

Europe

Netherlands consolidates enforcement powers and raises merger thresholds

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More than a year after its competition, consumer protection and telecoms regulators merged to form the Consumer and Markets Authority (ACM), the Netherlands has introduced a 'Streamlining Act' to harmonise the enforcement powers under these various mandates.



ACM chairman Chris Fonteljn

The widely expected reform, [published yesterday](#), raises the worldwide turnover threshold for merger notification from €113 million to €150 million. This reflects inflation since the current Competition Act came into force in 1998. It is likely to lead to a slight reduction in merger notifications – by perhaps two or three each year.

Furthermore, the Act limits former employees' right to remain silent regarding the behaviour of their former company – though they can still refuse to speak about their own conduct.

Bas Braeken, at Maverick in Amsterdam, says the changes are "logical and anticipated".

"The limit on the right of former employees to remain silent is interesting in that it narrows the scope of a [previous judgement](#) that essentially said that the right to remain silent also extended to former employees," he says.

"In that case the former competition authority fined two former employees for failing to cooperate with an investigation by remaining silent," Braeken explains. "On appeal though, the Industry and Trade Appeals Tribunal said that the former employees could remain silent in response to questions related to when they were working for the company in question."

The Act also gives the ACM – established [in April 2013](#) – powers regarding telecoms and consumer protection that it already enjoys in competition enforcement, such as the ability to carry out dawn raids.

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