[NL] New Body in Place to Enforce Advertising / Sponsorship Rules

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Regulation 2006/2004 on the cooperation between national authorities responsible for the enforcement of consumer protection laws has been implemented in the Netherlands through the *Wet Handhaving Consumentenbescherming* (Consumer Protection Enforcement Act). A lack of compliance with regulations in various consumer markets was the main reason for introducing the legislation. The *Consumentenautoriteit* (Consumer Authority) has been set up as part of the new regime. As far as the audiovisual media are concerned, existing provisions on advertising, sponsorship, subliminal messages, diversity of programmes and editorial independence in the Dutch Media Act can now be enforced through civil, administrative and criminal law. Measures that can be taken in case of infringements include: a pecuniary penalty, an administrative fine or civil proceedings on behalf of a group of consumers.

The new Consumer Authority has announced that, in its first year of existence, it will only focus on five points; misleading advertisement concerning travel fares is an issue among these priorities. Furthermore, the new authority will cooperate with existing regulatory bodies and private consumer organisations. The government has confirmed that it expects the new authority to take action against misleading information on travel fares in advertisements. In the Netherlands, articles 12, 15 and 16 of the Television without Frontiers Directive concerning advertising have been implemented by means of co-regulation. The Advertising Code Commission (a private body) is the competent authority for cases relating to the Dutch Advertisement Code or the recently adopted Travel Fares Code. The Consumer Authority is set to enforce the Commission's decisions if necessary.

The Consumer Protection Act designates the *Commissariaat voor de Media* (Media Authority)as the authority invested with enforcement tasks where the Media Act is concerned. However, the new Consumer Authority does play an administrative role and is responsible for Consumer Protection Act as a whole. The new Act contains provisions to establish formal agreements between the Consumer Authority and other supervisory authorities. The Media Authority, for its part, has announced that it intends to cooperate closely with the Consumer Authority. The limited priorities mentioned above apply only to national cases. "In principle we are obliged to heed requests for assistance submitted from other EU member states. We expect a significant part of the Consumer Authority's capacity to be

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taken up by these international cases", as the new Consumer Authority explains on its website.

Consumer Authority ¨English summary¨ and ¨agenda 2007¨

http://www.consumerauthority.nl/sites/default/files/redactie/Agenda_for_2007.pdf

Wet Handhaving Consumentenbescherming

http://www.consumentenautoriteit.nl/wetgeving/wet-handhaving-consumentenbescherming

Consumer Protection Enforcement Act

Regulation 2006/2004 on consumer protection cooperation

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004R2006:EN:HTML

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