

Kluwer Competition Law Blog

Main Developments in Competition Law and Policy 2023 – The Netherlands

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Introduction

In 2023, the ACM has again shown its commitment to enforcing competition law with the aim of protecting the interests of consumers. The imposition of [hefty fine](#) of nearly 8 million EUR on LG for vertical price-fixing conduct, similar to the [Samsung case](#) in 2022, sends a strong message to other companies engaging in such practices. The ACM's investigations into [illegal arrangements involving IT devices](#) also demonstrates its focus on addressing issues in emerging markets.

2023 also showed some essential court rulings regarding ACM's enforcement decisions, which they help clarify the boundaries of the ACM's powers and ensure that its actions are in line with rights of defense. The ACM's merger control decisions have also been noteworthy, as they play an important role in preventing anti-competitive behaviour and ensuring that markets remain competitive.

ACM's year 2023 at a glance

In its [Agenda for 2023](#), the ACM announced that it would focus on energy, the digital economy and sustainability. From the decisions of the ACM it follows that sustainability and the digital economy were the main focus areas for the ACM. For its main actions relating the digital economy, we refer to section 4 below.

Sustainability

In October 2023, the ACM [approved](#) a collaboration between businesses to promote waste-recycling, following a request from the Association of Waste Companies. The initiative involves several waste collectors agreeing to provide new customers with contracts for at least two separate waste streams, such as organic waste, paper/cardboard, and plastic. Companies must supply a minimum of 240 liters of commercial waste per week, and many are subject to legal separation requirements. The initiative provides additional incentives for businesses to separate waste and raise awareness of sustainable waste management practices.

This decision clarifies the ACM's prioritisation policy regarding sustainability, which also considers public interests like privacy and security. The decision aligns with the ACM's new policy, "ACM's oversight of sustainability agreements". This policy highlights the importance of sustainability agreements and guidelines, as sustainability and competition are closely linked. The policy provides guidance for undertakings committing to a sustainability agreement and the option to request informal guidance. This initiative marks the first time the ACM has applied this Policy rule.

(Market) studies of the ACM

Market study into Dutch savings market

The ACM initiated a [comprehensive market study](#) into the functioning of the Dutch savings market. The results of this investigation are expected to be published before the summer of 2024. The request for this investigation was made by the Dutch Ministry of Finance, due to concerns over the financial sector and saving account rates in the country. The ACM believes that Dutch consumers may not be benefiting fully from increased interest rates, as they are considerably lower than those of the European Central Bank. The findings of this study may lead to recommendations being made to the Dutch legislature.

Study into effectiveness of article 24 DCA

The Ministry of Economic Affairs and Climate commissioned a study into the effectiveness of Article 24 of the Dutch Competition Act (DCA), the prohibition on abuse of a dominant economic position equivalent to Article 102 TFEU. Tilburg Law and Economics Center (TILEC) conducted this [study](#) and drew several notable conclusions and recommendations [endorsed](#) by the ACM.

According to the researchers, the primary function of Article 24 DCA is deterrence, preventing the abuse of economic power. It is not surprising that there are few cases of abuse, as investigating such cases requires a significant investment of resources. The high burden of proof and need for complex and time-consuming economic analyses often means that other investigations suffer. TILEC notes that the number of abuse cases handled by the ACM is comparable to that of other countries. TILEC suggests that regulating sectors where dominant companies are protected by entry barriers could be more effective and national additional legislation could restore positions of dominance in certain sectors. TILEC also recommends researching the potential expansion of the ACM's powers.

Following its endorsement of the TILEC report, the ACM has intensified its lobby for a 'new competition tool', eyeing the CMA's market investigations powers in the UK. It is expected that the Ministry of Economic Affairs will consider drafting a proposal to amend the DCA in 2024.

Enforcement activities by the ACM

The ACM has been active in enforcement in 2023, having initiated two investigations but also

refusing to investigate some complaints. Additionally, the ACM has imposed four fines for violations of the cartel prohibition. There have also been noteworthy developments in merger control.

Refusal to investigate/warnings ACM

The ACM issued **warnings** to various suppliers of baby and children's products. Reports received by the ACM indicated that suppliers were exerting undue influence over the retail prices of their products, such as strollers, car seats, and children's clothing, among others. This practice harms competition between retailers and eventually affects consumers. Suppliers are only permitted to provide non-binding price recommendations to retailers, who must be able to set their own prices. The ACM will closely monitor various companies to ensure compliance with these rules. Failure to comply may result in fines up to 900.000 euros or 10% of the turnover.

Refusal to investigate

In 2023, the ACM has rejected some enforcement requests and decided not to investigate based on its prioritisation policy. Those cases are set out below.

The ACM **rejected** an enforcement request to investigate the ground lease policy of the municipality of Amsterdam. The ground lease policy had been the subject of objections and allegations of antitrust violations, including abuse of dominant position and violation of the cartel prohibition. After a thorough review, the ACM decided not to start an investigation. A lessee went into administrative appeal against that decision at the ACM. The ACM again refused to start an investigation. It held that to assess the alleged violations by the Municipality of Amsterdam, extensive and specialised investigation would be required, which the ACM could not allocate to this case due to other priorities. The Municipality of Amsterdam had already taken measures following its own internal investigation. Therefore, the ACM decided to prioritise other cases and deemed an investigation into the Municipality not efficient or effective. This decision was later confirmed in a **court ruling**.

The ACM also **rejected** the enforcement request made by "AVR-afvalverwerking B.V." (AVR) against the shareholder municipalities of its competitor Twence. AVR claimed that the shareholder municipalities favoured the state-owned company Twence by awarding a contract for household waste processing without putting it out to tender and paying excessive fees for this contract. The ACM did not prioritise this request for enforcement, leading AVR to file administrative appeal at the ACM. Upon reconsideration, the ACM dismissed the appeal and upheld the rejection of the enforcement request. The ACM concluded that further investigation into the matter would not be effective or efficient due to the need for extensive economic research to assess the market conformity of Twence's rates, which would require scarce specialist knowledge and resources that could be allocated to other cases.

The ACM also **rejected** an enforcement request against Zorgverzekeraars Nederland (the branch association of healthcare insurers), made by a healthcare provider who alleged that the 'Policy Continuity Contribution' for the Dutch Health Insurers violated the Dutch Competition Act by breaching the cartel prohibition and abusing a dominant position. The ACM stated that the policy

was created during the Covid-19 pandemic to ensure health insurers a compensation of loss of turnover and to ensure the continuity of healthcare services. With the importance of this policy in mind and its temporary nature, the ACM decided to not investigate the breach of the Dutch Competition Act.

Investigations

The ACM **launched** an investigation into illegal arrangements within the IT device industry. An internationally operating IT device manufacturer and its distributors are suspected of abusing a dominant position by limiting retailers from deciding what to supply customers and at what price, as well as restricting the sale of refurbished devices. ACM has conducted dawn raids at several companies in the Netherlands and Belgium in collaboration with the Belgian competition authority. The coordination of retail prices and customer sharing may lead to higher prices and reduced quality of services for end-users, while limiting the sale of refurbished devices is not only undesirable from a competitive standpoint, but also from a sustainability perspective. ACM will assess whether the parties have violated competition rules.

Earlier in 2023, the ACM had **launched** preliminary investigations in the prescription drug sector and sent requests for information to three companies in that sector to examine whether manufacturers were imposing excessive prices on several drugs. In addition, the ACM received reports that health care providers are faced with unreasonable conditions when taking out products and services, or that they can only take out certain services in a bundle. ACM will assess the information that it receives from the companies. Later the same year, the ACM conducted investigations into two drug manufacturers that charged high prices for prescription drugs and into the conditions under which products and services were sold to health care providers. However, the ACM **found** insufficient indications of violations of the Dutch Competition Act.

Enforcement decisions

Compared to the enforcement decisions in 2022, the ACM has been much more active in 2023. Of the four decisions made, three cases related to illegal price-fixing: one vertical and two horizontal.

LG was **fined** nearly 8 million EUR by the ACM for vertical pricing restraints in relation to seven large retailers on the online retail prices of television sets from 2015 through 2018. The investigation of the ACM showed that LG played an active role in coordinating price increases of retailers to the recommended price that LG provided, which disrupted competition between retailers. LG provided price recommendations to retailers, requested them to charge these prices, and took action to bring the retail prices of other retailers in line with the recommended prices. Online monitoring tools were used by LG to assess whether retailers charged lower prices than the recommended prices, while retailers complained to LG when competitor retailers used prices that were deemed too low, resulting in LG contacting the retailers in question and demanding an explanation. LG also confronted retailers who charged lower prices than the recommended prices and requested retailers to refrain from advertising specific special deals on price comparison websites and not to indicate possible discounts at checkout online. This case is very similar to the [Samsung case](#). More information on the LG case can be found [here](#).

The ACM **fined** traffic sign manufacturers, Brimos and Agmi, for fixing prices in four different tenders for the production of traffic signs, resulting in fewer competitive offers in the tender process for road and highway distance signs by the Dutch national agency for signposting (Nationale Bewegwijzeringsdienst). Brimos and Agmi had contacted each other in advance to discuss which of the two should win which contract, affecting the principle of fairness within tender processes. When companies make illegal agreements, they can confess their involvement and submit a leniency request. As was the case with Brimos, for whom the fine was waived following a leniency application. Agmi's fine was reduced by 60% to 56.000 euros after cooperating with the ACM during the investigation.

The ACM **imposed fines** on three egg-product companies (Interovo, Wulro, and Global) for illegal price-fixing agreements. The three companies purchase industrial eggs from farmers and processed them into liquid or powdered egg products for use by the food-processing industry. Starting in April 2015, Wulro and Interovo coordinated prices, shared suppliers, and exchanged commercially sensitive information, while Wulro and Global did the same starting in March 2016. Conversations via WhatsApp showed how the companies coordinated from which farmers they would purchase eggs, allocated farmers to each other, and offered discounts off the recommended price set by the Dutch Organization of Poultry Farmers (NOP). Following administrative appeal by the egg companies, the ACM reduced the fine.

The ACM **has reduced the fine** on Leadiant for excessive and unfair pricing of their CTX-drug to 17 million EUR (instead of 19,5 million EUR) in administrative appeal. In 2021, the ACM had imposed a fine on Leadiant for applying excessive pricing for their drug CDCA-Leadiant from June 2017 until December 2019, which was considered as an abuse of their dominant position. Leadiant objected to this decision. In administrative appeal, the ACM held that Leadiant did not hold a dominant position within the sector during a four-month period in 2018 when an alternative drug was bought by Amsterdam UMC. Therefore, Leadiant did not violate the prohibition on the abuse of a dominant position during that specific period, resulting in a reduction of the fine from 19.569.500 euros to 17.044.000 euros.

After continued discussion with Apple about compliance with the 2021 penalty order for abuse of dominance, the ACM **rejected the administrative appeal**. The penalty order had been imposed in August 2021 because Apple used unfair conditions on dating app providers in the App Store. Apple failed to comply with the order to remedy the violations and was ordered to pay 50 million EUR. The ACM **found** that Apple's payment conditions in the App Store were unfair and in breach of competition rules, because of the obligation of using only Apple's payment system in the App Store (IAP-conditions) and the restriction on referring to any other payment options except for the App Store (anti-steering-condition). Meanwhile, Apple has modified this part of its terms and thereby met the requirements of the ACM.

Merger control

Merger control has been relatively active in 2023, some decisions will be mentioned below.

Acquisition of Talpa Network by RTL Group

The ACM has **blocked** the acquisition of Talpa Network by RTL Group, citing concerns over the creation of a dominant player in the media sector and potential disruption of competition. The

merger would have resulted in increased prices for television ads and distribution of channels through telecom companies, adversely affecting consumers. Despite proposals put forward by RTL and Talpa in December to address anticompetitive concerns, the ACM deemed them inadequate. The merged entity would have held too much market power in the television ad market, limiting alternatives for advertisers and leading to potential price increases without competition. Additionally, telecom companies include commercial television channels in their television packages, and they would be unable to ignore a combined RTL/Talpa, potentially leading to higher costs for consumers and a weakened bargaining position for telecom companies.

Acquisition of AEB by AVR

The ACM **blocked** the acquisition of Amsterdam-based waste-management company Afval- en Energiebedrijf (AEB) by rival company Afvalverwerking Rijnmond (AVR), as it would have created a too powerful company, leading to higher prices for processing household waste and low-level hazardous waste.

The acquisition would have made AVR/AEB the largest waste-management company in the Netherlands, with a combined processing capacity twice that of their nearest competitor and a market share of 60% in the western part of the country. The ACM found that the combination AVR/AEB could have raised prices for processing household waste, particularly in the densely populated western part of the Netherlands, where there are few alternatives, and waste transport costs are higher.

The investigation into processing of low-level hazardous waste revealed that the combination AVR/AEB would have had a dominant position, with a combined market share of over 80%. There are few other incineration plants in the country that can process this type of waste, and the alternatives that exist have limited capacity.

Despite AVR/AEB arguing that the acquisition would accelerate their sustainability efforts, the ACM found the claim insufficient, stating that sustainability measures, such as separation plants or CO₂ capture, need to be implemented regardless and can be achieved through collaborations.

Acquisition Landal GreenParks by Roompot – conditional approval

The ACM has granted **conditional approval** for the acquisition of Landal GreenParks, a holiday and village park chain, by Roompot, a rival chain. To ensure fair competition, Roompot had to sell 30 holiday parks to Dormio Group, a resort and hotel chain.

Both Roompot and Landal offer holiday accommodations as well as rental and marketing services to owners of holiday homes and parks. The ACM conducted an investigation, which revealed that without conditions, the merger could lead to higher prices. The sale of 30 parks to Dormio established a strong competitor in the market for holiday rentals, services, and marketing. Dormio's acquisition of these parks will make it a serious competitor in the sector and boost competition, prices, quality, and innovation. Landal/Roompot will also sell two brand names to Dormio: Hogenboom and Largo.

ACM's investigation revealed that without conditions, the merger could have led to higher prices. The ACM considered that the sale of 30 parks to Dormio could prevent this from happening. Dormio is already active as a provider of holiday parks in the Netherlands and other European countries. With the addition of 30 parks as well as investments announced by Dormio itself, it will become a serious competitor in the recreation sector. The ACM cleared the acquisition only after the sale of the 30 parks had been finalised.

Youfone

The ACM **decided to further investigate** into the acquisition of Youfone by rival telecom company KPN. The acquisition could lead to higher prices or a reduced selection for consumers, as well as a deterioration of competition in the so-called 'no-frills' segment. Youfone has been growing rapidly by offering competitively priced mobile plans, known as no-frills plans, which use KPN's mobile network. The ACM concluded that the no-frills segment of the mobile-telecommunications market could deteriorate with this acquisition, and therefore conducted further investigation. However, in March 2024 the ACM ultimately **approved** the acquisition.

Acquisition Albert Heijn supermarkets by Jan Linders

The ACM **approved** the acquisition of ten Albert Heijn supermarkets by rival supermarket formula Jan Linders. After an informal investigation into the cooperation agreement between Albert Heijn and Jan Linders, the ACM has decided that sufficient competition will remain and approved the acquisition.

Moreover, the ACM **declared** the commitments of Albert Heijn and Jan Linders binding regarding the sale and commercial exploitation of supermarkets. The Dutch supermarket chains are supposed to sell five supermarkets to competitors and are to no longer exploit these themselves. The Jan Linders-formula will cease to exist, but with these commitments, consumers will continue to have sufficient choice of alternative supermarkets.

The ACM has examined the possible consequences the conversions of Jan Linders locations to Albert Heijn locations. Albert Heijn and Jan Linders cooperated fully, and the ACM was able to carry out an informal investigation. Based on the outcome, the ACM has found that in some areas there may be insufficient choice as well as insufficient competition between formulas. The assessment was concluded quickly, by Jan Linders committing to selling five locations and by the promise from Albert Heijn and Jan Linders not to exploit the locations.

Court rulings in 2023

In 2023, there have been several court rulings regarding the enforcement actions of the ACM. While the court confirmed three of ACM's decisions, two merger decisions of the ACM were overturned.

ACM may extend the scope of an investigation

On 24 January 2023, the Court of Appeal of The Hague handed down a [judgment](#) on the lawfulness of a dawn raid conducted by the ACM. In 2019, the ACM had carried out inspections at the premises of the claimant companies following market signals, with the investigation objective focused on a possible cartel violation involving price coordination. However, after reviewing email and WhatsApp messages, the ACM expanded the scope of the investigation to include price coordination in sales. The company argued that the ACM did not adhere to its own Procedure for the inspection of digital data by conducting investigations outside the scope. On these grounds the company sought the annulment of the data obtained outside the scope of the investigation, or the assurance that the data would be secured until a decision on the lawfulness of the investigation's expansion was made by the court. The district court of the Hague rejected the claims. However, after analysing specific messages and emails that led to the expansion of the investigation objective, the Court of Appeal concluded that the ACM did not act unlawfully. The Court of Appeal held that the expansion of the investigation to include the sale of a certain product was based on evidence found in various chat messages and emails regarding violations related to the sale of the product. The evidence included screenshots of iMessage conversations, WhatsApp conversations, and emails.

Court overturns the ACM's decision to block Mediq's acquisition of Eurocept Homecare

On 24 March 2023, the District Court of Rotterdam [overturned](#) the ACM's decision to block Mediq's acquisition of Eurocept Homecare. The ACM had refused to grant a license for the merger, because of concerns that the parties would obtain a dominant position in the market for the provision of ambulatory infusion pumps for domestic use. The court found that the ACM did not sufficiently prove the relevant product market definition. Therefore, the argument of the ACM that the acquisition would cause a threat to the competition within this sector could not uphold.

The appeal focused on the market definition of the specific product group: ambulatory infusion pumps for domestic use. Mediq argued that this product group includes elastomeric pumps and stationary infusion pumps as well. The ACM had concluded that these products are not interchangeable with ambulatory infusion pumps, but the court found that the ACM did not sufficiently investigate the variety of medication that can be administered by the different types of pumps. The court also disagreed with the ACM's statement that stationary infusion pumps are rarely used in domestic situations, as other market players had indicated that they are suitable for domestic use. The ACM will need to conduct further investigation into the relevant product market to make it sufficiently clear that ambulatory infusion pumps are not interchangeable with elastomeric pumps or stationary infusion pumps.

Court overturns the ACM's decision to block the acquisition of Mauritskliniek by Bergman Clinics

On May 12, 2023, the District Court of Rotterdam [overturned](#) ACM's decision to block the acquisition of Mauritskliniek by Bergman Clinics, because of a lack of decisive evidence to prohibit the merger based on qualitative studies conducted by the ACM. The ACM had argued that the merger would further strengthen Bergman Clinics' bargaining position, making it an indispensable contracting partner for health insurers. However, the court found that the surveys

presented by the ACM did not demonstrate the indispensability of Bergman Clinics as a healthcare provider, and that selective contracting was not unrealistic. The court also found that the price study presented by the ACM was insufficient to establish a significant restriction of competition.

Court confirmed ACM's decision to impose fines of EUR 82 million on cigarette manufactures

On July 18, 2023, the District Court of Rotterdam [confirmed](#) ACM's 2020 decision to impose fines of EUR 82 million on cigarette manufactures Philip Morris, JT International, British American Tobacco and Van Nelle Tabak. The ACM had imposed fines on the four cigarette manufacturers in 2020 for exchanging information on future prices of cigarette packs through wholesalers, which was held as a concerted practice.

The manufacturers argued (among others) that the ACM wrongly established a concerted practice and a restriction of competition by object. They argued that the highly regulated and transparent tax system provided a legitimate reason to provide future price lists to wholesalers. However, the court rejected these arguments and supported the ACM's view that the core of the infringement was the practice of indirect information exchange, which removed uncertainty from the market.

The manufacturers also objected to the amount of the fine imposed and the way the ACM conducted its investigation. The court did not follow these arguments either. Although the manufacturers succeeded in arguing that the ACM wrongly applied the 2009 Guidelines for imposing fines instead of the 2007 Guidelines for imposing fines, the court still declared the manufacturers' appeal unfounded in its entirety because the old policy rules would not have led to a more favourable result for the manufacturers.

Court confirms ACM's decision not to grant PostNL a licence to acquire Sandd

On September 29, 2023, the Rotterdam District Court [confirmed](#) ACM's decision not to grant PostNL a licence to acquire Sandd in 2019. The ACM had refused to grant the license due to concerns that PostNL's takeover of Sandd would strengthen its dominant position. The court upheld the ACM's decision, stating that the possible horizontal and vertical effects of the merger on the markets for business and consumer mail had been sufficiently demonstrated by the ACM. The court also agreed that PostNL had not demonstrated that it could not perform the universal postal service without the merger (which was one of the arguments of PostNL).

PostNL had requested that the Minister of Economic Affairs and Climate Policy grant a license under Section 47(1) and (2) of the Dutch Competition Act and appealed the ACM's refusal decision. The Minister granted a license in September 2019, which was later reversed by the court of first instance and on appeal. The court declared PostNL's appeal against the ACM's decision unfounded, stating that the ACM had correctly defined national markets for consumer and business mail and was allowed to use data from its research and internal PostNL documents. The court agreed with the ACM's assumption that PostNL would remain profitable in the short and long term, and that Sandd would continue to exert competitive pressure if the acquisition did not take place.

Court confirms ACM's decision to impose a fine on Samsung

On 13 November 2023, the District Court of Rotterdam **confirmed** ACM's decision to impose a fine on Samsung for exercising undue influence on the online retail prices of television sets of seven retailers. The investigation of the ACM demonstrated that Samsung used "spider-software," price comparison websites, and tips from retailers to closely monitor whether retailers adhered to the recommended prices, and contacted those who priced below the recommended level, urging them to adjust their retail prices, according to the ACM. Samsung argued at the court that there was no concurrence of wills, as it was common market practice for retailers to negotiate over retail prices and stay up to date on competitors' prices. The court rejected this argument, citing the communications of competing retailers, persistent pressure from Samsung to lower the retail prices, and retailers' willingness to lower their prices as evidence of a concurrence of wills.

Samsung also challenged the characterisation of the conduct as a restriction of competition by object, arguing that its price recommendations were non-binding and there was no coercion or financial incentives. The court also rejected this argument, stating that the absence of contractual coercion or financial incentives does not prevent the ACM from establishing an infringement under Article 101 TFEU, and that retail price maintenance is explicitly prohibited in that provision. The court found that the agreement between Samsung and its retailers affected the freedom of retailers to set their own retail prices, and that the reciprocal requests and follow-ups created an agreement or concerted practice whereby the retailers no longer set their own resale prices and agreed to do so. The court also rejected Samsung's arguments relating to the absence of a single and continuous infringement and the amount of the fine, upholding the ACM's fine of nearly €40 million in its entirety. More information on the Samsung ruling can be found [here](#).

Changes in legislation and policymaking by the ACM

In light of changing market conditions, it is worth noting new legislation that has been introduced.

Guidelines for trade associations

The ACM has **released** 'Guidelines regarding trade associations and healthcare contracting', clarifying the boundaries for trade associations in the healthcare sector when supporting their members during healthcare contracting. The Dutch healthcare system is a highly regulated market with three main groups of players: healthcare providers, health insurers, and patients. Individual contracting is the standard, enabling healthcare providers and health insurers to independently determine prices and make agreements that align with regional needs. The ACM's guidelines consider the specific dynamics of the healthcare sector, including differences between large and small healthcare providers. The guidelines provide specific examples of what is and what is not allowed for healthcare trade associations, such as informing their members about new legislation, but not providing advice on commercial aspects of healthcare contracting, such as pricing or volume growth. Trade associations cannot assist their members in collectively raising or lowering prices.

EU legislation

With the new legislation coming from the European Union, the ACM is [readying](#) itself for enforcing the new EU rules regarding the digital economy. Since 2023, the EU has introduced two very important new sets of rules, namely the Platform-to-Business Regulation and the Digital Service Act. Both will have a significant impact on the ACM's authority, as they were implemented to strengthen the oversight of the digital economy.

Regarding the Platform-to-Business (P2B) Regulation, the ACM has released guidelines outlining the P2B rules protecting business users on online platforms. These guidelines are meant to promote fairness and transparency on online platforms, with rules regarding issues such as the ranking of search results. The ACM will have the authority to enforce the P2B Regulation in the Netherlands.

Under the Digital Markets Act (DMA), the ACM will be assisting the European Commission with receiving and investigating complaints about the DMA. The Dutch Minister of Economic Affairs and Climate Policy has drafted a bill, which proposes rules for the enforcement of the DMA. The proposed bill states that possible violations of the DMA could then be reported to the ACM. The ACM has deemed the proposed law feasible and enforceable and [welcomes the bill](#) with a positive outlook.

External evaluation

After losing two merger cases in the healthcare sector in 2023, the the ACM has requested an external advisor to [conduct an evaluation](#) into the process of mergers and acquisitions. The advisor, Luc Gyselen, has published a report with his recommendations and advice, and in return, the ACM published its [reaction on the report](#). The ACM has taken the recommendations into account and sees the sharpening of motivation as the most important point. The two procedural recommendations, namely a more intensive pre-notification process preceding the notification and further investigation after preliminary conclusions (Points of Consideration), are considered by the ACM as additional tools to make better decisions.

What will 2024 bring?

The ACM has been sharpening its teeth in competition cases and at the same time it is gearing up to enforce new laws regulating the digital economy and sharpening its focus on competition cases. The ACM's focus points for 2024 include ensuring a safe online environment for all. With the implementation of the Digital Services Act, Digital Markets Act, and Platform-to-Business Regulation, the ACM will target the market power of big tech companies. The upcoming year will be another interesting year for the ACM.

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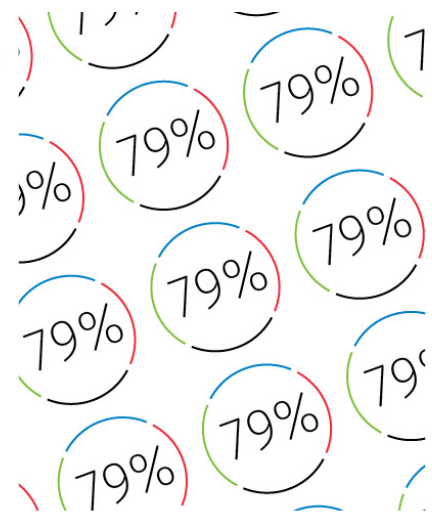
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