[NL] Dutch court orders Meta to ensure Dutch users' right to set a chronological feed as their default

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On 2 October 2025, the District Court of Amsterdam issued a ruling in the summary proceedings (*kort geding*) brought against Meta by digital rights organisation Bits of Freedom. The court found that Meta had violated the Digital Services Act (DSA) by failing to preserve the user's choice of a chronological feed and ordered it to ensure that Dutch users could retain a non-algorithmic recommender system when reopening the app or website or navigating to other sections thereof.

Under the DSA, all providers of online platforms must ensure the transparency of their recommender systems and the accessibility of any functionality enabling users to select and modify the relative order of information presented. Moreover, all very large online platforms and search engines must provide at least one option that is not based on profiling for each of their recommender systems. While Meta provides an option for a chronological feed, it is not prominently displayed and is automatically reset to a profiled feed populated with algorithmic recommendations after the user closes the app.

In April 2025, Bits of Freedom, alongside other European NGOs, filed a complaint with Ireland's Digital Services Coordinator, *Coimisiún na Meán*, alleging that Meta was in breach of the DSA by preventing users from setting a non-profiled feed as the default experience on its platforms. The organisation demanded that Meta respect its users' choice of a chronological feed and chronological comments under posts. After Meta refused to comply with Bits of Freedom's demands, and subsequent bilateral consultations did not lead to an amicable resolution of the dispute, Bits of Freedom initiated summary proceedings before the District Court of Amsterdam. It sought a provisionally enforceable order requiring Meta, *inter alia*, to refrain from interfering with the user settings on the Facebook and Instagram websites and apps, to enable users to select and modify their preferred option, and to make a profiling-free recommender system directly and easily accessible.

With regard to the substance of the claims, the court first established that Meta had failed to comply with Article 27 DSA by not making the setting for a non-profiled recommender system directly and easily accessible on the Android app, the reels section of Instagram, and the homepage and reels section of Facebook. The court further found that Meta's failure to retain users' choice of a non-

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algorithmic feed constituted a "dark pattern" under Article 25 DSA, since requiring users to reselect their preferred recommender system after reopening the app or website resulted in choice fatigue and infringed their autonomy. In view of these conclusions, the court ordered Meta to make the user's choice of a feed permanent within two weeks of the ruling, even when the user accessed other sections within the platform or reopened the relevant app or website. It also recommended that Meta make the choice of a non-profiled feed directly and easily accessible on the Instagram homepage of the Android app, the Instagram reels section, and the Facebook homepage and reels section. The relevant order and recommendation only concern the provision of Facebook and Instagram to users in the Netherlands. If Meta fails to comply, it will face a fine of €100 000 per day, up to a maximum total of €5 000 000.

District Court of Amsterdam, judgment of 2 October 2025, ECLI:NL:RBAMS:2025:7253

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