

Please note that, although every effort has been made to ensure this translation is accurate and consistent, it is for informational purposes only. In case of any dispute or inconsistencies, the Dutch version is authentic.

Decision of the Netherlands Authority for Consumers and Markets of 2 April 2013, ACM/DJZ/2013/200834, on the appointment of enforcement officers of the Netherlands Authority for Consumers and Markets (Decision on the appointment of ACM enforcement officers)

The Netherlands Authority for Consumers and Markets,

Considering Section 4.23, paragraph 1 of the Public Procurement Act 2012, Section 3.10, paragraph 1 of the Public Procurement Act with regard to Defense and Security Matters, Section 48, paragraph 4 of the Drinking Water Act, Section 5a, paragraph 1 of the Dutch Electricity Act 1998, Section 1b, paragraph 1 of the Dutch Gas Act, Section 45b, paragraph 1 of the Dutch Pilotage Act, Section 50, paragraph 1 of the Dutch Competition Act, Section 37, paragraph 2 of the Postal Act 2009, Section 70, paragraph 2 of the Dutch Railway Act, Section 15.1, paragraphs 2 and 3 of the Dutch Telecommunications Act, Section 2.4, paragraph 1 of the Dutch Act on Enforcement of Consumer Protection, Section 19, paragraph 2 of the Act on the implementation of EU directives on energy efficiency, Section 11.14a, paragraph 1 of the Dutch Aviation Act, Section 1:25a in conjunction with Section 1:72, paragraph 1 of the Dutch Act on Financial Oversight, Section 87, paragraph 5 of the Dutch Passenger Transport Act 2000, Section 15, paragraph 1 of the Act on postal services in the Caribbean Netherlands, and Section 31a, paragraph 1 of the Act on telecommunication facilities in the Caribbean Netherlands;

Decides:

Article 1

The public employees employed with the Netherlands Authority for Consumers and Markets shall be appointed as officers within the meaning of:

- a) The Drinking Water Act;
- b) The Electricity Act 1998;
- c) The Dutch Gas Act;
- d) The Dutch Pilotage Act;
- e) The Dutch Competition Act;
- f) The Postal Act 2009;
- g) The Dutch Railway Act;

- h) The Dutch Telecommunications Act;
- i) The Dutch Act on Enforcement of Consumer Protection;
- j) The Act on the implementation of EU directives on energy efficiency;
- k) The Dutch Aviation Act;
- l) The Dutch Passenger Transport Act 2000,

And charged with enforcement of compliance with the provisions under or pursuant to these acts, as well as charged with enforcement of compliance with the European regulations within the meaning of Article 288 of the Treaty on the Functioning of the European Union, insofar the Netherlands Authority for Consumers and Markets has been charged with such enforcement.

Article 2

The public employees employed with the Netherlands Authority for Consumers and Markets shall be appointed as enforcement officers within the meaning of:

- a) The Public Procurement Act 2012;
- b) The Public Procurement Act with regard to Defense and Security Matters,

And charged with drawing up statements of objections within the meaning of Section 5:48 of the Dutch General Administrative Law Act.

Article 3

The public employees employed with the Netherlands Authority for Consumers and Markets shall be appointed as individuals within the meaning of:

- a) The Dutch Act on Financial Oversight;
- b) The Act on postal services in the Caribbean Netherlands;
- c) The Act on telecommunication facilities in the Caribbean Netherlands,

And charged with enforcement of compliance with the provisions under or pursuant to these acts, insofar the Netherlands Authority for Consumers and Markets has been charged with such enforcement.

Article 4

The public employees employed with the Netherlands Authority for Consumers and Markets shall be appointed as officers within the meaning of:

- a) Article 20, paragraph 5 of Regulation 1/2003¹, charged with assisting the officers and other accompanying persons authorized by the Commission;
- b) Article 22, paragraph 2 of Regulation 1/2003, charged with conducting inspections at the request of the European Commission or other competition authorities.

¹ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 101 and 102 of the Treaty on the Functioning of the European Union, OJ 2003, and L 001.

Article 5

This decision shall enter into force the day after the date of publication of the Dutch Government Gazette in which it is published, and shall apply retroactively from April 1, 2013.

Article 6

The Decision on the appointment of enforcement officers of the Netherlands Consumer Authority (Dutch Government Gazette 2006, no. 250) and the Decision on the appointment of enforcement officers of the Netherlands Independent Post and Telecommunications Authority OPTA 2013 (Dutch Government Gazette 2013, no. 313) shall be repealed.

Article 7

This decision shall be cited as: Decision on the appointment of ACM enforcement officers.

This decision shall be published in the Dutch Government Gazette.

The Hague, April 2, 2013

The Netherlands Authority for Consumers and Markets,

*C.A. Fonteijn
Chairman of the Board*

*F.J.H. Don
Member of the Board*

*J.G. Vegter
Member of the Board*