

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.

Decision of the Netherlands Authority for Consumers and Markets of May 2, 2013, ACM/DJZ/2013/200952, establishing detailed rules about the handling of complaints (ACM Complaints Procedure)

[published in the Dutch Government Gazette No 15565 on June 12, 2013]

The Netherlands Authority for Consumers and Markets,

Considering Section 4:4 and Title 9.1 of the Dutch General Administrative Law Act;

Decides:

Article 1

In this decision, the following definitions shall be used:

- a. *ACM*: the Netherlands Authority for Consumers and Markets, as referred to in Section 2 of the Establishment Act of the Netherlands Authority for Consumers and Markets;
- b. *ACM-organization*: the organization with the staff as referred to in Section 5, paragraph 1 of the Establishment Act of the Authority for Consumers and Markets;
- c. *Complaints officer*: the complaints officer as referred to in Article 4.11 of the Decision of mandate, authority and authorization of ACM 2013.

Article 2

The complaints officer shall be charged with handling complaints, and with giving advice to ACM about what decisions to take with regard to those complaints.

Article 3

1. Appointment and dismissal of the complaints officer shall be done by ACM.
2. The complaints officer shall be appointed for a term of no more than two years.
3. The complaints officer can be reappointed.
4. The previous paragraphs shall apply *mutatis mutandis* to the deputy complaints officer.

Article 4

1. Complaints in writing can be filed directly with:
ACM Complaints Officer
P.O. Box 16326

2500 BH The Hague
The Netherlands

2. When filing complaints in writing, the complaint form can be used, as referred to in the annex to this decision.
3. If a complaint is filed elsewhere in the ACM-organization, the complaint shall be forwarded to the complaints officer.
4. If necessary, the complaints officer shall encourage that verbal complaints be written down.

Article 5

1. If he/she has received a complaint, the complaints officer shall launch an investigation as soon as possible.
2. For the purpose of such investigations, the complaints officer shall be authorized to collect information (verbally and in writing) within the ACM organization.
3. If requested, staff of the ACM organization shall be required to cooperate with such investigations.

Article 6

1. The complaints officer may decide that a complaint is eligible for informal settlement.
2. In informal settlements, the complaints officer shall attempt to come to a solution through consultation, mediation or other methods. To that end, the complaints officer shall contact the complainant.

Article 7

1. The complaints officer shall treat as confidential all information he/she obtains through the handling of complaints.
2. Hearings of the complaints officer are not public, unless the complaints officer decides otherwise.
3. Statistical information about written complaints, as well as an executive summary thereof, shall be included anonymously in the ACM annual report with an indication of the method of settlement.

Article 8

The Decision on the NMa complaints officer (Dutch Government Gazette 2001, no 173, most recent amendment thereof in Dutch Government Gazette 2011, no 88), the OPTA Complaints procedure (Dutch Government Gazette 2006, no 25), and the Decision on the complaints officer of the Netherlands Consumer Authority (Dutch Government Gazette 2007, no 3, most recent amendment thereof in Dutch Government Gazette 2011, no 4790) shall be repealed.

Article 9

This decision shall enter into force the day after the date of publication of the Dutch Government Gazette in which it is published, and shall apply retroactively from April 1, 2013.

Article 10

This decision shall be cited as: ACM Complaints Procedure.

This decision shall be published in the Dutch Government Gazette with its annex.

The Hague, May 2, 2013

The Netherlands Authority for Consumers and Markets,

*C.A. Fonteijn
Chairman of the Board*

*F.J.H. Don
Member of the Board*

*J.G. Vegter
Member of the Board*

ANNEX BELONGING TO DECISION OF THE NETHERLANDS AUTHORITY FOR CONSUMERS AND MARKETS OF MAY 2, 2013, ACM/DJZ/2013/200592, ESTABLISHING DETAILED RULES ABOUT THE HANDLING OF COMPLAINTS (ACM COMPLAINTS PROCEDURE).

Form for filing a complaint about the Netherlands Authority for Consumers and Markets

1. Your personal details

Family name

Initials

Sex: Male/female*

Address

Postal code

City

Phone number

Fax number

Email address

I have/have not* called ACM about my complaint.

(* please strike out whichever is not applicable)

2. Your complaint

Please give a short and brief description of your complaint. Please include, in any case, the place and date of the event, the name(s) of the ACM employee(s) whom this complaint is about or who were involved.

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3. What would be a good solution to your complaint, in your opinion?

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4. Have you taken any action with regard to your complaint yet? If so, what kind of action?

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5. Are there any other aspects that you find important with regard to the handling of your complaint? If so, what aspects are these?

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Date:

Place:

Name:

Signature:

Please send this form with any relevant documents or letter to:

ACM Complaints officer

P.O. Box 16326

2500 BH The Hague

The Netherlands