



ACM plans to launch and close five new sector probes this year

Bethan John

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The outcomes of five newly announced sector probes could help the Dutch competition watchdog persuade lawmakers to introduce its desired new market investigations regime, according to agency head Martijn Snoep.

The Netherlands Authority for Consumers and Markets (ACM) yesterday revealed its plans to launch five separate sector studies, including into the beleaguered veterinary practices market, which is already under scrutiny in other jurisdictions.

Snoep told GCR today that the agency aims to conclude all five of the probes before the year is out – though competition practitioners have questioned the resourcing expenditure required for the agency to run so many market studies at once.

Unveiling its annual plan for 2025 yesterday, the ACM announced it will review the markets for veterinary practices, learning resources, low-budget fixed internet services, hydrogen development and “computer-controlled” pricing – meaning both dynamic and personalised.

This number of market probes reflects the agency’s broad regulatory mandate, Snoep told GCR. For instance, the low-budget fixed internet probe will fall under its telecoms department and the hydrogen investigation sit within the energy group.

“It’s not unusual that we have as many market investigations running – what is new is that we bring it all together under one heading,” Snoep said, calling the new probes an ACM-wide initiative.

Should these studies identify competitive harms, the agency will also use these examples to build its case before the legislature for powers to impose remedies following a market probe, also known as a “New Competition Tool”, the ACM chair confirmed.

As an example of what could follow, Snoep cited the agency’s [savings accounts](#) market probe, which led to the ACM “demonstrating what possible bottlenecks for competition are in the market and also solutions for the government to solve these bottlenecks”.

It will then be up to the government to decide whether it wants to implement a new competition tool, he said.

However, as the ACM aims to conclude the new market probes before the end of the year, it would be long before the legislature could approve possible market remedy powers, Snoep said.

He estimated that it could take at least two years from when the government introduces such a bill for the law to be enacted.

Snoep has called for such reforms on multiple occasions, previously [saying](#) that the ability to impose market remedies will be key to tackling possible algorithmic collusion.

However, he cautioned that the five new sector studies were not deliberately chosen to illustrate the need for the market remedies powers. Rather, the probes were chosen based on “where there is relevance for society,” particularly when there is consumer awareness around the functioning of those markets.

For example, he noted the agency had received “numerous” complaints about the veterinary sector.

Snoep told GCR that the agency is alive to lessons from competition authorities in other jurisdictions, which are also scrutinising practices in the vet sector.

The UK's Competition and Markets Authority [launched](#) its market study into the vet sector in September 2023, before [referring](#) the sector for an in-depth market investigation the following year – which allows it to impose sector-wide remedies.

The CMA has already said it [could rely](#) on a mix of structural and behavioural fixes should it find evidence of competitive harm.

Snoep said the ACM is in “close contact” with the CMA about its work, as well as the Finnish Competition and Consumer Authority, which is also [scrutinising](#) the sector.

The ACM's annual plan also said it wanted to seek advice on rules and regulations that are no longer “relevant” or working well.

Snoep said it was “too early” to give concrete examples but again pointed to the enforcer's broad mandate.

“These are regulations that concern transport or regulations that concern telecoms or energy companies,” he said. “It's not that we propose to eliminate the cartel prohibition, or the prohibition on abuse of dominance.”

‘Step up to the challenge’

CMS partner Edmon Oude Elferink said the agency's annual plan is “very ambitious”, but questioned if it will be able to wrap up all the market probes by the end of the year.

The new probes are evidence of the ACM's proactiveness, but some might wonder if it is overextending itself, said Bas Braeken, a partner at bureau Brandeis.

“Market investigations often require a lot of time and resources,” he said. “This could risk undermining enforcement efforts, especially since the output on enforcement reports is already relatively low.”

Martijn van de Hel, a partner at Maverick Advocaten in Amsterdam, noted that Snoep has previously flagged resourcing problems, even recently [warning](#) that the ACM is “continuously struggling for budget”.

“In practice, we see that the ACM often rejects complaints stating insufficient resources and its prioritisation policy,” van de Hel said. “To my opinion these are hard to reconcile.”

Helen Gornall, a partner at De Brauw Blackstone Westbroek, echoed the view that five market probes is a “hefty number for the ACM to grapple with in a year”.

The agency is “busy with many priorities” at this time, such as digital regulation, energy and merger control – so “it needs to step up to this challenge”, she said.

Bethan John

Senior news reporter

Global Competition Review

bethan.john@globalcompetitionreview.com

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