



Framework Contract JUST/2020/PR/03/0001
for Evaluation, Impact Assessment and
Related Policy Support Services in the Justice
and Consumers Policy Areas (Lot 1)

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

**Request for Specific Services:
JUST/2020/RCIT/FW/RIGH/0103**

**Case Study Report – THE NETHERLANDS/2021
GENERAL ELECTION**

23 April 2021

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1 Introduction

This case study aims to analyse the process that led to the Dutch Code of Conduct Transparency Online Political Advertisements, 2021, (*Nederlandse Gedragcode Transparantie Online Politieke Advertenties*)¹, how it was created and implemented.

The Code of Conduct resulted from a request by the Dutch Ministry of the Interior to the International Institute for Democracy and Electoral Assistance (International IDEA) for drafting a document to be agreed between the Dutch parliamentary parties and the major digital platforms, before the 2021 Dutch General Election for the House of Representatives.

In particular, this case study explores:

- The Dutch regulatory framework to combat disinformation and regulate political advertising.
- The process of creation and adoption of the Code of Conduct.
- The points of view from both the Dutch Ministry of Interior and International IDEA, stated in interviews with 4 members of these institutions.

¹ <https://www.rijksoverheid.nl/documenten/richtlijnen/2021/02/09/nederlandse-gedragcode-transparantie-online-politieke-advertenties>.

2 Methodology

This is one of six case studies conducted to complete the description of the baseline and inform the policy options. The case study was developed between 26 March and 16 April 2021 and was based on the findings of previous study tasks including the literature review, legal mapping, mapping of actors and processes, and interviews with stakeholders.

In particular, this case study was based on the following sources:

- Country report and summary of findings of the legal mapping which presents relevant legislation and practices, as well as self-regulatory/co-regulatory instruments, guidelines and professional guidelines/codes that exist in The Netherlands to date.
- Findings and bibliography from the literature review conducted during the study's inception and interim phases.
- Interviews conducted with Amber Mechelse and Puck Gorrisen, Policy Officers from the Democracy Department, Democracy and Governance Division, Dutch Ministry of the Interior and Kingdom Relations, on April 7, 2021
- Interviews conducted with Sam van der Staak (Head of Europe Programme) and Marilyn Neven (Programme Manager, Europe Programme) from International IDEA, on April 8, 2021
- Additional quantitative and qualitative data collected through desk research. Additional details on the sources consulted can be found in Annex I.

The inclusion and triangulation of information coming from multiple sources ensured that the case study included different perspectives and points of view.

Moreover, to ensure consistency of the approach and issues addressed in all case studies, we defined a table of contents containing a common set of research questions that each case study seek to answer (**Error! Reference source not found.**).

Table 1: Table of contents for case study reports

#	Section	Issues / questions addressed
1	Introduction	Objectives and scope of the case study
2	Methodology	Methodological approach and sources of data
3	Background and context	Key aspects of the election / political campaign under examination
4	Regulatory framework	Legal and political background of the campaign Legislative and non-legislative measures put in place to regulate political advertising and combat disinformation
5	The campaign and existing data	Key actors in the campaign, roles and interactions Existing data about online and offline advertisement and media coverage within this campaign
6	Measures to address disinformation and to regulate political advertisement	Evidence of disinformation during the campaign Enforcement of legislative measures by responsible authorities

#	Section	Issues / questions addressed
		Effectiveness of legislative and non-legislative measures to regulate political advertisement and combat disinformation
7	Conclusion	
8	Annexes	

3 Background and context

As a result of the resignation of the Dutch Government in January 2021, over a child welfare fraud scandal, the 2021 Dutch General Election for the *Tweede Kamer*, or House of Representatives, was held over the course of three days, between 15 and 17 of March, in light of the COVID-19 pandemic.

The Netherlands has a proportional representation (PR) system, and 37 parties took part in the race. Voters elected the 150 seats of the Dutch House of Representatives with a high turnout of 82.6%. The election was widely seen as a referendum on the Dutch government's response to the pandemic.

The winner of the Dutch general election was the current Prime Minister, Mark Rutte and his People's Party for Freedom and Democracy (VVD). As he did not obtain the majority of seats, Rutte and the VVD now have the mandate to form a coalition government with other parties (Figure 1 and Figure 2).

When the Facebook-Cambridge Analytica data scandal broke out in March 2018, governments and citizens around the world were left speechless by the sheer magnitude of the privacy violation. There is one estimation that the firm had collected data of around 87 million people. Some of the data was used as part of Donald Trump's successful presidential campaign in 2016. The company utilised psychographic profiles of citizens based on their Facebook activity and micro-targeted the electorate with tailored messages across multiple social media platforms.

Cambridge Analytica also played a minor role in the UKIP Brexit campaign and had its eyes on the Romanian 2016 election campaign. While most of the European Union's 27 Member States were unaffected by the activities of the British data company, anxiety about online election manipulation has been steadily rising.

All these events caused widespread uneasiness about the future of digital platforms, privacy protection and, most importantly, the very idea of the democratic process in the online era. Soon enough, terms like micro-targeting, troll farms or ad transparency became a regular part of public debate. A pressing question came into the spotlight: how do we protect democratic processes against modern digital threats?

In the weeks leading up to the Dutch 2021 general election, 11 out of 13 Dutch parliamentary parties agreed to sign a Code of Conduct on online political advertising with the major digital platforms (Facebook, Google, Snapchat and TikTok), the first of its kind in the European Union, pledging to refrain from all types of unfair political competition online.

Following a request by the Dutch Ministry of the Interior, the drafting process and negotiations of the Code of Conduct were led by the International Institute for Democracy and Electoral Assistance (International IDEA). The Stockholm-based International IDEA is an intergovernmental organisation supporting democracy world-wide with expertise on ICT in elections.

4 Regulatory Framework

4.1 Legal background to the campaign

The main Dutch laws that govern political advertising, including political financing, are the Election Law, 1989, amended in 2016 (*Kieswet*)² and the Law on Financing of Political Parties, 2013, amended in 2016 (*Wet financiering politieke partijen*)³. The latter Law, however, is in the process of being amended again, in part to increase the transparency of donations to political parties. Further details on these laws are provided below.

In terms of definitions, there is currently no explicit definition of “political advertising” or “online political advertising” in Dutch law.

In current discussions around amending the Law on Financing of Political Parties (2013, amended in 2016), in a briefing from the Minister of the Interior on “Measures to counter disinformation towards parliamentary elections” (16 November 2020), it was said that (translated): in the second part of the motion [from 15 October 2020], members [of parliament] Middelburg (VVD) and Kuiken (PvdA) asked 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 interference in national elections. However, despite the motion having been accepted⁴ on 15 October 2020, no definition was given in the European Democracy Action Plan (2020), as stated here. Online political advertising was also not defined in the Dutch Code of Conduct on Transparency in Online Political Advertisements from February 2021. The Dutch media, including the 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 advertising⁵.

On the other hand, the Dutch Advertising Code defines advertising as “any form of public and/or systematic direct or indirect commendation of goods, services and/or ideas 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 advertiser is an organisation or a person, not being a consumer.” (Dutch Advertising Code, Art. 1.) It is worth noting that the Advertising Code makes no difference whether an advertisement is placed free of charge or for payment.

Regarding the existing legislation on political advertising and/or online political advertising, as was stated before, this is in the process of being amended. On 2 December 2020, a press release was issued that a Proposal for amending the Law on the Financing of Political Parties had been submitted (note the content of the whole document has not yet been made public)⁶. The amendments to the law, which will eventually be incorporated into the Law on Political Parties will include:

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

³ <https://wetten.overheid.nl/BWBR0033004/2016-01-01/1>.

⁴ <https://www.tweedekamer.nl/kamerstukken/detail?id=2020Z19106&did=2020D41239>.

⁵ <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>.

⁶ <https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?id=2020Z23719&dossier=35657>.

- Rules on digital advertising (e.g., microtargeting) and
- 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.

Adding to this, is the Dutch Code of Conduct on Transparency in Online Political Advertisements, which is the subject of this case study. The Code of Conduct was published by the Ministry of Internal Affairs in February 2021, in preparation for the national elections of 15-17 March 2021. This is a voluntary and non-binding code of conduct, signed by the main Dutch political parties and social media platforms that aims to avoid unethical political advertising online and combatting disinformation.

Following a request by the Dutch Ministry of the Interior, International IDEA negotiated and drafted the Code of Conduct. Under this Code, signatories agreed to be transparent about the publishers, costs and reach of advertisements during the election campaign. Political parties committed to not posting misleading messages or accepting foreign funding for advertising.

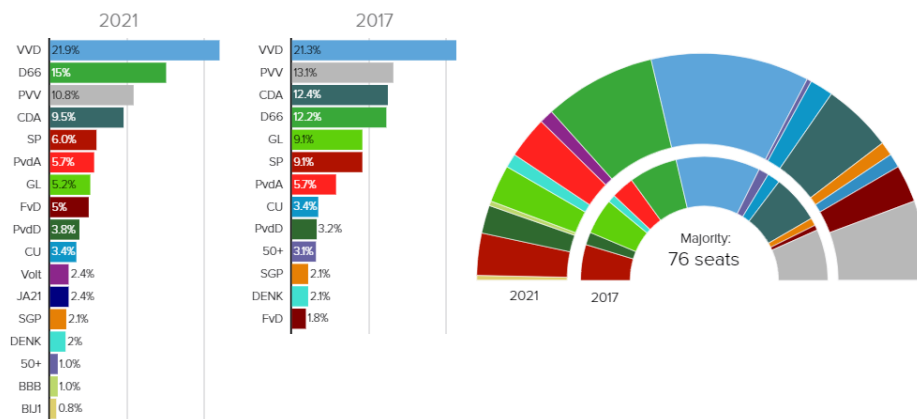
The Code of Conduct makes practices like voter suppression, micro-targeting, foreign campaign funding and utilising bots and trolls universally unacceptable. Additionally, the political parties committed to increase transparency of the whole process by publishing political ads in an online register and addressing disinformation on a designated website. They also promised not to post misleading messages or accept foreign funding for advertising.

The online platforms agreed to acknowledge a responsibility in maintaining the integrity of elections and avoid dissemination of misleading content and messages inciting violence or hate speech on their platforms. They committed to making key data on online political advertising available publicly and helped avoiding foreign interference in elections by banning political advertisements from outside the European Union. Also, they committed to putting in place a user-friendly response mechanism to answer questions or solve problems related to the Dutch elections.

In terms of scope, the Code of Conduct primarily covers paid online political advertising. Signatories additionally recognised the key role of unpaid (so-called 'organic') content for fair and democratic online political campaigns, as political parties and candidates frequently voice positions and visions to the general public through online organic content. Lack of transparency about who posts and distributes organic content is also relevant in this light.

All online platforms and political parties may adhere to the Code of Conduct. So far, the Dutch political parties that have endorsed the Code of Conduct include CDA, ChristenUnie, DENK, D66, GroenLinks, PvdA, PvdD, SGP, SP, VVD and 50PLUS. On the side of digital platforms, the signatories include Facebook, Google, Snapchat and TikTok.

Figure 1: Dutch elections results 2017 vs 2021



Source: POLITICO research

Figure 2: Dutch political parties elected in 2021

VVD People's Party for Freedom and Democracy Volkspartij voor Vrijheid en Democratie Leadership: Mark Rutte EP Affiliation: RE	D66 Democrats 66 Democraten 66 Leadership: Sigrid Kaag EP Affiliation: RE	Party for Freedom Partij voor de Vrijheid Leadership: Geert Wilders EP Affiliation: ID
CDA Christian Democratic Appeal Christen-Democratisch Appel Leadership: Wopke Hoekstra EP Affiliation: EPP	SP Socialist Party Socialistische Partij Leadership: Lilian Marijnissen EP Affiliation: GUE/NGL	PvdA Labour Party Partij van de Arbeid Leadership: Lilianne Ploumen EP Affiliation: S&D
Forum for Democracy Forum voor Democratie Leadership: Thierry Baudet EP Affiliation: ECR	Green Left GroenLinks Leadership: Jesse Klaver EP Affiliation: Greens/EFA	Party for the Animals Partij voor de Dieren Leadership: Esther Ouwehand EP Affiliation: GUE/NGL
Christian Union ChristenUnie Leadership: Gert-Jan Segers EP Affiliation: EPP	Right Answer 2021 Juiste Antwoord 2021 Leadership: Joost Eerdmans EP Affiliation: ECR	Volt Volt Nederland Leadership: Laurens Dassen & Niliifer Gündoğan EP Affiliation: Greens/EFA
SGP Reformed Political Party Staatskundig Gereformeerde Partij Leadership: Kees van der Staaij EP Affiliation: ECR	DENK Denk DENK Leadership: Farid Azarkan EP Affiliation: New/Unaffiliated	Farmer-Citizen Movement BoerBurgerBeweging Leadership: Caroline van der Plas EP Affiliation: New/Unaffiliated
BIJ1 BIJ1-Article 1 BIJ1-Artikel 1 Leadership: Sylvana Simons EP Affiliation: New/Unaffiliated	50PLUS 50PLUS Leadership: Liene den Haan EP Affiliation: EPP	

Source: POLITICO research

4.1.1 Political advertising rules during the election period

Regarding political advertising rules during elections period, the Dutch legislation does not define (explicitly or implicitly) the election period. The national rules on paid political advertising during elections period is the Media Law 2008, amended in 2016 (*Mediawet*)⁷. According to these rules, paid political advertising is allowed during the election period. However, the cost of buying (commercial) airtime is very expensive and parties normally have small budgets for the elections. Parties therefore rarely buy commercial airtime. This is even less likely outside of election campaigns.

In terms of public and commercial broadcasters, these are not permitted to obtain sponsoring for broadcasting political information as stated in Article 3.15.2 of the Media Law.

⁷ <https://wetten.overheid.nl/BWBR0025028/2021-01-01>.

Nevertheless, there is free political advertising (*zendtijd voor politieke partijen*; “airtime for political parties”) available for political parties on the public broadcasters. 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.

Moreover, political parties are free to purchase advertising space in newspapers and other print media. Dutch law does not contain any specific rules on political advertising in print media during election campaigns.

Last, Articles 194 and 194a of the Dutch Civil Code Book 6, 2008 (*Burgerlijk Wetboek Boek 6*)⁸ on misleading advertisements do not apply to paid advertisements by political parties, as they apply to goods and services but not to “ideological advertisements”.

As was stated before, political parties and digital platforms including Facebook, Google, Snapchat and TikTok, agreed on voluntary rules for the Dutch parliamentary elections by adhering to the Dutch Code of Conduct on online political advertisements. Adding to this are the “Measures for internet services on political advertising” (*Maatregelen internetdiensten politieke advertenties*) issued by the Ministry of the Interior on 12 October 2020.⁹ Under these measures, some platforms are not allowed to run political advertisements in the Netherlands such as Twitter, Reddit and LinkedIn.

In terms of “false information”, “fake news” or “disinformation campaigns” during elections period, by adhering to the Code Conduct, political parties committed to “refrain from unethical online behaviour 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.”¹⁰

4.1.2 Political advertising rules outside of the election period

With regards to national rules on paid political advertising during pre-election campaigns, there are no rules specifically for the pre-election period, so paid political advertising is presumably to be allowed. Dutch law does not have specific provisions either with respect to how political parties can fund their political adverts during the pre-election period.

There are no specific rules either on free political advertising during pre-election campaigns. There are, however, some local ordinances (*APVs, Algemene Plaatselijke Verordening*) that differ per municipality and regulate where and how election posters may be put, whether there are particular places where campaigning is forbidden, etc., but there is no national regulation.

There are also no specific rules on political advertising on broadcast media during pre-election campaigns. 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

⁸ <https://wetten.overheid.nl/BWBR0005289/2020-07-01>.

⁹ file:///C:/Users/mista/Downloads/Maatregelen_internetdiensten_politieke_advertenties.pdf.

¹⁰ <https://www.rijksoverheid.nl/documenten/richtlijnen/2021/02/09/nederlandse-gedragscode-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).

Representatives or the Senate of the States General. Moreover, there are no specific rules on political advertising in print media outside of the election period.

No rules were found during our research relating exclusively to online platforms and intermediaries, such as social media, for political advertising during pre-election campaigns, neither to “false information”, fake news” or “disinformation campaigns” during pre-election campaigns.

Therefore, the 2021 Code of Conduct on political advertisements and the Advertising Code, amended in 2020 (*Stichting Reclame Code*)¹¹, are the only (voluntary) rules on political advertising on online media that are applicable to political parties and digital platforms. As there is no specified temporal scope or limit in the application of the Code, its rules apply regardless of the pre-election/election period. The Code was drafted with the objective of preserving the safety, fairness and integrity of the March 2021 elections, but, as explained by IDEA, it is applicable beyond these elections too. Indeed, in Section 3.2, Article 13 of the Code, political parties commit “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.”¹²

4.2 Transparency rules for political parties / candidates funding

Regarding rules on direct public funding to political parties and/or candidates, the Law on Financing of Political Parties, 2013, amended in 2016 (*Wet financiering politieke partijen*)¹³ applies. As per these rules, the biggest source of political funding in the Netherlands per party is, broadly, membership fees.

The pending amendment of the Law on Financing of Political Parties will ban all political donations from outside of the EU except for donations by Dutch eligible voters living outside of the EU.¹⁴ 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 are the natural persons behind the legal entities that donate to a political party.

4.3 Monitoring and enforcement of national rules on political advertising by national authorities

The national (or regional/local, if applicable) bodies responsible for monitoring existing rules on political advertising include:

- **Advertising:** The Advertising Code Committee (*Reclame Code Commissie*) which oversees the application of the Dutch Advertising Code (2020) which outlines the relevant rules for responsible advertising. The (chair of the)

¹¹ https://www.reclamecode.nl/wp-content/uploads/2018/08/SRC_Code_Opmaak-CodeJaarverslag_2020_Compleet.pdf.

¹² <https://www.rijksoverheid.nl/documenten/richtlijnen/2021/02/09/nederlandse-gedragscode-transparantie-online-politieke-advertenties>.

¹³ <https://wetten.overheid.nl/BWBR0033004/2016-01-01/1>.

¹⁴ 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.

Advertising Code Committee assesses complaints based on the code and determines whether these rules have been violated.

- **Political advertising:** the monitoring relating to the financing of political parties is the responsibility of the Ministry of Internal Affairs (*Ministerie van Binnenlandse Zaken en Koninkrijksrelaties*). This includes monitoring and enforcing the Law on Financing of Political Parties (2013, amended in 2016). The Ministry of Internal Affairs is advised by the Committee of Supervision on the finances of political parties.
- **Online political advertising:** there are no distinctive rules with respect to online political advertising and therefore no specific bodies with responsibility on this matter. However, there are initiatives that may change this in the future.¹⁵ Indeed, in 2022, the Law on Political Parties (*Wet op de Politieke Partijen*) 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). The amendment of the Law on Political Parties could therefore introduce an independent supervisor. Its tasks could include regulating politically sensitive topics, such as election campaigns and microtargeting.
- **Traditional media advertising:** the Commissariat for the Media is tasked with enforcing the Dutch Media Law and may impose administrative fees to broadcasters for violations of provisions in the Act.

¹⁵ 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.

5 The campaign and existing data

5.1 Key actors

The key actors during the 2021 Dutch elections and, in particular, in relation to the preparation of the Code of Conduct were, namely:

- The Dutch Ministry of the Interior: the idea of a Code of Conduct came from the Minister.
- International IDEA: chosen entity to assume the task of gathering the political parties and the online platforms to agree on a code of conduct to combat disinformation and regulate political advertising.
- Political parties: 11 out of the 13 Dutch parliamentary parties agreed to sign the Code of Conduct.
- Digital platforms: Facebook, Google, Snapchat and TikTok agreed to apply the principles established on the Code of Conduct.
- The University of Amsterdam: the Ministry of the Interior invested in a dashboard developed by the University of Amsterdam which gathers information from the advertising libraries of the online platforms. This was done in collaboration with the NGO Who Targets Me on a multi-year project, with a particular focus on the legal frameworks around political communication.

5.2 Online political advertising during the election period

With the country in lockdown and the internet penetration at 96% in the Netherlands, the transition of political campaigning to the digital made the social media platforms an important instrument for the political parties to communicate with the voters.

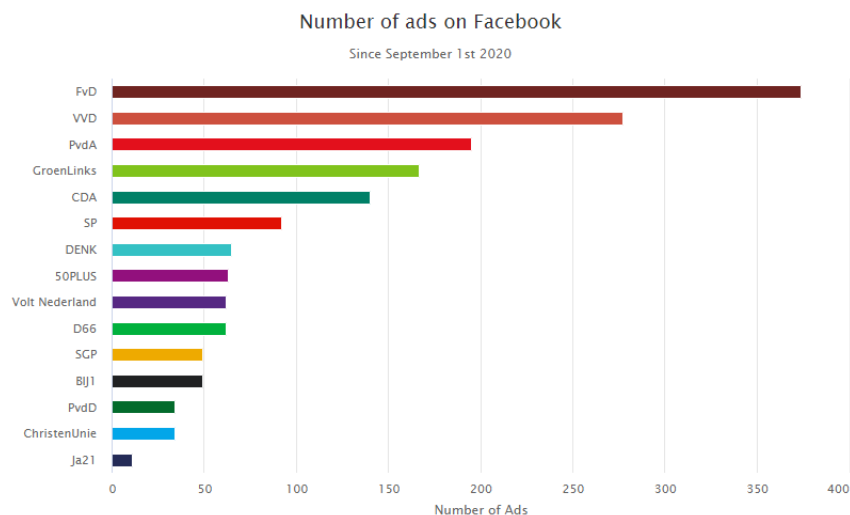
According to the Reuters Institute Digital News Report 2020, 77% of Dutch adults consume news online, and 39% regularly use social media as news source, with Facebook leading the classification. Furthermore, the Netherlands is a parliamentary democracy, in which multiple parties (as many as 37 in this round) take part in the elections. Many parties thus reach out to voters by means of targeted messages on Facebook. This bared the questions: how can political ads circulating on social media in the run-up to an election be monitored? What is the impact of political micro-targeting on the shaping of political preferences?

The Dutch Election Observatory Dashboard developed by the University of Amsterdam was an initiative of the Ministry of the Interior that aims to gather information from the libraries of the online platforms and make the information more user friendly so that all citizens can consult it.

The current version of the dashboard addresses four main questions:

- How many ads are the Dutch political parties placing on the platforms that we look at?
- How much money are the parties spending on each platform?
- How many people are reached through these ads?
- How are the political ads targeted towards individuals?

Figure 3. Number of total unique ads on Facebook platforms (incl. Instagram)

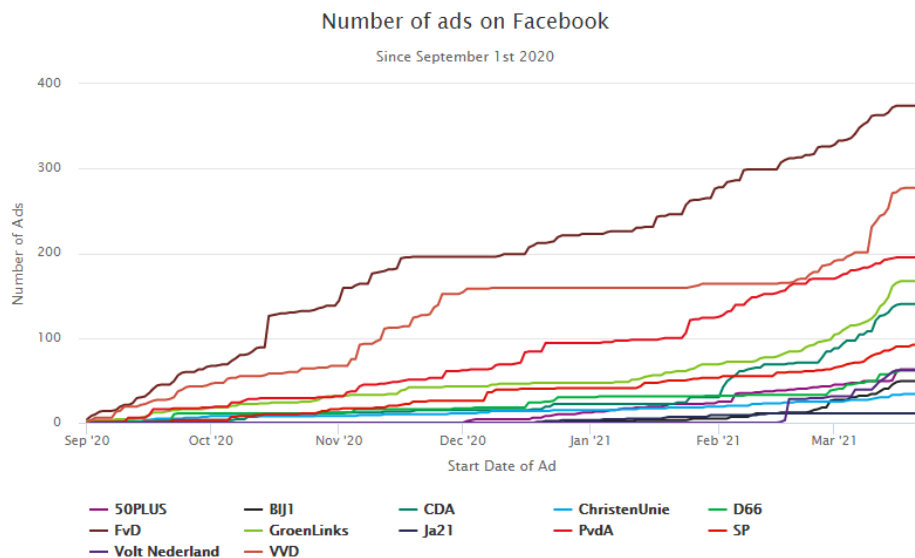


Source: Facebook Ad Library. Ads since 1 September 1 st 2020, <https://www.facebook.com/ads/library>

In calculating the number of unique advertisements plotted in this figure one already has to deal with several issues and make some key decisions. Unfortunately, the way that Facebook provides data from its Ad Library does not allow for straightforward count of the number of ads. It appears that in Facebook's data, ads that are identical in most ways, but run at different times or are targeted towards different groups, may appear as different ads with uniquely different identifiers (IDs). Therefore, it appears that Facebook advertisement IDs do not have a one-to-one correspondence with unique ads. In other words, depending on how one decides to count the number of ads, one might arrive at different figures for the number of ads that each political party has placed.

To count the number of unique advertisements placed by each party on Facebook's platform, ads that have the same text and advertisement link have been grouped together and viewed as a single unique ad. This allowed us to count unique ads based on their actual content, rather than by the opaque and seemingly less structured processes by which Facebook assigns identifiers to advertisements placed on their platform. In most cases, the method of grouping ads together leads to a comparable grouping of ads to what Facebook graphically displays on its ad archive website. However, it is foreseen that there is also the possibility that in certain cases one might undercount the number of unique ads.

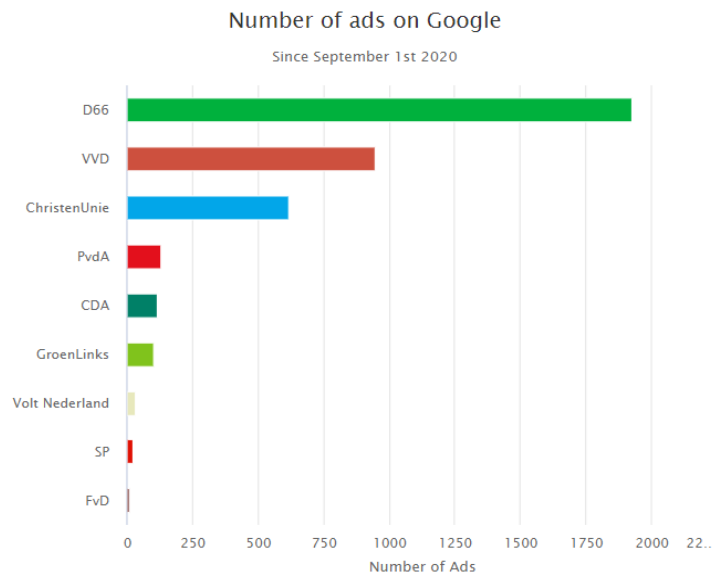
Figure 4. Over Time unique ads on Facebook platforms (incl. Instagram)



Source: Facebook Ad Library. Ads since 1 September 1st 2020, <https://www.facebook.com/ads/library>

To count the number of unique advertisements placed by each party on Facebook's platform, we have grouped ads that have the same text and advertisement link together and view them as a single unique ad.

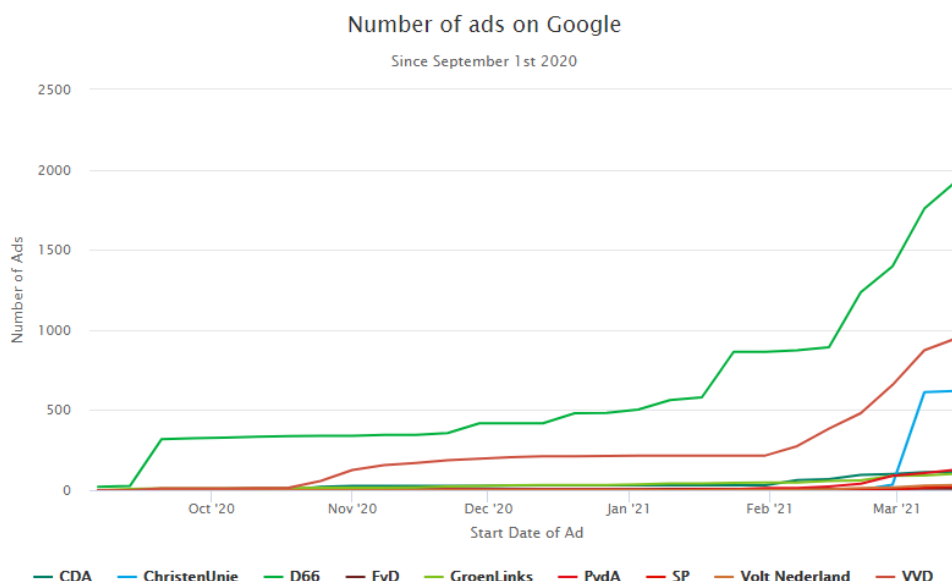
Figure 5. Number of total unique ads on Google platforms (incl. YouTube)



Source: Google Transparency Report. Ads since September 1st 2020, <https://transparencyreport.google.com/political-ads/region/nl>

In the Google Transparency Report, every ad ID is counted as an ad. This may overcount the number of ads because the same ad could run with the same text or video, but Google does not provide that information in the Transparency Report.

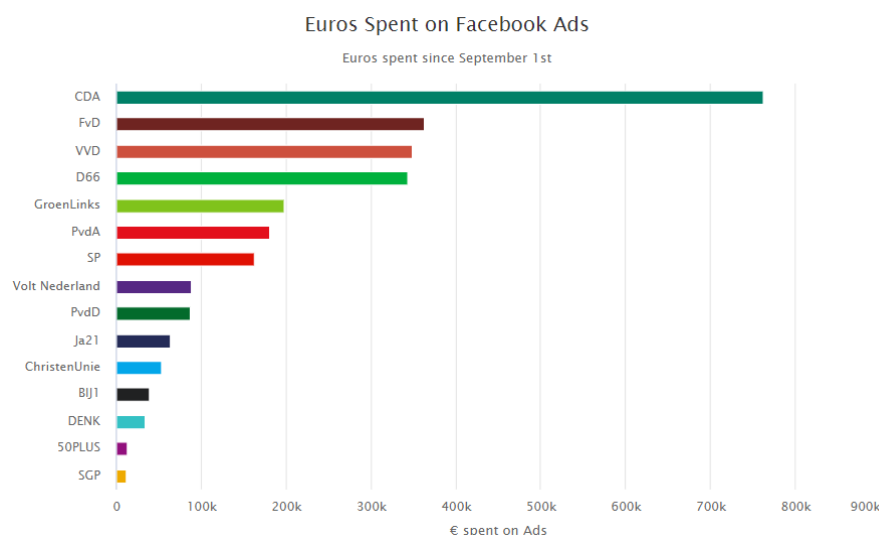
Figure 6. Over time unique ads on Google platforms (incl. YouTube)



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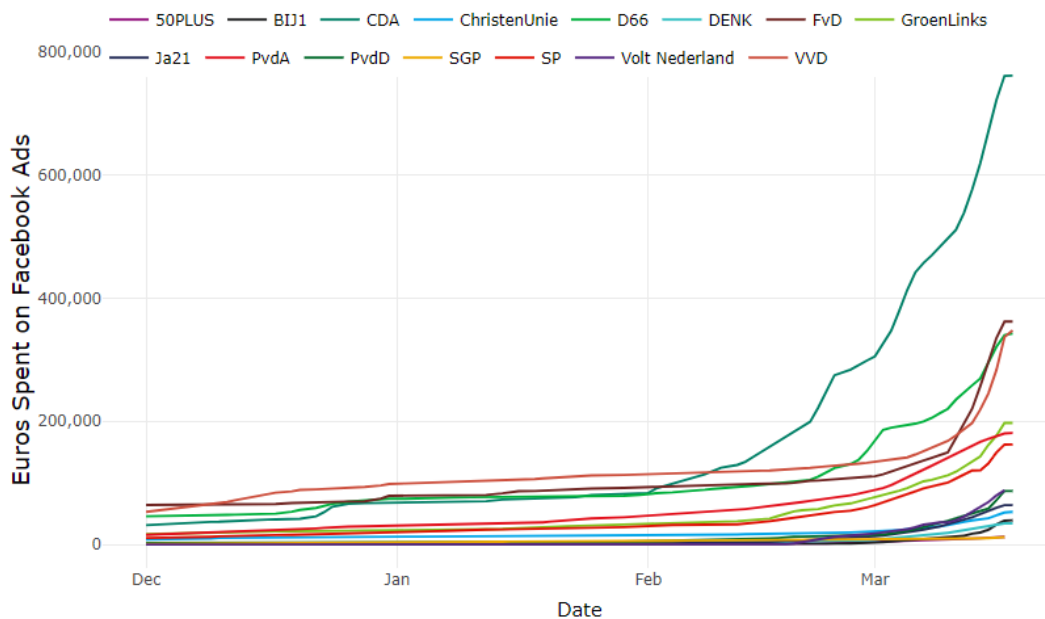
Figure 7. Total money spent on Facebook platforms (incl. Instagram) ads



Source: Facebook Ad Library. Ads since September 1st 2020, <https://www.facebook.com/ads/library>

The API does not provide aggregated statistics per advertiser. Instead, it only provides very broad amounts of money spent. For this reason, the data displayed here is from the Facebook Ad Library Report which provides money statistics aggregated by advertiser. This data is retrieved daily but it's possible that days are missing sometimes because the script fails to download it (or because Facebook does not provide data on that day). This may lead to lower numbers than from what you can see in the Ad Library Report yourself. In addition, if a party spends less than 100 EUR in a day it will not show the exact amount. In that case, we show confidence intervals around the spending amount.

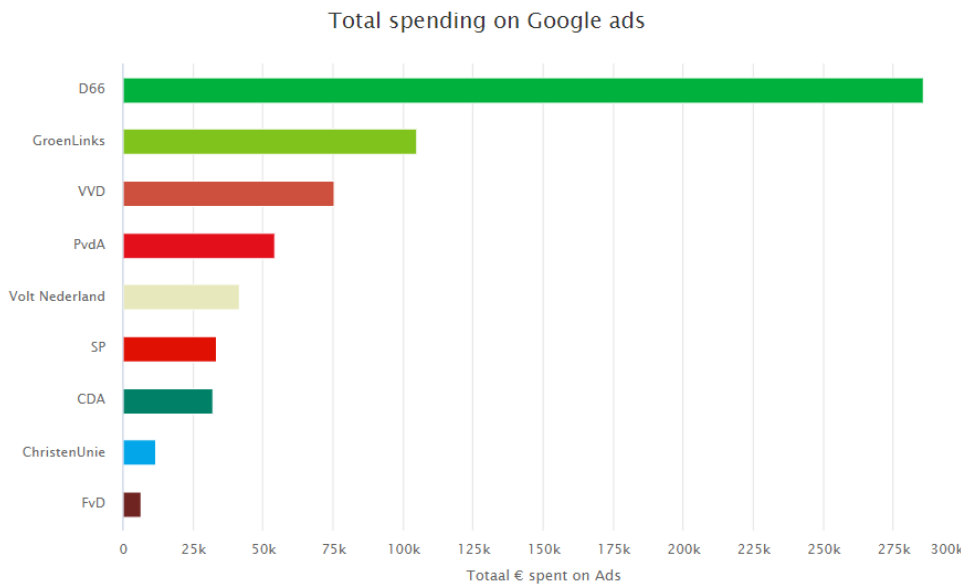
Figure 8. Over time spent on Facebook platforms (incl. Instagram) ads



Source: Facebook Ad Library. Ads since September 1st 2020, <https://www.facebook.com/ads/library>

The API does not provide aggregate statistics per advertiser. Instead, it only provides very broad boundaries of money spent. For this reason, the data displayed here is from the Facebook Ad Library Report which does provide money statistics aggregated by advertiser. This data is retrieved daily but it's possible that days are missing sometimes because the script fails to download it (or because Facebook does not provide data on that day). This may lead to lower numbers than from what you can see in the Ad Library Report yourself. In addition, if a party spends less than 100 Euros in a day it will not show the exact amount. In that case we show confidence intervals around the spending amount.

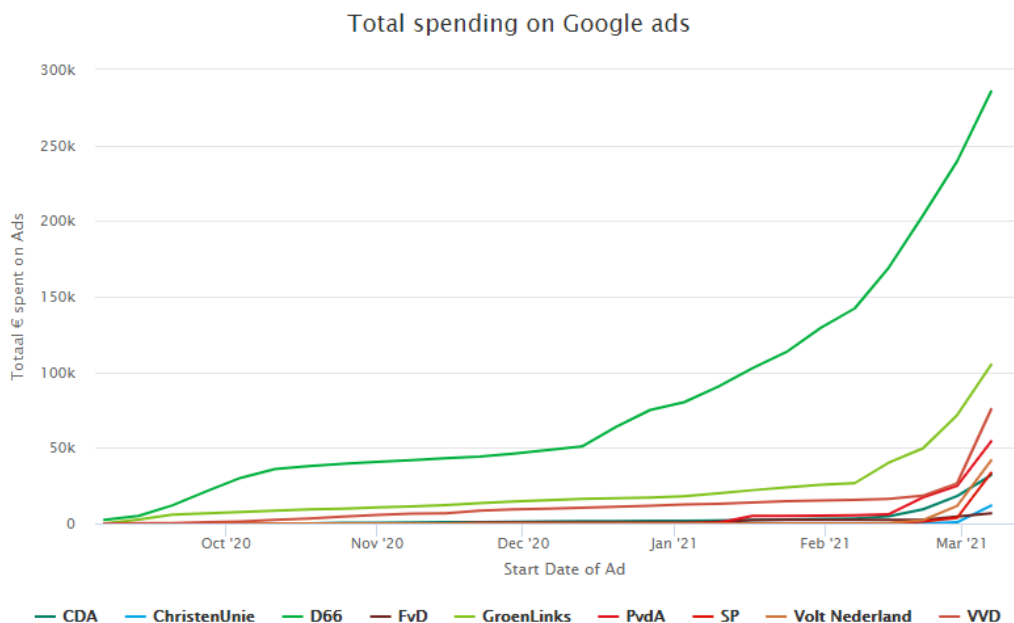
Figure 9. Total money spent on Google platforms (incl. YouTube) ads



Source: Source: Google Transparency Report. Ads since September 1st 2020,
<https://transparencyreport.google.com/political-ads/region/nl>

For Google platforms, data accessed via the Google Transparency Report provides weekly statistics on how much money was spent by parties.

Figure 10. Over time spent on Google platforms (incl. YouTube)



Source: Source: Google Transparency Report. Ads since September 1st 2020,
<https://transparencyreport.google.com/political-ads/region/nl>

For Google platforms, data accessed via the Google Transparency Report provides weekly statistics on how much money was spent by parties.

6 Findings from interviews with stakeholders

In this section we present an overview of the main points discussed with the Dutch Ministry of the Interior and IDEA international regarding the Code of Conduct published in February 2021.

6.1 Interview with the Dutch Ministry of the Interior and Kingdom Relations (BZK)

Preparation of the Code of Conduct

The Ministry of the Interior explained that, in the Netherlands, there is no legislation to regulate online political advertising and combat disinformation. The basis is that what is illegal offline is also illegal online and lying is not considered as something illegal. Freedom of expression is a core value.

So, unless it is forbidden forms of speech, like discrimination or hate speech, the concept of disinformation or spreading fake news is not forbidden.

The preparation of the Code of Conduct started in October 2020, following the budgetary discussions in the Ministry, which included discussions on the issue of disinformation. The Dutch Parliament stated that the Ministry of Interior was not doing enough on that field.

In November 2020, the Ministry of Interior started analysing what could be done on the matter, taking into account that the elections would take place a couple of months after. Also in November, there was a parliamentary debate on the topic of disinformation. The Ministry wrote a proposal for this debate on measures to address disinformation, and a motion was issued stating that a library of political advertisements had to be created. The debate went smoothly, and the parliament agreed to proceed.

The Ministry started working on new legislation addressing disinformation and political advertising, but due to the fact that the Cabinet would not be in function until after the elections, when there is a new coalition agreement, all legislation proposals were to be put on hold. Therefore, the Ministry knew that a new law would not be in place before the elections so the question was: what could be done?

Knowing the existence of the EU Code of Practice on Disinformation, the Ministry considered a similar option to be presented to political parties to be voluntarily signed by them, as they are actors in this field and political parties in the Dutch Parliament consider this as an important subject.

The Ministry contacted International IDEA, with whom a series of webinars on political advertising had already been organised, together with the European Commission. International IDEA had all the expertise in the field and there were Dutch people among their staff, which was important as they knew the political context. IDEA International also had good information on and experience with similar codes of practice implemented in other countries. The Dutch Ministry was keen on having an independent body leading

on the preparation of the Code. If the Code would be drafted by the Ministry, it would be quickly labelled as “the Code of the minister/political party in office” and would be very difficult to engage other political parties to join and accept the Code.

Moreover, due to the tight timeframe in which the Code was going to be prepared, it was beneficial to have an external body with dedicated people working on the Code and managing to get all parts involved.

A letter and e-mail were sent to political parties, introducing International IDEA and requesting them to reach to International IDEA to establish the contacts and put things working. IDEA made sure that all political parties were in contact with them. The agreement on the Code had to result from the work between International IDEA and the political parties.

The contacts with social media companies came also from the Ministry, which introduced them to International IDEA in the same way as they had done with the political parties.

The members of the Parliament were very interested in the Code and in the measures that were being taken to protect the elections. They sent written questions to the Ministry, allowing the Ministry to reinforce the important role that International IDEA was playing in this process.

International IDEA worked on the Code without any interference or involvement from the Ministry of the Interior, which produced only one briefing on what was expected with the Code.

Application of the Code during the campaign

When IDEA finished drafting the code and the list of signatories was known, a press releases were sent by both the Ministry of the Interior and International IDEA. This also worked as a deadline for the commitment of political parties, which were alerted about the release of the press releases in advance and which included the names of the political parties that agreed to the Code. Therefore, the parties that were not certain yet, had to decide if they wanted to be included or not. This helped to get them on board.

There was a lot of press attention on the Code when it was launched and during the campaign. The opinions were mostly positive, but there was criticism too, especially on the fact that its rules were not mandatory and could not be enforced by the authorities. For example, the Code does not prohibit investment from political parties on advertisement. It only requests political parties to do it in an ethical and transparent way.

During the campaign, the Dutch mainstream media followed the rules of the Code although they were not signatories. But they were very aware of their role in the public debate and on the disinformation debate so, they did not amplify any disinformation stories. They were a very important partner for the Ministry during the campaign period, picking up and paying attention to the rules of the Code.

There is no concrete evidence of disinformation during the campaign; no indication of foreign interference either. There were certain local groups that shared disinformation regarding Covid-19 that were monitored by the Ministry and that created some hoaxes on voting and getting vaccination. These were considered to be groups with low levels

of confidence on the government and that were mainly against Covid-19 measures. They were rather small groups and did not pose any major challenges to the elections.

Due to the Covid-19 pandemic, postal voting was allowed for elderly people. This gave room to narratives similar to those during the USA presidential elections when there were voices claiming that postal voting was not safe. But these allegations did not pose any major challenges and the Dutch elections were considered transparent.

On social media a "joke" started to appear on several platforms (Facebook, Twitter Instagram, and WhatsApp) saying that in case of doubt between two parties, one could colour two bullets in the voting ballot. However, this would make the vote invalid. Although it was a joke, it had wide reach and coverage, and the Ministry of the Interior had to make a statement to tell people not to do it and avoid spreading the hoax.

Additional measures to address disinformation

Another very important actor of the campaign process was the University of Amsterdam, which received a small subsidy from the Ministry of the Interior to create a Dutch political ads library. They analysed data provided by Facebook, Snapchat and Google and by an NGO called "Who Targets Me". The data allows people to know how much the parties spend on online ads and where they put that money.

The University of Amsterdam was considered a very important partner of the Ministry of the Interior as they are very active in the area of political advertising. The Ministry of the Interior considers that the ads library helps to enhance public awareness. Although the regular Dutch citizen may not consult the ads library, it may still read a press article on how much and how money was spent by political parties. The media are therefore very important intermediaries on spreading this information.

In relation to the campaign, the Ministry considered that the information provided by the political advertising library of the University of Amsterdam provides very interesting insights on how the campaign was conducted by political parties, which strategies different parties employed, which targeting they used. However, there are still problems with the ads libraries themselves, since they rely on the social media companies and the information and data they provide. The next step for the ads libraries must be to be able to get from social media platforms more detailed data that researchers can use. Only that would allow to properly address all the questions around the subject of political advertising and provide researchers the tools for making complete assessments and investigations.

Adding to this, a website was made by the network for the media literacy, using basic Dutch to make it accessible to the entire population, including less literate citizens. The website includes videos and infographics in simple language to educate people on disinformation. The website will run until the end of the year and then will be decided if it continues or not but, so far, the result is very positive in terms of raising awareness on the topic of disinformation and creating more literate citizens.

In sum, the Ministry of the Interior considered that political advertising can be monitored by third parties such as the University of Amsterdam up to a certain extent, mainly because they rely on data shared by the social media networks. The inexistence of legislation on the matter prevents the Dutch government from monitoring political advertising more closely. So far, the Dutch Data Protection Authority is the one looking for this, sending information to political parties about the boundaries, and the use of micro-targeting techniques. GDPR is an important part of legislating political

advertising, especially concerning targeting. The Dutch Data Protection Authority, being independent, looked at political advertising from the parties, and nothing was reported, no infringements.

Next steps

According to the Ministry of the Interior, when there is a law for political parties in the Netherlands, then the authority that will look for the enforcement of the law will also have the competence to monitor political advertising.

As a next step, the Ministry is waiting for a new government coalition. Then, it will look for national legislation that will target Dutch political parties, and not apply directly to the digital platforms. So, the objective is to have legislation on disinformation and political advertising that focuses on political parties.

The Ministry is also looking forward to the proposal from the Commission on political advertising. For them, legislating on digital platforms should be done at European level and regulating political parties is a national level / competence.

6.2 Interview with International IDEA (Institute for Democracy and Electoral Assistance)

Preparation of the Code of Conduct

International IDEA has been working for a long time on the topic of political advertising and micro-targeting, and has cooperated with DG JUST on these matters too. Last year, IDEA organised a series of webinars specifically focused on political advertising together with DG JUST and the Dutch Ministry of the Interior. That was a positive process because IDEA managed to gather many of the oversight bodies of EU Member States in one meeting to share experiences, concerns, etc. around the legal aspects but also the oversight implementation aspects around political advertising. It was after those webinars that the Dutch Ministry of the Interior mentioned this project of establishing a Code of Conduct which was proposed to look not only at the digital platforms but also the other side of online advertising, i.e., the buyers of those ads (political parties), and make sure that all together would agree on certain commitments.

The Minister, being also a member of a political party, was looking for a kind of neutral negotiator, a neutral party to guide all the signatories towards the establishment of a text, so the Ministry contacted International IDEA because they worked together in the past and because IDEA had all the experience in other parts of the world of developing similar codes of conduct.

The first contacts between IDEA and the Ministry started in November/December 2020. In December, IDEA had the first interviews and the first phase was very time consuming because of all the formalities as the Ministry had to present all the potential signatories and IDEA had to agree with them on the bigger picture of it, the great lines and on the kind of work plan that would be proposed to develop the code of conduct.

The Ministry left a lot of space and liberty for IDEA to act and did not intervene in the process and was neutral. The Ministry only asked IDEA on major aspects to get a debrief on what was discussed and what the plans would be for the process.

Over December and January 2021, IDEA carried lots of interviews both with the target platforms (IDEA decided to first target platforms that were offering online political advertising) and discussions with the political parties.

There was a clear request from the Ministry to reach out to some other major platforms and see if they had an interest, and from those discussions, IDEA saw that there was an interest on not only addressing online political advertising but also going a bit broader in the field of disinformation.

The political parties invited to contribute were all the parties represented in the Dutch Parliament (37 were registered for the elections). There are several parties in the Netherlands, and it would be impossible to conduct negotiations with so many, so, in terms of representativity it was quite fair to say that those in Parliament were invited to contribute to the text and that later the process would be open to other political parties.

All parties replied and signed, except two. Some other parties sent the agreement without really participating in the discussion either because of a lack of capacity or because it was not their major priority.

The contact with the parties was quite easy as the request came from them with the motion. From the side of the platforms, IDEA was surprised and one of the positive elements was the fact that the Ministry had already established relations with the most important ones offering online political advertising.

The platforms always prefer regional initiatives rather than national initiatives as it is difficult for them to juridically cover each and every rule. They took it very seriously on the code, with some of them considering it almost as legislation because they would be exposed to criticism once they stepped into it.

For the platforms, the fact that the political parties were connected to the process made it for them very interesting, because they could have the policies they wanted, and they needed to enforce, and they were held accountable for enforcing their own policies.

If the platforms cannot rely on the add buyers' side to have good behaviour in all the process, this makes their work much more difficult. They were very interested by this combination of stakeholders.

International IDEA considers that the process of preparing the Code was relatively easy in the Netherlands and there was no need to convince pessimists.

Currently, IDEA has been contacted by Germany to do the same thing as the Netherlands, but they do not have this initial optimistic positive starting point. With a clear request coming out of the parties or out of one of the ministries its more an uphill battle, and this is good lesson also for other EU countries that may want to experiment this. For IDEA, it is very important to have someone with the right authority involved in the process, which can either be a Ministry or the Parliament; one or two very important parties are necessary.

In the Netherlands, IDEA took exactly the same steps in the process as they did in similar processes in all parts of the world from Burundi, Zimbabwe, Georgia and the Caucasus or Mongolia. It is all a power game where you have the smaller parties demanding more transparency and the bigger ones questioning why that need.

In every country there is a common narrative to be found that suits all the parts in the process that explains why all benefit from the process.

IDEA tailors the arguments that can be used to engage each party. Some parties find the transparency element more important so that aspect is pushed and raised. If the party believes in transparency, it has to sign the Code. Some other parties worry more with questions on interference, security, micro targeting. The narrative is adjusted to make the party feel it is the question they are more concerned the one that is at stake.

The implementation of the Code of Conduct is an ongoing process, for instance, the digital platforms do not have elections every four years, they have elections going on all the time. For the parties, they consider this is a starting point for a common dialogue to be further explored and later see it as a complementary tool to legal initiatives at EU or Ministerial level.

There are still regular contacts between IDEA and the Ministry of the Interior, the political parties and the platforms because they are interested in having their evaluation, but in a simple and informal way.

Application of the Code during the campaign

Concerning the results of the implantation of the Code, International IDEA explained that some media questioned that the Code was innovative and that it did not have any "muscle". Other media said it was something that did not exist before and at least there was something to go by now, and that made parties agree on something. For IDEA, both views are valid.

IDEA has been saying there are several benefits stemming from the Code. The Code is not legislation and it does not replace legislation. So, it cannot have the "muscle" some people expect it to have.

An important positive result was the bans on foreign donations for buying advertising, on psychological targeting and on the use of bots.

D66 (a big winner in the election) has internal restrictions on what it does in relation to microtargeting. As a centrist party, they choose not to go all out in microtargeting. They used advertising effectively, nevertheless.

Previously, there were parties in the Netherlands using fake accounts and doing psychological targeting, as happened also during Trump's campaign and the Cambridge Analytica scandal.

For IDEA, real concerns existed in relation to political advertising and now these are written on paper and that was a step ahead.

Some of the eventual results of the application of the Code of Conduct cannot really be seen. For instance, regarding disinformation, this is blocked by platforms without reaching the public audience. So, it is not possible to know how many adds Twitter or Facebook have blocked. "It's their company secret", said IDEA.

Another thing that IDEA did not see happen during the campaign was the use of fake accounts or automatic bots and this is probably a direct result of the Code, which states, under Chapter 3, the commitment of political parties to refrain from unethical online behaviour 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.

It was very difficult to find out what happened in relation to microtargeting, it was a black box, said IDEA. Media, civil society and the general population paid a lot of attention to online political advertising. Front page articles appeared on a daily basis on this topic. But there is a lot of information that is not visible. It is not possible to get all the information regarding micro targeting, what techniques are used by the political parties, and which companies they hire.

After the elections, one of the political parties shared with IDEA that the Code did not immediately change the strategy of their campaign, but that they used it as a daily checklist.

For IDEA, the dashboard developed by the University of Amsterdam facilitated monitoring since the Code of Conduct is voluntary. It is important that political parties and social media platforms know that someone is looking, someone is keeping an eye and that the public knows this is something to watch.

Lessons learned for the future – next steps

For IDEA, the next steps in the Netherlands are in the hands of the Ministry of the Interior. A positive scenario is that there is now an ecosystem where the political parties and the digital platforms have agreed on what is important to the Netherlands in terms of political advertisement. But the debate has not ended yet. In the next couple of years, there will be a lot of debates at national and European level on how to deal with online political advertisement because it is changing the way politics and campaigning are done. The ambition must be, since this ecosystem exists now, to continue the discussion and not have it in separate talks, parties in one hand and platforms on the other hand. It is important to have them talking to each other, as well as other groups that are not signatories of the Code. More media, not only online but also offline, NGO's, researchers, should be a part of it.

In the Code, there are a few commitments on how to evaluate its application. There is commitment by the parties that they will come together after the elections, between the chairs of all the political parties, the presidents of the parties, to evaluate how the Code was implemented. The Ministry also considered doing an evaluation of the Code. The platforms will produce incident reports.

One step is to bring all these evaluations together and see what can be observed. If there is no debate on the bigger picture, the legislation is just going to do patchwork, according to IDEA.

The lessons learned from the Dutch Code of Conduct, in relation to both its content and process, should be identified and shared with other countries so that there is no need to "reinvent the wheel" for each of the 27 Member States. For IDEA, this is not only a practical thing, it is also because "we learned from the digital platforms that they cannot do 27 codes, because the codes are taken extremely seriously by them, like law. Whatever they agree to, goes to five layers of legal experts back in Silicon Valley. They cannot do it 27 times".

IDEA will always look at the Code of Conduct that was made in the Netherlands when they do a new one in Germany. IDEA needs to refer to something that has already been done. "That's the role the EU could play, to have that central role, to have the

knowledge, a central knowledge hub of Codes of Conduct that have worked in different parts of the world, not just in the EU but also the ones from Latin America, the US and Asia”, said IDEA.

It is important to have checklists on the steps to take if we want to do a Code of Conduct. Process description – when to start? IDEA advises to start earlier that they did in the Netherlands.

To have a group of experts who have done this in a few countries that can be contacted for advice or even to lead negotiations.

An informal knowledge hub will go down more easily with the Member States than saying “we oblige you to do a code of conduct” through legislation.

7 Conclusions

Due to the lack of legislation to regulate political advertising and combat disinformation in the Netherlands, and in view of the national elections that were taking place in March 2021, the Dutch Parliament requested for a ministerial intervention and for the setting up and adoption of a regulatory code to deal with these subjects.

The elaboration and signature of the Code of Conduct on Transparency in Online Political Advertisements, which was an initiative of the Ministry of the Interior and was taken forward by IDEA International, took 4 to 5 months. This was quite remarkable since everything was done on a voluntary basis, including adherence by the Dutch political parties and the main digital platforms.

The Ministry of the Interior considered there was no real evidence of disinformation during the Dutch campaign and no indication of foreign disinformation. This can be taken as indication of the success of the Code.

A few lessons learned stem from this case study, as summarised below:

- **The Dutch Code of Conduct received broad support from political parties and digital platforms and showed a strong will to safeguard the transparency and integrity of the elections in the online sphere.** The good relationships that digital platforms generally have with the Dutch authorities, as well as with political parties, became visible to the public through this Code of Conduct.
- **The view of International IDEA is that political parties and digital platforms in other countries can follow the example of this code to complement European and national legislative frameworks.** The code does not prohibit investment from political parties on advertisement, it only requests political parties to do it in an ethical and transparent way. Regulations on spending of political parties should be addressed through legislative measures.
- **The Dutch experience shows that the participation of neutral / impartial mediators is essential for setting up and following up such regulatory tools.** In the case of the Netherlands, it was IDEA, which is now also in contact with German and Romanian governments for the same purpose.
- **The creation of data libraries is key for ensuring good monitoring of political advertising, given that the Code of Conduct is applied on a voluntary basis.** In the Netherlands, it is the University of Amsterdam who created and manages this data library which is always available and accessible to the public in general, making information available in a direct and transparent way.
- **Some of the results of the application of the Code of Conduct are difficult to bring to light.** For instance, regarding disinformation, what is blocked by platforms without reaching the public audience. So, currently there is no data on how many or which adds were blocked by Twitter or Facebook during the Dutch campaign period.

- **The Code of Conduct is a guideline for good behaviour.** Participation is voluntary and cannot replace existing or future legislation and regulations. Compliance is therefore not enforceable. This does not exclude the fact that the Code of Conduct fulfils an important signalling function.
- **The Code of Conduct appeals to the individual responsibility of political parties and online platforms** to conscientiously fulfil their joint and separate responsibilities.
- **For International IDEA, the implementation of the Code of Conduct is an ongoing process.** The social media platforms do not have elections every four years, they have elections going on all the time. The political parties consider this is a starting point for a common dialogue to be further explored and later see it as a complementary tool to legal initiatives at EU or Ministerial level.
- **International IDEA referred that an important positive result from the application of the Code of Conduct was the ban on foreign donations for buying advertising and the absence of use of fake accounts or automatic bots.** The chapter 3 of the Code of Conduct refers to the commitment of political parties to refrain from unethical online behaviour. There is no evidence of dissemination of online content in view of voter dissuasion, disinformation about the voting process, use of fake accounts or automatic bots to manipulate voter opinions.

Annex I Bibliography

<https://wnl.tv/2021/02/09/ollongren-komt-met-een-gedragscode-voor-politieke-advertenties/>

<https://autoriteitpersoonsgegevens.nl/nl/nieuws/ap-publiceert-handleiding-voor-privacy-verkiezingscampagnes>

<https://www.adformatie.nl/campagnes/partijen-geven-steeds-meer-uit-aan-onlineadvertenties>

<https://www.adformatie.nl/merkstrategie/cda-emojis-social-media-0>

<https://www.adformatie.nl/digital-transformation-tech/partijen-kopen-vooral-advertenties-op-facebook-en-insta>

<https://www.adformatie.nl/digital-transformation-tech/facebook-en-instagram-komen-met-knop-voor-minder-politieke>

<https://www.adformatie.nl/digital-transformation-tech/worden-de-tweets-van-wilders-en-baudet-straks-ook-gelabeld>

https://www.montesquieu-instituut.nl/9353000/1/j9vvj72dlowskug/vle4mmj4s0xa?pk_campaign=hofv-2011&pk_kwd=vle4mmj4s0xa

<https://www.rathenau.nl/nl/digitale-zeggenschap/meer-transparantie-nodig-over-microtargeting-bij-online-politieke-advertenties>

<https://www.nieuwsbzk.nl/1885610.aspx?t=Minister-Ollongren-bevordert-transparantie-politieke-advertenties-met-gedragscode>

<https://dashboard.politieke-advertenties.nl/dashboard/en/index.html>

<https://policyreview.info/articles/news/political-advertising-exposed-tracking-facebook-ads-2021-dutch-elections/1543>

<https://www.isdatechtzo.nl/>

<https://www.dutchnews.nl/news/2021/02/social-media-sites-pledge-to-reject-foreign-funding-ahead-of-dutch-election/>

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

<https://www.politico.eu/article/dutch-election-big-tech-silicon-valley-google-facebook-twitter/>

<https://www.parool.nl/columns-opinie/opinie-benut-de-kansen-van-deze-online-verkiezingen~bbe98b68/?referrer=https%3A%2F%2Fwww.google.com%2F>

<https://securingdemocracy.gmfus.org/interference-in-the-netherlands-will-continue-beyond-the-march-17-elections/>

<https://www.neweurope.eu/article/ahead-of-the-curve-the-dutch-approach-to-election-manipulation/>

<https://www.rijksoverheid.nl/ministeries/ministerie-van-binnenlandse-zaken-en-koninkrijksrelaties/documenten/kamerstukken/2021/02/09/kamerbrief-voortgang-maatregelen-tegen-desinformatie-richting-tweede-kamerverkiezing>

<https://www.idea.int/news-media/news/first-national-code-conduct-online-political-advertising-european-union-signed-dutch>

<https://politieke-advertenties.nl/22-2/>

<https://www.politico.eu/article/dutch-election-big-tech-silicon-valley-google-facebook-twitter/>

<https://www.neweurope.eu/article/ahead-of-the-curve-the-dutch-approach-to-election-manipulation/>

<https://www.dutchnews.nl/news/2020/11/micro-targeting-can-influence-voting-choice-uva-research-project-shows/>

<https://www.dutchnews.nl/news/2021/02/social-media-sites-pledge-to-reject-foreign-funding-ahead-of-dutch-election/>

<https://tristanhotham.com/2021/03/08/2021-dutch-elections-how-are-the-party-pages-competing-on-facebook/>

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

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

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

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

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

<https://wetten.overheid.nl/BWBR0001950/2019-07-01>

<https://wetten.overheid.nl/BWBR0001947/2020-01-01>

<https://wetten.overheid.nl/BWBR0007402/2003-01-01>

<https://wetten.overheid.nl/BWBR0001855/2002-01-01>

<https://wetten.overheid.nl/BWBR0006023/2018-06-26>

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

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

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

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

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

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

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

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

https://www.reclamecode.nl/wp-content/uploads/2018/08/SRC_Code_Opmaak-CodeJaarverslag_2020_Compleet.pdf

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

<https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?id=2020Z23719&dossier=35657>

https://www.parlement.com/id/vlboezk3ftm8/wet_op_de_politieke_partijen

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

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

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

<https://www.cvdm.nl/regelgeving/wetgeving/mediawet/zendtijd-politieke-partijen/indeling-zendtijd-politieke-partijen>

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

<https://www.tweedekamer.nl/kamerstukken/detail?id=2020D40072&did=2020D40072>

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

<https://ec.europa.eu/digital-single-market/en/code-practice-disinformation>

<https://www.tweedekamer.nl/kamerstukken/detail?id=2020Z19106&did=2020D41239>

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

<https://whotargets.me/en/>

https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2020-06/DNR_2020_FINAL.pdf

<https://policyreview.info/articles/news/political-advertising-exposed-tracking-facebook-ads-2021-dutch-elections/1543>

<https://www.idea.int/news-media/news/first-national-code-conduct-online-political-advertising-european-union-signed-dutch>

<https://www.statista.com/topics/7586/dutch-general-election-2021/>

Annex II Dutch Code of Conduct



Ministry of the Interior and
Kingdom Relations



Dutch Code of Conduct Transparency Online Political Advertisements

This Code of Conduct was drafted by the International Institute for Democracy and Electoral Assistance (International IDEA) in consultation with political parties represented in the Dutch House of Representatives and online platforms, at the request of the Ministry of the Interior and Kingdom Relations.

1. Introduction: Why this code of conduct?

The growing importance of online political advertising

Dutch elections have traditionally inspired great trust among broad sections of the population. Surveys as well as the traditionally high voter turnout support this vision, especially for national elections. At the same time, the way in which the key players in elections, political parties and candidates communicate with citizens has changed in recent years. This is largely due to the emergence of online campaigning, with more and more political parties using the method as a part of their election campaigns. In particular, the use of online political advertisements via online platforms has become an integral part of the way in which many political parties communicate with voters.

While these techniques offer important advantages for interactions with and information provision to voters, in recent years a worldwide discussion has emerged about the dangers of their unethical use. Incidents with online platforms collecting large amounts of voter data can adversely affect the privacy of citizens. Foreign funding of political advertisements can damage the integrity of elections.

The Netherlands seems to have been spared from significant incidents so far. Nevertheless, a discussion has arisen among voters and political parties on how to prevent risks. In particular, the importance of transparency of online advertising is emphasized. Transparency provides insight into the origin and financing of online messages for all those involved and makes it clear to every voter why they see a particular message.

House of Representatives' unanimous appeal for transparency

In October 2020, the Netherlands House of Representatives unanimously adopted the Middendorp / Kuiken motion, including a request to the Minister of the Interior to regulate the transparency of online advertisements. The Minister responded by letter on 16 November, mentioning the initiative for this Dutch Code of Conduct Transparency Online Political Advertisements. This code of conduct comprises voluntary rules of conduct for online platforms and political parties about online political advertising in the Dutch context, in view of the parliamentary elections on 17 March 2021. The code of conduct thus anticipates upcoming Dutch and European legislation on this theme.

Objective and core values

By means of this code of conduct, Dutch political parties and online platforms jointly aim to uphold the integrity of Dutch elections. They do so by recognizing the important role of online political advertisements in preserving the safety and fairness of Dutch elections. Furthermore, through the code of conduct, political parties and online platforms contribute to guaranteeing voter privacy and freedom of expression, and to providing a better level playing field for political parties in election campaigns, without detracting from widely accepted marketing or campaign strategies. These core values are at the basis of the Dutch democratic



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election process. Signatories believe that online communications by and about political parties and candidates should reflect these values at all times. They want to raise awareness of the wider public through this code. Above all, the signatories would like to underline that, at a time of increasing digitization of election campaigns, they attach great importance to maximizing citizen trust in the election process.

This code of conduct contributes to preserving several core values around online political advertising and elections, including transparency, privacy, safety, fairness, integrity, and a level playing field.

Scope

The code of conduct primarily covers paid online political advertising. In addition, the signatories recognize the important role of unpaid (so-called organic) content for fair and democratic online political campaigns. Political parties and candidates also voice positions and visions to the general public through online organic content. Lack of transparency about who posts and distributes organic content is also relevant in this light. In addition, a growing debate on disinformation increasingly questions the content of online communication, as well as the way in which decisions are made regarding whether it is harmful. For these reasons, this code of conduct partly covers unpaid political reporting.

In view of the 2021 elections to the House of Representatives and a feasible implementation of this code during related election campaigns, it does not cover issues that require further debate or entail substantial administrative effort. This may include debates on definitions, additional transparency requirements, individual advertisement buyers, enhanced monitoring mechanisms and optimization of tools and algorithms regarding online political advertising in view of enhancing the integrity of elections.

Signatories

Participation in the code of conduct is open to online platforms and political parties in a broad sense. On the side of online platforms, this concerns both platforms that allow paid political advertisements and platforms that only offer organic content. On the side of political parties, this concerns all political parties that have registered for the elections to the House of Representatives in March 2021. Online platforms and political parties, as sellers and buyers of online political advertisements, recognize a joint responsibility over their transparency and integrity. The code is a result of their consensus on transparent and ethical behavior in the online environment.

Implementation

The code of conduct is a guideline for good behaviour. Participation is voluntary and cannot replace existing or future legislation and regulations. Compliance is therefore not enforceable. This does not exclude the fact that the code of conduct fulfils an important signalling function. The code of conduct appeals to the individual responsibility of political parties and online platforms to conscientiously fulfil their joint and separate responsibilities.

The code of conduct is public and available online. The public nature of the code of conduct allows the involvement of media, researchers, voters and others in tracking it. In addition, it places an important responsibility on the signatories to promote compliance internally in their organization. After all, they are the owners of this code and, at the same time, they are key stakeholders of a straightforward election process marked by integrity.



This code of conduct is a public document, and as such available to the media and the greater public for monitoring of its implementation. Signatories to this code of conduct are also invited to collaborate with researchers on political advertising libraries and make available any additional data to support such research¹², as far as it does not concern confidential information. Lastly, competent authorities that are involved in monitoring elections are also playing a role in monitoring online political advertising in the framework of the integrity of elections.

2. Legal framework

This code of conduct is voluntary and in no way intends to create a legal framework. The code is however part of a broader legal and policy framework and aims at supplementing it. This code should be read in accordance with relevant national and European laws and regulations. Various legal and policy documents underpin the code. The most important ones include:

- Article 4 of the Dutch constitution, regarding the right to vote ;
- the Law of 28 September 1989, including new provisions regarding the right to vote and elections ;
- the Law of 7 March 2013, including rules regarding the subsidization and supervision of political parties (Wet financiering politieke partijen);
- the General Data Protection Regulation (GDPR), 24 May 2016 ;
- the EU Code of Practice on Disinformation, October 2018 ;
- the Motion of the Middendorp and Kuiken Members, 15 October 2020; and
- the Letter to Parliament on Measures to combat disinformation towards the House of Representatives elections, 16 November 2020.

3. Commitments online platforms and political parties

3.1 The signatories of this code of conduct, representing political parties and online platforms, jointly commit to:

1. The responsibility to use online political advertisements conscientiously so as to maintain the integrity of elections.
2. Promote and adhere to transparency of online political advertisements, to the extent possible.
3. The need to avoid the dissemination of misleading content, hate speech and messages that incite violence.

¹ Example: The University of Amsterdam created a dashboard gathering information from political advertising libraries of three online platforms 'Nederlands verkiezingsobservatorium-dashboard', see <https://politieke-advertenties.nl>

² Such as details about online advertising intermediaries, payments to 'online influencers', expenditures and targeting. The data can be made available in an anonymised or non-anonymised way.



3.2 Political parties commit to:

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.
5. Maintain ethical limits to linking different data sets and uploading them to online platforms for the purpose of microtargeting.
6. Refrain from psychological profiling for targeting purposes in online political advertising.
7. Refrain from contracting or engaging intermediaries to place political ads without attribution to the party.
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.
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.
10. Refrain from deliberately posting, disseminating, or promoting misleading 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.

3.3 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.



17. Report adequately and clearly on “paid for by” and spending range.
18. Ban cross-border political advertisements from outside the European Union.
19. Establish transparency on online political advertisements, including on spend and reach.
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.
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.
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.
23. Consider countering any inaccurate information on the electoral process, such as voter, voting process and polling station information, in case such information is identified.
24. Consider sharing experience and lessons from previous elections in other countries with Dutch political parties and relevant election authorities.
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.

