

[NL] The Netherlands Authority for Consumers and Markets is officially designated as the Dutch Digital Services Coordinator

IRIS 2025-3:1/14

Valentina Golunova
Maastricht University

On 4 February 2025, *Uitvoeringswet digitaledienstenverordening* – the Dutch act implementing the Digital Services Act (DSA) – entered into force. Under this legislation, the Netherlands Authority for Consumers and Markets (*Autoriteit Consument & Markt* – ACM) was officially designated as the Digital Services Coordinator (DSC) – a national supervisory authority responsible for the effective and consistent supervision and enforcement of the DSA. The ACM will exercise a wide range of investigative and enforcement powers in the Netherlands as well as participating in the European Board of Digital Services – an independent advisory group composed of all the national DSCs and chaired by the European Commission. Furthermore, the ACM will cooperate with the Commission, for example by assisting the officials and other accompanying persons authorised by the Commission in relation to inspections conducted in the territory of the Netherlands.

The Authority for Personal Data (*Autoriteit Persoonsgegevens* – AP) was designated as a competent authority alongside the ACM, as per Article 49 DSA. It will focus on the enforcement of the provisions of the DSA relating to privacy and data protection, including profiling, recommender system transparency, and the online protection of minors.

The implementing act also includes provisions on the cooperation and data exchange between the two national supervisory authorities. For instance, the AP will provide advice to the ACM on the question of whether an application for the status of "vetted researcher" as referred to in Article 40(8) DSA complies with the condition requiring the applicant to be able to protect personal data. The AP must also contribute to a single report covering the activities of all competent authorities that must be drawn up by the ACM.

The implementing act also introduced several amendments to national legislation, including the Copyright Act (*Auteursrecht*) and the Consumer Protection Enforcement Act (*Wet handhaving consumentenbescherming*), in order to bring it in line with the DSA.

In February 2024, the ACM was provisionally designated as the DSC by a decision of the Minister for Economic Affairs (see IRIS 2024-3:1/14). Although it was not afforded crucial enforcement powers, including the power to impose fines in the event of non-compliance, the ACM enabled users of intermediary services and other stakeholders to submit reports via a form available on its website. Since the DSA became fully applicable, the ACM has received almost 300 notifications, most of which concern account and content restrictions, the reporting and handling of illegal content, and general contract and accessibility issues. Some of these reports will be forwarded to the DSC of the member states where the provider of intermediary services has their main establishment.

All member states were required to designate their DSCs by 17 February 2024. However, many member states failed to meet this deadline. As a result, the Commission started infringement proceedings against several member states (see IRIS 2024-8:1/23). Poland is the only member state that has not yet designated its DSC.

Act of 29 January 2025 on the implementation of Regulation (EU) 2022/2065 of the European Parliament and the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Act Implementing the Digital Services Act)

