



ACM's focus areas for 2023



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Ensuring that markets work well for all people and businesses, now and in the future. That is the mission of the Netherlands Authority for Consumers & Markets (ACM). In recent years, we have seen how unexpected and dramatic events such as the COVID-19 pandemic and the war in Ukraine can throw markets off balance. Such events have far-reaching consequences for people, businesses, and the economy in general, in both the short *and* long term.

Markets do not automatically work well for people and businesses. Take the energy market, for example. Protection is needed against undesirable outcomes, whether due to unexpected shocks or anticipated long-term impacts. ACM was established ten years ago to make sure markets continue to work well under such circumstances, or on the basis of adjusted rules, if necessary. That calls for helmsmanship: on the part of the legislature, the market authority, civil society organizations, businesses, and consumers. The rules and the enforcement thereof require constant agility of each and every one of those stakeholders.

In 2023, ACM will focus on the following areas:

1. **The energy transition:** accelerating the transition to sustainable energy for everyone
2. **The digital economy:** promoting an open and fair digital economy
3. **Making the economy more sustainable:** moving towards a more sustainable economy with respect for people, animals, and the environment

Accelerating the energy transition for everyone

ACM wishes to accelerate the energy transition and to eliminate obstacles

By 2050, we aim to consume energy that is generated without carbon emissions. The Netherlands will have to stop consuming fossil fuels such as natural gas and coal in order to achieve the climate goals. We also want to be less dependent on Russian gas. ACM will help accelerate the energy transition, and, through its regulatory efforts, wishes to ensure that energy systems are ready for sustainable energy. At the same time, ACM is committed to ensuring affordable and reliable energy for everyone, particularly for vulnerable consumers at risk of energy poverty.

In 2023, ACM will focus on the following three energy topics:

1. The energy transition for everyone

Not everyone has the means to invest in solar panels or heat pumps, and certainly not when energy suppliers are charging high prices for natural gas and electricity. This could slow the transition towards sustainable energy. People with low incomes and poorly insulated homes (both rented and owner-occupied) without solar panels constitute a vulnerable group. To help accelerate the energy transition for everyone, ACM will focus on:

- tighter regulation of energy suppliers and energy tariffs;
- new rules on early-termination fees so that energy suppliers start offering permanent contracts again;
- additional education: from February 2023, ACM will publish a monitor that gives an overview of trends and developments in the energy market.

2. Oversight aimed at acceleration

Developments such as the increase in wind farms, solar panels, and electric transport mean the grid must be expanded and be used more efficiently. And in order to phase out natural gas, heat offers an alternative. In 2023, ACM will:

- encourage energy firms to use the grid more efficiently;
- determine the usefulness and necessity of network operators' investments by assessing their investment plans for 2024-2026, so that it becomes clear when and where investments will be made in the grid;
- strengthen its oversight over the security of supply and service quality of heat suppliers for consumers.

3. Market structure in transition

New energy sources, technologies, and competitors in the energy world will fundamentally change the energy market. The current energy crisis shows how quickly affordability and security of supply can be jeopardized. In 2023, ACM will:

- study in what way the consumer energy market works for promoting competition;
- enforce compliance with the Gas Protection and Recovery Plan and oversee the filling of gas storage facilities;
- assess the feasibility of proposed new heat legislation (the Collective Heat Supply Act), and prepare to take on the thereto-related new duties;
- monitor the financial positions of heat suppliers.

Promoting an open and fair digital economy

ACM wishes to protect people and businesses against the market power of large technology firms, and against online misleading practices and manipulation, thereby allowing everyone to reap the benefits of the digital economy.

The digital economy offers new opportunities *and* new risks. Through its regulation, ACM wishes to ensure that everyone benefits from the opportunities afforded by the digital economy while being protected against the risks thereof.

In 2023, ACM will focus on the following three topics:

1. Dark patterns and transparency

Online retailers are able to capitalize on consumer behavior directly and to influence them in various ways. So-called 'dark patterns' are often incorporated into the designs of websites. Such patterns nudge people into certain directions. In such situations, online persuasion turns into illegal manipulation and deception. That is why ACM will:

- Take action against abuses of dark patterns, such as misleading countdown timers and 'was/now' prices;
- Take action against fake engagement, such as fake reviews;
- Take action against misleading practices and manipulation of consumers in games, such as aggressive marketing practices aimed at children, in-game currencies, and loot boxes;
- Collaborate with other digital regulators to realize effective online transparency.

2. Accessible platform markets and fair terms and conditions

In the online economy, platforms such as marketplaces and search engines match supply and demand on a large scale. That comes with responsibilities. New European rules will come into force in 2023, which will further tighten the responsibilities of platform companies, and will keep platform markets open and fair by curbing the market power of online platforms sooner. ACM will therefore:

- take action against unfair practices of online platforms such as applying unfair access conditions or user conditions;
- investigate data power and rankings on online platforms;
- provide information about the new European regulations (and the oversight thereof), such as the Digital Markets Act and the Digital Services Act.

3. Vendor lock-in

As a result of technical, financial and/or organizational impediments, organizations may become 'locked into' a single supplier, for example if they have made long-term investments in the use of a single IT system or if they take out multiple services from a supplier within a single system. Such economic dependence may lead to exploitation (of buyers) or exclusion (of competitors). ACM will therefore:

- investigate anti-competitive concerns in the cloud market;
- investigate vendor lock-in on the IT market for health care.

Making the economy more sustainable

ACM wishes to contribute to a more sustainable economy for people, animals, and the environment.

Many of the social costs of today's production methods and consumption patterns are not borne by users and polluters, but are passed on to the environment and economically vulnerable people, not just here in the Netherlands, but also in other parts of the world. New rules are being drawn up both at the national level as well as at the European level, which seek to combat this harm inflicted to society and the environment. Think of emission requirements and rules on repairing or recycling products, but also of transparency requirements for sustainability claims.

In the coming years too, ACM wishes to contribute to a more sustainable economy, focusing on the following topics:

1. Confidence in sustainability-related information

More and more people are prepared to pay extra for sustainable products. However, in order to determine whether they are making a sustainable choice, they must be able to have confidence in the information they receive about such sustainability aspects. Vague and misleading sustainability claims put consumers on the wrong track. As a result, people lose confidence in the sustainability efforts of companies. That also hurts businesses that *are* serious about more sustainable production. In 2023, ACM will:

- tackle misleading sustainability claims about products and services;
- call on the Dutch legislature to introduce better rules on certification labels. This will allow people to have confidence that products with such labels are truly sustainable.

2. More sustainable production chains and products

Companies more and more often offer sustainable products and services. By introducing new rules, the Dutch legislature can ensure that all social costs are taken into account in sustainable production chains. In 2023, ACM will:

- offer competing firms opportunities to conclude sustainability agreements;
- offer the Dutch legislature advice on the promotion of more-sustainable production methods and a more-sustainable supply of food;
- study different ways for making parcel delivery more sustainable;
- conduct studies into ways in which 'fair' prices are formed while taking into account all social costs.