[NL] Dutch regulatory authorities coordinate supervision of online platforms

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On 27 March 2023, the *Samenwerkingsplatform Digitale Toezichthouders* (Digital Supervisory Cooperation Platform — SDT), which is comprised of four major Dutch regulatory authorities, published its first regulatory guidance principles, in relation to online child marketing, and on ensuring effective online transparency. The SDT also announced that it had established a new regulatory Chamber to coordinate supervision under the EU's recently enacted Digital Services Act. The SDT is an important regulatory cooperation platform established by the *Autoriteit Consument & Markt* (Netherlands Authority for Consumers & Markets — ACM), the *Autoriteit Financiële Markten* (Netherlands Authority for the Financial Markets — AFM), the *Autoriteit Persoonsgegevens* (Dutch Data Protection Authority — AP), and the *Commissariaat voor de Media* (Dutch Media Authority — CvdM) to coordinate enforcement in the digital sector and to pool knowledge and experience in this area.

First, in relation to online child marketing, the SDT stated that it had drawn up principles for online child marketing, to ensure it is clear "how we interpret the legal standards to protect children as supervisors." There are four main regulatory principles: (1) advertising and marketing techniques should not inappropriately affect children and should not exploit children's specific vulnerabilities; (2) information about the commercial purpose of an advertisement, about commercial aspects of a "vlog" or service and about the sharing of personal data in a "vlog" or service must be indicated in such a way that it is suitable and clear to children; (3) organisations should refrain from profiling children for advertising and marketing purposes; and (4) SDT regulators call on organisations that develop and use advertising or marketing techniques likely to be seen by children to organise their processes in such a way as to prevent unfair data processing, deception and inappropriate influence on children. Second, in relation to effective transparency, the SDT stated it had formulated principles to ensure "organisations take into account the effectiveness of the information provided in the design of their information." Again, there are four main principles: (1) providing information only contributes to transparency if people know how to find and understand the information; (2) applying "behavioural and communication insights" is necessary to design discoverable and understandable information; (3) whether people find and understand information can only be determined through good research; and (4) organisation should also consider using other tools in

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addition to providing information, for example target group segmentation.

Finally, the SDT also announced that it will establish two new Chambers - the DSA Chamber (which will cover digital services, such as online platforms) and an Algorithm & AI Chamber, in which other supervisors will also be involved.

Dutch Media Authority, SDT regulators expand collaboration in digital oversight, 27 March 2023

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