

**Study to support the preparation of an EU instrument on to help improve the resilience of our democracies and address the threats of interference in elections through greater transparency in political advertising, and other measures to promote resilient democracy in the EU**

**Mapping of national legislation – The Netherlands**

Research question	Legal source (Article and full name of the source, including hyperlink) <u>May include legal acts, practices, self-/co-regulatory codes or guidelines</u>	Summary of the rules
<b>I. General information about the national legal framework</b>		
<b>National legal act(s)</b> governing political advertising	<b>Relevant legislation</b> <b><i>Political financing, financial disclosure and conflict of interest</i></b> <ul style="list-style-type: none"> <li>• Law on Financing of Political Parties, 2013, amended 2016 (<i>Wet financiering politieke partijen</i>)<sup>1</sup></li> <li>• Election Law, 1989, amended 2016 (<i>Kieswet</i>)<sup>2</sup></li> <li>• Law on Income Tax, 2001, amended 2016 (<i>Wet inkomstenbelasting</i>)<sup>3</sup></li> <li>• Media Law, 2008, amended 2016 (<i>Mediawet</i>)<sup>4</sup></li> <li>• Constitution of the Netherlands, as amended 2008 (<i>Grondwet</i>)<sup>5</sup></li> </ul> <b><i>Freedom of information and data protection</i></b>	The main Dutch laws that govern political advertising, including political financing, are the <u>Election Law</u> (1989, amended 2016) and the <u>Law on Financing of Political Parties</u> (2013, amended 2016). The latter Law, however, is in the process of being amended, in part to increase the transparency of donations to political parties.

<sup>1</sup> <https://wetten.overheid.nl/BWBR0033004/2016-01-01/1>.

<sup>2</sup> <https://wetten.overheid.nl/BWBR0004627/2020-07-01>.

<sup>3</sup> <https://wetten.overheid.nl/BWBR0011353/2021-01-01>.

<sup>4</sup> <https://wetten.overheid.nl/BWBR0025028/2021-01-01>.

<sup>5</sup> <https://www.rijksoverheid.nl/documenten/rapporten/2007/06/26/de-nederlandse-grondwet-2006>.

	<ul style="list-style-type: none"> <li>• Constitution of the Netherlands, as amended 2008 (<i>Grondwet</i>)<sup>6</sup></li> <li>• Public Access to Information Act, 1991, amended 2009 (<i>Wet openbaarheid van bestuur</i>)<sup>7</sup></li> <li>• Government Accounts Act, 2001, amended 2016 (<i>Comptabiliteitswet</i>)<sup>8</sup></li> <li>• Decree of 5 February 1993 on the charges under the Freedom of Information Act (<i>Besluit tarieven openbaarheid van bestuur</i>)<sup>9</sup></li> <li>• Protection of State Secrets Law, 1951, amended 2012 (<i>Wet bescherming staatsgeheimen</i>)<sup>10</sup></li> <li>• Penal Code, amended 2016 (<i>Wetboek van Strafrecht</i>)<sup>11</sup></li> <li>• Dutch General Data Protection Regulation Implementation Act 2018 (<i>Uitvoeringswet Algemene Verordening gegevensbescherming</i>) (“UAVG”)<sup>12</sup></li> <li>• General Administrative Law Act, 1994, amended 2015 (<i>Algemene wet bestuursrecht</i>)<sup>13</sup></li> </ul> <p><b>Relevant industry guidelines and codes</b></p> <ul style="list-style-type: none"> <li>• Dutch Code of Conduct Transparency Online Political Advertisements, 2021, (<i>Nederlandse Gedragscode Transparantie Online Politieke Advertenties</i>)<sup>14</sup></li> <li>• Dutch Advertising Code, amended 2020, (<i>Stichting Reclame Code</i>)<sup>15</sup></li> </ul>	
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<sup>6</sup> <https://www.rijksoverheid.nl/documenten/rapporten/2007/06/26/de-nederlandse-grondwet-2006>.

<sup>7</sup> <https://wetten.overheid.nl/BWBR0005252/2018-07-28>.

<sup>8</sup> <https://wetten.overheid.nl/BWBR0039429/2018-01-01>.

<sup>9</sup> <https://wetten.overheid.nl/BWBR0005869/2002-01-01>.

<sup>10</sup> <https://wetten.overheid.nl/BWBR0002074/2013-01-01>.

<sup>11</sup> <https://wetten.overheid.nl/BWBR0001854/2016-01-01>.

<sup>12</sup> <https://wetten.overheid.nl/BWBR0040940/2018-05-25>.

<sup>13</sup> <https://wetten.overheid.nl/BWBR0005537/2021-01-01>.

<sup>14</sup> <https://www.rijksoverheid.nl/documenten/richtlijnen/2021/02/09/nederlandse-gedragscode-transparantie-online-politieke-advertenties>.

<sup>15</sup> [https://www.reclamecode.nl/wp-content/uploads/2018/08/SRC\\_Code\\_Opmaak-CodeJaarverslag\\_2020\\_Compleet.pdf](https://www.reclamecode.nl/wp-content/uploads/2018/08/SRC_Code_Opmaak-CodeJaarverslag_2020_Compleet.pdf).

	<ul style="list-style-type: none"> <li>Advertising Code for Social Media &amp; Influencer Marketing, 2014, amended 2019 (<i>Reclamecode Social Media &amp; Influencer Marketing</i>)<sup>16</sup></li> </ul>	
Legal and/or statutory <b>definition</b> of the notion of “ <b>political advertising</b> ” and “ <b>online political advertising</b> ” (if applicable)		<p>There is currently no explicit definition of “political advertising” or “online political advertising” in Dutch law.</p> <p>In current discussions around amending the Law on Financing of Political Parties (2013, amended 2016), in a briefing from the Minister of the Interior on “Measures to counter disinformation towards parliamentary elections”<sup>17</sup> (16 November 2020), it was said that (<i>translated</i>): in the second part of the motion [from 15 October 2020], members [of parliament] Middendorp (VVD) and Kuiken (PvdA) ask the government to have a definition of “online political advertisements” in anticipation of the European Democracy Action Plan and to take a position on the division of competences between Europe and the Member States in fighting digital</p>

<sup>16</sup> <https://www.reclamecode.nl/nrc/reclamecode-social-media-rsm/>.

<sup>17</sup> <https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2020Z21745&did=2020D46328>.

	<p>interference in national elections. However, despite the motion having being accepted<sup>18</sup> on 15 October 2020, no definition was given in the European Democracy Action Plan (2020), as stated here.<sup>19</sup> Online political advertising was also not defined in the Dutch Code of Conduct Transparency Online Political Advertisements (2021) from February 2021. Dutch media, including national newspaper the NRC, stated that the reason for this lacuna was that parties could not agree on the use of microtargeting in online political advertising.<sup>20</sup> In sum:</p> <ul style="list-style-type: none"> <li>• Political parties did not agree on the use of microtargeting in the digital election campaign.</li> <li>• In microtargeting, advertisers use data that major tech companies collect about their users to select very specific groups of users. Critics fear that individual voters are so manipulated by one-sided information.</li> <li>• Most political parties signed the Code of Conduct</li> <li>• It is precisely the passages about microtargeting that leave room for interpretation.</li> </ul>
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<sup>18</sup> <https://www.tweedekamer.nl/kamerstukken/detail?id=2020Z19106&did=2020D41239>.

<sup>19</sup> <https://www.rijksoverheid.nl/documenten/kamerstukken/2021/01/25/beantwoording-kamervragen-over-desinformatie-en-digitale-inmenging-tweede-kamerverkiezingen>.

<sup>20</sup> <https://www.nrc.nl/nieuws/2021/02/22/de-rode-roos-maakt-plaats-voor-het-online-filmpje-a4032842> and <https://www.nrc.nl/nieuws/2021/02/22/online-spelregels-staan-niet-vast-a4032841>.

<p>If not applicable, provide <b>other definitions/terms used in the legislation close to the notion of “political advertising”</b></p>	<ul style="list-style-type: none"> <li>• Dutch Advertising Code, amended 2020, (<i>Stichting Reclame Code</i>)<sup>21</sup></li> </ul>	<p>The Dutch Advertising Code defines advertising as follows:</p> <p>“Advertising is defined as: any form of public and/or systematic direct or indirect commendation of goods, services <b>and/or ideas</b> by an advertiser or, either wholly or partly, on behalf of him, with or without the help of a third party. The solicitation of services is also defined as advertising. The <b>advertiser is an organization or a person</b>, not being a consumer.” – Dutch Advertising Code, Art. 1</p> <p>In the explanation of this Article, the Code provides the following regarding the definition:</p> <p>“Announcements which lack any element of commendation do not fall within the definition of this article [...] announcements about goods, services and/or ideas, in which there is no question of inducement or influencing by the advertiser, do not fall within the definition of this article [...] The definition does not stipulate that the commendation is a paid advertisement. Although payment is usually the case, from the point of view of the public <b>it makes no difference whether an advertisement is placed free of charge or for payment.</b>” – Dutch Advertising Code, Explanation of Article 1</p>
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<sup>21</sup> [https://www.reclamecode.nl/wp-content/uploads/2018/08/SRC\\_Code\\_Opmaak-CodeJaarverslag\\_2020\\_Compleet.pdf](https://www.reclamecode.nl/wp-content/uploads/2018/08/SRC_Code_Opmaak-CodeJaarverslag_2020_Compleet.pdf).

**Evaluation of the current legislative framework and draft legislations on political advertising and/or online political advertising**

Existing legislation in the process of being amended:

- Law on Financing of Political Parties (2013, amended 2016)
- 2 December 2020: Press release that Proposal for amendment of Law on Financing of Political Parties submitted (note the content of the whole document has not yet been made public)<sup>22</sup>
- Dutch Code of Conduct Transparency Online Political Advertisements, 2021, (*Nederlandse Gedragscode Transparantie Online Politieke Advertenties*)<sup>23</sup>

It is not clear when the amendment will be enacted. Given that the amendment will need to be debated, voted on and enacted, and that there is currently a care-taker cabinet, the law will probably be amended by the new cabinet after the 17th of March 2021.

The amended Financing of Political Parties (2013, amended 2016) will subsequently be incorporated in the new Law on Political Parties (*Wet op Politieke Partijen*).

The amendment to the law, which will eventually be incorporated into the Law on Political Parties will include:

- Rules on digital advertising (eg microtargeting);
- Rules on foreign digital interference.

The Law on the Political Parties (*Wet op de Politieke Partijen*) is expected to be enacted on 1 January 2022.

In 2021, in preparation for the national elections on 17 March 2021, the Ministry of Internal Affairs published the Dutch Code of Conduct for Transparency Online Political Advertisements (2021). This voluntary and non-binding code of conduct, signed by the Dutch political parties and social media platforms aims at avoiding unethical political advertising online and combatting disinformation.

Following a request by the Dutch Ministry of the Interior, the International Institute for Democracy and Electoral Assistance (International IDEA) negotiated and drafted the Code of Conduct. International IDEA is an intergovernmental organisation that supports democracy and has experience with ICT during elections.

Under this Code of Conduct, signatories agree to be transparent about the publishers, costs and reach of advertisements during the election campaign. Political parties commit to not posting misleading messages or accepting foreign funding for advertising.

In terms of scope, the Code of Conduct primarily covers paid online political advertising. Signatories additionally recognise the key role of unpaid (so-called 'organic') content for fair and democratic online political campaigns. For multiple reasons, the Code of Conduct partly covers unpaid political reporting.

Online platforms and political parties in a broad sense may participate in the Code of Conduct.

Please see Section III below for more information on the content of the Code of Conduct.

II. Political advertising rules during pre-election campaigns		
Definitions of <b>pre-election campaigns in the Member State (if applicable)</b>	Overall, could not find a distinction in the law between pre-election, election and outside election periods. Indeed, there is no "hard" distinction between pre-campaigns and actual campaigns.	The Election Law does not include many provisions on campaigning. Instead, in the immediate election context, it mostly pertains to activities may take place in and around polling stations.
National rules on <b>paid political advertising</b> during pre-election campaigns		No rules specifically for the pre-election period, so paid political advertising assumed to be allowed.
<b>National rules on financing of political parties/candidates in relation to political adverts</b>		No specific rules in place with respect to financing of political parties in relation to political advertisements during the pre-election period.
National rules on <b>free political advertising (or free airtime)</b> during pre-election campaigns	<p>No rules specifically on free political advertising during pre-election campaigns found.</p> <p>There are some local ordinances (<i>APVs, Algemene Plaatselijke Verordening</i>) that differ per municipality and regulate where and how election posters may be put up, whether there are particular places where campaigning is forbidden etc., but no national regulation.</p>	<p>The Election Law does not include many provisions on campaigning. Instead, in the immediate election context, it mostly pertains to activities may take place in and around polling stations. For instance, people may not enter the voting area with campaigning material (except to vote themselves) or actively campaign in there (Article J 36).</p> <p>Most of the local ordinances extend the "no campaigning" rule to an area around the polling stations, usually 150 to 200 m from the entrance. There are some (unwritten)</p>



		agreements between parties; usually campaigning is restricted on election day to handing out flyers. This is more good practice than a legal requirement. In sum, advertising and campaigning in this context is not regulated at a national level.
National rules on political advertising on <b>broadcast media</b> during pre-election campaigns (incl. public service and private broadcasters)	No specific rules on political advertising on broadcast media during pre-election campaigns.	The Dutch Media Law has no specific provisions on how it applies in pre-election periods or during campaigns. As such, it is assumed to continue to apply.
National rules on political advertising in <b>print media</b> during pre-election campaigns		No rules specific to political advertising in print media during pre-election campaigns found.
National rules on political advertising on <b>online media applicable to political parties</b> , during pre-election campaigns	<p>See these guidelines:</p> <ul style="list-style-type: none"> <li>• Dutch Code of Conduct Transparency Online Political Advertisements, 2021, (<i>Nederlandse Gedragscode Transparantie Online Politieke Advertenties</i>)<sup>24</sup></li> <li>• Dutch Advertising Code, amended 2020, (<i>Stichting Reclame Code</i>)<sup>25</sup></li> </ul> <p>They apply regardless of the pre-election/election period.</p>	

<sup>24</sup> <https://www.rijksoverheid.nl/documenten/richtlijnen/2021/02/09/nederlandse-gedragscode-transparantie-online-politieke-advertenties>.

<sup>25</sup> [https://www.reclamecode.nl/wp-content/uploads/2018/08/SRC\\_Code\\_Opmaak-CodeJaarverslag\\_2020\\_Compleet.pdf](https://www.reclamecode.nl/wp-content/uploads/2018/08/SRC_Code_Opmaak-CodeJaarverslag_2020_Compleet.pdf).

Particular rules <b>applicable to online platforms and intermediaries</b> , such as social media, for political advertising during pre-election campaigns		No rules relating exclusively to the pre-election campaign. See section III.
Specific rules relating to <b>“false information”, fake news” or “disinformation campaigns”</b> during pre-election campaigns		No rules relating exclusively to the pre-election campaign. See section III.
<b>III. Political advertising rules during elections period</b>		
Definitions of <b>elections period in the Member State (if applicable)</b>		Dutch legislation does not define (explicitly or implicitly) the election period.

National rules on <b>paid political advertising</b> during elections period	<ul style="list-style-type: none"> <li>Media Law, 2008, amended 2016 (<i>Mediawet</i>)<sup>26</sup></li> </ul>	<p>Paid political advertising during the election period is allowed. The cost of buying (commercial) airtime is very expensive, which is especially relevant in view of the small budgets parties have for elections. Parties therefore rarely buy commercial airtime. Outside of election campaigns, parties thus tend not to buy airtime regularly. This is mostly due to a lack of financial resources.</p> <p>The limitations include that public and commercial broadcasters are not permitted to obtain sponsoring for broadcasting political information as stated in Article 3.15.2 of the Media Law.</p>
National rules on financing of political parties/candidates in relation to political adverts	Same laws apply as outside of election period, see section IV.	

<sup>26</sup> <https://wetten.overheid.nl/BWBR0025028/2021-01-01>.

<p>National rules on <b>free political advertising (or free airtime)</b> during elections period</p>	<ul style="list-style-type: none"> <li>Media Law, 2008, amended 2016 (<i>Mediawet</i>)<sup>27</sup></li> <li>Documents issued by the Commissariaat for the Media (<i>Commissariaat voor de Media</i>)</li> </ul>	<p>There is free political advertising (<i>zendtijd voor politieke partijen</i>; “airtime for political parties”) available in the Netherlands on the public broadcasters.</p> <p>Article 6.1.1 of the Media Law states that political parties that acquired one or more seats in the last election of the members of the House of Representatives or the Senate are allocated a set amount of hours on national broadcasting channels.</p> <p>According to Article 6.1.2 of the Media Law, the exact amount allocated per party is determined by the Commissariat for the Media (<i>Commissariaat voor de Media</i>).</p> <p>The relevant public broadcaster is the Dutch Foundation for Public Broadcasting (<i>Stichting Nederlandse Publieke Omroep</i>) (NPO).</p> <p><b>Four and a half weeks before the elections</b>, the Commissariat for the Media informs the political parties on the free political advertising transmission time format. For the 2021 elections, each political party is allocated 20 minutes of radio time and 18 minutes of television time.<sup>28</sup> In an explanatory document from the Commissariat for the Media (<i>Commissariaat voor de Media</i>),<sup>29</sup> the</p>
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<sup>27</sup> <https://wetten.overheid.nl/BWBR0025028/2021-01-01>.

<sup>28</sup> <https://www.cvdm.nl/sites/default/files/files/Praktijkhandreiking%20zendtijd%20politieke%20partijen.pdf>.

<sup>29</sup> <https://www.cvdm.nl/sites/default/files/files/Praktijkhandreiking%20zendtijd%20politieke%20partijen.pdf>.

		<p>procedure and some temporal context is outlined.</p> <p><i>The election period</i></p> <ul style="list-style-type: none"> <li>• During the election period, all TV and radio programme channels have equal time blocked for the airtime for the political parties.</li> <li>• The broadcasts will start approximately one week after the decision by the Commissariat of the Media on broadcasting time, which is decided no later than five working days after the Electoral Council has determined which parties will participate in the elections.</li> <li>• TV and radio channels make distinctions between various advertising time blocks (from 5:00 pm to 6:00 pm and from 6:00 pm to 11:00 pm for TV; 6:00 am and midnight for radio).</li> <li>• The political parties are responsible for content and delivery in accordance with technical specifications, requirements and conditions. The Commissariat for the Media supervises this.</li> </ul>
National rules on political advertising on <b>broadcast media</b> during elections period (incl. public service and private broadcasters)	<ul style="list-style-type: none"> <li>• Media Law, 2008, amended 2016 (<i>Mediawet</i>)<sup>30</sup></li> </ul>	<p><b>Political ‘advertising’ on public broadcast media during election period</b></p> <p>The Dutch Media Law contains specific rules concerning broadcasting during elections and the Commissariat for the Media (<i>Commissariaat</i></p>

<sup>30</sup> <https://wetten.overheid.nl/BWBR0025028/2021-01-01>.

	<p>voor de Media) is responsible for ensuring the compliance with the Media Law.</p> <p>As a general rule, Article 2.1.2 of the Media Law states that public service broadcasting media have the “public task” of informing the public on matters of “information, culture [and] education” and should be accessible to at least 75% of Dutch households without any additional costs as stated in Article 5.1.</p> <p>Article 6.1.1 of the Media Law states that political parties that acquired one or more seats in the last election of the members of the House of Representatives or the Senate are allocated a set amount of hours on national broadcasting channels.</p> <p>According to Article 6.1.2 of the Media Law, the exact amount allocated per party is determined by the Commissariat for the Media (<i>Commissariaat voor de Media</i>).</p> <p>For the 2021 elections, each political party is allocated 20 minutes of radio time and 18 minutes of television time.<sup>31</sup></p> <p>The relevant public broadcaster is the Dutch Foundation for Public Broadcasting (<i>Stichting Nederlandse Publieke Omroep</i>) (NPO).</p>
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<sup>31</sup> <https://www.cvdm.nl/sites/default/files/files/Praktijkhandreiking%20zendtijd%20politieke%20partijen.pdf>.

**Four and a half weeks before the elections**, the Commissariat for the Media informs the political parties on the free political advertising transmission time format. For the 2021 elections, each political party is allocated 20 minutes of radio time and 18 minutes of television time.<sup>32</sup> In an explanatory document from the Commissariat for the Media (*Commissariaat voor de Media*),<sup>33</sup> the procedure and some temporal context is outlined.

*The election period*

- During the election period, all TV and radio programme channels have equal time blocked for the airtime for the political parties.
- The broadcasts will start approximately one week after the decision by the Commissariat of the Media on broadcasting time, which is decided no later than five working days after the Electoral Council has determined which parties will participate in the elections.
- TV and radio channels make distinctions between various advertising time blocks (from 5:00 pm to 6:00 pm and from 6:00 pm to 11:00 pm for TV; 6:00 am and midnight for radio).

The political parties are responsible for content and delivery in accordance with technical

<sup>32</sup> <https://www.cvdm.nl/sites/default/files/files/Praktijkhandreiking%20zendtijd%20politieke%20partijen.pdf>.

<sup>33</sup> <https://www.cvdm.nl/sites/default/files/files/Praktijkhandreiking%20zendtijd%20politieke%20partijen.pdf>.

		<p>specifications, requirements and conditions. The Commissariat for the Media supervises this.</p> <p><b>Political advertising on private broadcast during election period</b></p> <p>The rules with respect to political advertisements on private broadcasts are outlined in Chapter 3 of the Media Law. With respect to political content, Article 3.15.2 of the Media Law states that neither public or commercial programs that broadcast political information are allowed to receive sponsorships.</p> <p>Additional source: See <u>Council of Europe Media coverage of elections: the legal framework in Europe</u> for more information.<sup>34</sup></p>
National rules on political advertising in <b>print media</b> during elections period	<p>Dutch law does not contain any specific rules on political advertising in print media during election campaigns.<sup>35</sup></p> <ul style="list-style-type: none"> <li>• Dutch Civil Code Book 6, 2008 (<i>Burgerlijk Wetboek Boek 6</i>)<sup>36</sup></li> <li>• Dutch Advertising Code, amended 2020, (<i>Stichting Reclame Code</i>)<sup>37</sup></li> </ul>	<p>Political parties are free to purchase advertising space in newspapers and other print media.</p> <p>Articles 194 and 194a (Book 6 of the Dutch Civil Code, 2008) on misleading advertisements do not apply to paid advertisements by political parties, as they apply to goods and services but not to “ideological advertisements”.</p>

<sup>34</sup> <https://rm.coe.int/16807834b2>.

<sup>35</sup> See <https://rm.coe.int/16807834b2>.

<sup>36</sup> <https://wetten.overheid.nl/BWBR0005289/2020-07-01>.

<sup>37</sup> [https://www.reclamecode.nl/wp-content/uploads/2018/08/SRC\\_Code\\_Opmaak-CodeJaarverslag\\_2020\\_Compleet.pdf](https://www.reclamecode.nl/wp-content/uploads/2018/08/SRC_Code_Opmaak-CodeJaarverslag_2020_Compleet.pdf).



		<p>The Dutch Advertising Code applies to commercial advertisements in print media. It includes key principles, namely, that advertising must not be misleading (Article 8). Further, advertising should be recognisable as advertising ("An advertisement shall be recognisable as such by virtue of its lay-out, presentation, content or otherwise, taking into account the public for which it is intended." – Article 11.1).</p>
<p>National rules on political advertising on <b>online media applicable to political parties</b>, during elections period</p>	<p>There are no specific provisions in Dutch law about political advertising on online media during the election period during elections, however some laws give relevant guidance about these topics.</p> <ul style="list-style-type: none"> <li>• Telecommunication Act, 1998 (<i>Telecommunicatiewet</i>)<sup>38</sup></li> <li>• Advertising Code for Social Media &amp; Influencer Marketing, 2014, amended 2019 (<i>Reclamecode Social Media &amp; Influencer Marketing</i>)<sup>39</sup></li> </ul>	<p>Article 11.7 of the Dutch Telecommunication Act states that political messages cannot be transmitted without prior consent from the user concerned.</p> <p>In addition, the Advertising Code for Social Media &amp; Influencer Marketing is intended to promote transparency between the advertiser and the party distributing the communication. It sets out some key principles:</p> <ul style="list-style-type: none"> <li>• Advertising by social media must be clearly recognisable as such (Article 3a)</li> <li>• If a distributor (i.e. a natural or legal person, not the administrator of social network sites and forums) receives compensation in cash or kind from the advertiser, this must explicitly be stated in the communication (Article 3b, Article 2 for definition of distributor)</li> <li>• There exists a prohibition of manipulation (Article 4)</li> </ul>

<sup>38</sup> <https://wetten.overheid.nl/BWBR0009950/2020-12-21>.

<sup>39</sup> <https://www.reclamecode.nl/nrc/reclamecode-social-media-rsm/>.

		<ul style="list-style-type: none"> <li>There exists a duty of care/responsibility of the advertiser towards the distributor and third parties (Article 6)</li> </ul>
Particular rules <b>applicable to online platforms and intermediaries</b> , such as social media, for political advertising during elections period	<p>Political parties and Internet platforms including Facebook, Google, Snapchat and TikTok agreed on voluntary rules for Dutch parliamentary elections in:</p> <ul style="list-style-type: none"> <li>Dutch Code of Conduct Transparency Online Political Advertisements, 2021, (<i>Nederlandse Gedragscode Transparantie Online Politieke Advertenties</i>)<sup>40</sup></li> </ul> <p>See, too:</p> <ul style="list-style-type: none"> <li>"Measures for internet services political advertising" (<i>Maatregelen internetdiensten politieke advertenties</i>), from the Ministry of the Interior on 12 October 2020.<sup>41</sup></li> </ul>	<p>In 2021, in preparation for the national elections on 17 March 2021, the Ministry of Internal Affairs published the Dutch Code of Conduct Transparency Online Political Advertisements (2021). This voluntary and non-binding code of conduct, signed by the Dutch political parties and social media platforms aims at avoiding unethical political advertising online and combatting disinformation.</p> <p>Following a request by the Dutch Ministry of the Interior, the International Institute for Democracy and Electoral Assistance (International IDEA) negotiated and drafted the Code of Conduct. International IDEA is an intergovernmental organisation that supports democracy and has experience with ICT during elections.</p> <p>Under this Code of Conduct, signatories agree to be transparent about the publishers, costs and reach of advertisements during the election campaign. Political parties commit to not posting misleading messages or accepting foreign funding for advertising.</p>

<sup>40</sup> <https://www.rijksoverheid.nl/documenten/richtlijnen/2021/02/09/nederlandse-gedragscode-transparantie-online-politieke-advertenties>.

<sup>41</sup> [file:///C:/Users/mista/Downloads/Maatregelen\\_internetdiensten\\_politieke\\_advertenties.pdf](file:///C:/Users/mista/Downloads/Maatregelen_internetdiensten_politieke_advertenties.pdf).

	<p>Per section 3.2 of the Code, political parties commit to:</p> <p>“4. Strictly adhere to online platforms’ advertisement policies and mechanisms and provide faithful information for registration and verification processes; respond to inquiries regarding ad authorization and verification processes.</p> <p>5. Maintain ethical limits to linking different data sets and uploading them to online platforms for the purpose of microtargeting.</p> <p>6. Refrain from psychological profiling for targeting purposes in online political advertising.</p> <p>7. Refrain from contracting or engaging intermediaries to place political ads without attribution to the party.</p> <p>8. Refuse direct purchases of political advertisements by foreign actors in support of the political party (with and without attributing them to the party); refrain from receiving foreign funding to pay for online political advertisements, other than from party members living abroad.</p> <p>9. Refrain from unethical online behavior such as disseminating online content in view of voter dissuasion, disinformation about the voting process, using fake accounts or automatic bots to manipulate voter opinions, trolling, unfounded accusations or cyber-bullying.</p> <p>10. Refrain from deliberately posting, disseminating, or promoting misleading</p>
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content; refrain from using distorted audio-visual messages, including deep fakes.

11. Contribute to safety of the electoral process by refraining from posting, disseminating, or promoting content that incites violence or hate speech.

12. Raise awareness on the code of conduct internally and promote compliance among candidates, campaign staff, party sections and other bodies, and affiliated institutions (*neveninstellingen*).

13. Discuss implementation of the code of conduct at meetings of political party presidents and/or directors; to continue the discussion between and within political parties after the elections to the House of Representatives in order to further elaborate on details and implementation.”

**Per section 3.3 of the Code, online platforms commit to:**

“14. As far as online platforms offer political advertising, develop and enforce relevant transparency mechanisms.

15. Provide relevant advertiser and advertisement details in publicly available libraries with easily downloadable and comparable data.

16. In order to ensure transparency and scrutiny of political advertisement placements, require and enforce registration by and verification of political advertisers.

	<p>17. Report adequately and clearly on “paid for by” and spending range.</p> <p>18. Ban cross-border political advertisements from outside the European Union.</p> <p>19. Establish transparency on online political advertisements, including on spend and reach.</p> <p>20. Raise awareness on this code of conduct by drawing the attention of relevant employees to the commitments made; ensure that situations that could affect compliance negatively are addressed in a timely manner.</p> <p>21. Put in place a user-friendly response mechanism to answer questions or address issues related to the Dutch elections; have clear and transparent rules for placing and removing messages and advertisements; respond quickly and accurately to enquiries about placement and removal of messages and advertisements by competent authorities and political parties.</p> <p>22. Develop and enforce platform policies on the safety and privacy of users and electoral integrity in relation to online political advertising; remove political advertisements or any content that incite violence or hate speech within the shortest possible period of time once identified.</p> <p>23. Consider countering any inaccurate information on the electoral process, such as voter, voting process and polling station</p>
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	<p>information, in case such information is identified.</p> <p>24. Consider sharing experience and lessons from previous elections in other countries with Dutch political parties and relevant election authorities.</p> <p>25. Consider conducting a post-election review on the Dutch electoral campaign and compliance with the code of conduct; consider the possibility of publishing a report in case there have been any relevant incidents in relation to the Dutch elections and the correlated platform actions.”</p> <p>Under the Dutch “Measures for internet services political advertisements”, the following platforms may or may not run political advertisements in the Netherlands.</p> <p>Facebook/Instagram:</p> <ul style="list-style-type: none"><li>• Allowed to run political advertisements</li></ul> <p>Google Search/YouTube:</p> <ul style="list-style-type: none"><li>• Allowed</li></ul> <p>Twitter:</p> <ul style="list-style-type: none"><li>• Not allowed</li></ul> <p>LinkedIn:</p> <ul style="list-style-type: none"><li>• Not allowed</li></ul> <p>Snapchat:</p> <ul style="list-style-type: none"><li>• Allowed</li></ul> <p>TikTok:</p> <ul style="list-style-type: none"><li>• Allowed</li></ul> <p>Reddit:</p> <ul style="list-style-type: none"><li>• Not allowed</li></ul>
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Specific rules relating to <b>“false information”, “fake news” or “disinformation campaigns”</b> during elections period	<ul style="list-style-type: none"> <li>Dutch Code of Conduct Transparency of Online Political Advertisements, 2021, (<i>Nederlandse Gedragcode Transparantie Online Politieke Advertenties</i>)<sup>42</sup></li> </ul>	<p>The Minister for the Interior came up with a Code of Conduct for the Transparency of Online Political Advertisements.<sup>43</sup> By way of context, she stated that “whether it is the use of bots or fake accounts or political advertisements containing misleading information, these are worrying developments. That is why I have come up with extra measures that should help the voter to take a critical look at the information that is circulating about the House of Representatives elections [in March 2021].”</p> <p>The Dutch Code of Conduct Transparency Online Political Advertisements (2021), section 3.2.9 states the following:  “Political parties commit to [...] Refrain from unethical online behavior such as disseminating online content in view of voter dissuasion, disinformation about the voting process, using fake accounts or automatic bots to manipulate voter opinions, trolling, unfounded accusations or cyber-bullying.”<sup>44</sup></p>

<sup>42</sup> <https://www.rijksoverheid.nl/documenten/richtlijnen/2021/02/09/nederlandse-gedragcode-transparantie-online-politieke-advertenties>.

<sup>43</sup> <https://www.rijksoverheid.nl/actueel/nieuws/2020/11/16/minister-ollongren-neemt-maatregelen-tegen-desinformatie-richting-tweede-kamer-verkiezingen>.

<sup>44</sup> <https://www.rijksoverheid.nl/documenten/richtlijnen/2021/02/09/nederlandse-gedragcode-transparantie-online-politieke-advertenties>; <https://www.idea.int/sites/default/files/news/news-pdfs/Dutch-Code-of-Conduct-transparency-online-political-advertisements-EN.pdf> (EN).

		Note the Dutch translation from <i>desinformatie</i> to disinformation.
<b>IV. Political advertising rules outside of elections period</b>		
National rules on <b>paid political advertising</b> outside of elections period		Paid political advertising is allowed outside the election period.
<b>National rules on financing of political parties in relation to political adverts</b>	Dutch law does not have specific provisions with respect to financing of political parties in relation to political adverts.	<p>With respect to general financing of political parties, Article 25.1.b. (Law on Financing of Political Parties, 2013, amended 2016) every donation to a political party of € 4,500 or more will need to be disclosed to the Ministry of the Interior and Kingdom Relations before the 1st of July of each calendar year.</p> <p>In addition, in accordance with Article 21.1. (Law on Financing of Political Parties, 2013, amended 2016) the following information about the donor equally needs to be disclosed: name and address of the donor, the amount donated and the date of the donation.</p>
National rules on <b>free political advertising (or free airtime)</b> outside of elections period	In an explanatory document from the Commissariat for the Media ( <i>Commissariaat voor de Media</i> ), <sup>45</sup> some temporal context is outlined.	The current regulations focus almost solely on public broadcasting media. It is important to note that no formal rules exist regarding the content of media coverage. In other words, the current regulations do not apply to the political

<sup>45</sup> <https://www.cvdm.nl/sites/default/files/files/Praktijkhandreiking%20zendtijd%20politieke%20partijen.pdf>.



issues or actors themselves, but they do apply to, for instance, the distribution of airtime on public broadcasting channel.

According to the Media Law (2008) the Commissariat for the Media allocates the amount of broadcasting time to political parties on radio and television throughout the year.

This amount is the same for each political party that acquired one or more seats in the last election of the members of the House of Representatives or the Senate of the States General.

The days and times on which political parties can broadcast broadcasts have been determined by the NPO. The order in which political parties are included in the broadcast schedule has been determined by drawing lots. This draw was carried out by a civil-law notary at the request of the Commissariat for the Media.

Outside of the election period the total amount of regular broadcasting time allocated to political parties is 41 hours and 10 minutes for radio and 9 hours and 45 minutes for television. In addition, an additional 11 hours and 42 minutes of broadcasting time is allocated for repeat broadcasts on television. This allows each political party to broadcast 15 regular

		<p>spots and 18 replay spots on television and 19 spots on the radio.</p> <p>The days and times on which political parties can broadcast broadcasts have been determined by the NPO. The order in which political parties are included in the broadcast schedule has been determined by drawing lots. This draw was carried out by a civil-law notary at the request of the Commissariat for the Media.</p> <p>A distinction is made on general TV programme channels between regular broadcasts and reruns. The regular broadcasts are between 5:00 pm and 1:00 pm. The reruns fall in the period between 01:00 am and 17:00 pm. On general radio programme channels, no distinction is made between regular broadcasts and reruns.</p>
National rules on political advertising on <b>broadcast media</b> outside of elections period (incl. public service and private broadcasters)	In an explanatory document from the Commissariat for the Media ( <i>Commissariaat voor de Media</i> ), <sup>46</sup> some temporal context is outlined.	<p>The current regulations focus almost solely on public broadcasting media. It is important to note that no formal rules exist regarding the content of media coverage. In other words, the current regulations do not apply to the political issues or actors themselves, but they do apply to, for instance, the distribution of airtime on public broadcasting channel.</p> <p>According to the Media Law (2008) the Commissariat for the Media allocates the</p>

<sup>46</sup> <https://www.cvdm.nl/sites/default/files/files/Praktijkhandreiking%20zendtijd%20politieke%20partijen.pdf>.

	<p>amount of broadcasting time to political parties on radio and television throughout the year.</p> <p>This amount is the same for each political party that acquired one or more seats in the last election of the members of the House of Representatives or the Senate of the States General.</p> <p>The days and times on which political parties can broadcast broadcasts have been determined by the NPO. The order in which political parties are included in the broadcast schedule has been determined by drawing lots. This draw was carried out by a civil-law notary at the request of the Commissariat for the Media.</p> <p>Outside of the election period the total amount of regular broadcasting time allocated to political parties is 41 hours and 10 minutes for radio and 9 hours and 45 minutes for television. In addition, an additional 11 hours and 42 minutes of broadcasting time is allocated for repeat broadcasts on television. This allows each political party to broadcast 15 regular spots and 18 replay spots on television and 19 spots on the radio.</p> <p>The days and times on which political parties can broadcast broadcasts have been determined by the NPO. The order in which political parties are included in the broadcast schedule has been determined by drawing lots.</p>
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		<p>This draw was carried out by a civil-law notary at the request of the Commissariat for the Media.</p> <p>A distinction is made on general TV programme channels between regular broadcasts and reruns. The regular broadcasts are between 5:00 pm and 1:00 pm. The reruns fall in the period between 01:00 am and 17:00 pm. On general radio programme channels, no distinction is made between regular broadcasts and reruns.</p>
National rules on political advertising in <b>print media</b> outside of elections period	<p>No specific rules on political advertising in print media outside of election period.</p> <p>Some relevant rules:</p> <ul style="list-style-type: none"> <li>Dutch Advertising Code, amended 2020, (<i>Stichting Reclame Code</i>)<sup>47</sup></li> </ul>	<p>The Dutch Advertising Code applies to commercial advertisements in print media. It includes key principles, namely, that advertising must not be misleading (Article 8). Further, advertising should be recognisable as advertising ("An advertisement shall be recognisable as such by virtue of its lay-out, presentation, content or otherwise, taking into account the public for which it is intended." – Article 11.1).</p>
National rules on political advertising on online media <b>applicable to political parties</b> , outside of elections period	<ul style="list-style-type: none"> <li>Dutch Code of Conduct Transparency of Online Political Advertisements, 2021, (<i>Nederlandse Gedragcode Transparantie Online Politieke Advertenties</i>)<sup>48</sup></li> </ul>	<p>There is no specified temporal scope of application or limit in the Code of Conduct. It was explicitly drawn up in view of the upcoming Dutch parliamentary elections 17 March 2021 and mentions its aim in preserving the safety, fairness and integrity specifically of elections.</p> <p>In Section 3.2, Article 13 of the Code of Conduct, political parties commit "to continue</p>

<sup>47</sup> [https://www.reclamecode.nl/wp-content/uploads/2018/08/SRC\\_Code\\_Opmaak-CodeJaarverslag\\_2020\\_Compleet.pdf](https://www.reclamecode.nl/wp-content/uploads/2018/08/SRC_Code_Opmaak-CodeJaarverslag_2020_Compleet.pdf).

<sup>48</sup> <https://www.rijksoverheid.nl/documenten/richtlijnen/2021/02/09/nederlandse-gedragcode-transparantie-online-politieke-advertenties>.

		<p>the discussion between and within political parties <i>after the elections to the House of Representatives</i> in order to further elaborate on details and implementation.”<sup>49</sup> This suggests the Code of Conduct was intended to apply during the current election period, and will be implemented and/or reviewed thereafter, but does not suggest it will stop applying outside of election periods.</p>
<b>V. Rules and obligations applicable to online platform operators and intermediaries of political advertising</b>		

<sup>49</sup> <https://www.rijksoverheid.nl/documenten/richtlijnen/2021/02/09/nederlandse-gedragscode-transparantie-online-politieke-advertenties>.

<p>Particular rules <b>applicable to online platforms and intermediaries</b> such as social media for political advertising</p>	<ul style="list-style-type: none"> <li>• Dutch Code of Conduct Transparency Online Political Advertisements, 2021, (<i>Nederlandse Gedragscode Transparantie Online Politieke Advertenties</i>)<sup>50</sup> (see Section III for more detail).</li> </ul> <p>Voluntary Guidelines/code of conduct for online platforms &amp; political parties with respect to online political advertisements in Dutch context pre elections on 17 March 2021.</p> <p>Guidelines with respect to paid online political ads</p> <p>Legal basis:</p> <ul style="list-style-type: none"> <li>• Article 4 of the Constitution (as amended 2008), regarding the right to vote.</li> <li>• Election Law (1989, amended 2016) containing new provisions regarding the right to vote and elections.</li> <li>• Law on Financing of Political Parties (2013, amended 2016) containing rules regarding the subsidization and supervision of the finances of political parties.</li> <li>• The General Data Protection Regulation (2016), 24 May 2016.</li> <li>• The EU Code of Practice on Disinformation (2018), October 2018.</li> <li>• The Motion of the Middendorp and Kuiken Members, 15 October 2020.</li> </ul> <p>The Letter to Parliament on Measures to combat disinformation towards the House of Representatives elections, 16 November 2020.</p>	
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<sup>50</sup> <https://www.rijksoverheid.nl/documenten/richtlijnen/2021/02/09/nederlandse-gedragscode-transparantie-online-politieke-advertenties>.

VI. Transparency rules for political parties/candidates funding		
Rules on <b>direct public funding to political parties and/or candidates</b>	<ul style="list-style-type: none"> <li>• Law on Financing of Political Parties, 2013, amended 2016 (<i>Wet financiering politieke partijen</i>)<sup>51</sup></li> </ul>	<p>The biggest source of political funding in the Netherlands per party is, broadly, membership fees. Compared to other countries, political spending is moderate. Direct public funding is given to political parties and/or candidates in the form of money.</p> <p>Most of the relevant rules are outlined in Articles 7, 8 and 9 of the Law on Financing of Political Parties.</p> <p>Public funding is allocated on basis of a party's share of the votes received in the previous election and its number of members:</p> <p>Article 7: eligibility for, and allocation of, subsidy:</p> <p>7.1.1 Political parties need at least <u>1,000 members</u> per first day of the calendar year. Members need meeting and voting rights and pay an annual contribution of at least €12.</p> <p>Public funding must be used for political expenditures and may be used for campaign spending.</p> <p>Article 7:</p> <p>7.1.2 Subsidy needs to be allocated to political expenditures. These include, among others, expenditures</p>

<sup>51</sup> <https://wetten.overheid.nl/BWBR0033004/2016-01-01/1>.

		<p>related to the provision of information, political training, recruitment, contact maintenance etc (7.1.2. a-j).</p> <p>Article 8 outlines the allocation calculations for direct public funding to political parties i.e. the subsidy amounts to which they are entitled.</p> <p>Article 9 further outlines certain spending conditions and what parties/candidates may spend their public funding on.</p> <p>In terms of a distinction between rules on direct public funding from natural or legal persons, this is largely absent from the legal framework. This suggests that there is no ban on donations from foreign interests, corporations or trade unions to parties and/or candidates.</p> <p>The pending amendment of the Law on Financing of Political Parties will ban all political donations from outside of the EU with the exception of donations by Dutch eligible voters living outside of the EU.<sup>52</sup> The amendment of the law will, among other things, increase the transparency of donations to political parties and their subsidiary institutions. For example, it will need to be made clear who the natural persons behind</p>
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<sup>52</sup> See <https://www.rijksoverheid.nl/actueel/nieuws/2020/12/03/wijziging-van-de-wet-financiering-politieke-partijen> (Amendments to the Law on Financing of Political Parties) 3 December 2020.



		legal entities who make a donation to a political party are.
Rules on <b>indirect public funding to political parties and/or candidates</b>		There is subsidised access to the media for political parties and tax relief as a form of indirect public funding.
Rules on free or subsidised <b>access to media for political parties and/or candidates</b>	<ul style="list-style-type: none"> <li>Media Law, 2008, amended 2016 (<i>Mediawet</i>)<sup>53</sup></li> </ul>	<p>Article 6.1.1 of the Media Law states that political parties that acquired one or more seats in the last election of the members of the House of Representatives or the Senate are allocated a set amount of hours on national broadcasting channels.</p> <p>According to Article 6.1.2 of the Media Law, the exact amount allocated per party is determined by the Commissariat for the Media (<i>Commissariaat voor de Media</i>).</p>

<sup>53</sup> <https://wetten.overheid.nl/BWBR0025028/2021-01-01>.

<p>Rules on foreign contributions to political parties and political campaigns</p>	<ul style="list-style-type: none"> <li>• Law on Financing of Political Parties, 2013, amended 2016 (<i>Wet financiering politieke partijen</i>)<sup>54</sup></li> </ul>	<p>The current Law on Financing of Political Parties (2013, amended 2016) does not ban foreign contributions.</p> <p>The pending amendment of the Law on Financing of Political Parties<sup>55</sup> is expected to ban all political donations from outside of the EU with the exception of donations by Dutch eligible voters living outside of the EU. Furthermore, political parties will have to disclose all donations that they receive from other EU countries.<sup>56</sup> The disclosure for donations from within the Netherlands will remain at €4,500 in conformity with Article 25.b of the current Law on Financing of Political Parties.</p> <p>See, too: <i>Politico.eu</i>, “Dutch parties reject foreign money for election ads”<sup>57</sup></p>
<p><b>VII. Monitoring and enforcement of national rules on political advertising by national authorities</b></p>		
<p>National (or regional/local if applicable) <b>authority or body responsible</b> for monitoring national rules on political advertising</p>	<p><b>Advertising</b></p> <p>Advertising Code Committee (<i>Reclame Code Commissie</i>)</p> <p>The Dutch Advertising Code (2020) outlines the relevant rules for responsible advertising.</p> <p><b>Political advertising</b></p>	<p><b>Advertising</b></p> <p>The (chair of the) Advertising Code Committee (<i>Reclame Code Commissie</i>) assesses complaints on the basis of the code and determines whether these rules have been violated.</p> <p>When a violation of the code has been established, the Compliance department will</p>

<sup>54</sup> <https://wetten.overheid.nl/BWBR0033004/2016-01-01/1>.

<sup>55</sup> <https://www.rijksoverheid.nl/actueel/nieuws/2020/12/03/wijziging-van-de-wet-financiering-politieke-partijen>.

<sup>56</sup> See the proposal here: <https://www.parlementairemonitor.nl/9353000/1/j9vvij5epmj1ey0/vleanszjiya>.

<sup>57</sup> <https://www.politico.eu/article/dutch-parties-reject-foreign-ad-money-for-election-campaigning/>.

	<p>Monitoring aspects related to the financing of political parties is the responsibility of the Ministry of Internal Affairs (<i>Ministerie van Binnenlandse Zaken en Koninkrijksrelaties</i>) such as monitoring and enforcing the Law on Financing of Political Parties (2013, amended 2016).</p> <p>The Ministry of Internal Affairs is advised by the Committee of Supervision of the finances of political parties about matters regarding the compliance with the Law on Financing of Political Parties (2013, amended 2016).</p>	<p>monitor whether the advertiser concerned complies with the decision of the (chair of the) Advertising Code Committee and / or the Board of Appeal.</p>
<p>Particular measures for <b>supervising online political advertising</b> within and outside elections periods</p>	<p>There are no distinctive rules with respect to online political advertising and therefore no clear measures to ensure these rules.</p>	<p>In view of the lack of rules, the government would like to change this.<sup>58</sup> In 2022, the Law on Political Parties (<i>Wet op de Politieke Partijen</i>) is expected to start applying. This Law will merge existing rules from other relevant legislation, including the Elections Law and the Law on Financing of Political Parties. The government is looking into the possibilities of including rules on digital campaigning into this Law, such as micro-targeting (i.e. mapping the preferences of potential voters).</p> <p>Digital influence from abroad, such as the spread of disinformation, creates novel issues. This issue also applies to acquiring influence by financial means within political, social and</p>

<sup>58</sup> See <https://www.rijksoverheid.nl/actueel/nieuws/2020/12/03/wijziging-van-de-wet-financiering-politieke-partijen> (Amendments to the Law on Financing of Political Parties) 3 December 2020.

		<p>religious organisations. The cabinet therefore wants to promote transparency regarding these matters, but – at the same time - does not want to compromise the independence of political parties.<sup>59</sup> The amendment Law on Political Parties could therefore introduce an independent supervisor. Its tasks could include regulating politically-sensitive topics, such as election campaigns and microtargeting.</p> <p>See, too, the letter to Parliament on the progress in preparing the Law on Political Parties from 11 June 2020.<sup>60</sup></p>
<p><b>Sanctions, penalties and remedy measures</b> applicable in violation of the law</p>	<ul style="list-style-type: none"> <li>• Media Law, 2008, amended 2016 (<i>Mediawet</i>)<sup>61</sup></li> <li>• Dutch Advertising Code, amended 2020, (<i>Stichting Reclame Code</i>)<sup>62</sup></li> <li>• Dutch Code of Conduct Transparency of Online Political Advertisements, 2021, (<i>Nederlandse Gedragscode Transparantie Online Politieke Advertenties</i>)<sup>63</sup></li> </ul>	<p>The Commissariat for the Media is tasked with enforcing the Dutch Media Law (see Chapter 7). For violations of provisions in the Act (with some exceptions), the Commissariat may impose an administrative fine on the broadcaster for a maximum of €225,000 per violation (Article 7.12).</p> <p>The Dutch Advertising Code states in Section 1 that “Anyone who feels that an advertisement violates the Dutch Advertising Code may submit a complaint to the Advertising Code Committee. This independent body decides after a transparent and swift procedure whether an advertisement conflicts with the Advertising Code. In the case of violation of the Code, the Committee will uphold the complaint and</p>

<sup>59</sup> [https://www.parlement.com/id/vlboezk3ftm8/wet\\_op\\_de\\_politieke\\_partijen](https://www.parlement.com/id/vlboezk3ftm8/wet_op_de_politieke_partijen).

<sup>60</sup> <https://www.rijksoverheid.nl/documenten/kamerstukken/2020/06/11/kamerbrief-inzake-voortgang-voorbereiding-wet-op-de-politieke-partijen>.

<sup>61</sup> <https://wetten.overheid.nl/BWBR0025028/2021-01-01>.

<sup>62</sup> [https://www.reclamecode.nl/wp-content/uploads/2018/08/SRC\\_Code\\_Opmaak-CodeJaarverslag\\_2020\\_Compleet.pdf](https://www.reclamecode.nl/wp-content/uploads/2018/08/SRC_Code_Opmaak-CodeJaarverslag_2020_Compleet.pdf).

<sup>63</sup> <https://www.rijksoverheid.nl/documenten/richtlijnen/2021/02/09/nederlandse-gedragscode-transparantie-online-politieke-advertenties>.

		<p>recommend the advertiser(s) involved to discontinue such a way of advertising”</p> <p>The Advertisements specifically states that “Participation is voluntary and cannot replace existing or future legislation and regulations. Compliance is therefore not enforceable.” (p 2).</p>
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## Annex – List of relevant legislation

- In this Annex, please list all the sources provided in the second column of the table

Name of the sources	Link to the sources	Sources translated into EN
Law on Financing of Political Parties, 2013, amended 2016 ( <i>Wet financiering politieke partijen</i> )	<a href="https://wetten.overheid.nl/BWBR0033004/2016-01-01/1">https://wetten.overheid.nl/BWBR0033004/2016-01-01/1</a>	
Election Law, No. 28, 1989, amended 2016 ( <i>Kieswet</i> )	<a href="https://wetten.overheid.nl/BWBR0004627/2020-07-01">https://wetten.overheid.nl/BWBR0004627/2020-07-01</a>	
Law on Income Tax, 2001, amended 2016 ( <i>Wet inkomstenbelasting</i> )	<a href="https://wetten.overheid.nl/BWBR0011353/2021-01-01">https://wetten.overheid.nl/BWBR0011353/2021-01-01</a>	
Media Act, 2008, amended 2016 ( <i>Mediawet</i> )	<a href="https://wetten.overheid.nl/BWBR0025028/2021-01-01">https://wetten.overheid.nl/BWBR0025028/2021-01-01</a>	
Constitution, as amended 2008 ( <i>Grondwet voor het Koninkrijk der Nederlanden</i> )	<a href="https://www.rijksoverheid.nl/documenten/rapporten/2007/06/26/de-nederlandse-grondwet-2006">https://www.rijksoverheid.nl/documenten/rapporten/2007/06/26/de-nederlandse-grondwet-2006</a>	<a href="http://www.dutchcivillaw.com/legislation/constitution011.htm">http://www.dutchcivillaw.com/legislation/constitution011.htm</a>
General Rules for Civil Servants of the Kingdom 1931, amended 2016 ( <i>Algemeen Rijksambtenarenreglement</i> )	<a href="https://wetten.overheid.nl/BWBR0001950/2019-07-01">https://wetten.overheid.nl/BWBR0001950/2019-07-01</a>	
Law on Civil Servants 1929, amended 2016 ( <i>Ambtenarenwet</i> )	<a href="https://wetten.overheid.nl/BWBR0001947/2020-01-01">https://wetten.overheid.nl/BWBR0001947/2020-01-01</a>	
Law on the Renumeration of Members of the First Chamber, 1995, amended 2016 ( <i>Wet vergoedingen leden Eerste Kamer</i> )	<a href="https://wetten.overheid.nl/BWBR0007402/2003-01-01">https://wetten.overheid.nl/BWBR0007402/2003-01-01</a>	

Penal Code, 1881, amended 2016 ( <i>Invoeringswet Wetboek van Strafrecht</i> )	<a href="https://wetten.overheid.nl/BWBR0001855/2002-01-01">https://wetten.overheid.nl/BWBR0001855/2002-01-01</a>	
Rules of Procedure of the House of Representatives, 2016 ( <i>Reglement van Orde van de Tweede Kamer der Staten-Generaal</i> )	<a href="https://wetten.overheid.nl/BWBR0006023/2018-06-26">https://wetten.overheid.nl/BWBR0006023/2018-06-26</a>	
Public Access to Information Act 1991, amended 2009 ( <i>Wet openbaarheid van bestuur</i> )	<a href="https://wetten.overheid.nl/BWBR0005252/2018-07-28">https://wetten.overheid.nl/BWBR0005252/2018-07-28</a>	
Government Accounts Act, 2001, amended 2016 ( <i>Comptabiliteitswet</i> )	<a href="https://wetten.overheid.nl/BWBR0039429/2018-01-01">https://wetten.overheid.nl/BWBR0039429/2018-01-01</a>	
Decree of 5 February 1993 on the charges under the Freedom of Information Act ( <i>Besluit tarieven openbaarheid van bestuur</i> )	<a href="https://wetten.overheid.nl/BWBR0005869/2002-01-01">https://wetten.overheid.nl/BWBR0005869/2002-01-01</a>	
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Dutch General Data Protection Regulation Implementation Act 2018 ( <i>Uitvoeringswet Algemene Verordening gegevensbescherming</i> ) ("UAVG")	<a href="https://wetten.overheid.nl/BWBR0040940/2018-05-25">https://wetten.overheid.nl/BWBR0040940/2018-05-25</a>	
General Administrative Law Act, 1994, amended 2015 ( <i>Algemene wet bestuursrecht</i> )	<a href="https://wetten.overheid.nl/BWBR0005537/2021-01-01">https://wetten.overheid.nl/BWBR0005537/2021-01-01</a>	
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Dutch Advertising Code, amended 2020, ( <i>Stichting Reclame Code</i> )	<a href="https://www.reclamecode.nl/wp-content/uploads/2018/08/SRC_Code_Opmak-CodeJaarverslag_2020_Compleet.pdf">https://www.reclamecode.nl/wp-content/uploads/2018/08/SRC_Code_Opmak-CodeJaarverslag_2020_Compleet.pdf</a>	<a href="https://www.reclamecode.nl/nrc_taxonomy/general/?lang=en">https://www.reclamecode.nl/nrc_taxonomy/general/?lang=en</a>

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Proposal to amend Law on Financing of Political Parties, 2013, amended 2016 ( <i>Wet financiering politieke partijen</i> )	<a href="https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?id=2020Z23719&amp;dossier=35657">https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?id=2020Z23719&amp;dossier=35657</a>	
Announcement proposal Law on the Political Parties	<a href="https://www.parlement.com/id/vlboezk3ftm8/wet_op_de_politieke_partijen">https://www.parlement.com/id/vlboezk3ftm8/wet_op_de_politieke_partijen</a>	
Dutch Civil Code, 2008, Book 6	<a href="https://wetten.overheid.nl/BWBR0005289/2020-07-01">https://wetten.overheid.nl/BWBR0005289/2020-07-01</a>	<a href="http://www.dutchcivillaw.com/civilcodegeneral.htm">http://www.dutchcivillaw.com/civilcodegeneral.htm</a>
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Summary public broadcasting rules during and outside election period	<a href="https://www.cvdm.nl/sites/default/files/files/Praktijkhandreiking%20zendtijd%20politieke%20partijen.pdf">https://www.cvdm.nl/sites/default/files/files/Praktijkhandreiking%20zendtijd%20politieke%20partijen.pdf</a>	
Extensive overview broadcasting rules regarding political advertising	<a href="https://www.cvdm.nl/regelgeving/wetgeving/mediawet/zendtijd-politieke-partijen/indeling-zendtijd-politieke-partijen">https://www.cvdm.nl/regelgeving/wetgeving/mediawet/zendtijd-politieke-partijen/indeling-zendtijd-politieke-partijen</a>	
Telecommunication Act, 1998 ( <i>Telecommunicatiewet</i> )	<a href="https://wetten.overheid.nl/BWBR0009950/2020-12-21">https://wetten.overheid.nl/BWBR0009950/2020-12-21</a>	
Measures Internet services political advertisements ahead of 2021 elections	<a href="https://www.tweedekamer.nl/kamerstukken/detail?id=2020D40072&amp;did=2020D40072">https://www.tweedekamer.nl/kamerstukken/detail?id=2020D40072&amp;did=2020D40072</a>	
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The EU Code of Practice on Disinformation ( <i>EU Praktijkcode betreffende desinformatie</i> ),	<a href="https://ec.europa.eu/digital-single-market/en/code-practice-disinformation">https://ec.europa.eu/digital-single-market/en/code-practice-disinformation</a>	<a href="https://ec.europa.eu/digital-single-market/en/code-practice-disinformation">https://ec.europa.eu/digital-single-market/en/code-practice-disinformation</a>



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