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## **Annual Report on Competition Policy Developments in the Netherlands**

**-- 2016 --**

**5-6 December 2017**

This report is submitted by the Netherlands to the Competition Committee FOR INFORMATION at its forthcoming meeting to be held on 5-6 December 2017.

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## 1. Executive summary

1. The Netherlands Authority for Consumers and Markets (ACM) is a multifunctional authority with responsibility for competition enforcement, consumer protection and sector-specific regulation in energy, telecommunications, post and transport. Consumers are central to ACM's oversight philosophy, with its emphasis on effects rather than form. ACM makes use of its powers to address market problems that harm consumer welfare. ACM aims to promote options and opportunities for consumers and business. As a multidisciplinary authority, at ACM we are alert to interaction between different domains. We can tackle a sector from different angles. To achieve this, we have a toolkit with various instruments, allowing us to solve problems in different ways.

2. In 2016, following public consultation, we launched a new ACM Agenda, continuing some of the themes from the previous agenda, and adding new themes for 2016–2017. These were:

- Healthy collaborations in health care
- Energy markets in transition
- Digitalization - Online consumers
- Ports and transport
- Clear prices and conditions
- Competitive neutrality

3. In 2018, we will adopt a new ACM Agenda for 2018-2019.

### 1.1. Digital markets

4. Digital markets have been a key area on which ACM has focused in 2016 and to which we continue to pay extra attention. People in the Netherlands are very active online: we shop online, we are active on social media, we play games, and we watch videos and shows online. ACM wishes to prevent anticompetitive problems and consumer problems online. ACM assesses whether companies strengthen their potentially dominant positions on the Internet by using personal information of users. In addition, ACM ensures that online stores comply with the rules. At the same time, we want to enable new firms to offer their services online. In 2016 we focused on protecting the privacy of consumers online, identifying the benefits and drawbacks of online platforms, and assessing whether or not the bundling of telecom products is a problem.

5. Consumers say it is important that their privacy is also respected online. In practice however, they often appear to do little to protect their personal information such as their browsing history or phone contacts. In 2016, ACM instructed the companies behind the 100 most popular websites in the Netherlands to adjust their cookie policies. Cookies allow users to be tracked across multiple websites.

6. ACM has checked whether these companies inform their visitors, and ask for their consent before storing any cookies. Almost none of these companies did so in a correct and clear manner. As a result of ACM's intervention, the largest websites now inform their visitors better, and ask for their consent before storing or accessing cookies. Via its consumer information portal ConsuWijzer, ACM called on consumers to take action to protect their online privacy. This call tied in with the larger national awareness campaign, called Alert Online.

7. ACM has taken a closer look at online platforms. This topic has also attracted attention internationally. For example, online platforms were a key topic of the European Consumer and Competition Day (ECCD), which was held on 18 April, 2016 in Amsterdam. This one-day conference was jointly organised by the Ministry of Economic Affairs and ACM. Competition rules and consumer protection rules should not unnecessarily stand in the way of innovation. Online platforms offer consumers many advantages. At the same time, businesses that operate such platforms cannot use their possibly dominant positions to stop innovation or to prevent newcomers from entering the market. To that end, enforcement of the rules may be needed.

8. In 2016, ACM worked on several issues relating to online platforms.

- In September, we announced the launch of a market study into online platforms that offer videos and movies. ACM looked at the platforms themselves, but also at the businesses that are somehow connected to them such as media agencies, digital marketplaces where advertisement space is sold and bought, and producers of content for these platforms. This is a fast growing market, and also a market on which major national and international businesses are active. In addition to the launch of the market study, ACM published the article ‘Big platforms, big problems?’. In this article, ACM explores the benefits and drawbacks of platforms for consumers and competition. Platforms offer consumers and providers plenty of benefits, and can become very big very fast. Gaining a strong position in the market also carries risks. ACM will assess benefits and drawbacks on a case-by-case basis. ACM published its study into online video platforms in 2017.
- In July 2015, online hotel-booking websites Booking.com and Expedia relaxed the so-called ‘lowest price guarantee’ that these websites used to impose on hotels. In practice, this clause dictated that the prices of hotel rooms of the hotels in question had to be the same across all sales channels. After the adjustments, hotels were allowed, among other things, to set different room rates on different hotel-booking websites, which may boost competition between booking sites. ACM, the competition authorities of nine other EU countries and the European Commission carried out this joint study. The results of this study will be used to determine whether further action by regulators is necessary in this sector.
- ACM also carried out a preliminary investigation into a requirement that Dutch meal-delivery service provider Thuisbezorgd.nl (internationally branded as Takeaway.com) imposes on restaurants. Thuisbezorgd.nl wants restaurants to charge the same prices on their own websites and on the website of Thuisbezorgd.nl. ACM concluded that consumers and restaurants have enough options for meal delivery or takeout. Furthermore, ACM anticipates that the market for online food-delivery platforms and take-out food will change tremendously. New competitors continuously enter the market with new concepts, challenging the existing platforms. ACM thus believes that the ‘same-price’ guarantee’ currently does not negatively affect consumers. That is why we did not see any reason to launch a further investigation.
- Chairman Chris Fonteijn spoke on the issue of vertical agreements at the E-Commerce Sector Enquiry Stakeholder meeting of 6 October 2016. Also, ACM co-operated with the Dutch Ministries of Economic Affairs and Foreign Affairs in submitting an opinion in the *Coty* case, before the European Court of Justice, explaining ACM hesitation to increase the types of restrictions falling under the hard core categorisation.

9. In 2016, ACM launched a study to determine whether the bundling of telecom products has any positive or negative effects on consumers. ACM has seen that consumers increasingly opt for multiple telecom products in a single package, combining television services, broadband access, and fixed telephony. In recent years, mobile services have also been added. Consumers are able to get better conditions by taking out multiple telecom products in a single package. But the bundling of services can also make it harder for consumers to switch providers. In this study, we looked at the freedom of choice in ‘content’ services. Some services such as Netflix are available to everyone. Consumers are able to order these services without the interference of the internet provider. Other services such as sports channel Fox Eredivisie Live can only be ordered through a television provider. Then there are also services such as sports channel Ziggo Sport that is owned by an internet provider, which it resells to other internet providers. Finally, internet providers may offer exclusive services such as internet provider KPN, which offers the series Brussels, and cable company Ziggo, which offers the hit series Game of Thrones. ACM assessed the benefits and drawbacks of these different ways to offer services to consumers.

## 1.2. Competition enforcement highlights and outcome

### 1.2.1. Commitment decisions

10. In 2016, seven ready-mix concrete firms made commitments to ACM. These seven firms own more than half of all ready-mix concrete plants. As a result of these commitments, the number of intensive collaborations between competitor firms will decrease. This will lead to increased competition. In addition, other market participants will be able to enter the ready-mix concrete market more easily.

11. ACM has declared these commitments binding for a period of 10 years.

### *Mergers*

12. In 2016, ACM cleared the acquisition of Mediq by Dutch company Brocacef under strict conditions. Brocacef must give off a total of 89 pharmacies, leaving consumers with sufficient choice near their homes, and preventing the position of Brocacef vis-à-vis health insurers from becoming too strong. In addition, Mediq must sell its wholesale company Distrimed to Pluripharm, thereby ensuring that hospitals, too, will continue to have enough to choose from when purchasing prescription drugs.

13. This is a case where ACM accepted remedies after conducting a second-phase investigation. The case has been appealed. The District Court upheld ACM’s decision in 2017.

### *Advocacy in the ports and ACM anti-cartel campaign*

14. In 2016, ACM launched a large multimedia campaign against illegal cartel agreements. The focus was on encouraging (anonymous) informants to come forward and tell ACM about suspicious activity. In particular, we targeted people holding commercial positions in sectors we have prioritised (such as ports). With our target group in mind, we centred the campaign on a humorous short film and a new online cartel check.

15. <https://www.acm.nl/en/publications/publication/15873/ACM-launches-offensive-against-illegal-cartel-agreements/>

16. The combination of humour and a serious message, led to the following results:

- 6 times more signals than average in the week 1 of the campaign (2 times in weeks 2 to 6) of the campaign
- more than 430,000 views of the film on YouTube
- extensive press coverage
- Twice the normal number of visitors to ACM's website during the campaign
- 3 times as many visits as normal to ACM's website leniency page during the campaign.
- Twitter: reach of 1.4 million in the first 3 days.
- LinkedIn: reach of 350,000 during the campaign.
- positive press coverage in the locality of the port of Rotterdam area
- 3 roundtables organised by law firms to discuss the importance of compliance.

17. The total estimated outcome of competition oversight for 2016 is over EUR 235 million. This figure covers our competition oversight and concentration control efforts. The total estimated outcome consists of over EUR 195 million for activities that were completed in 2016 and approximately EUR 40 million for activities from 2014 and 2015, the outcomes of which are still in effect in 2016.

## 2. Changes to competition laws and policies, proposed or adopted

18. New fining legislation entered into force on 16 July 2016, applying to violations taking place after this date. The new legislation increases the maximum fine applicable in the Netherlands for competition and other violations.

19. The Dutch Minister of Economic Affairs published a revised version of its Policy Rule on Competition and Sustainability. This policy rule sets out what ACM must take into account in its assessments of sustainability arrangements. As a result of the changes to the Policy Rule, slightly more room has been given to sustainability arrangements than before. We carried out a so-called Feasibility and Enforcement Test on this revised Policy Rule. We consider the rules to be feasible and enforceable except for one article, which is Article 2 under a. This article is about what ACM should assess if the anticompetitive agreement is part of a set of sustainability measures.

20. The Minister approved a proposal to governmental decree to extend the Act on Government and Free markets (which provides for a system to increase competitive neutrality).

## 3. Enforcement of competition laws and policies

### 3.1. Action against anticompetitive practices, including agreements and abuses of dominant positions

#### *3.1.1. Summary of activities of competition authorities and courts*

##### *Anti-cartel*

21. 3 cases were investigated and concluded with commitment decisions and an informal opinion. 1 decision not to prioritise a case involving vertical restrictions was published, following a preliminary investigation. ACM issued statements of objections in several cartel cases.

##### *Abuse of dominance*

22. In 2016, the ACM had four abuses of dominance investigations underway at one time. Three of these cases have been reported on in the media. One is a preliminary investigation into Trans Link Systems, the company that distributes the Dutch public transport travel smartcard (OV-Chipkaart). A second investigation concerns the company ECT which is active in barge transport from the deep sea ports at Rotterdam harbour. A third concerned the auction process of passenger rail transport in the province of Limburg. This case led to a decision by ACM in 2017, finding an abuse of dominance, and the imposition of a fine of €41 million. The case is currently being appealed.

##### *Investigations under the Dutch act on competitive neutrality*

23. Government organisations are allowed to offer products and services on the market. However, they also have to play by the rules, laid down to protect commercial businesses against unfair competition by government organisations. These rules can be found in the Dutch law on competitive neutrality, the Dutch Act on Government and Free Markets. In 2016, 19 investigations were conducted which resulted in 1 order subject to

periodic penalty payment, 2 enforcement decisions, 9 (actual or alleged) offenders stopped the violation, 4 investigations suspended/non-violation, and 3 continuing in 2017.

### *3.1.2. Description of significant cases, including those with international implications*

#### *Enforcement*

- In July 2016, ACM issued commitment decisions relating to an investigation of companies in the ready-mix concrete sector. 7 ready-mix concrete firms made far-reaching commitments regarding structural changes to their companies. One risk was that competition-sensitive information could be exchanged because of close collaborations between competitors, (e.g. several plants are jointly used and managed by competitors). Therefore, collaborations between ready-mix concrete firms that have a combined market share of 40 percent or more in a certain region are to cease within 3 years. Another risk concerns working with a competitor on a job. The ready-mix concrete firms have committed to collaborate only if there is no other option and to notify clients of collaborations. Less collaboration mean fewer executives will have multiple positions at competing firms. It will become easier for others to enter the ready-mix concrete sector, (e.g. when selling sites, firms will no longer be allowed to set conditions on the future use of those sites). The firms will invest in compliance training. As a result, serious risks for unfair competition have been eliminated. These firms own more than half of all ready-mix concrete plants. The commitments took immediate effect, and are valid for 10 years. ACM will monitor the commitments.
- 3 hospitals in the Dutch province of Utrecht are allowed to collaborate in complex cancer care. ACM expects this collaboration to yield sufficient benefits for patients and the insured with regard to treatments of several rare types of tumours. This outweighs the drawbacks to competition, (e.g. reduction of options for patients).
- The fines imposed in the Cold storage sector of €12,5 million were published in 2016, following adoption of the decisions in December 2015.
- The fines on manufacturers of concrete garage boxes for €306,500 were also published in 2016, following adoption of the decision in 2015. In that case, ACM imposed a fine on a cartel of manufacturers of prefabricated concrete garages. The two largest manufacturers of such garages in the Netherlands, had concluded anticompetitive agreements in order to eliminate mutual competition. They shared customers, and they had concluded price-fixing agreements. Furthermore, they prevented other competitors in this market from becoming more active. Rekers Betonwerk had notified ACM of this cartel, and fully co-operated with the subsequent investigation, and was not fined. ACM imposed a fine of €306,500 on the other cartel-member, Juwel Betonbauteile. The level of the fine is based on the company's turnover.

#### *Courts*

- The imposed fines on 11 flour producers for illegal *Flour milling* cartel agreements in 2010 have largely been upheld. The Dutch court of final instance in competition cases (CBb) agreed with ACM that this cartel was a single continuous infringement.

- In the *Silverskin onion* cartel case, the CBb confirmed in appeal proceedings that ACM had correctly imposed fines on growers and processors of silverskin onions for making agreements on the maximum sown area of silverskin onions, for buying up assets of competitors, and for exchanging price information. All of these practices were aimed at stabilising the market, and to achieve higher prices for silverskin onions, and thus constituted a single continuous infringement.
- Following the court's ruling in December 2014 on the first 14 traders active on foreclosure auctions that were fined by ACM, the ruling in the cases about approximately 50 other traders was handed down in 2016. The District Court confirmed that ACM had sufficient evidence for the traders' practices, and that these constituted a so-called single continuous infringement. These cases were subsequently appealed by the parties and ACM lost all the cases on appeal before the CBb in 2017.
- In 2016, the District Court of Rotterdam ruled that ACM correctly imposed fines on industrial laundries that had made a market-sharing agreement. These industrial laundries wash, among other items, bed linen and work-clothing for health care providers.
- Also, in 2016, the District Court of Rotterdam struck down ACM's decisions imposing fines on two taxi firms and on their de facto executives in the greater Rotterdam region. ACM had alleged that the taxi firms had engaged in bid-rigging arrangements involving taxi services. ACM has appealed the judgment.

## 3.2. Mergers and acquisitions

### 3.2.1. Statistics on number of mergers notified and/or controlled under competition laws

**Table 1.**

Actions	Number
Decisions on notifications	108
Withdrawn notifications	2
Exemptions from the waiting period(derogation requests)	4
Approved with remedies	2
Licence applications	1
Licence applications withdrawn	0
Decisions on licence applications	2
Total	119

### 3.2.2. Summary of significant cases

#### *Enforcement*

- Both Holland Pharma and FACO are wholesale companies trading in drugstore items. They supply their products to, among others, their own drugstore chains, as well as independent drugstores. ACM has concluded that drugstores and other stores will continue to have sufficient options for purchasing drugstore items. There are enough other wholesale companies where drugstores are able to purchase products, for example Vriesia and Unipharm. These two wholesale

companies are also able to offer a complete range of drugstore items. Furthermore, ACM has also come to the conclusion that it is not easy for Holland Pharma to raise prices. It will be difficult for drugstores to pass on such price increases to consumers.

- ACM approved the acquisition by Brocacef Groep N.V. (Brocacef) of Mediq Apotheken Nederland and Mediq Pharma Logistics (Mediq) under strict conditions. Both Brocacef and Mediq ran pharmacies and wholesale operations with pharmaceutical products such as prescription drugs. The merged firm offered to hive off a total of 89 pharmacies so consumers would continue to have enough choice. Brocacef and Mediq each owned a wholesale company that could supply hospitals with a full range of drugs. In order to safeguard competition between wholesalers that supply hospitals, Mediq agreed to sell its wholesale company (Distrimed) to Pluripharm Groep B.V. Pluripharm already owned a wholesale company, but it had not supplied hospitals yet. With this sale, 3 wholesalers would continue to be active in the market, thereby ensuring that hospitals will continue to have enough choice.
- The ACM approved the acquisition of AudioNova by hearing-aid manufacturer Sonova. AudioNova owns Schoonenberg, a chain of hearing-aid retailers. However, Sonova had to sell two locations first. ACM established that the acquisition of AudioNova's stores would not pose any anticompetitive problems. However, Sonova and AudioNova would have had a lot of stores in the Hilversum area. ACM was thus not able to rule out any anticompetitive problems in that region. That is why Sonova in early-September 2016 sold two Connect Hearing locations, in Hilversum and Naarden, to one of its competitors, Oorwerk BV. As a result, ACM no longer saw any impediments, on condition that this sale would be completed within 2 months, and that Sonova would not buy back these locations within 10 years.

### *Courts*

- In appeal proceedings, the CBb reversed the decision of ACM regarding the planned merger between Dutch baking company A.A. ter Beek (with its flagship brand Bolletje) and rival baking company Continental Bakeries.
- The merger that ACM blocked in 2015 (Albert Schweitzer / Rivas) was challenged before the Dutch Court in 2016. On 29 September 2016, the District Court of Rotterdam upheld ACM prohibition of the merger between the Albert Schweitzer Hospital and the Rivas Zorggroep. In that case, the healthcare insurers' pessimism about their ability to discipline the hospitals concerned following their merger, played a role in the decision to prohibit the merger. This was the first time that ACM blocked a hospital merger.
- In September 2016, the District Court of Rotterdam ruled on the request filed by Brocacef to suspend the wholesale ban imposed by ACM. The judge in interlocutory proceedings turned down Brocacef's request. This merger case has been appealed. The District Court upheld ACM's decision in 2017. Further appeal may be taken to the CBb.

#### 4. The role of competition authorities in the formulation and implementation of other policies, e.g. regulatory reform, trade and industrial policies

24. ACM keeps track of the latest trends and developments for consumers and businesses. ACM looks at competition and consumer protection law and policy, and also specifically at trends and developments in the energy, telecommunication, transport and postal services industries.

25. ACM issues an opinion on the enforceability and implementation of each legislative proposal that attributes new tasks and responsibilities to ACM, or amends existing legislation concerning such tasks and responsibilities. ACM assesses the degree to which the draft legislation/regulation can be implemented and enforced effectively; the effects on ACM in terms of personnel, organisation and finances; and possibilities to increase the effectiveness and efficiency of the proposed legislation/regulation. These opinions are sent to Parliament together with the legislative proposal. Examples in 2016 included the ACM opinion issued on the enforceability and implementation of the Act on Government and Free markets (which provides for a system to increase competitive neutrality), also on the Heating Act, on interchange payment fees, on the Postal Act and on the adjustments to the Telecommunications act regarding termination charges. Other opinions concerned legislative provisions on the transition to a system of sustainable energy and adjustments to the Regulation on sustainability initiatives and competition.

26. Several times a year members of parliament are briefed at their request by ACM. These meetings are reported to the relevant minister in advance. In 2016 this occurred about 5 times. In 2016, ACM received a visit from representatives of the European Parliament. Topics discussed included the relationship between competition and sustainable initiatives, the transition to sustainable energy, decreasing regulation in the telecommunications sector, and other legislative initiatives, for example geo-blocking.

27. In December 2016, ACM spoke in the Dutch Parliament on the position of the Dutch rail infrastructure company, ProRail, as the Parliament was discussing the transformation of ProRail to a public organisation.

28. ACM board members regularly meet with top level civil servants in the relevant ministries. The board consults twice a year with the Minister of Economic Affairs. Regular meetings also take place at both director and staff level. In addition to publishing an annual report, ACM publishes annually an open letter ('Insight') to the Minister, in which it contributes to public debate at national and European level on developments in the sectors in which ACM is active. Insight 2017 focuses on how markets work and on issues relating to new business models and a good balance between market principles and regulation.

29. Among other platforms, ACM participates in European and international collaborations of competition authorities (ECN and ICN), of telecom regulators (BEREC), or electricity and gas regulators (ACER and CEER), consumer authorities (CPC and ICPEN), and rail regulators (IRG-Rail).

## 5. Resources of competition authorities

### 5.1. Resources overall

#### 5.1.1. Annual budget

- The 2016 budget from the Ministry of Economic Affairs was approximately EUR 65 million.
- The competition-related budget was approximately: EUR 17 million.

#### 5.1.2. Number of employees

30. There are 207 non-administrative staff involved in competition enforcement. Of these, 139 work in the Competition Department, 45 in the Legal Department, 10 in the Office of the Chief Economist, 10 in the Strategy and Communication Department; and 3 Board-members. Not all people work full-time on competition enforcement. For example, employees of the Strategy and Communications Department, and the Board-members do not spend all of their time on competition issues. Of the 207 employees working on competition enforcement, 180 are actively involved in competition enforcement. Of these, 120 work in the Competition Department; 41 work in the Legal Department; 9 in the Office of the Chief Economist; 7 in the Strategy and Communication Department; and 3 Board-members.

31. Board member Anita Vegter left ACM in 2016 to take up a position at the Ministry of Security and Justice. She is now Director General of Justice and Law Enforcement. As of January 2017 she has been replaced by Cateautje Hijmans van den Bergh.

**Table 2.**

Department	Legal	Economic	L&E	Other	Total
Competition Department	48	30	11	35	120
Office of the Chief Economist		8		1	9
Legal Department	35	1	4	1	41
Members of the Board	2	1			3
Strategy & Communication	2	3		2	7
Total	87	4	15	39	180

Note: 'Other' includes: Business, Mathematics, Accountancy, Political science, and Communication studies.

### 5.2. Human resources<sup>1</sup>

32. It is difficult to specify how many staff deal specifically with competition, because at ACM, we use mixed teams in appropriate cases. In addition, we have experts in the regulatory sectors who work on merger and dominance cases in the regulated sector. Therefore the numbers presented below have to be considered as approximations.

- Anti-cartel: 88 fte
- Abuse of dominance: 38 fte
- Mergers: 32 fte

<sup>1</sup> These figures represent FTE, as some people work half time on projects.

- Other (e.g., advocacy): 22 fte

## 6. Summaries of or references to new reports and studies on competition policy issues

### 6.1. Reports and Studies

33. In 2016, ACM issued an informal opinion on cancer care between major hospitals in the Netherlands. Also, ACM issued an opinion on a temporary collaboration between Dutch Railways NS and rival public-transport company Connexxion to allow passengers on a regional rail line to swipe their travel smart card only once subject to restrictions on the change of commercially-sensitive information.

34. ACM increasingly monitors the effects of its interventions, by checking after the fact whether the behaviour of firms (and sometimes consumers) has changed in line with the goal of its interventions. Where particular interventions are determined to be effective, they are likely to be used again in comparable cases. Specifically, in 2016, ACM published research which it had had conducted into the quality effects of 14 hospital mergers concluded between 2007 and 2013. Based on 97 quality indicators, the researchers compared the quality development of the merged hospitals with that of non-merged hospitals. ACM concluded that hospital mergers in the Netherlands generally do not result in quality improvements. As a result, ACM will consider the quality claims of merging hospitals with more scrutiny. An accompanying study of the price effects of hospital mergers is expected in 2017.

35. Also in 2016, ACM commissioned the VU University Amsterdam to conduct a study into the level of knowledge and the rate of compliance among companies that are active in the port of Rotterdam as well as among companies that are active elsewhere. Almost 400 individuals with commercial responsibilities were interviewed. The study has revealed that companies have insufficient knowledge of the basic rules. The port sectors, together with the port-related transport sectors, make up a key component of the Dutch economy. Too large a minority of companies appear to be insufficiently aware of the basic rules. This negatively impacts compliance with competition rules. This is why ACM continues to focus on improving competition in the ports sector.

36. In November 2016, ACM organised a conference on “Impact Assessment of Interventions of Competition and Consumer Authorities”. Representatives from enforcement agencies, academia, policy and private practice discussed ex-post effect studies in various areas (e.g. telecom mergers, competition measures in energy markets). Also discussed were the pros and cons of impact estimations and the ex-post effect studies.

37. When companies wish to do business in a more sustainable manner, they may need to make certain arrangements with other companies. In its oversight of sustainability arrangements, ACM exercises restraint. ACM drew up basic principles for its oversight of sustainability arrangements. With these principles, we wish to explain to businesses in what situations ACM does and does not step in. We created an interactive ‘decision tree’. Businesses can use this decision tree to do an initial check of whether or not their arrangements may pose any anticompetitive concerns. If the arrangements do restrict competition, the benefits of the sustainability arrangements will have to offset the drawback of the restriction of competition. The arrangements will also have to be

necessary for actually reaping those benefits, and cannot completely eliminate competition.

38. In 2016, ACM, in an informal capacity, thought along with businesses about various covenants on responsible business. Several examples include the International Responsible Business Conduct Sector Agreement on Sustainable Garment and Textile, the Dutch Banking Sector Agreement on International Responsible Business Conduct regarding Human Rights, and arrangements regarding the reduction of salt in food products (at the request of the Dutch Consumers' Association). In these cases, ACM did not have any fundamental objections to these arrangements.

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