Code of Conduct for Notice-and-Take-Down 2026

Version 2.0 – July 2026

The Digital Services Act (DSA) places due diligence obligations on providers of intermediary services, such as cloud and hosting companies, in handling notices of illegal content online. What the DSA refers to as “illegal content” is referred to in this code of conduct as unlawful or criminal content.

Society must be able to trust that providers of intermediary services make efforts to remove unlawful and criminal content from the internet.

This Code of Conduct for Notice-and-Take-Down (hereinafter referred to as “code of conduct”) is aligned with the DSA, Dutch legislation, and practical experience within the sector. It replaces earlier sector-specific arrangements and is intended to provide providers with practical guidance in applying their obligations.

Scope of notices and procedures

This code of conduct applies to voluntary **notices**: requests made by notifiers to providers of intermediary services to have unlawful or criminal content removed from the internet.

Outside the scope of this code of conduct fall orders from competent authorities, such as the **ATKM**, **law enforcement agencies**, or the **Public Prosecutor**. For such orders, legal frameworks and procedures apply; providers are required to comply with these regardless of this code of conduct.

For notices that do fall within the scope of this code of conduct, the procedures as described in this code of conduct apply. In addition, supplementary arrangements have been made for certain categories of content, such as with **Offlimits** for notices regarding child sexual abuse material. These arrangements are set out in a separate addendum.

Definitions

In this code of conduct, the following definitions apply:

- **Provider of intermediary services:** a provider of digital infrastructure that facilitates public access to internet services in the Netherlands, including mere conduit, caching, and hosting services, and therefore not for the VLOPs (Very Large Online Platforms) as described in the DSA.
- **ATKM:** the Authority for Online Terrorist and Child Sexual Abuse Material, authorized to issue removal orders for terrorist content and child pornography (CSAM).
- **Competent authority:** an entity with statutory authority to demand information or removal, such as the ATKM or a law enforcement agency.
- **Content provider:** the person or entity that has placed certain (contested) content on the internet.
- **Notice:** the act of a notifier reporting (alleged) unlawful or criminal content on the internet to a provider of an intermediary service, with the aim of having that content removed.
- **Notifier:** the person or entity that submits a notice.

- **Offlimits:** the foundation that in the Netherlands receives, assesses, and issues NTD requests for child sexual abuse material and, where necessary, forwards these to competent authorities.
- **Manifest illegality:** content that is demonstrably in violation of the law or the rights of third parties without the need for in-depth investigation.
- **Law enforcement agency:** a legally designated entity with authority for supervision or investigation, such as the police or the Public Prosecution Service.
- **Trusted Flagger:** a notifier recognized as a reliable party whose notices are handled with priority. This includes both trusted flaggers designated by the European Commission under Article 22 of the DSA, and parties designated as such by a provider of intermediary services.

Handling of notices

Providers of intermediary services maintain a publicly accessible procedure for handling notices of unlawful or criminal content.

A notice contains at least the elements as set out in Article 16, paragraph 2 of the Digital Services Act:

- the name and contact details of the notifier;
- the location of the content (for example, a URL or IP address);
- a description of why the content is considered unlawful or criminal;
- a declaration that the notice is, to the best of the notifier's knowledge, accurate and complete

Notifiers are preferably requested, where possible, to first approach the content provider before directing the notice to another party. When submitting a notice, they should briefly explain why it is directed at the relevant party and what steps have already been taken to have the content removed through earlier links in the chain (such as the content provider).

Step-by-step approach for notices

When addressing notices, a step-by-step approach is applied. The starting point is that the content provider is approached first, followed by the provider of an intermediary service (such as a hosting provider), followed by other intermediaries such as registrars or access providers, and finally the registry. This approach is consistent with the principle of proportionality and minimizes the risk of unintended or disproportionate removal of content.

Assessment and measures to be taken

The provider confirms receipt of a notice within one working day and informs the notifier whether the notice will be processed. For urgent notices or notices from trusted flaggers, a faster response is provided.

Following receipt of a notice, the provider of an intermediary service assesses whether the content constitutes manifestly unlawful or criminal content. The assessment is completed within one working

day of receipt of the notice. If the assessment requires more time, the notifier is informed with a justification; the assessment is in that case completed no later than within five working days.

If the provider concludes that the content constitutes manifestly unlawful or criminal content, the provider ensures that the relevant content is removed or made inaccessible promptly, but in any case, within one working day of receipt of the notice.

If no clear conclusion can be reached, the content provider is notified of the notice with a request to voluntarily remove the content or to contact the notifier.

If the provider concludes that the content does not constitute unlawful or criminal content, the provider notifies the notifier accordingly with a justification.

Communication

When content is removed or restricted, the provider informs the relevant content provider of the measure taken and the reason for it, unless legal provisions prohibit this. The identity of the notifier is not shared if the notifier has indicated wishing to remain anonymous.

The provider informs the notifier of the outcome of the assessment. If no measure is taken, the provider provides a justification.

Due care and proportionality

Providers take measures that have as little impact as possible on other users or services. Only the content to which the notice relates is removed or made inaccessible. Removal of more information than strictly necessary is avoided.

Hosting providers that become aware of information giving rise to a suspicion of a criminal offence in which the life or safety of one or more persons is threatened, shall immediately report this to the competent authorities and provide all available relevant information. This follows from Article 18 of the Digital Services Act.

Revision and management

This Code of Conduct for Notice-and-Take-Down will be reviewed annually, based on regulations, feedback and experiences of the participants in this code of conduct. With each revision, the version number will be updated, and changes will be documented in the revision history. NBIP is the owner of this code of conduct and responsible for version control.

Code of Conduct Representatives

The following organizations have actively contributed to establishing this Code of Conduct:

- Stichting Digitale Infrastructuur Nederland (DINL)
- Dutch Cloud Community (DCC)
- Nationale Beheersorganisatie Internet Providers (NBIP)
- Vereniging van Registrars (VvR)

Code of Conduct Endorsers

The following organizations endorse the principles and objectives of this Code of Conduct and commit to promoting and adhering to these standards:

- Anti Abuse Netwerk (AAN)
- Tax Administration of the Netherlands (Belastingdienst)
- Dutch Data Center Association (DDA)
- ECP | Platform for the Information Society (Platform voor de InformatieSamenleving)
- Internet Society Nederland
- Ministry of the Interior and Kingdom Relations (Ministerie van Binnenlandse Zaken en Koninkrijksrelaties)
- Ministry of Economic Affairs and Climate Policy (Ministerie van Economische Zaken en Klimaat)
- NL Digital
- Offlimits
- Netherlands Public Prosecution Service (Openbaar Ministerie)
- SIDN
- Stichting BREIN

Revision History

Version 2.0 – July 2026

- Comprehensive revision based on practical experience, technological developments and new legislation, including the Digital Services Act.
- Clarification of the scope: distinction between notices (voluntary, within the scope of this code) and orders from competent authorities (outside the scope of this code).
- Timelines clarified: acknowledgement of receipt, assessment, and removal within one working day.
- Clarification of the anonymity clause: the identity of the notifier is not shared without consent.
- Adjustment of the Trusted Flagger provision in accordance with Article 22 of the DSA.
- Annual review and version management under the responsibility of NBIP.

Version 1.1 – December 2018

- Addition of addendum on notices via EOKM (now: Offlimits).
- Establishment of 24-hour removal obligation for notices of child pornography.
- Exclusion of liability of EOKM for incorrect notices.

Version 1.0 – October 2008

- First version of the sectoral Code of Conduct for Notice-and-Take-Down, drawn up by ECP in cooperation with providers and government.
- Introduction of principles such as manifest illegality, step-by-step approach and proportional content removal.
- Voluntary guideline for providers of intermediary services.