

THE NETHERLANDS

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1. Consumer policy institutions

1.1. MINISTRY RESPONSIBLE FOR CONSUMER POLICY

In Netherlands there is not a single Ministry whose main task is consumer policy, consumer protection and consumer affairs. However, Mr Henk Kamp of the Ministry of Economic Affairs is responsible for the general consumer policy as well as some specific sectors as energy and telecommunications.

Other aspects are dealt with by the Ministry of Security and Justice, the Ministry of Health, Welfare and Sport and the Ministry of Finance.

- **Ministry of Economic Affairs, Agriculture and Innovation**

Minister Name: Mr Henk Kamp

Visitors Address: Be Zuidenhoutseweg 73, 2594 AC Den Haag

Postal Address: Postbus 20401, 2500 EK Den Haag

Tel: (+31) (0)70 379 89 11

Website: <https://www.rijksoverheid.nl/ministeries/ministerie-van-economische-zaken>

- **Ministry of Security and Justice**

Visitors Address: Turfmarkt 147, 2511 DP Den Haag

Postal address: Postbus 20301, 2500 EH Den Haag

Tel: (+31) (0)70 370 79 11

Website: <https://www.rijksoverheid.nl/ministeries/ministerie-van-veiligheid-en-justitie>

- **Ministry of Finance**

Visitors address: Korte Voorhout 7

Postal address: Postbus 20201, 2500 EE Den Haag

Tel: (+31) (0)70 342 80 00

Website: <https://www.rijksoverheid.nl/ministeries/ministerie-van-financien>

- **Ministry of Infrastructure and the Environment**

Visitors address: Plesmanweg 1-6, 2597 JG Den Haag

Postal address: Postbus 20901, 2500 EX Den Haag

Tel: (+31) (0)70 456 00 00

Website: <https://www.rijksoverheid.nl/ministeries/ministerie-van-infrastructuur-en-milieu>

- **Ministry of Health, Welfare and Sport**

Visitors address: Parnassusplein 5

Postal address: Postbus 20350, 2500 EJ Den Haag

Tel: (+31) (0)70 340 79 11

Fax: (+31) (0)70 340 78 34

Website: <https://www.rijksoverheid.nl/ministeries/ministerie-van-volksgezondheid-welzijn-en-sport>

1.2. PUBLIC AGENCIES

Legislation	Public Enforcement Agencies
Directive 90/314/EEC Directive 93/13/EEC Directive 97/7/EC Directive 97/55/EEC Directive 1999/44/EC Directive 2000/31/EC Directive 2002/58/EC Directive 2005/29/EC Directive 2006/114/EC Directive 2006/123/EC Directive 2008/122/EC Regulation 1008/2008 Directive 2011/83/EU Directive 2013/11/EU Regulation 524/2013	The Dutch Authority for Consumers & Markets (ACM) https://www.acm.nl/
Directive 2002/65/EC Directive 2008/48/EC Directive 2014/17/EU	Netherlands Authority for the Financial Markets Website: http://www.afm.nl/corporate/
Directive 98/6/EC	ACM (investigation) / Public Prosecution Service (enforcement)

1.3. NATIONAL CONSUMER ORGANISATIONS

There is no official list of consumer organisations. The organisations that are *de facto* considered as consumer organisations are:

- **‘Consumentenbond’**
Postal Address: Postbus 1000, 2500 BA Den Haag
Address: Enthovenplein 1, 2521 DA Den Haag
Tel: +31 (0)70 445 45 45
Website: <http://www.consumentenbond.nl/>

It is the biggest (486.000 members) and more general consumer organisation. The bond gives information about consumer law and product/services tests, publishes several magazines and gives opinions to new consumer policy, on national and European level.

Other (sector specific) consumer organisations are (a few out of a long list):

- **Stichting de Ombudsman (holds the Government to account over its conduct towards citizens)**
Address: Postbus 93122, 2509 AC Den Haag
Tel: +31 (0)70 356 35 63
E-mail: info@stichtingdeombudsman.nl
Website: <https://www.nationaleombudsman.nl/>

- **Goede Waar en CO (human , animal and environmental aspects of consuming)**

Address: Postbus 40, 2050 AA Overveen

E-mail: info@goedewaar.nl

Website: <http://www.goedewaar.nl/>

- **ANWB (cars, travelling)**

Website: <http://www.anwb.nl>

- **ROVER (public transport)**

Address: Utrechtseweg 59, 3818 EA Amersfoort

Tel: (+31) (0)33 422 04 50

Website: www.rover.nl

- **NPCF (patient organisation)**

Postal Address: Postbus 1539, 3500 BM Utrecht

Visitors Address: Van Dommelenhuis, Churchilllaan 11, 6th floor, 3527 GV Utrecht

Tel: +31 (0)30 297 03 03

E-mail: npcf@npcf.nl

- **Vereniging eigen Huis (houses, living)**

Postal Address: Postbus 735, 3800 AS, Amersfoort

Tel: +31 (0)33 450 77 50

Website: <https://www.eigenhuis.nl>

1.4. NATIONAL COUNCILS/ASSEMBLIES OF CONSUMER ORGANISATIONS AND OTHER STAKEHOLDERS

- **SER**

Address: Bezuidenhoutseweg 60, 2594 AW Den Haag

Postal Address: Post Box 90405, 2509 LK Den Haag

Tel.: +31 (0)70 349 94 99

Fax: +31 (0)70 383 25 35

E-mail: ser.info@ser.nl

Website: <http://www.ser.nl/overdeser/default.asp?desc=home>

The Sociaal Economische Raad (SER, Social Economic Council), with a special commission for consumer affairs, is the main advisory body to the Dutch government and the parliament on national and international social and economic policy. The SER is financed by industry and is wholly independent from the government. It represents the interests of trade unions and industry, advising the government (upon request or at its own initiative) on all major social and economic issues.

However the SER also has an administrative role. In addition, the SER helps the government to enforce the Works Councils Act (Wet op de ondernemingsraden). One of the SER's statutory tasks is to promote desirable trends in business and industry. To achieve this, the SER encourages business and consumer organisations to consult each other about mutually satisfactory general terms and conditions (General Terms and Conditions make up the 'fine print' that applies when consumers purchase goods or services from businesses). This type of self-regulation ideally leads to the establishment of

Consumer Complaints Boards made up of members representing both business and consumers. The SER has provided the basis for many such boards in many different sectors of the economy, and the number of Consumer Complaints Boards in the Netherlands is growing.

1.5. CONSUMER MEDIA

- **Consumer websites**
 - www.rijksoverheid.nl/onderwerpen/bescherming-van-consumenten
 - www.consuwijzer.nl
 - www.hetjl.nl
 - www.eccnl.eu
 - www.consumentenbond.nl
- **Print**

The consumer organisation “Consumentenbond” publishes magazines on several topics.
- **Television**
 - Programme: Vara; Website: <http://kassa.vara.nl/>
 - Programme: TROS; Website: <http://radar.avrotros.nl/>
 - Programme: NCRV; Website: <http://keuringsdienstvanwaarde.kro.nl/>

1.6. REDRESS BODIES: COURTS AND ADRs

- **Foundation for Consumer Complaints Board**

Postal address: Postbus 90600, 2509 LP Den Haag
Visitors address: Bordewijklaan 46, 2591 XR Den Haag
Tel: + 31 (0)70 310 53 10
Website: <https://www.degeschillencommissie.nl/consumenten/>
- **Financial Services Complaints Institute (Klachteninstituut Financiële Dienstverlening)**

Postal address: Postbus 93257, 2509 AG Den Haag
Visitors address: Julianaplein 10, 2595 AA Den Haag
Tel: + 31 (0)70 333 89 99
Website: <https://www.kifid.nl/>

1.7. EUROPEAN CONSUMER CENTRE

Europees Consumenten Centrum (European Consumer Centre)
Postal Address: Postbus 487, 3500 AL Utrecht
Tel: + 31 (0) 30-2326440
E-mail: info@eccnederland.nl
Website: <http://www.eccnederland.nl/en>

1.8. SELF OR CO-REGULATION

The SER encourages business and consumer organisations to consult each other about mutually satisfactory general terms and conditions (General Terms and Conditions make up the 'fine print' that applies when consumers purchase goods or services from businesses). This type of self-regulation ideally leads to the establishment of Consumer Complaints Boards made up of members representing both business and consumers. The SER has provided the basis for many such boards.

A different example is the Thuiswinkel Waarborg, a trustmark which is issued by Thuiswinkel.org, an organisation which represents the interests of online shops. This trustmark, which online shops can only receive after finishing a certification process, stands for safe and trustworthy online shopping. The shops comply with 35 criteria on legislation, safety and financial stability.

2. Consumer policies

2.1. CONSUMER PROTECTION LEGISLATION

- All the texts (in Dutch) on Consumer Protection Legislation can be found at <http://wetten.overheid.nl/zoeken>. Most general consumer law is laid down in the Dutch Civil Code (Burgerlijk Wetboek).
 - In Book 7 of the Dutch Civil Code one can find specific legislation on i.e.:
 - sale of goods and the legal guarantee;
 - timeshare;
 - package travel;
 - some specific financial services.
 - In Book 6 of the Dutch Civil Code one can find legislation on i.e.:
 - unfair commercial practices;
 - misleading advertising;
 - some information obligations in the case of e-commerce;
 - distance sales;
 - terms and conditions.
 - In Book 3 of the Dutch Civil Code one can find legislation on i.e. some information obligations in the case of e-commerce.
- The legislation on e-privacy can be found in the Telecommunication Act (Telecommunicatiewet).
- The legislation after the adoption of the Services Directive can be found various sectorial acts and decrees. The Services Act (Dienstenwet) was introduced as well.
- The sector specific legislation on energy can be found in the Electricity Act (Elektriciteitswet 1998) and Gas Act (Gaswet)
 - In the Electricity Act one can find legislation on i.e.:
 - Complaints procedure (art. 19d);

- Freedom of choice of supplier (art. 86g);
 - Supplier permit (art. 95a, 95d-f);
 - Obligations of the supplier (art. 95b);
 - Redelivery (art. 95c);
 - Collection of measurement data (art. 95 ca);
 - Supply model – one communication channel through suppliers (art. 95cb);
 - Labelling (art. 95j&K);
 - Choice for energy source (art. 95l);
 - Functionalities of smart meters (95la);
 - Estimating costs and billing (95lb);
 - Contracts (95lc, 95m, 95n, 95na);
 - Complaint handling supplier (art. 95o).
- In the Gas Act one can find legislation on i.e.:
 - Estimating costs and billing (art. 42b);
 - Supplier permit (art. 43-47);
 - Obligations of the supplier (art. 44 and 44a);
 - Supply model – one communication channel through suppliers (art. 44b);
 - Contracts (art. 52b, 52c, 52ca);
 - Complaint handling supplier (art. 52d);
 - Freedom of choice of supplier (art. 66f).

2.2. CONSUMER ORGANISATIONS

There is no official list of consumer organisations. However there are some organisations that are *de facto* considered as consumer organisations. *See point 1.3*

There is no form of public funding of consumer organisations.

2.3. ENFORCEMENT/REDRESS

- **Foundation for Consumer Complaints Board / Stichting Geschillen Commissies (SGC)**

The aim of the SGC is the resolution of disputes resulting from complaints by consumers concerning goods and services purchased from suppliers. This object is achieved by setting up and maintaining Complaints Boards. The competence of a Complaints Board is based in the terms and conditions of supply employed by the members of the trade associations participating in the Complaints Board. Such terms and conditions include the stipulation that consumers can submit a dispute with a supplier to a Complaints Board instead of to an ordinary court. Besides, suppliers have the possibility to be registered in order to solve disputes through a Complaints Board.

In general, there are only two important categories of disputes that cannot be dealt with by a Complaints Board:

- disputes regarding the non-payment of an invoice that are not based on a substantive complaint;
- disputes that pertain to death, physical injury or illness.

- **Financial Services Complaints Institute Klachteninstituut Financiële Dienstverlening (Kifid)**

Consumers can turn to Kifid with complaints about financial services. Kifid mediates in disputes between consumers with banks, insurers, brokers and other financial services. Kifid is established by all market parties by self-regulation, within the framework of legal requirements in the Financial Services Act. Kifid is mandatory for all license holding financial institutes.

The aim of Kifid is to help solve problems between consumers and their financial service provider. This is achieved through mediation by the Ombudsman or a (usually) binding advice of the Disputes Committee or the Appeals Committee.

2.4. INFORMATION AND EDUCATION

The Dutch Authority for Consumers & Markets (ACM) operates a website called ConsuWijzer. ConsuWijzer informs consumers and businesses on their rights and obligations by means of the web, E-mail and telephone.

Website: www.consuwijzer.nl

2.5. INFORMATION GATHERING/RESEARCH

There currently are no ongoing research projects.