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Contribution by

Authority for Consumers and Markets (ACM)

The Netherlands

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Intergovernmental Group of Experts of Consumer Law and Policy
UNCTAD, Geneva, 9 July 2018

Opening speaking notes Cateautje Hijmans van den Bergh

1. Good morning. When I found out that I only had seven minutes of speaking time, I must admit that I quietly panicked. I thought to myself, how on earth will I be able to introduce myself and talk about our work at the Netherlands Authority for Consumers and Markets in the context of the United Nations Guidelines for Consumer Protection in just seven minutes? Nevertheless, I will give it a shot, and I will begin with several examples from our day-to-day work in the energy sector over the past six months and then move into a broader introduction. The Dutch energy market is quite competitive. The number of energy suppliers has grown substantially, from 9 in 2004 to 59 in 2018.
2. One of our priorities in 2018 is: Ensuring a smooth transition to **green energy**. In the energy market, ACM wishes to make sure the transition to sustainable energy sources takes place efficiently, thereby preventing the energy transition from becoming more expensive than necessary. Having well-functioning markets in that process is critical. Reliability cannot be compromised during the transition. And consumers must be able to make well-informed and conscious decisions.
3. After an intervention in March 2018, the Dutch energy supplier Easy Energy adjusted **the prices** displayed on its website. Having clear prices is one of ACM's key priorities, as they ensure that consumers are better

able to compare products and services, and make sound choices. It also allows companies to compete more fairly with each other.

4. Over the past few years, ACM has pushed for **energy bills** that consumers are able to verify themselves. Consumers should be able to link the cost items found on their bills easily to the items in their contracts and in any information about price adjustments. In May 2018, ACM established that all energy companies met these basic principles. Consumers are thus better able to verify whether their energy companies have delivered what was agreed upon.
5. In June 2018 we published the Energy Monitor. The majority of Dutch consumers know that, by **switching energy providers**, they can save a lot of money: 52% in 2018 say they know, compared with 35% of consumers in 2015. Consumers are also finding it more and more easy to compare energy prices. In addition, 91% of the consumers that have switched are satisfied with the process of switching to their new energy provider.
6. Also in June 2018, we approved the use of the European Cross-Border Intraday trading platform in the Netherlands, enabling the **trade of short-term electricity** within Europe. This is a milestone in the European integration process of electricity markets. This trading platform allows the swift and flexible exchange of electricity between European countries. This ability is critical to a successful energy transition. ACM will ensure that the supply of energy will continue to be secure, affordable, and sustainable in the future as well.
7. Back to today: I am very pleased to be here in Geneva at the third session of the Intergovernmental Group of Experts of Consumer Law and Policy. I would like to extend my warmest gratitude to UNCTAD for this

opportunity to introduce myself and ACM. My name is Cateautje Hijmans van den Bergh and I have been a member of the board of ACM since 1 January 2017. Among other topics, consumer protection is part of my portfolio. I have a professional background in finance and in strategic consulting. Prior to my switch to ACM, I was a member of the Supervisory Board of the Dutch Consumers' Association.

- 8 ACM's mission is to create opportunities and options for businesses and consumers. The authority enforces over 20 different laws and regulations in the fields of competition, consumer protection, and regulation of the telecommunication, postal services and energy markets. Approximately 550 professionals work at ACM.
9. At ACM, we strongly believe in a problem-solving approach in our oversight and regulation of markets. Public enforcement of the law is not an end itself. Rather, it is a means to reach a specific goal or effect. In our case, that goal is to carry out all of our tasks and use our instruments to influence the markets to promote consumer welfare. Our common denominator is therefore the consumer. At ACM, we think in terms of market problems and opportunities. We believe that our interventions should be tailored to address the problem at hand, and not frustrate innovation. As an integrated authority, with a remit spanning regulation, consumer protection as well as competition oversight, we have a rich toolbox at our disposal. Classic enforcement with fines and periodic penalty payments continue to play an important part in our problem-solving approach.
10. Being a multi-sector regulator places a responsibility on ACM for finding synergies. We also face dilemmas, because the enforcement of consumer law may serve consumers in the short term by ending unfair commercial practices. But if enforcement measures are too strict, new

competitors might withdraw from the markets, which would not serve the long-term goal of having more competitive markets with better outcomes for consumers. Therefore, it is a matter of striking the right balance.

11 I would like to highlight one more thing, which might be somewhat underexposed otherwise, but is definitely worth mentioning: our activities in consumer education and empowerment. These instruments are often used deliberately in order to tackle a much larger problem, for example unfair commercial practices in selling products and services over social media. In late-2017, ACM launched an awareness campaign called 'Don't just order something on social media. Find out first who they really are'. With this campaign, ACM aimed to make consumers aware of the risks of impulse buying on social media. An offer may seem attractive in the advertisement, but, in order to prevent problems afterwards, it is important to find out who the seller is and if they can actually be reached before consumers buy something from them. It is a very attractive campaign focused on targeted groups like young people. It took too far to show it here today but I invite you to have a look on the website. A link will be included in the text of my contribution, which will be made available via UNCTAD's website.

https://www.youtube.com/watch?v=KamREK-G4TQ&list=PLiYGVFq6ASiEtHVld9s_NrK2hLvg65_3_&index=15

12 And with that, I think I would like to conclude. I hope that, throughout my talk, you have been able to hear in what ways we at ACM contribute every day to the implementation of the UN Guidelines for Consumer Protection. First of all, in the field of energy, the transition to sustainable energy, and ensuring an efficient distribution of energy. Second, in order to promote and protect the economic interests of consumers, we focus on price transparency which in the energy sector has also led to bills that are easy-to-understand and we deal with unfair commercial practices.

And last but not least, our activities in consumer education and empowerment.

As a final note, I would like to express my wholehearted support for the work of the intergovernmental group of experts.

Thank you for your attention.