

Den Haag,

**Enclosures:** 2

**Our Ref:** ACM/DTVP/2015/200320

**Contact person:**

**Subject:** Submission of (EC) Turnover Specification

**IMPORTANT:** You are required by law to submit a statement of your turnover specification for 2013 to the Netherlands Authority for Consumers & Markets (ACM), no later than March 1, 2015. Failure to do so on time (or at all) will constitute an offense under Dutch law.

Dear Sir/Madam,

The Netherlands Authority for Consumers & Markets (hereafter: ACM) regulates the electronic communications sector in the Netherlands. ACM charges an annual fee for these regulatory activities. In order to determine the amount of this fee, ACM requires details of your annual turnover.

On January 1, 2015, the Decision regarding the passing on of costs by ACM<sup>1</sup> (hereafter: the decision) entered into force. This decision contains provisions about the passing on of costs by ACM to market organizations, and replaces, among other decisions, the Decision regarding compensations under the Dutch Telecommunications Act. As a result, an unequivocal and transparent system is created that applies equally to all sectors involved (telecommunications, postal services, energy and transport).

**What does this mean for you?**

Several changes have been implemented with regard to the process and to the information you are required to submit. These changes are explained in greater detail in the enclosures. They concern, among other things, the following:

- Based on their relevant net turnovers, providers are placed into two categories (previously three categories). The category with a relevant net turnover of a maximum of EUR 20,000,000 and a minimum of EUR 2,000,000 (fixed amount) has been eliminated.
- Providers with relevant net turnovers of EUR 8,800,000 or higher are required to include an auditors' report and an annual statement in order to substantiate their turnover statements.

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<sup>1</sup> Dutch Government Gazette 2014, no. 406.

- Providers with relevant net turnovers lower than EUR 8,800,000 are not standard required to include a substantiation of their turnover statements. For these providers, it suffices to fill out the Turnover Specification Form.

The amount of the fee for 2015 is based on your net turnover (relevant) achieved in 2013. You are required to send ACM your turnover statements for 2013 no later than March 1, 2015<sup>2</sup>. For your turnover statement, you are required to use the enclosure '*Turnover Specification Form*.' The enclosure '*Instructions for submitting a turnover specification*' discusses in greater detail the official and material requirements that your turnover statement must comply with.

Based on the turnover specification you submit, ACM will determine your fee. This will result in a decision on regulatory costs 2015, and, if applicable, an invoice. The decision and the invoice will be sent out no later than July 31, 2015.

### **Mediation for the deaf and the hearing-impaired**

Certain basic services must be made available to all residents of the Netherlands for a reasonable price, irrespective of where they live. These services are called *universal services*. For example, affordable services must be made available that make the public telephony services accessible to end-users with a physical handicap, at a level that is equivalent to that of other end-users<sup>3</sup>. This universal service must consist of a mediation service converting text and images of sign language into spoken language and vice versa<sup>4</sup>, so that equivalent access to the public telephone services is available for end-users who are deaf or hearing-impaired.

The Dutch Minister of Economic Affairs (hereafter: the Minister) deems that the availability, affordability and quality of mediation cannot be guaranteed by the market under normal conditions. The Minister appointed the Dutch telecommunications company, KPN B.V. to act as an intermediary from 1 October 2013. The appointed intermediary has a right to compensation according to Section 9.4 of the Telecommunications Act.

The costs of compensation for mediation will be apportioned among the providers of electronic communication services and networks that had a turnover of at least EUR 2 million<sup>5</sup> in the calendar year preceding the calendar year related to the compensation costs. The amount due from each provider is determined according to the formula in Article 2.13 of the Decision for Universal Services and End Users Interests.

Should your relevant net turnover in 2013 amount to at least EUR 2 million, ACM in 2015 will charge you the costs of mediation that took place in 2014. The invoice is expected to be sent out in mid-2015.

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<sup>2</sup> Article 15, paragraph 2, of the regarding the passing on of costs by ACM.

<sup>3</sup> Section 9.1, paragraph 1, preamble, and under f of the Dutch Telecommunications Act.

<sup>4</sup> Article 2.3a of the Decision for Universal Services and End Users Interests.

<sup>5</sup> Article 2.6 of the Decision for Universal Services and End Users Interests.

## The Consumer Complaints Board for Telecommunications

Section 12.1 of the Dutch Telecommunications Act mandates providers of public telephony services (fixed and mobile) to join the Consumer Complaints Board for Telecommunications (hereafter: SGC). The SGC handles consumer complaints about fixed or mobile phone connections. You will need to pay a registration fee.

The tariff system was changed on January 1, 2015 in order to simplify the SGC tariff system, as well as to keep the annual registration fees proportional, and thus to distribute the costs more evenly among the providers. Based on their relevant net turnovers, providers must pay registration fees (annually), and a one-off amount for the so-called obligation-fulfillment guarantee fund. The new tariff system is as follows:

Tariff system of the Consumer Complaints Board for Telecommunications (since January 1, 2015)

Category	Turnover thresholds	Annual registration fees	Obligation-fulfillment guarantee fund (one-off)
1	Relevant net turnover > EUR 20,000,000	EUR 5,000	EUR 1,000
2	EUR 2,000,000 ≤ relevant net turnover ≤ EUR 20,000,000	EUR 2,500	EUR 500
3	Relevant net turnover < EUR 2,000,000	EUR 0	EUR 0

The SGC places providers into three categories based on their relevant net turnovers, and thus sends them invoices with the corresponding annual registration fees and for the obligation-fulfillment guarantee fund (one-off). **ATTENTION please: ACM and the SGC use different categories!** ACM asks you to indicate on the Turnover Specification Form whether or not you give ACM permission to inform the SGC about the category (1, 2 or 3) you belong in according to the SGC tariff system. ACM does not provide the SGC with the exact amount of your relevant net turnover. If you fail to indicate on the Turnover Specification Form whether or not you give ACM permission, the SGC will put you into category 1. It is therefore essential that you answer the question about this permission in the Turnover Specification Form (see part 5).

### What happens if you do not respond (on time)?

ACM wishes to make sure you submit your turnover statement for 2013 no later than March 1, 2015. If a turnover statement remains forthcoming, ACM is authorized to estimate the turnover, when a turnover statement is missing or incomplete. In that case, ACM will charge a fee based on this estimate. In addition, ACM can take enforcement actions such as imposing orders subject to periodic penalty payments.

**Any questions?**

If you have any questions, please do not hesitate to contact the individual(s) listed as contact person(s) at the top of this letter. Alternatively, you can send your query by email to: [omzet@acm.nl](mailto:omzet@acm.nl). For questions about the changed tariff system of the Consumer Complaints Board for Telecommunications, please contact Mr. Nijgh of the SGC, by calling +31-70-3105-396.

Yours faithfully,  
The Netherlands Authority for Consumers & Markets,  
On its behalf,

Aad Kleijweg  
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