

A safe and fair digital economy

In this Focus, ACM explains how it shapes its oversight over the digital economy in 2026. In its regulatory efforts, these are ACM's focus areas:

- Fair online markets for people and businesses
- A safe and accessible online environment: protecting online users.
- Broad access to data for European innovation.



Introduction

Geopolitical shocks and an ever growing power of very large non-European businesses underscore the increasing importance of strategic autonomy and resilience. Additionally, there are serious concerns about Europe lagging behind in innovation and productivity. In order not to fall behind the US and China even further, Draghi's report calls for major efforts to increase Europe's competitiveness, including a focus on strategic technology and industry. In that context, it is essential that Europe creates its own capabilities in critical sectors. The digital economy is one important element of that strategy, just look at Europe's heavy dependence with regard to cloud services. For stimulating European business activity and promoting autonomy, more is needed than curbing the power of several very large businesses. For example, the Netherlands is working together with France, Germany, and Italy on strengthening their sovereign digital infrastructures. With the Dutch digitalization strategy, the government, as a major buyer of digital services, prepares itself to strengthen the digital autonomy. The Wennink report calls for strengthening regionally embedded innovation ecosystems around technological value chains. That perfectly ties in with Draghi's argument for open access (for example to data), interoperability (the ability to link and combine devices, services, and data), and adherence to European standards (technological or otherwise). Openness and interoperability offer new European ecosystems the opportunity to flourish, and the use of European standards promotes the preservation of technological expertise, and reduces our dependence.

Many business models in the digital economy are based on exercising influence over behavior and holding the attention of users. This can negatively affect the resilience of individual users, and, by extension, also undermine the resilience of society as a whole. Minors in particular (but certainly not limited to them) are susceptible to misleading designs on online platforms (social media or otherwise). In these online environments, minors are confronted with 'grooming' (the intentional process of manipulation to build an abusive relationship with a child), bullying, or the sale of harmful illegal products. Too much use of social media can have great psychological, financial, and social consequences. It can lead to fear, depression, and sleep problems. In addition, technology plays an ever more-central role in the way individuals search for information, as news consumption becomes digitalized, and because of the integration of AI services in search engines. As a result, the social role and responsibility of platforms to safeguard the integrity of our digitalized information environments is increasing. For example, think of the fight against disinformation, the use of bots, or deepfakes that disrupt the public debate, for example, during election campaigns. If they fail to fulfill their roles in a responsible manner, not only does that affect individual users but also the resilience of our democracy, and, by extension, our society as a whole.

Access to data, safe data-sharing, and data use are needed in order to strengthen European competitiveness and to stimulate innovation. With the right data, new products and services can be developed, or can existing products and services be improved. Multiple market participants can analyze the same data at the same time. That is why it is important that data from smart devices is used more effectively. To that end, market participants other than the manufacturer of connected devices must be able to access this data in a safe and reliable manner. The user of connected devices will have more control over who has access. The basic principle is that data can flow as freely, safely, and reliably as possible in order to promote innovation.

1. Fair online markets for people and businesses

ACM contributes to a healthy and innovative digital economy by ensuring that markets work well for people and businesses, now and in the future. Every day, Dutch consumers and businesses are highly dependent on just a few large non-European tech companies. If digital markets function well, they will offer opportunities to alternative competitors, and large tech firms will not harm anyone with unfair practices. That enhances the protection and choices of people and businesses, and, moreover, increases the opportunities for Dutch and European digital autonomy.

Fighting abuses of power by tech companies

People and businesses frequently use services of large online platforms, such as online marketplaces, app stores, and booking sites, to buy or sell products, for example. The power of international tech companies is large, and that can disrupt fair competition. They can give preferential treatment to themselves and to certain businesses. Platforms can also compete unfairly by using data from other businesses for themselves. It is important that there is room for new, innovative entrants to grow. Large international tech companies cannot abuse the dependence of buyers on their products and services. For example, large tech companies deliberately link all kinds of services to each other, as a result of which consumers switch to alternatives less easily. Switching online services must be as easy as possible. Where necessary, ACM takes enforcement action against tech companies that disrupt fair competition. For example, ACM can impose fines, and mandates businesses to adjust their practices.

- In 2025, the District Court of Rotterdam ruled that ACM rightly ordered Apple to adjust its conditions in the App Store for dating-app providers. No later than April 2026, ACM will decide on Apple's compliance with this order subject to periodic penalty payments, in part in light of Apple's compliance with the Digital Markets Act (DMA). In addition, Apple filed an appeal with the highest administrative court in the Netherlands. That ruling on appeal will offer more clarity about how dominant platforms must design their commercial frameworks.

Competing more fairly in European digital markets

Major international tech companies have a strong influence over the day-to-day activities of both individuals and businesses. They can take dominant positions, and, in that way, enjoy benefits compared with smaller competitors. Under the DMA, Alphabet (Google), Amazon, Apple, Booking.com, Bytedance (TikTok), Meta (Facebook), and Microsoft have been designated as 'gatekeepers' by the European Commission. They need to comply with additional rules, which are aimed at opening up their online services to competitors, and to make their conditions fairer. They cannot put businesses at a disadvantage, they cannot unnecessarily link services to each other, and they cannot use unfair conditions or prices. That will allow European businesses with their own operating systems, app stores, and apps to enter the market in a fairer manner. In collaboration with the European Commission, ACM examines whether these gatekeepers comply with the rules. In 2026, ACM together with the European Commission will investigate whether the cloud services of Microsoft and Amazon, too, must comply with these rules.

People and businesses can file complaints with ACM about large tech companies and platforms. ACM uses these in its investigation. The findings may be shared with the European Commission. If ACM receives more reports, it can do more for people and businesses in the digital economy. In order to raise awareness of new digital rules, ACM will communicate in a targeted manner about the rights and obligations that digital regulations offer for a fairer digital economy for all people and businesses.

Resilience of European markets

These days, cloud services are essential for the functioning of many businesses and organizations. In that context, Dutch businesses and organizations (including public ones) are highly dependent on just a few large non-European cloud providers. This dependence makes Dutch businesses and organizations (including public ones) vulnerable to geopolitical tensions, and, in addition, creates more risks to the security of their data. This is reflected in the current public debate on digital sovereignty and resilience, where the cloud sector in particular comes into focus. ACM examines what obstacles businesses and organizations face if they wish to reduce their dependence on several cloud and IT services, for example, by switching fully or partially to a Dutch or European provider, or if they wish to use various services simultaneously. That is why ACM will also examine what obstacles Dutch and other European cloud providers face when successfully offering an alternative. On the basis of its findings, ACM puts forward recommendations for policymakers, or ACM can see reasons for using other investigation tools.

Market investigation: a fair market for digital educational tools

In fair digital markets, competition will ensure there is sufficient choice, and that services are affordable. One of the digital markets that is under scrutiny is the market for digital educational tools. Educational organizations and lawmakers are critical of the functioning of this market. They point out that the market for educational tools (including digital ones) in the Netherlands is in the hands of several large market participants, as a result of which affordability and freedom of choice have come under pressure. Moreover, educational organizations argue that multi-year licenses make it harder for schools to switch, or certain types of contracts exist where schools must pay for new licenses and textbooks each year. These concerns and other reports coming from the market are reason for ACM to complete its market investigation into educational tools (digital or otherwise) in 2026. On the basis of that market investigation, ACM will put forward concrete recommendations for addressing any problems on the market for educational tools (digital or otherwise). By the end of 2026, ACM will have published the results of this market investigation. Prior to that, a draft version thereof will be published, so that parties involved have the opportunity to submit opinions.

In addition, educational organizations point out the need for proper management and protection of data in the market for digital educational tools. That is why ACM and the Dutch Data Protection Authority (AP) jointly call attention to a proper application of the privacy rules and to the interoperability of services. For example, the Data Act contains rules that should make it easier to switch cloud providers, also in this sector. Where necessary, ACM and AP will work together in their oversight over this market.

Fair access to online markets for people and businesses. What will ACM do in 2026?

Fighting abuses of dominance by tech companies

- In 2026, ACM completes its investigation (launched in 2024) into a specific online platform that possibly abuses its position in the Netherlands. ACM received reports that the platform gave preferential treatment to itself, and possibly used data from businesses on the platform in order to strengthen its own competitive position. If necessary, ACM can mandate this platform to adjust its behavior or it can impose a fine.
- In April 2026 at the latest, ACM will take a decision on the implementation of the order subject to periodic penalty payments imposed on Apple. In addition, ACM will explain to the Dutch Trade and Industry Appeals Tribunal (CBb) that Apple abused its dominant position by imposing unfair conditions on dating-app providers.
- In 2026, ACM will complete an investigation (which was launched in 2025) into possible abuse of dominance by a large, internationally operating software provider in the business market. Buyers can be dependent on a specific software supplier, and, as a result, possibly pay too much, or are confronted with unfair conditions. That may lead to competition being restricted. ACM assesses whether the software supplier has indeed violated the competition rules.
- In 2026, a joint team of the European Commission and ACM assesses whether the cloud services of Microsoft and Amazon should fall under the jurisdiction of the DMA, and if so, what rules possibly need to be amended, so that problems on the cloud market can be properly dealt with.
- In 2026, ACM continues its oversight efforts to see whether large international tech companies properly comply with the European DMA rules. ACM will submit the findings of these investigations to the European Commission. With these investigations, the European Commission can subsequently mandate tech companies to adjust their practices, and it can impose fines, too.
- ACM educates Dutch businesses and consumers about the opportunities that are created as a result of new European digital regulations.

Resilience of European markets

- ACM assesses what obstacles businesses and organizations encounter if they wish to reduce their dependence on several cloud and IT services by switching to a Dutch or European provider. ACM puts forward recommendations for policymakers for enhancing the digital autonomy (and, by extension, the resilience) of the Netherlands and Europe.

A fair market for digital educational tools

- Before the end of 2026, ACM will publish the results of its investigation into the market for educational tools (digital or otherwise). See also the text box on the previous page.

2. A safe and accessible online environment: protecting online users

People use online services a lot: online stores, apps, online platforms, search engines, marketplaces, internet providers, and hosting services. Providers of these online services must offer their users transparency, and must handle the content on their services with care. For example, they must have various processes in order, such as their processes for reports and complaints, as well as their point of contact. If these processes function properly, fewer illegal content will circulate on the internet. ACM takes action against online services that do not take their responsibilities. In addition, consumers also have rights when making purchases in online stores, app, or in videogames. Companies cannot restrict or take away those rights, and they cannot manipulate or mislead consumers that are making purchases. By enforcing compliance with accessibility rules, online stores and apps become more accessible for the roughly 2.5 million individuals with disabilities.

Towards a safe and reliable online environment: stepping up to the plate together

Each day, millions of users in the Netherlands are active online in many different ways. For a safe online environment, both users and providers of online services need to step up to the plate. Providers of online services are responsible for creating a safe, reliable, and predictable online environment. Users can contribute to a safe online environment, for example, by reporting illegal content to a platform. That is why providers of online services must have their point of contact for such reports in order. Also, in order to protect the rights of users, providers of online services must be transparent regarding the reason as to why a user's account has been restricted, and must handle complaints about this with care. ACM sees to it that providers meet their due-diligence obligations. In that way, we contribute towards a safe online environment.

Protecting minors online

Minderjarigen zijn online extra kwetsbaar. Zij krijgen bijvoorbeeld te maken met 'grooming' (online kindertrokken), afpersing, leeftijdsongeschikte content zoals pornografisch materiaal of verkoop van illegale schadelijke producten zoals vapes. Dit kan grote psychologische, financiële en sociale gevolgen met zich meebrengen. Online platforms moeten voldoende maatregelen nemen om minderjarigen online te beschermen. Samen met andere Nederlandse en Europese toezichthouders onderzoekt de ACM of online platforms hier voldoende maatregelen voor nemen. Waar nodig zal handhavend worden opgetreden.

Gaming

Video game developers use persuasion techniques, which can result in excessive spending and gaming, for example, different ways in which in-game currencies and lootboxes (variable reward systems) are used. Minors are particularly susceptible to the harmful effects thereof. ACM takes action that must result in the gaming sector reducing as much as possible the harm that is caused. In that effort, ACM explicitly seeks out collaborations with other European regulators.

Web hosting companies

The Netherlands has a large web hosting sector. A web hosting company is an online service that ensures that a website or web application runs on a server. Web hosting companies have the responsibility to contribute to a safe online environment, for example, by handling reports about illegal content swiftly and effectively. In 2026, ACM continues its investigation into compliance with these rules among web hosting companies, and can take enforcement action, if necessary.

A safe and open online debate

Public debates are held online too. Digital legislation protects the freedom of speech of online users. For example, platforms cannot simply block user accounts, delete content, or make content less visible. Very large online platforms must follow a transparent and explicit content-moderation policy, and take effective measures against illegal and harmful content on their platform. For example, think of combating illegal hate speech or malicious foreign interference during election campaigns on their platforms. Users can file reports about harmful or illegal content on a platform. Platforms must respond to them in a transparent manner, and explain why they take a decision. Various European and national regulators, including ACM, work together in making sure that online platforms comply with these obligations. ACM will keep a close watch on this during the Dutch municipal elections in March 2026. Where necessary, ACM will remind the largest online platforms of their responsibilities, and will share reports with the European Commission in connection with their oversight over these platforms.

Fair designs of online sales environments for consumers

Markets function well if online consumers are free to make their own choices when purchasing products and services, or about how their time is spent, and if they are not deceived in such situations. ACM sees that undue online deception and influencing takes place, which put people on the wrong track, for example, by businesses that make it more difficult to cancel subscriptions, or businesses that tell you that a certain product is almost sold out while there is still plenty in stock, or a customer service chatbot that makes it impossible to file complaints. Businesses are allowed to persuade consumers but not deceive them. The use of technology such as AI can make things easier for consumers, but it can also make it easier for businesses to engage in undue online deception, and can make it harder for people to spot such practices. That is why ACM conducts oversight over the use of 'deceptive designs', and it seeks to have businesses adopt 'fair designs'. It does so by using a mix of interventions, targeting both businesses and consumers.

Online traders and intermediaries are fair and add value

Dutch consumers do a lot online: from conducting their affairs to making purchases. ACM receives many reports from consumers and consumer watchdog shows about two types of traders. First, there are more and more small businesses (often sole proprietors) that sell online. Many consumers indicate that products are not delivered on time, they do not get the warranty they are entitled to if a product breaks down too soon, or the purchase amount is refunded late (or even not at all) when returning their purchases. In most cases, this involves dropshippers: they do not have the products in stock themselves, but sell them directly through third parties. Dropshippers often fail to indicate where a product comes from or what the transit times are, and they often take insufficient responsibility over warranties and returns. As a result, consumers are harmed, and that is why ACM steps in when necessary. A second type of online service about which many reports are filed is intermediary services. This type of service focuses on basic tasks such as cancelling subscriptions, applying for benefits, or taking out energy contracts, whereas these types of tasks are often actually free of charge or can be done easily by individuals themselves. Consumers in vulnerable positions are often harmed by these types of services, which are not prohibited (or not yet at least). ACM will use a strategic mix of interventions against these types of services in order to try and combat the problems that they cause.

Making digital services more accessible

Roughly 2.5 million Dutch have trouble participating in the digital environment. For example, they are unable to order groceries online because the website cannot be read aloud. This leads to social inequality and exclusion of individuals. Enhancing accessibility ensures that more individuals are able to participate on an equal basis. That is why ACM conducts oversight over the accessibility of e-commerce services (online stores and apps). In 2026, too, ACM informs businesses about accessibility requirements.

A safe and accessible online environment. What will ACM do in 2026?

- ACM investigates whether providers of online platforms take sufficient measures to comply with their statutory obligations to protect minors.
- ACM assesses to what extent webhosting companies take their responsibility for contributing to a safe online environment by responding quickly and effectively to reports of illegal content.
- ACM educates smaller online stores, and, where necessary, takes enforcement action against online stores that violate consumer protection rules.
- ACM works together with the European Commission and other national and European authorities with regard to enforcing compliance with European rules among very large online platforms and search engines. ACM also takes enforcement action against businesses that use deceptive designs, together with European counterparts, where necessary. ACM seeks to realize a permanent behavioral shift, where the use of deceptive designs will stop, and to activate chain partners and other key stakeholders with regard to fair designs.
 - ACM protects players of video games by tackling the use of misleading designs. In those efforts, ACM takes into consideration the effects that these practices have on the wellbeing of children. As a result, players of video games can have more confidence in a fair, online gaming environment. Special attention is devoted to minors.
- Together with the Dutch Data Protection Authority (AP), ACM informs businesses about responsible use of chatbots for customer-service purposes.
- In 2026, ACM studies the possible risks that minors in the EU may face on the Roblox gaming platform. ACM assesses whether the gaming platform takes appropriate and proportionate measures to protect minors on its service.
- In 2026, ACM together with the European Commission continues working on the investigation into social media platform Snapchat because of the illegal trade in vaping products targeting minors on the platform.
- As part of the European Board for Digital Services, ACM participates in the coordinated action aimed at protecting minors against adult content, such as pornography, on online platforms. This action is an addition to the European Commission's investigations into the very large online pornographic platforms.

Towards a safe and reliable online environment: stepping up to the plate together:

- ACM handles reports from, among other organizations, lobbying organizations and users about illegal content on online platforms and about other illegal practices, or forwards these to other national regulators or the European Commission.
- Organizations that meet the requirements for the status of 'trusted flagger' or 'out-of-court dispute settlement body' will be certified as such by ACM.
- Researchers that meet the requirements are granted access by ACM to data of very large online platforms and search engines.

Actions launched in 2025 that continue into 2026:

- ACM conducts oversight over the digital accessibility of online stores (e-commerce services) and electronic communications services, and, where necessary, confronts businesses with these rules. As a result, the accessibility of frequently used digital products and services will improve, for individuals with or without disabilities. In addition, ACM educates businesses about these new requirements.
- Epic filed an appeal against ACM's decision, challenging the assertion that it had directly exhorted children into making purchases, and that it had acted in violation of the requirements of professional diligence. In addition, Epic pushed back against the imposed binding instruction. In early 2026, the District Court of Rotterdam ruled that ACM had rightfully established violations, and that it had rightfully imposed a fine and a binding instruction on Epic. Epic can still file an appeal with the highest administrative court.

3. Broad access to data for European innovation

ACM contributes to a well-functioning data economy in order to stimulate European innovation and strengthen our competitiveness. Access to data, but also the use of data as well as reusing data are getting more and more important. Data is a 'raw material' for the development of new products and services. In a well-functioning data economy, data is collected, shared, analyzed, and used (and reused) in order to create value. This calls for a careful balance between innovation and protection. Important building blocks of a well-functioning data economy are a reliable and well-functioning digital infrastructure, trust, clear rules and procedures, skills, and data literacy. ACM works together with other national and European regulators so that rules are applied uniformly.

The growing importance of data in the Dutch economy

Access to data makes it possible to optimize production, make traffic flows more efficient by saving fuel and optimizing delivery times, and even use the grid more efficiently through insights into energy consumption using smart meters. That is why access to data is more and more the decisive factor in the competitiveness of businesses in our economy. Due to increasing digitalization, access to data is also more often necessary for the ability to offer services as well as to compete and innovate. Access to data is therefore more and more a must-have rather than a nice-to-have. In the real world, access to data is distributed unevenly, and data is often only available to a limited number of market participants. As a result, the value of data is not fully utilized, and innovation is unnecessarily restricted.

Reliable and well-functioning digital infrastructure

A well-functioning data economy depends on a well-functioning and future-ready digital infrastructure. Cloud solutions are essential for the collection, storage, sharing, and use of data. ACM and its fellow regulators across Europe previously already established that the cloud market is not functioning properly because of high switching barriers and suboptimal interoperability.[1] In order to enhance freedom of choice, promote competition, and reduce digital dependencies, it is important that businesses and other organizations are able to combine data and applications of their own accord and without any restrictions, as well as to take these with them to a different cloud provider.

ACM has discussions with businesses and other organizations about the rights and obligations they have when switching cloud providers, and when linking different cloud solutions. Where necessary, enforcement action will be taken if cloud providers unnecessarily restrict switching or the simultaneous use of multiple solutions. For more actions regarding cloud dependencies, see chapter 1.

Sharing data in a fair and safe manner: clear rules and procedures

ACM is committed to ensuring that users of smart devices and thereto-related digital services such as apps are given access to the data they generate themselves by using those devices and/or services. People and businesses can also share this data with third parties (or have it shared with third parties), so that this data can be used and reused. Such access to data promotes innovation and competition. New laws and rules offer opportunities for making broad access to data possible, while, at the same time, also offering protection to certain types of data. For example, access to data can be restricted if data-sharing may disclose business secrets.

In order to have data markets function properly, safely, and fairly, these rules must be clear to all people and businesses. ACM sees to it that they are. For example, ACM publishes guidelines for manufacturers of smart devices. In 2026, we also conduct a market scan into the automotive sector. We explore the opportunities and challenges for people and businesses when sharing vehicle data. In addition, ACM handles complaints from users that feel that access to data has been wrongfully restricted. ACM can take enforcement action when businesses do not comply with the rules.

Enhancing confidence in data-sharing

Data-sharing will not get off the ground easily if there are concerns about abuse, unclear responsibilities, and a lack of confidence. These can be taken away by facilitating safe and accessible forms of data-sharing, for example through data intermediation services. These organizations help match data supply and demand. ACM enforces compliance with the rules for the independence, transparency, security, and governance of these organizations. Data intermediation services are required to register with ACM. In that way, more certainty and trust is created with regard to data-sharing for both data holders and data users.

Data literacy among individuals, businesses, and the government

ACM finds it important that people and organizations are aware of the potential value of the data that they generate and produce. ACM is committed to increasing data literacy among individuals and organizations, and to making them aware of their rights and obligations. ACM educates businesses and organizations about what they can do in order to identify risks with regard to data storage in the cloud as well as possible access to this data by third countries.

Working together to protect privacy

Confidence in the protection of certain data is a critical precondition for sharing data safely. One such example is the protection of personal data: privacy rules must be complied with whenever personal data is involved when sharing data. That is why ACM works closely together with the Dutch Data Protection Authority (AP). In 2026, we jointly publish guidelines for businesses and organizations that must comply with the obligations laid down in the Data Act, providing answers to questions about the sharing of data that contains personal information.

In addition, international cooperation with fellow regulators is of major importance. That is because cloud and data streams often cross borders. We closely work together with other European regulators in order to exchange complaints from people and businesses. We also exchange information in order to ensure a uniform application of the rules.

More transparency and data exchange in health care IT

ACM regularly receives complaints about a lack of opportunities to switch (fully or partially) IT providers in the health care sector, or to link existing systems. This creates problems with the availability and exchange of patient data. ACM finds it necessary that rules and regulations are in place that allow data in the health care sector to be exchanged efficiently. To that context, ACM plays an advisory role to the Dutch Ministry of Health, Welfare and Sport (VWS), and it works together with other regulators in health care.[1] In addition, ACM continues to conduct independent oversight over health care IT markets.

Sharing data fairly and safely for innovation: What will ACM do in 2026?

- ACM launches a market scan into data-sharing in the automotive sector, where we will assess what the opportunities and challenges are with regard to sharing data from vehicles for both people and businesses.
- ACM organizes a roundtable meeting with market participants involved regarding the opportunities and risks regarding data-sharing.
- ACM educates businesses and organizations regarding their rights and obligations when switching cloud providers or when linking different cloud solutions.
- ACM makes it possible to certify out-of-court dispute settlement bodies. Businesses are able to challenge decisions of online platforms with these certified dispute settlement bodies, for example contractual conditions or fees for the sharing of data from smart devices.
- ACM assesses registration requests as well as requests for EU trust marks for data mediation services, and enforces compliance with the conditions.
- ACM together with the Dutch Data Protection Authority (AP) works on guidelines for businesses and organizations that need to comply with the obligations laid down in the Data Act, in which attention will also be given to the sharing of data that contain personal information.
- Cooperation with national and European regulators in order to ensure a uniform application of the rules.

Actions launched in 2025 that continue in 2026:

- ACM stays in contact with the sector to learn more about questions surrounding data-sharing and the cloud, with special attention in 2026 to the agricultural and health care sectors.
- Guidelines will be published, which will inform manufacturers and other data holders about the new rules and obligations surrounding the sharing of data.
- Users of smart devices will be educated about their rights and opportunities regarding data that is generated by them. And businesses and organizations will be educated regarding what steps they can make in order to identify the risks with regard to storing data in the cloud, and possible access to this data by third countries.
- Systems will be set up where businesses will be able to file complaints about other businesses that restrict or refuse the sharing of data. ACM can also forward these complaints to fellow regulators, both national and international.