

2009 NMa Annual Bulletin

Netherlands Competition Authority (NMa)

January 2010

Introduction

In previous years, the NMa focused on a wide range of markets, and 2009 turned out to be not any different. The NMa's most important actions in its so-called focus industries, which were energy, transport, financial services, food and agriculture, and health care, are listed in separate sections in this Annual Bulletin. The sections on the focus industries are preceded by a section covering some of the NMa's noteworthy actions in other industries.

This Annual Bulletin primarily aims to briefly highlight the most interesting cases and events of 2009. The Annual Bulletin is concluded by a table with key figures over 2009. The 2009 NMa Annual Report, slated for an April 2010 release, will touch upon many more cases and other topics as well.

The outcome of the NMa's efforts

The 3-year rolling average of the NMa's *outcome* is approximately €328 million for 2009, which is almost seven times the NMa's annual budget. More information on the NMa's key figures can be found on page 11.

General competition oversight

Enforcement

Dutch swimming pool chemicals distributors fined

Five Dutch swimming pool chemicals distributors were fined in November for engaging in illegal cartel activities – with the fines totaling €3,107,000. One undertaking, although having taken part in the cartel, is not imposed a fine because it had confessed the cartel to the NMa, having filed a leniency application. The NMa considers proven that the cartel engaged in illegal cartel activities for more than 7 years in connection with the sale of swimming pool chlorine to swimming pools, which use this chlorine to disinfect pool water. The cartel had existed long before 1998, when the Dutch Competition Act came into effect.

Painting cartels fined

Since June 2009, the NMa has imposed fines on 16 different painting companies. Between 2004 and 2006, these companies were involved in six cartels (in various compositions) participating in various public tenders for painting contracts in the Eindhoven region, a city in the southern part of the Netherlands. Prior to submitting their own bids for these tenders, the painting companies in question divided the work, harmonized their bids, and in some cases even agreed on mutual compensations. The facilitator to these cartels, a cost engineering firm, has already been fined – a first for the NMa. The fines in all of these cases total €434,000.

Fines for not cooperating in an investigation

A former employee of an undertaking has been imposed a fine of €100,000. In addition, two former CEOs of an undertaking were each fined €150,000. The NMa had demanded information from all of these individuals in connection with official NMa investigations. Under the Dutch General Administrative Law Act, everyone is obliged to cooperate in such investigations. By repeatedly refusing to answer questions posed by the NMa, they failed to provide information, which constitutes a violation of their legal obligation to cooperate, on the basis of which the NMa has imposed said fines. If it was not for the obligation to cooperate, the NMa would have a hard time doing its job properly.

Investigations in the construction industry

In January, the NMa carried out dawn raids at various construction companies in the southern Dutch province of Limburg. Simultaneously to the investigation by the NMa, the Dutch Public Prosecution Service (OM) also conducted an investigation. The investigation was prompted by wiretap transcripts that the OM had provided the NMa with. The wiretaps were done in connection with an investigation into bribery of government officials by a construction company. The NMa will draw up reports in early 2010 against several of the undertakings that were dawnraided.

Merger review

Media company De Persgroep acquires majority interest in publishing company PCM

The NMa ruled in early July that Flemish media company De Persgroep is allowed to acquire a majority interest in Dutch publishing company PCM Holding, under the condition that NRC Handelsblad and nrc.next, two of PCM's national newspapers, are sold. De Persgroep N.V. is a Flemish media company with a majority interest in Dutch newspaper Het Parool, a newspaper predominantly distributed in the Amsterdam metro area. PCM Holding B.V. publishes Dutch national newspapers NRC Handelsblad, nrc.next, de Volkskrant, Trouw, and also newspaper AD, in cooperation with Dutch media company Wegener. In attaching the abovementioned condition, the NMa expects that competition on the market for local and regional papers in the Amsterdam region is safeguarded. In addition, local, regional and national competition between NRC Handelsblad and nrc.next on the one hand, and De Volkskrant, Trouw and AD on the other hand, will increase.

Joint venture Municipality of Amsterdam and Reggefiber in optic-fiber company GNA

The NMa conditionally approved that Dutch optic-fiber company Reggefiber Group and municipal organization Amsterdam Development Corporation (OGA) take joint control over optic-fiber company Glasvezelnet Amsterdam (GNA). Reggefiber Group is a joint venture of Dutch telecom company KPN and Reggefiber. GNA currently has a long-term contract with telecom company BBned. Ensuring that BBned would not be disadvantaged by the planned joint venture, the NMa laid down the condition that BBned would have the opportunity to switch to the regulated network of Reggefiber Group at any point in the future.

Joint venture in industrial-water industry

The NMa approved in June the creation of the joint venture Evilim Industriewater B.V. by Dutch water companies Evides Industriewater B.V. and N.V. Waterleiding Maatschappij Limburg (WML). An overwhelming majority of industrial-water buyers, a study reveals, collect and supply industrial water themselves, meaning they are not dependent on industrial-water suppliers. Industrial water is water that is used as production resource or as raw material in production processes. Moreover, only after the creation of the joint venture will Evides Industriewater become active in the southern Dutch province of Limburg. The concentration will therefore not have any anti-competitive consequences on this market. On the market for water treatment, buyers will have plenty of alternatives, in part because of the presence of several large international players.

Focus industry – financial services

Enforcement

More competition for SMB business loans among banks possible

The NMa completed in March a competition-law investigation into interest rates that Dutch banks charge small and medium-sized businesses (SMBs) when giving them business loans. SMBs are usually charged a base interest rate, which includes a fixed interest-rate surcharge. This surcharge was the same at all banks for all SMB customers between 1990 and mid-2007. The NMa believes this observed 'parallel' behavior among banks might be explained by the individual market power of banks vis-à-vis SMBs, or by banks implicitly mirroring each other's behavior because of the limited number of providers. The SMB business loans market in the Netherlands is dominated by three major banks with a combined market share of 85 percent. No violation of the Competition Act was established, but the NMa did make some recommendations in order to improve competition, which should make it easier for SMBs to switch banks.

NMa keeps an eye on costs for payment methods

In February and March, the NMa carried out a so-called baseline measurement among Dutch banks, Visa, Mastercard, and organizations that sign contracts with retailers about the tariffs for the use of their payment methods such as debit cards and online banking services. Information was requested from these companies. The measurement's results revealed that it is worthwhile for consumers if they would first make a comparison of the various payment methods' tariffs and then make a choice. Tariffs that business customers pay per transaction do not vary that much, yet even these business customers would benefit from switching.

NMa involved in managing the financial crisis in the Netherlands

Over the last year, the NMa has had regular contact with the Dutch Ministry of Economic Affairs, the Dutch central bank, the European Commission, and the Dutch Ministry of Finance to discuss options aimed at reducing risks of competition restrictions caused by the financial crisis and other developments in the financial industry. Emphasis was laid on guaranteeing there would be sufficient opportunities to enter the market and on preventing market disruptions from occurring, because of the support the Dutch government has provided to various financial organizations, and because of the government now owning the major banks ABN Amro and Fortis.

Accountants adjust their codes of conduct

The Royal Netherlands Institute of Chartered Accountants (NIVRA) and the Netherlands Order of Accountants and Administration Consultants (NOvAA) have adjusted their codes of conduct when the NMa was still in the process of assessing their codes. More specifically, they have made adjustments to provisions that could have impeded competition between accountants, such as provisions relating to comparative advertising and to directly approaching potential clients.

Investigation into real-estate agents on foreclosure auctions

The NMa carried out in October unannounced searches at the private homes of ten Dutch real-estate agents, which doubled as their offices. These agents trade in properties, including homes and office space, through foreclosure auctions. In addition, various individuals were heard by the NMa. The investigation had been triggered by information the NMa had collected, which led to the suspicion that these real-estate agents had entered into cartel agreements.

Merger review

New trading platform for stocks and derivatives

The NMa has greenlit the planned joint venture of retail broker BinckBank and derivatives trading company Optiver. The joint venture is a new trading platform for stocks and derivatives that would compete with the trading platforms of NYSE Euronext Amsterdam.

Focus industry – food and agriculture

Enforcement

Cartel investigation in flour industry

In late 2009, the NMa drew up reports against a number of companies in the flour industry, an industry that has caught the attention of competition authorities abroad as well. The companies in question have the opportunity to defend themselves at a hearing, both in writing or orally, after which the NMa will decide whether or not the violation can be established, and if so, what penalty is imposed. Penalties in these cases can be as high as 10 per cent of the undertakings' global turnover.

NMa increases transparency of price-formation mechanism in food production chain

The NMa analyzed the development of prices of potatoes, onions, cucumbers, bell peppers, apples, bread and eggs. Prices in the Dutch food and agro-processing industry have increased considerably during the analyzed period, which includes the entire production chain, from producer to supermarket. However, the consumer prices for food products in the Netherlands lag behind the European average. Despite the price increases, margins in the various links of the chain have not always improved. It appears that, between 2005 and 2008, supermarkets were unable to unilaterally raise prices profitably at the expense of producers and consumers.

Investigation into undertakings in fruit and vegetable industry

The NMa has carried out dawn raids at eight undertakings specialized in selling fruit and vegetables. In addition, various individuals have been heard by the NMa. The investigation was launched because of information the NMa had received which could indicate that growers and undertakings specialized in selling fruit and vegetables may have been engaged in cartel activities.

Merger review

Fine for providing incorrect information in notification of an acquisition

The NMa has imposed a fine of €468,000 on soft drink producer Refresco Holding B.V. (Refresco) for having provided incorrect and incomplete production data when it notified the NMa in September 2008 of its acquisition of Schiffers Food B.V. That fine marked the first time the NMa imposed a fine under its expanded fining powers when the amendments to the Dutch Competition Act of October 1st, 2007 came into effect.

Supermarket chain Jumbo is allowed to conditionally acquire rival supermarket chain Super de Boer

The NMa has approved the acquisition of 300 stores of supermarket chain Super de Boer by rival chain Jumbo. The acquisition was approved under the condition that the Super de Boer store in the city of Bunde is sold to a third party because it would otherwise create a local antitrust problem in the area of Meerssen.

Focus industry – health care

Enforcement

Consultations on Health Care Guidelines

In September, the NMa held a public consultation with market parties, such as health care providers and health care insurance companies. The consultation resulted in suggestions for new topics and examples in a revised edition of the Health Care Guidelines. The main reason for revising them is because the health care industry often says that it has a hard time understanding what is allowed under competition law. For example, the industry indicates that it sometimes senses a certain tension between the Competition Act on the one hand, and the desire to cooperate and chain care on the other hand. It is essential that the NMa offers guidance and that it relates to current topics in health care, thereby taking away uncertainty.

Merger review

Quality of care was the decisive factor in approval of hospital merger

Having conducted an extensive investigation, the NMa gave its approval for the merger of Walcheren Hospital (located in the southwestern Dutch city of Flushing) and the Oosterschelde Hospitals (located in the southwestern cities of Goes and Zierikzee) in order to safeguard the quality of essential basic hospital care in the central region of the province of Zeeland. The NMa attached strict conditions to the merger, ensuring that the claimed improvements in quality are guaranteed and that prices will not much deviate from the national average.

In its decision, the NMa came to the conclusion that, after the merger, patients in central Zeeland will be left with very few options, and that the merger hospital will virtually have a monopoly position. Other small Dutch hospitals have the option of turning to nearby, larger (academic or top clinical) hospitals to compensate for possible shortcomings – an option the hospitals in central Zeeland, a peninsula in the sparsely populated southwestern corner of the Netherlands, do not have, due to its isolated geographical position. Normally, this would be reason enough for the NMa to reject a merger. However, because a merger is necessary to guarantee the continuity of hospital care in this region, the NMa has nevertheless approved this merger, albeit under the strictest of conditions. The NMa also looked into the opinions of the Dutch Healthcare Authority (NZa) and of the Netherlands Health Care Inspectorate (IGZ) before it formulated its decision.

Emergency decision on acquisition of Meavita Hulp The Hague by Asito

In February 2009, it became clear that care provider Meavita was in financial trouble. Domestic-care provider Thuiszorgservice Nederland, part of facility-service provider Asito, wanted to acquire the domestic-care activities of Meavita Hulp The Hague in that municipality. It had therefore sought approval for the acquisition even before the NMa had finished the substantive review. Given the immediate threat of Meavita Hulp The Hague's bankruptcy, the NMa issued an emergency decision approving the acquisition, and thereby ensuring the continuity of Meavita's care services and work.

NMa approves acquisition of VZA by AMC

The Amsterdam-based Academic Medical Center (AMC) was given the green light to acquire Dutch ambulance service provider VZA Groep B.V. (VZA), whose services include the provision of emergency and patient transport services, and which operates mostly in the Amsterdam metropolitan area. It is unlikely that this acquisition of an ambulance service provider by a hospital will result in a significant impediment to competition. The new organization's ability to influence the ambulances' destinations is very limited. In

addition, a study looking into the potential effects on the competitive positions of other hospitals revealed that only a small portion of all patients that are treated by a hospital is transported thereto by ambulance. It is therefore unlikely that, as a result of the acquisition, the competitive positions of the other hospitals would be significantly harmed.

Mergers in the second phase

According to the NMa, the planned concentration of Pleyade Foundation and Catharina Foundation might impede competition on the markets of nursing home care, psychogeriatric and somatic home care in the municipality of Arnhem and/or in the greater Arnhem area, a city in the eastern part of the Netherlands. The NMa has therefore decided that the merger cannot go through without applying for a license first. Parties subsequently filed a license application in June.

Having conducted a first investigation, the NMa concluded in June that a merger between two mental health care institutions in the southern Dutch province of Noord-Brabant might impede competition on the markets of clinical and non-clinical mental health care for adults and seniors, and on the market of non-clinical mental health care for children and young people. The two institutions that intend to merge are Stichting Geestelijke Gezondheidszorg Oost Brabant (GGZ Oost Brabant) and Stichting Reinier van Arkel. The NMa had therefore decided that a license is required for the merger to go through. By now, parties have already filed a license application.

Focus industry - energy

Consumer market

More and more consumers switch

The number of consumers that switch has increased yet another year: in 2009, 12 per cent of consumers switched, compared to 9 per cent in 2008. Furthermore, 29 per cent indicate that they are not averse to switching, compared to 23 per cent in 2008. Switching can result in big savings for consumers – depending on the type of contract, savings can be as high as €180 for natural gas and €140 for electricity, according to the Monitor Energy Markets.

The NMa has taken various steps to increase consumers' trust in the energy market, including setting requirements the network operators' administrations need to meet, and ensuring that switching processes go smoothly. As a result of these steps, the NMa and the energy companies have achieved that consumers have become increasingly satisfied with their suppliers, as noted in the Monitor Energy Markets 2009. In addition, the NMa drew up in 2009 the Guidelines on Information Provision, which should result in information that consumers are provided with being clear and comprehensible.

Wholesale market

A well-functioning wholesale market is critical in having a secure and affordable energy supply to consumers. The market should be characterized by well-functioning trading platforms on which numerous traders are active, supported by operators that accommodate the market and by efficient networks with sufficient cross-border capacity and national transmission capacity.

Improving the West-European energy market

An important step has been taken on a European level towards completing the internal European energy market with the adoption of the so-called Third Package, which includes legal measures for liberalizing the energy markets.

Until the pan-European internal market has been fully realized, the NMa is active on a more regional level to integrate the national markets for natural gas and electricity of the Netherlands with those of its neighbors by intensifying cooperation. The Gas Regional Initiative North West (GRI NW), chaired by the NMa, identified the three most important areas for improvement: the compensation method, transparency regarding investment processes, and coordination. Results have also been achieved on a European level – regulators and the national grid administrators have reached agreement on harmonized auction rules for trading cross-border transmission capacity between the Netherlands, Belgium, Luxembourg, Germany and France.

Domestic market

Another topic of great importance to the NMa in 2009 was dealing with scarcity of transmission capacity on the domestic electricity network. With the publication of the Vision Document on Transmission Scarcity, the NMa contributed to working towards a solution which would enable more (sustainable) production capacity to become connected, and to increase utilization of the existing network at current safety levels.

Furthermore, the NMa took away the contractual shortage of quality conversion, which is converting high-calorific gas into low-calorific gas. A contractual shortage means that, technically speaking, there is enough capacity, but that all of the capacity has been fully booked in contracts. This contractual shortage has been a

significant obstacle to gaining access to the Dutch natural gas market. An NMa decision has abolished advance conversion booking, and it has changed the procedure of high-calorific gas conversion.

Regulation of the network operators' tariffs

As in previous years, the NMa spent a sizeable share of its work on regulating the network operators' tariffs. Traders, suppliers and consumers of energy are forced to use these networks, because their operators are natural monopolists. That is why both costs and revenues are regulated by the NMa.

In 2009, the Netherlands Court of Audit (AR) launched an investigation into the way the NMa enforced this regulation over the last few years. The AR acknowledged that the NMa made the right choices in its enforcement. In order to carry out its regulation tasks in the future even better, the NMa has released a position paper in which ideas about the future of network management regulation are discussed in a critical and scientific way.

NMa focuses on network reliability

The Netherlands has one of the best networks in Europe at the moment. In order for this network to remain one of the best calls for excellent management and maintenance of these networks on a permanent basis. In 2008/2009, the NMa reviewed the so-called 'Quality and Capacity Documents' (KCDs) of the network operators for the second time. The review revealed that not all of the network operators were in order, nor did they contain the correct information regarding the networks. Fines have therefore been imposed on five network operators: NRE Netwerk B.V., Obragas Net N.V., B.V. Netbeheer Haarlemmermeer, Westland Infra Netbeheer B.V. and Delta Netwerkbedrijf B.V. The NMa imposed a binding instruction on Stedin B.V.

Independent Grid Administration Act (Won)

The Independent Grid Administration Act (Won) states, among other things, that energy companies need to split off their trading and production units from their network unit. Plans on how they planned to comply with this requirement had to be sent to the NMa before July 1st, 2009. These plans were reviewed by the NMa, some of them negatively, and were then forwarded to the Minister of Economic Affairs.

Complaints about alleged abuse of GasTerra's dominant position unjustified

The Product Board of Horticulture (PT) and the Association of Fertilizer Producers (VKP) filed competition complaints against Dutch gas trading company GasTerra about excessive tariffs for natural gas, possible price discrimination, and unfair contractual conditions. Based on an extensive investigation, the NMa came to the conclusion that for the period of 2001-2007 GasTerra did not charge the complainants excessive tariffs. Moreover, the NMa believes that the complaints insufficiently lead to a suspicion of price discrimination entailing abuse. In addition, the NMa ruled that the contested contractual conditions do not violate the Competition Act.

Focus industry – transport

Railway

Dispute settlement between railway infrastructure manager ProRail and transport companies

Dutch railway undertaking NS complained about ProRail's interpretation of the 2008 access agreement and of an NMa decision of June 3rd, 2008. The NMa partially ruled in NS' favor, but it rejected the request of imposing an order subject to periodic penalty payments, because ProRail had already stated it had come to an agreement with NS.

A second dispute involved railway undertaking DB Schenker and the so-called performance scheme 'quiet wagon kilometers', which financially rewards undertakings whose noise emissions are reduced when utilizing low-noise rolling stock. DB Schenker claimed that the performance scheme discriminates between freight rolling stock and passenger rolling stock, as ProRail applies different kilometer ceilings to each type of rolling stock. The NMa has ruled that this differentiation in bonus ceilings is arbitrary, since ProRail was unable to clearly justify to the NMa why it used different ceilings. As a result, ProRail is to adjust the performance scheme within a reasonable period of time.

Europe

The NMa closely cooperates with other European railway regulators, thereby safeguarding non-discriminatory access to railway markets at an international level. In 2009, one of the results of this international cooperation is that the European railway infrastructure managers agreed to share information with railway regulators on rejected capacity requests. In addition, the NMa also continued to work on a team project on drawing up a joint interpretation of European rail-related regulations.

Amsterdam airport Schiphol

Last year, Amsterdam airport Schiphol provided its second ever financial account of its revenues and expenses. The NMa reviewed Schiphol's account and ruled that it had to leave out the depreciation costs of the land on which the Polderbaan runway was constructed.

In 2009, the NMa handled two disputes concerning the tariffs and conditions of Amsterdam Airport Schiphol – one was filed by KLM/Barin (the trade organization for airlines active in the Netherlands), while the other was filed by British airline easyJet. In the former case, the NMa partially ruled in KLM/Barin's favor, and Schiphol had to lower its airport tariffs that have been in effect since April 1st by €3.5 million. In the latter case, easyJet claimed that the tariffs Schiphol uses discriminates between passengers that start their journey at Schiphol and passengers that transfer at the airport. In addition, the tariffs were allegedly not cost-oriented nor fair. The NMa found no evidence for these claims and therefore rejected the complaint.

Pilotage

Before it assessed the annual tariff proposal of the Dutch registered pilots, the NMa had carried out a study into the efficiency levels of the pilots. Based on the study's findings, the NMa came to the conclusion that the pilots' proposal would insufficiently help achieve the most efficient method in connection with the planned quality level. The NMa has therefore set the new 2010 pilotage tariffs 2.8 per cent lower than the 2009 tariffs.

Public transport companies

Policy advice in connection with the Dutch Passenger Transport Act 2000

The NMa explored the ramifications of a motion introduced by Dutch MP Roefs, which proposed to let the so-called City Regions (local semi-governmental bodies) decide for themselves whether to put out to tender

the public transport concession in their region (which would mean transport companies would compete for the concession), or to award the concession to a municipal public transport company without a tender. The NMa is of the opinion that a different incentive needs to be incorporated should the incentive of tender procedures disappear, which would guarantee that municipal public transport companies will continue to aim for efficiency and quality for consumers.

Preliminary key figures NMa in 2009

These figures are preliminary. Final figures may deviate slightly owing to administrative processes.

		2007	2008	2009	Comments 2009
Competition					
Statement of Objections and Fines					
	Number of formal investigations under competition law	25	22	24	
	Number of formal investigations resulting in a Statement of Objections (establishing a reasonable suspicion that the Competition Act was violated)	4	11	15	
	Number of investigations completed by means of an alternative instrument	10	3	2	
	Number of investigations in which the formal investigation was suspended due to insufficient evidence	11	8	7	
	Number of cases in which a fine and/or an order for periodic penalty payments was imposed	6	6	12	
	Total amount of fines in competition cases (x € million)	9.5	9.0	4.5	
Complaints and informal opinions					
	Complaints settled in relation to violations of the Competition Act	65	29	24	
	Informal opinions	0	1	1	
Concentrations					
	Revenues from notifications and licenses (x € million)	1.1	1.9	1.2	
	Notifications of mergers, acquisitions and joint ventures (concentrations)	108	129	90	
	Withdrawn notifications	7	8	7	
	Exemption from the waiting period	1	2	6	
	Decisions on notifications of concentrations	106	121	82	
	License required for concentration	4	4	1	
	License applications	5	3	4	
	License applications withdrawn	3	-	1	
	Decisions on license applications	3	2	2	
Transport					
Railway Act					
	Number of investigations by Office of Transport Regulation	10	2	4	
	Number of formal investigations resulting in a Statement of Objections	4	-	-	
	Number of investigations completed by means of an alternative instrument	3	2	3	
	Number of cases in which no violation was established	3	-	1	
	Number of completed sanctions cases	1	4	-	
	Total amount of fines in transport cases (x € million)	-	1.7	-	
	Number of completed complaints related to the Railway Act	2	7	3	
	Advisory notices to the Minister of Transport	-	-	4	
Aviation Act					
	Number of requests for tariff assessment resulting in a decision	3	-	2	
	Approval decision on cost allocation system	1	1	1	
Pilotage Act					
	Decisions Pilotage Act	-	5	3	
Passenger Transport Act					
	Completed cases involving local transport companies	12	4	6	
	Number of cases resulting in a court ruling	1	-	-	
	Advisory notices to the Minister of Transport	-	-	2	
Energy					
	Revenues from contribution scheme energy (x € million)	2.6	2.7	2.9	
	Method decisions	25	8	-	
	Implementation decisions	74	103	69	
	Enforcement decisions	10	8	11	
	Advisory notices to the Minister of Economic Affairs	12	16	21	
	Dispute resolution	64	46	30	In contrast to 2007, the numbers of 2008 and 2009 reflect the number of completed procedures rather than the number of handled requests
	Number of energy cases in which a fine and/or an order subject to periodic penalty payments was imposed	2	5	9	
	Total amount of fines in energy cases (x € million)	0.3	1.6	0.8	
Administrative appeals					
	Completed administrative appeals in competition cases	107	73	18	
	Completed administrative appeals in energy cases	44	72	42	
	Completed administrative appeals in transport cases	2	8	1	
Judicial appeals					
	Judicial appeals completed by the District Court of Rotterdam against decisions in relation to competition	33	61	45	including 20 construction industry-related cases
	Judicial appeals completed by the Trade and Industry Appeals Tribunal against decisions in relation to competition	10	9	8	including 2 construction industry-related cases
	Judicial appeals completed by the District Court of Rotterdam against decisions in relation to energy	31	22	39	
	Judicial appeals completed by the Trade and Industry Appeals Tribunal against decisions in relation to energy	-	-	-	
	Judicial appeals completed by the District Court of Rotterdam against decisions in relation to transport	2	2	6	
	Judicial appeals completed by the Trade and Industry Appeals Tribunal against decisions in relation to transport	2	2	9	
Outcome					
	3-year rolling average (x € million)	317	356	328	
Budget and personnel					
	Total budget granted (x € million)	45.7	44.9	49.4	
	Number of employees on December 31st	392	399	438	
	Ratio men/women	51%/49%	51%/49%	51%/49%	
	Average age of staff	37	37	37	