[NL] Facebook joins Dutch Advertising Code Foundation

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On 29 April 2021, the *Stichting Reclame Code* (Dutch Advertising Code Foundation) announced that Facebook had joined, and officially endorsed the principles and objectives of the Advertising Code Foundation. The Foundation is the self-regulatory body for advertising in the Netherlands (see IRIS 2018-2/27 and IRIS 2013-7/21). Importantly, the Foundation maintains the *Nederlandse Reclame Code* (Dutch Advertising Code), and consumers, commercial companies and other organisations that have a complaint about an advertisement can submit it to the independent *Reclame Code Commissie* (Advertising Code Committee) for a decision. Importantly, the *Mediawet* (Media Act), which was recently amended pursuant to the revised EU Audiovisual Media Service Directive 2018 (see IRIS 2021-1/24), now provides under Article 3.4a, that providers of video platforms which market, sell or organise audiovisual commercial communication must be affiliated with the Dutch Advertising Code, and subject to the supervision of the Advertising Code Foundation.

The Dutch Advertising Code has a variety of rules on advertising, such as misleading advertising, aggressive advertising, and that advertising must be recognisable. Further, there are specific rules on alcohol, health products, cosmetic products, and advertising directed at children. Notably, in 2019, the Advertising Code Foundation adopted the Advertising Code on Social Media & Influencer Marketing, which contains specific rules for advertising on social media and so-called influencer marketing, which is prevalent on social media platforms such as Instagram (which is owned by Facebook).

In terms of procedure, when a complaint is submitted on a possible violation of the advertising Code, the (Chair of the) Advertising Code Committee determines whether the advertisement in question complies with the rules in the Dutch Advertising Code. When a violation of the Code has been established, the Compliance department will monitor whether the advertiser concerned complies with the decision of the (Chair of the) Advertising Code Committee. A decision of the Committee may be appealed to the Board of Appeal.

Finally, in relation to the Facebook agreement, the Director of the Advertising Code Foundation stated that “with this support for self-regulation, Facebook has opted to actively engage with the advertising industry to discuss consumer protection and promote the open and transparent enforcement of our advertising

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codes. An important step forward and we are very happy with that”.

Dutch Advertising Code Foundation, Facebook joins the Advertising Code Foundation, 29 April 2021

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