[NL] New Code of Conduct on transparency of online political advertising in the Netherlands

IRIS 2021-4:1/19

Sarah Stapel
Institute for Information Law (IViR), University of Amsterdam

On 9 February 2021, the Minister of the Interior and Kingdom Relations published the Dutch Code of Conduct on transparency of online political advertisements ("the Code"). According to the International Institute for Democracy and Electoral Assistance (International IDEA), the intergovernmental organisation that co-drafted the Code, it is the first national code of conduct on online political advertising in the European Union. The Code is a collaborative effort of various internet platforms (Facebook, Google, Snapchat, and TikTok) and 11 out of 13 political parties (VVD, CDA, D66, GroenLinks, SP, Partij van de Arbeid, ChristenUnie, Partij voor de Dieren, SGP, DENK and 50PLUS) to increase the transparency of political advertisements and to thereby regain citizen trust in the election process.

The background to the Code is that in the run-up to the parliamentary elections on 17 March 2021 in the Netherlands, the Minister requested the development of a new code of conduct on political advertising. An appeal for transparency of online political advertising was raised in the House of Representatives in October 2020. According to this appeal, the integral role of online advertising in political campaigning requires increased efforts of platforms and political parties in preserving the safety and fairness of Dutch elections. As a result, the Minister requested that International IDEA draft the Code.

Online political advertising can be targeted in ways that can undermine election fairness. Citizens can be categorised into certain groups and only receive advertisements on their (perceived) identities. The Code places obligations on political parties and platforms to provide citizens with more tools to carry out an effective right to vote. As the Minister argued, it is important to know why you are seeing certain political advertisements and not others, and who is responsible for these advertisements.

The signatories to the Code commit to taking a more proactive approach in advertising practices. By doing so, they can create a level playing field for political parties and combat disinformation, while simultaneously protecting the core values of privacy and freedom of expression. While the Code is predominately aimed at paid advertising, signatories are also recommended to treat unpaid advertisements in a similar way. The signatories jointly commit to “maintain the

© European Audiovisual Observatory (Council of Europe) 2026

integrity of elections", promote transparency of online political advertisements and to "avoid the dissemination of misleading content, hate speech and messages that incite violence." In addition, political parties and platforms have separate obligations to meet these commitments.

Political parties commit to fairness in advertising in ten ways. Most importantly, they commit to provide "faithful information for registration and verification processes", maintain "ethical limits" to microtargeting, refrain from "psychological profiling", attribute the source of their advertisements, to refuse foreign purchases or funding of advertisements, and to refuse to disseminate disinformation or misleading content, particularly regarding the voting process. Notably, microtargeting is not banned completely, allowing parties to target ads to individuals as long as they remain within the "ethical limits" of linking data sets.

Platforms commit to fairness in advertising in 12 ways. They primarily commit to providing transparency mechanisms that identify the source of, funding for, and reach of political advertisements. They have to provide such mechanisms for both the parties and the users. First, they have to establish clear advertising rules and verify that the information provided by the parties is in accordance with these rules. Second, they have to develop a "user-friendly response mechanism to answer questions or address issues related to the Dutch elections." Platforms are required to respond quickly to the concerns of users and take a proactive approach in countering inaccurate information regarding the electoral process. Finally, in addition to the commitments leading up to and during the elections, platforms commit to conduct a "post-election review" that reflects upon the successes and incidents of the "Dutch elections and the correlated platform actions."

Ministry of the Interior and Kingdom Relations, Dutch Code of Conduct Transparency Online Advertisements, 9 February 2021

https://www.idea.int/sites/default/files/news/news-pdfs/Dutch-Code-of-Conduct-transparency-online-political-advertisements-EN.pdf

Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, 'Minister Ollongren bevordert transparantie politieke advertenties met gedragscode', 9 februari 2021

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

© European Audiovisual Observatory (Council of Europe) 2026

Ministry of the Interior and Kingdom Relations, 'Minister Ollongren promotes transparency in political advertisements with a code of conduct, 9 February 2021

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026