



Key Priorities for 2013 of the Netherlands Authority for Consumers and Markets

The Netherlands Authority for Consumers and Markets (ACM) promotes opportunities and options for businesses and consumers. We seek to create opportunities for innovation, new products, services and providers. We wish to create options, because having options is the key to having well-functioning markets. We want consumers to have a real choice, and we want them to have the courage to make a choice. To that end, we want businesses to be clear about what they offer. And consumers should be informed of their rights. In this document, we would like to present our key priorities for the rest of 2013. In our Market Outlook, we have outlined the most important trends in the markets ACM oversees. The ACM's key priorities dovetail with these trends.

When tackling these identified key priorities, the impact of our actions is central. We aim to solve market and consumer problems, or better yet, prevent them. We have a broad range of instruments at our disposal that we can use. However, ACM is and will always be an enforcer, one that imposes fines, if needed. We can impose fines on businesses, but also personal fines on executives that have been involved in violations. ACM aims to find tailor-made solutions based on sound problem analyses with the ultimate goal of consumer welfare growth. We have fleshed out our objectives and approach in the draft version of the ACM's strategy document.

The work of ACM includes general competition oversight, protection of consumer rights, and regulation of the energy, telecommunication, postal services and transport markets (or parts thereof). Given these widely diverse fields, combined with our limited resources, we have to make choices about what market and consumer problems we will tackle. The criteria we use when making these choices are the harm that the problem inflicts on consumers, the public interest that is at stake, and whether ACM is able to take action effectively.

ACM wishes to be an open regulator. However, the nature of our oversight does limit the extent to which we can be one. For example, in the interest of an ongoing investigation, it may be advantageous not to disclose anything about it. In other words, ACM's work



encompasses much more than just the key priorities that have been set out below. In addition, market developments change all the time, thereby raising new questions, which call for ACM actions. Besides the key priorities that are outlined below, we also have our regular duties such as reviewing mergers and acquisitions, issuing telephone numbers, and informing consumers through our consumer information desk ConsuWijzer.

1. Key Priorities for 2013

Opportunities and options in the housing market chain

The stagnation of the Dutch housing market is one of the top priorities on the national agenda. ACM faces several housing market-related questions that need to be addressed. These include reduced competition in the mortgage market, developments in the functioning of the rental market, innovation and entry barriers in the realtor business. In 2013, we will examine the entire housing market chain in greater detail, including barriers to entry in the mortgage market. Where needed, we will take appropriate action to improve competition and transparency.

High purchasing costs of drugs and medical equipment

Health care affordability is a social problem that is becoming bigger and bigger. Expenses of health care institutions in the Netherlands are in part determined by the purchase of expensive brand-name drugs and medical equipment. These expenses are negatively affected by, among other factors, a lack of tenders for medical equipment purchases, and specific pricing and marketing strategies used by suppliers of drugs and medical equipment. The ACM's oversight efforts for 2013 are aimed at identifying these problems further, and at solving them.

Sustainability and competition

By getting involved in sustainability initiatives, businesses can increase consumer welfare as well as their competitiveness. However, such initiatives cannot be abused to impede competition. Businesses have indicated they seek more clarity about what options they have regarding mutual cooperation with respect to sustainability. That is why in 2013 we wish to take away any uncertainty about the interpretation of competition rules with respect to sustainability. Among other measures, we will set



up a Knowledge Bank on Sustainability on our website, with which businesses are able to determine themselves whether or not a collaborative arrangement is allowed.

Countering unfair competition by government organizations

Governments engage in economic activities on a large scale, for example, in real estate, sports facilities, and waste disposal. When doing so, they cannot compete unfairly with private companies. That is why the Dutch Act on Government and Free Markets came into effect July 1, 2012. It provides for a transitional period of two years for existing economic activities. We find it important that governments take compliance with this law very seriously. Our activities in this area in 2013 are therefore aimed at raising awareness of these new regulations among businesses and governments, as well as conducting audits on governments to check whether they compete fairly with private companies.

Broadband internet for everyone

The Netherlands is on schedule with regard to the realization of the objectives laid down in the European Digital Agenda: basic broadband internet services for all Europeans by 2013, expanding to ultra-high speed broadband internet services by 2020. In 2013, ACM will launch the first round of three-year market analysis decisions. By issuing these decisions, we wish to stimulate additional innovations and investments in broadband internet, and we seek to ensure that consumers have enough choice between various providers and services.

Strengthening competition in the mobile telecommunication market

The Dutch mobile telecommunication market is extremely dynamic at the moment. With the roll-out of 4G-networks, mobile internet becomes faster and faster, and it creates opportunities for the development of new mobile services. Another result of the 4G spectrum auction has been the entry of Tele2 in the mobile telecommunication market. These developments are expected to have positive effects on consumers such as improved service, increased transparency, and better prices. ACM will therefore examine whether these important developments in the



mobile market in 2013 (and beyond) really lead to increased competition with benefits for consumers. We will take action where needed to stimulate that process.

More transparency for consumers

If businesses deliberately withhold or hide information, or make information unnecessarily complicated, consumers are unable to make the choices they would have been able to make if they had been given the right information. Such actions lead to economic losses and to consumer frustration. When dealing with such practices in 2013, we will be focusing on raising tariff transparency in the telecommunication and energy sectors, tackling untransparent prices in the travel industry, and addressing inadequate provision of information with regard to online games.

Protection against aggressive selling methods

Many reports that we receive through consumer information desk ConsuWijzer concern businesses that actively make unsolicited approaches to consumers selling their products and services. Sales calls in particular often cause problems for consumers because, for example, consumers are pushed in a deceptive and sometimes intimidating way to sign a contract, or because consumers that have registered with the Do-Not-Call Register receive unwanted calls nevertheless. ACM in 2013 will take actions against such aggressive sales practices.

Internet security

In 2012, approximately 12 percent of all Dutch aged 15 years or older faced some form of computer crime. Internet security is threatened by, among other threats, the spread of malware which is software programmed to gather bank details or other such personal information, to delete files, to spy, or to shut down government websites. In 2013, we will focus on, among other things, preventing the installation of malware on computers, phones and tablet computers. In addition, ACM will actively monitor security of digital metering data with the advent of smart meters in the energy sector.



A single energy bill

In August 2013, a plan to streamline administrative processes in the energy market will be implemented. Energy suppliers will be the consumer's only point of contact. The costs for network administration will be billed and collected by the energy suppliers. As a result, information flows between suppliers, operators and consumers are changed substantially, compared with the current situation. Most of the energy-related questions and complaints that ConsuWijzer currently receives concern energy bills. That is why we seek to have a successful transition to the new market model by monitoring and overseeing the introduction thereof, which includes a further roll-out of smart meters.

Enhancing the functioning and integration of the energy market

The integration of the European energy market will be taking further shape in 2013. It will result in increased competition among energy suppliers. This may benefit consumers. In 2013, we will therefore focus on further integration by, among other initiatives, helping draft new European regulations that will make that integration possible. In addition, ACM in 2013 will also use new national regulations to stimulate network operators to better meet the needs of producers, traders and buyers, for example, by offering the market enough network capacity, and by offering buyers complete transparency.

Offering energy affordably and reliably

With an eye to trends such as the continued development of renewable energy, and maintaining security of supply in the future, network operators face major investments in their networks in the next few years. At the same time, network operators' costs must be efficient, so consumers do not pay too much. This balance between room for investments and affordability is worked out in more detail in the draft method decisions for the regulatory period of 2014-2016. These will be finalized in 2013. In these method decisions, ACM sets the network operators' tariff levels for the next few years, as well as what a reasonable return for investors is. With these method decisions, we seek to keep regulation as stable as possible in order to offer investors certainty.



2. ConsuWijzer and information for businesses

ConsuWijzer continues to be *the* information desk for consumer empowerment by increasing knowledge among consumers about their rights and obligations, and by giving them advice on how to exercise their rights. In addition, we will offer businesses accessible and easy-to-understand information through our website www.acm.nl. These activities help us raise compliance, and strengthen our oversight efforts. These desks act as vital eyes and ears of ACM, actively collecting indications about market and consumer problems.

3. 2014-2015 ACM Agenda

These key priorities consist, on the one hand, of continued activities that had already been launched by the NMa, OPTA and the Netherlands Consumer Authority, and, on the other hand, of activities that we will be launching this year. Starting in 2014, ACM will release an ACM Agenda every two years in which we highlight our priorities. In the fall of 2013, we will be releasing the draft version of the 2014-2015 ACM Agenda. After a public consultation round, we will release the final version of the first ACM Agenda in late-2013.