empower consumers even better. The oversight's effects in turn are used to optimize the CA's efforts to inform consumers. Effective organization of the interaction between the two cornerstones of education and oversight is a determining factor for effective consumer protection.

Next to its efforts of informing consumers, the CA will also put effort in informing businesses collectively about current norms and standards. Businesses can count on more information, particularly with regard to areas where norms are still relatively new or open to interpretation, and where new developments may require additional interpretation. Fleshing out this guidance, the CA will be closely working together with trade associations and other social and government organizations. The CA emphasizes that it regards individual requests for advice from businesses as a task for the private sector.

# 1

## Misleading and aggressive telemarketing

Telemarketing has been part of the Agenda of the Netherlands Consumer Authority (CA) since 2008, first as an unfair business practice, and then as an aggressive and misleading customer-recruitment practice. Telemarketing (customer-recruitment by telephone) as a sales channel remains one of ConsuWijzer's biggest sources of indications. Our work in this area is clearly not done yet, and the CA has therefore decided to select this topic as a focus area once more.

### What is the problem?

Most indications the CA receives, relate to telemarketing calls for [energy](#) and fixed-telephony products, but other telemarketing-related indications concern other products such as collection series, puzzle books, lotteries and charities. A frequent complaint is that consumers receive incomplete or incorrect information over the phone, that they often do not know if they have entered into an agreement, and, if so, that they are not aware of the conditions thereof. Since 2008, considerable attention has often been given to the issue of telemarketing. The CA has taken enforcement actions on several occasions, and ConsuWijzer repeatedly highlighted this subject. Positive developments have taken place, such as the creation of the Do Not Call Register. Furthermore, it appears that the call centre industry is gradually taking steps towards improved self-regulation following, among

other reasons, initiatives to update the existing Telemarketing Code.

Even so, this issue continues to be relevant. So far, market participants have failed in their efforts to find an adequate solution to the identified and current problems. As evidenced by the indications the CA receives, these problems are persistent and continue to come up. Over the course of 2011, the CA launched new investigations into violations of consumer regulations in the telemarketing industry. These investigations are extended into the new agenda period. In addition, the CA is sitting down with the call centre industry to come up with a revision of the Telemarketing Code. All things considered, there are good reasons for the CA to select the aggressive and misleading practices of telemarketing as a focus area once more.

### What is the Netherlands Consumer Authority going to do about it?

Aggressive and misleading telemarketing is one of the top concerns, according to consumer indications. The CA will therefore take enforcement actions against parties that still use misleading and aggressive telemarketing strategies. In its enforcement efforts, it will choose, wherever possible, to use various instruments, ranging from communication to the imposition of fines. The statutory regulations prohibiting unfair business practices provide the CA a [legal basis](#) for such actions. Dealing with offenders is another step in the CA's fight against aggressive and misleading telemarketing. Also, the industry itself plays an important part in solving its own problems, too. It can do so by taking its responsibility, and by improving self-regulation in this area.

When tackling the problems in the telemarketing industry, the CA not only looks at the role of the companies purchasing these telemarketing services (the companies whose products or services are offered), but

also at the role of those providing telemarketing services, i.e. the call centers. From its regulatory experience, the CA has learned that the parties requiring telemarketing services and the call centers both play an important role in complying with consumer regulations in the telemarketing industry.

As some of their regulatory powers with regard to telemarketing overlap, the CA works closely together with OPTA, the NMa and other regulatory bodies in its enforcement efforts. Finally, the CA will maintain close contact with the Ministry of Economic Affairs, Agriculture and Innovation because of the new European Consumer Rights Directive. This Directive was adopted by the European Parliament in June 2011, and has yet to be implemented in the Netherlands. It includes an option for imposing a requirement for a signature as a condition for legally entering into an agreement over the phone.

### What does the Netherlands Consumer Authority want to achieve?

The CA wants consumers to be able to count on the fact that telephone sellers comply with the legal regulations for consumer protection. One of the objectives of the CA is that consumers must be protected against misleading or aggressive sales over the telephone. Another objective is to empower consumers (for example through ConsuWijzer), and help them become able to fight against aggressive and misleading business practices themselves. Consumers must be able to make a well-informed decision when making a [purchase over the telephone](#). The CA will continue to take enforcement actions in close cooperation with OPTA and the NMa. At the same time, it would greatly appreciate it if the industry took responsibility as well, and improved current self-regulation measures.

## Online shops: delivery and payment problems

The market for online shopping is an exceptionally dynamic one, and posts considerable growth rates year after year. Total sales volume of online shops has increased dramatically over the past few years, but, although more and more consumers and businesses discover the benefits of online commerce, it does not always run smoothly in practice.

### What is the problem?

Total sales volume for online shopping has increased from 2.8 billion Euros in 2005 to 8.2 billion Euros in 2010. Figures from the Dutch Chamber of Commerce reveal that 6,600 new online shops were created in 2010. When shopping online, problems often occur during the process, according to indications received by ConsuWijzer and consultations with various social organizations. A defining characteristic of the online purchasing process is that it differs from shopping in a 'normal,' brick and mortar shop. For example, online shopping is often much faster, and requires no personal or direct contact with staff during the process. In addition, consumers cannot simply drop by to exchange an item or to ask something about the product. It is therefore crucial that online shops can be contacted and reached easily.

Indications that ConsuWijzer receives reveal that some online shops are often difficult to contact (customer service, complaint-handling), and that product delivery is not always as reliable as it should be (not on time or incorrect). Furthermore, consumers often face hurdles put up by businesses if they wish to invoke their legal right to cancel a purchase. All in all, these issues can lead

to bad purchases, abuses, consumer harm, and reduced consumer confidence. The impression that is created here is supported by the increasing number of indications the CA receives from ConsuWijzer.

The issues raised include:

- consumers ordering and paying for products online, but not receiving them;
- businesses that are hard to contact or reach;
- consumers experiencing problems with online shops that do not honor or incorrectly apply their right to cancel purchases, or other consumer protection rules.

### What would the Netherlands Consumer Authority like to do about it?

In order to tackle these issues, the CA will focus on three aspects within this focus area:

- A. Taking quick action against online shops, where consumers experience delivery and payment problems, as reported to the CA;
- B. Informing businesses about current laws and regulations regarding online purchases (through different information channels);
- C. Informing consumers about safe online shopping (through ConsuWijzer).

#### A. Taking action against online shops

The CA takes action against businesses that cause problems to consumers, when doing business online. Issues of particular concern include: late delivery or failure to deliver at all, impossible or difficult to reach, and failure to comply with statutory requirements regarding the right to cancel purchases. Most of the CA's attention is focused on preventing harm to consumers as much as possible by stopping illegal business practices quickly, and by informing consumers about them in a timely manner.

On a number of occasions last year, the CA successfully used informal and expedited-enforcement instruments to end harmful business practices. Prompted by several indications it had received thereon, followed by an investigation, the CA had a number of websites shut down. In addition, it sent warning letters to online shops, and it actively warned consumers about the risks when buying from certain websites. As part of its efforts regarding this focus area, the CA plans to continue and expand the use of expedited-enforcement instruments. In cases where certain business activities border on criminal offenses (such as fraud), the CA closely cooperates with the Dutch Public Prosecution Service.

#### B. Informing businesses about current laws and regulations

The CA will stimulate web shop owners to take their responsibility more often by informing them about relevant laws and regulations. Based on the experience it has gained in recent years, the CA will explain to businesses about current standards.

The online shopping market is a dynamic one with a lot of new entrants. That is why it is extremely useful, particularly for this market, to have businesses know about how the CA applies the rules. Providing such information can take place in various ways, such as through communication efforts from trade associations and interest groups, or informing start-ups through the

Dutch Chamber of Commerce. In 2010, education efforts were launched with the creation of an [online tool](#) in cooperation the Dutch Tax Administration, a tool that tested its users' knowledge of the rules that apply to online shops. The CA will continue to explore within this focus area how it can provide businesses with general information about the rules they need to observe, and, where possible, about the way these rules can be enforced in practice. In addition, it will also work on harmonization with other EU Member States about the interpretation of definitions, as well as the application of regulations.

### C. Informing consumers about safe online shopping

Consumers find it important to know how to recognize trustworthy businesses. This can be quite challenging in real life. It is obvious that there is a need for this, which is clearly illustrated by the fact that the shop scan, which was developed by ConsuWijzer in 2011, has been downloaded more than 24,000 times since March 2011. Previous initiatives, too, will therefore be continued in this ongoing process of informing consumers even better. The CA in the next two years will continue to promote improved consumer information, enabling them to make online purchases safely

### What does the Netherlands Consumer Authority want to achieve?

The CA would like consumers to truly enjoy the benefits of online shopping. The CA will take swift and effective action against any issues regarding delivery or ease of contact that stand in the way of these benefits. In addition, it would like to increase consumer and business knowledge about current regulations. Abuses can thus be limited or prevented, ensuring consumers they safely shop online. The CA also looks at problems consumers experience when making international online purchases. In that context, it closely works together with fellow European authorities.

**ConsuWijzer Online ShopScan**

## Is de webshop OK ?

Op internet kunt u eenvoudig prijzen vergelijken en zo een voordelige koop sluiten. Maar weet u ook van wie u koopt en hoe betrouwbaar de winkel is? De ConsuWijzer Online ShopScan helpt u om verder te kijken dan alleen de prijs. Eigenlijk net zoals u dat in een echte winkel doet. Aan de hand van een aantal vragen kunt u een oordeel vormen over het bedrijf achter de webshop.

**Doe de Online ShopScan**

**1. Check de winkel** OK Ojé

**Kloppen de gegevens van het bedrijf?**    
Het is voor webshops verplicht hun e-mailadres en adresgegevens op de site te vermelden. Via bijvoorbeeld Google Maps of Bing Maps kunt u controleren of het adres ook echt bestaat. Op de website van de Kamer van Koophandel kunt u controleren of het bedrijf daar is geregistreerd en of bijvoorbeeld de contactgegevens van de webshop overeenkomen met die op de website.

**Hoe beoordelen andere kopers het bedrijf?**    
Door met zoekmachines naar reviews en beoordelingen van de webshop te zoeken op internet krijgt u al snel een indruk van de ervaringen van anderen met de webshop. Ga niet af op maar één review of website.

**Staat er een keurmerk op de website?**    
Heeft de webshop een keurmerk? Kijk dan op de website van dat keurmerk en controleer of het bedrijf ook echt bij het keurmerk is aangesloten. Kijk kritisch naar wat het keurmerk u biedt.

**2. Check het product, de prijs en aanvullende kosten**

**Hebt u het product, het typenummer, de kleur en/of maat gecheckt?**    
Controleer of het product dat u wilt gaan bestellen echt is waar u naar op zoek bent. Soms is de afbeelding die op een site bij een product staat afwijkend.

OK Ojé

**Is de prijs reëel?**    
Sommige aanbiedingen zijn gewoon te mooi om waar te zijn. Vergelijk daarom de prijs van het product op andere websites. Wees extra alert bij heel grote prijsverschillen.

**Weet u precies wat de verzend- en andere kosten zijn?**    
Op de website moet u, voordat u het bestelproces in gaat, informatie kunnen vinden over de verzendkosten. Ook moet duidelijk zijn wat de eventuele service-, reserverings-, afhandel- of administratiekosten zijn.

**Heeft de webshop het product op voorraad?**    
Voorom teleurstelling doordat u lang op het product moet wachten. Check bij de webshop of het product op voorraad is. Pas ook op als een product overal is uitverkocht en er een webshop is die zegt een flinke voorraad te hebben.

**Hoe beoordeelt u de betaalwijze?**    
U bent vaak niet verplicht om meer dan 50% aan te betalen. Kies de betaalwijze die u het prettigst vindt en vertrouwt. Kijk voor informatie over online betalen en veilig online winkelen op [MijnDigitaleWereld.nl](#). Of doe de Webwinkel Quiz van de Consumentenbond.

**3. Check de voorwaarden**

**Is voor u duidelijk wat de retourvoorwaarden zijn?**    
Check de retourvoorwaarden als u een product wilt terug sturen. In de meeste gevallen moet u het product, nadat u het hebt ontvangen, binnen zeven werkdagen kunnen retourneren (let op: er zijn uitzonderingen). U hebt dan recht op terugbetaling van alle kosten, behalve de kosten voor het terugsturen van het product. Controleer of dat ook voor de webshop geldt waar u wilt kopen.

OK Ojé

**4. OK of Ojé** **Totaal**

→

**HOE HAAL IK M'N GELIJK? WAAR TREK IK AAN DE BEL?**

Source: More information for consumers about shopping online and the Online Shop scan can be found on [www.consuwijzer.nl](http://www.consuwijzer.nl)



**Reliability of online shop deliveries  
not always high**

# 3

## Untransparent prices in the travel industry

In 2010, consumers spent more than 3.5 billion Euros online on trips and holidays. It is by far the largest segment of consumer online expenditures. However, because of untransparent prices, consumers unnecessarily spend much time and money when booking tickets, trips or holiday homes, or they cannot always find the best deal. It is estimated that the excess amount of time and money consumers spend this way results in a consumer welfare loss, estimated at tens of millions of Euros.

### What is the problem?

When booking airline tickets and other holiday products, such as holiday homes or holiday packages, it often turns out that these products cannot be purchased at the prices they were advertised with. During the booking process, consumers frequently face additional fees, such as booking fees or administration fees. In some cases, checkboxes for optional services or insurances, which are not compulsory, have often been pre-ticked. Investigations by the Dutch consumer association Consumentenbond, among other investigations, uncovered these practices. Investigations by the Netherlands Consumer Authority (CA), too, show that separately charging unavoidable costs during the booking process appears to be the rule rather than the exception.

A booking's final price is often shown at the end of the booking process after consumers have obviously already been lured to this website by advertising a low price. Once consumers have started the booking process and have finally reached the purchasing step, however, the odds are that they will eventually accept the additional costs. As a result, consumers end up paying more than they were planning to pay. Untransparent pricing in the travel industry thus lead to consumers finding it hard to compare prices, and to spend more time and money than expected on research. Finding the best deal therefore becomes quite daunting a task. A conservative estimate by the CA of the welfare loss as a result of untransparent prices is tens of millions of Euros.

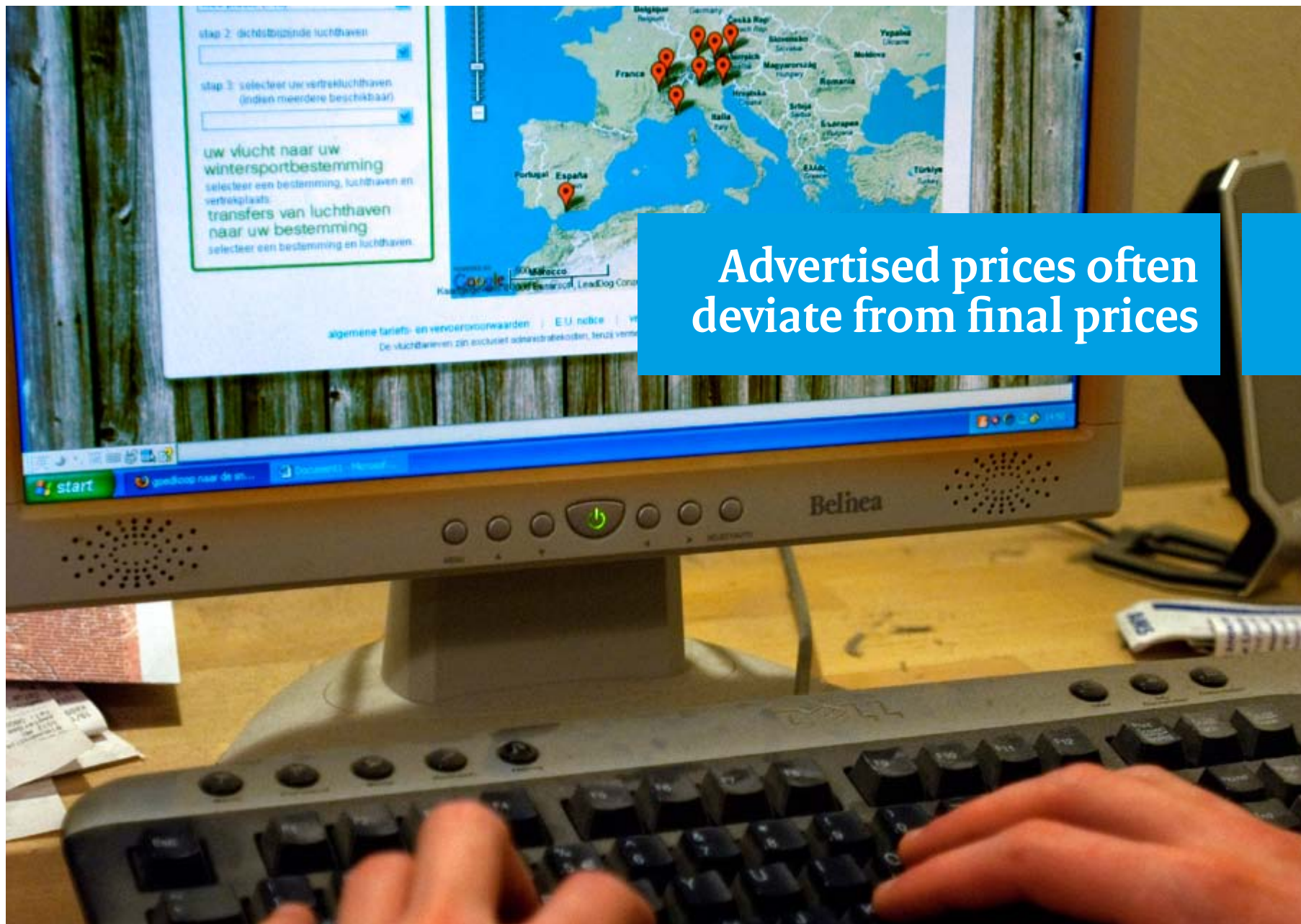
### What is the Netherlands Consumer Authority going to do about it?

The CA takes action against providers who fail to observe the rules on advertised prices. Any abuse will be dealt with by imposing [strict sanctions](#). In addition, the CA will make sure that the industry itself will take more responsibility in resolving the identified problems. In 2011, the Dutch Association of Travel Agents and Tour Operators (ANVR) already talked to ticket providers about the pre-ticked checkboxes for the aforementioned optional services. The CA will step up its communication efforts to increase regulatory knowledge among consumers and businesses. Because of the international nature of these problems, cooperation with European regulatory partners will be sought as well.

### What does the Netherlands Consumer Authority want to achieve?

This particular market does not function well because of the observed activities, leading to consumers suffering losses and/or incurring unnecessary costs. The CA wishes to bring about a behavioral shift in the market so that consumers are able to easily compare the prices and

make well-informed decisions. Since 1 June 2011, the CA has been charged with enforcing compliance with the transparency rule in the Aviation Regulation (Regulation 1008/2008). This Directive contains certain requirements that must be complied with when displaying air fares. Wherever necessary, the CA will use these powers to tackle said problems.



## Preliminary studies

For the first time ever, the Netherlands Consumer Authority (CA) has decided to include in its Agenda two topics into which it is currently carrying out preliminary studies. The purpose of these preliminary studies is to launch a market scan based on the indications identified in these studies, which may hint at industry-wide consumer problems. Such market scans should offer the CA insight into the nature and scope of the consumer problems occurring in those specific markets. Based on the scans' results, the CA is then able to determine whether action is needed. Interested parties are invited to share with the CA any information they have about these topics that are under investigation in said preliminary studies.

The topics of the preliminary studies:

### Warranty issues and conformity regarding mobile phones

The CA regularly receives questions and complaints from consumers after purchasing mobile phones. If consumers have obtained their phones in combination with a plan, but then malfunctions after a while, it is often unclear whom consumers can contact for service repairs or warranty issues. This is particularly the case when those plans have not been taken out directly with the mobile operator. The fact that these devices are often offered for 'free' in combination with a plan makes it even more difficult for consumers to determine what party, operator or manufacturer should be contacted for exercising their rights about the device.

Consumers obviously have a lot of [questions](#) about this particular topic. In addition, consumers report that repairs, if their damaged device has been accepted for repair, take long, and that they are erroneously charged repair costs. The number of reports and the nature of this issue are reasons enough for the CA to further investigate

this market, taking into consideration too that this is an important industry for consumers. The investigation will identify what exactly the problems are, and to what extent they occur.

### Online games

The [online-games](#) market is clearly a growth market. Total turnover of the video game industry in 2010 the Netherlands was an estimated 530 million Euros<sup>1</sup>. The market is expected to grow to almost 800 million Euros<sup>2</sup> by 2014. A substantial number of young consumers populate this market. From various sources, the CA has received indications that children in particular are misled by game manufacturers. Children spend money without being aware of it. Furthermore, a study carried out by the Dutch National Youth Council in cooperation with the CA revealed that 38% of Dutch youth that have been triggered by offers from manufacturers into playing online games say they feel they have been misled.

So far, the CA has not received that many reports on this subject. However, in part given the age of these particular consumers, the CA is taking these concerns very seriously, and believes further investigation is required. The CA, in part with help and input from the industry itself and from other regulatory authorities, will identify exactly what problems occur in online gaming, and to what extent. Moreover, the CA will also explore what role it can take given its powers to tackle any potential problems.

<sup>2</sup> Newzoo, National Gamers Survey 2010, Netherlands, Summary Data

<sup>3</sup> Entertainment & Media Outlook for the Netherlands 2010-2014



**Are many children being misled  
by online gaming industry?**

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