

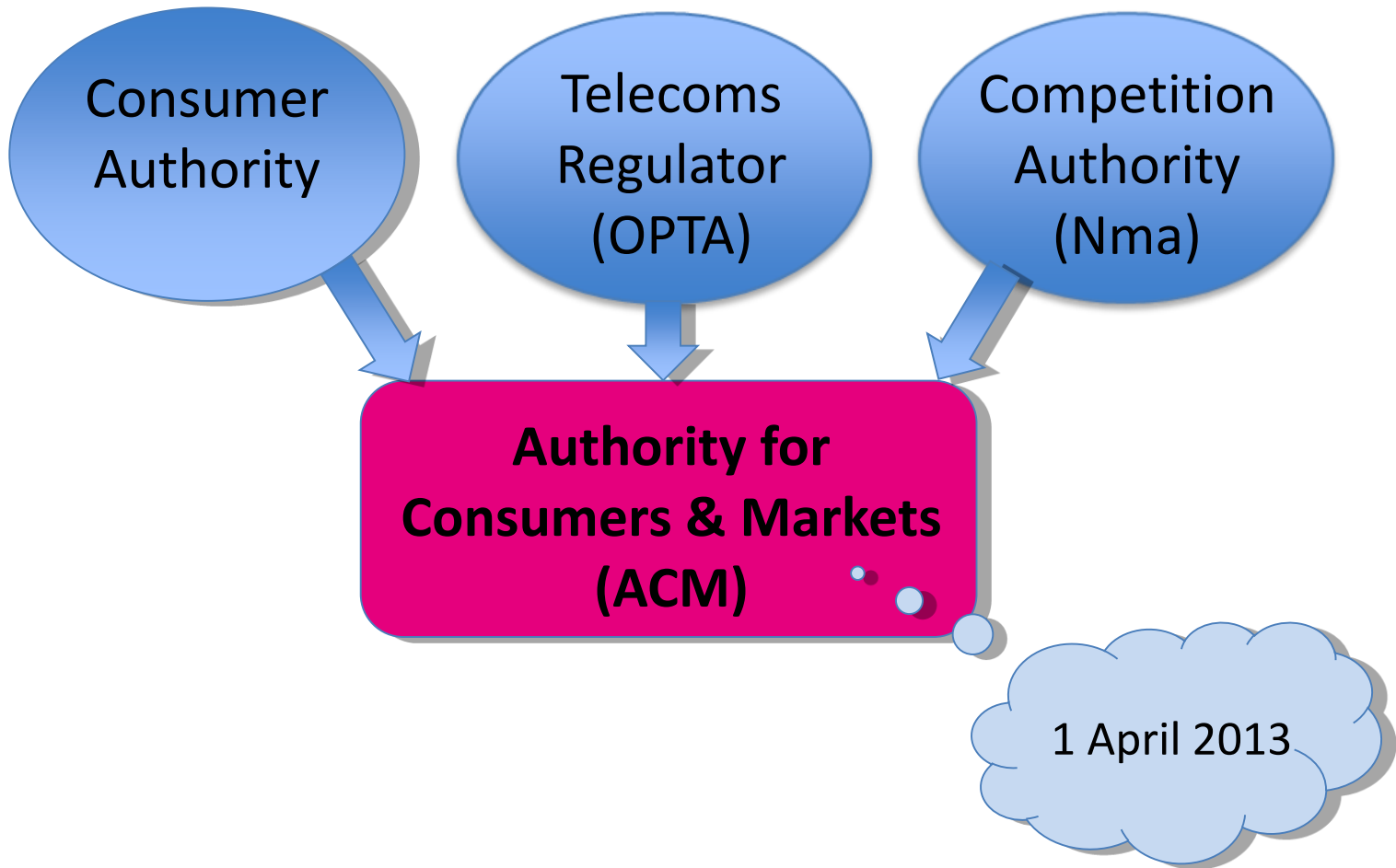


Public enforcement of private consumer law and the synergies with regulation and competition: experiences in the Netherlands

Bernadette van Buchem, director Consumer Division

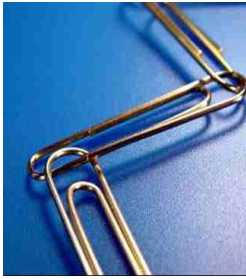


Authority for Consumers & Markets



Content of presentation

- About ACM in general
 - Why was ACM established?
 - Mission and methods
 - Organization
- Netherlands landscape of consumer protection
 - Until and after 2007
 - Why public enforcement of private consumer law?
 - Responsibilities and legal powers concerning consumer protection
 - Relationships
- Synergies and challenges between consumer protection, regulation and competition under one roof



Background

Strengthen the effectiveness and efficiency of market oversight in the Netherlands

Government cutback



Consolidation of the Netherlands Consumer Authority (CA), the Netherlands Competition Authority (*NMa*), and the Netherlands Independent Post and Telecommunications Authority (*OPTA*)



ACM: the merger of three authorities in the Netherlands

Tasks and mission

Tasks

- Competition oversight
- Sector specific regulation in energy, telecom, post and transport
- Consumer protection

Mission

“ACM aims to create opportunities and options for consumers and business”

- Consumer welfare
- Consumer awareness

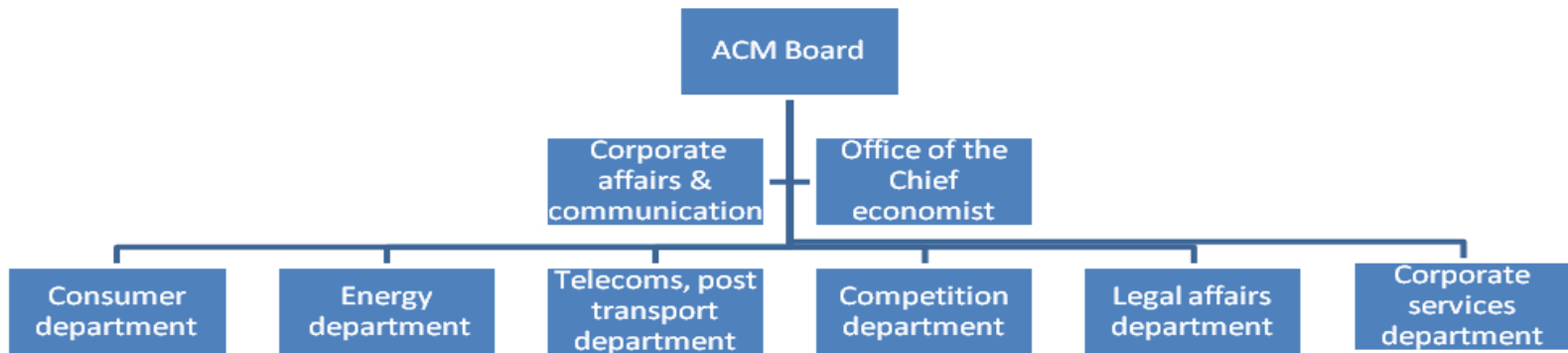
<https://www.acm.nl/en/publications/publication/12005/ACM-presents-its-strategy-Times-like-these-call-for-a-strong-regulator>

Methods

How we operate

- Careful analyses of consumer harm
- Effective & efficient solutions
- Different techniques – “problem solving approach”
- Advocacy & consultation
- (Inter)national cooperation

Structure of ACM



The landscape of consumer protection in the Netherlands

- Until 2007
 - Private character
- After 2007
 - Public on top of the private fundament

Private foundation consumer protection (until 2007)

Private organisations

Representing consumers (project based activities)

Self-regulation schemes

Alternative Dispute Resolution(ADR)

Civil litigation

Why public enforcement on private consumer law?

- National strategic program
 - ✓ “Multiple blind spots in consumer protection identified”
- European Regulation (EC) No 2006/2004 of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws

Responsibilities and legal powers public authority (after 2007)

- Build on private foundation: tracking down most harmful collective consumer problems that are not solved by the private system
- Only collective consumer interests – no individual complaints
- Enforcement of general consumer protection law power to impose fines, request documents, enter business premises, seize information take statements
- Empowerment of consumers: ConsuWijzer

Examples of consumer empowerment

Reisprizen, laat je niet inpakken!



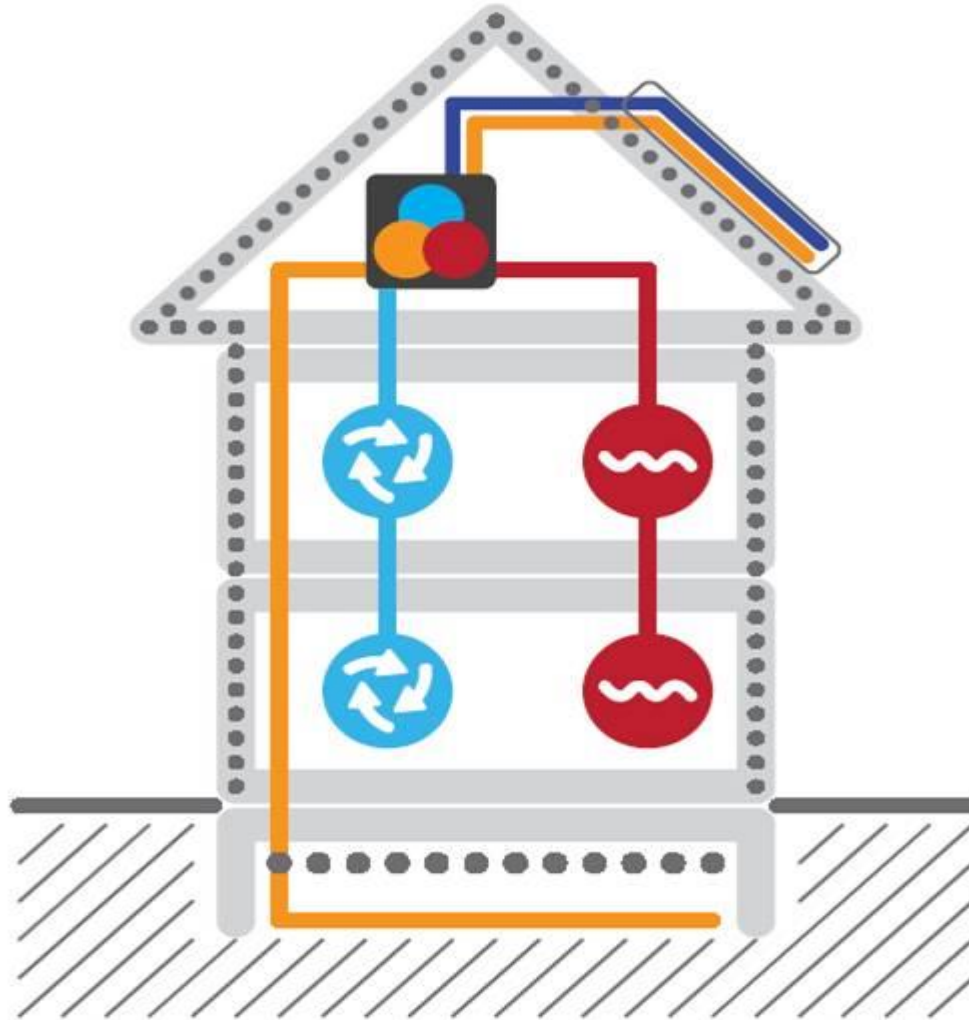
J kent het vast wel: u ziet online een aanbieding voor een vliegticket, reis, hotel of vakantiehuis. De prijs is aantrekkelijk, dus u besluit om te boeken. Maar tijdens het boeken komen er allerlei kosten bovenop die prijs. Bijvoorbeeld kosten voor het meenemen van een koffer in het vliegtuig. Of een verplichte eindschoonmaak van uw vakantiehuisje. Als de boeking is afgerond, hebt u meer betaald dan de advertentieprijs waarmee u de boeking begon.

Bijkomende kosten zijn niet altijd toegestaan. Er gelden regels voor het vermelden van prijzen voor reizen. ConsuWijzer legt u hieronder uit wat die regels zijn. En hoe u zelf een slimme vergelijking maakt als u (online) een vlucht, reis of accommodatie boekt.

→ Bekijk het ConsuWijzer-filmpje met de regels over reisprizen op YouTube

- <https://www.youtube.com/watch?v=5rt8PV3CAS0>

Synergies competition, regulation and consumer protection



Online platforms



<https://www.youtube.com/watch?v=ml6-VF9t7Nc>

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