



online  
content  
moderatie

*White Paper*  
**Advice on Setting  
Up an Accessible  
Reporting Facility**



Platform voor de  
InformatieSamenleving

Public-Private Partnership  
Online Content Moderation



# Introduction

At the request of the Ministry of Justice and Security (Project Online Content Moderation), a new public-private partnership (**PPP**)<sup>1</sup> has been launched under the coordination of ECP for online content moderation in which the government, the Internet sector and civil society consult with each other on an equal basis.<sup>2</sup> This PPP provides solicited and unsolicited advice to the government on topics that are important to the participating parties, or in which they also play an important role.

Following initiatives<sup>3</sup> from the House of Representatives, the Minister for Legal Protection has commissioned a study into the introduction of a facility for citizens to have content removed from the Internet.<sup>4</sup> The outcome of the study<sup>5</sup> was that the current legal instruments are sufficient to tackle this type of content, but that more attention should be paid to the private and administrative law options. Overall, it was recommended to invest in improving the provision of information to injured parties, in particular with regard to the route they can follow to remove unlawful online content. At approximately the same time as the aforementioned study was announced, a motion was submitted by MP Van Nispen<sup>6</sup> asking the government to “provide an accessible facility, where victims of Internet crime and serious privacy violations can ask for quick and good advice, where the privacy violation on the Internet can be quickly ended on their behalf and, if possible, criminal proceedings can be initiated”. The motion was unanimously adopted by the House.

The Online Content Moderation Project (**PrOCOM**), an interdepartmental project that is part of the Ministry of Justice and Security (**JenV**), has been asked to implement the Van Nispen motion. To this end, “creating an accessible facility for citizens to report unlawful online content” has been formulated as a project result. If necessary, the LMV also provides advice or refers complainants to the correct agency.

The Netherlands already has a number of hotlines (partly subsidised by JenV) that focus on specific forms of criminal content, namely the Internet Hotline against Child Pornography (part of the Offlimits foundation) and Meld.Online Discriminatie (**MOD**). By establishing an accessible reporting facility (**LMV**) for unlawful content, the spectrum of content that can be reported with the aim of having it removed is broadened. This expansion is intended to be fully in line with the new Digital Services Act (**DSA**) that focuses on combating “illegal content”, which can be interpreted in the Dutch context as both punishable content (online content that violates provisions of the Dutch Penal Code) and unlawful content (online actions that constitute an unlawful act under Article 6:162 of the Dutch Civil Code). The ambition is that this LMV will be certified by the ACM as *trusted flagger* within the meaning of Article 21 of the DSA. This requires an entity to have specific expertise and authority to detect, identify and report illegal content.

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<sup>1</sup> [Public-private partnership online content moderation - ECP | Platform for the Information Society](#)

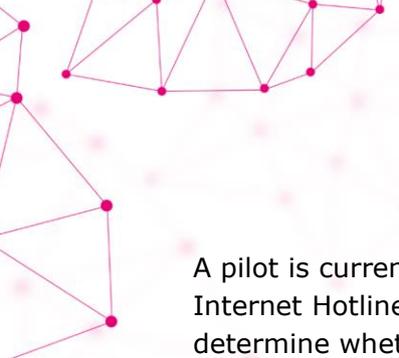
<sup>2</sup> <https://ecp.nl/project/publiek-private-samenwerking-online-content-moderatie/>

<sup>3</sup> Initiative policy document from MP Koopmans of 5 April 2018: Mutual privacy ([Parliamentary Paper 34 926, no.2](#))

<sup>4</sup> Letter to Parliament about the response to the request of Member Van Toorenburg, made during the Rules of Procedure of 14 January 2020, about the message ‘Criminal Telegram groups hunt for names and addresses of agents’ ([Parliamentary Paper II 2019-20, 29 628, no. 938](#)).

<sup>5</sup> WODC research (1 September 2020): “Provision for requests for rapid removal of unlawful online content”.

<sup>6</sup> Parliamentary Papers II 2022-23, 34 602, no. 3.



A pilot is currently in progress at Helpwanted<sup>7</sup> (together with, among others, the Internet Hotline against Child Pornography<sup>8</sup>, part of Offlimits<sup>9</sup>). The aim of the pilot is to determine whether there is a need for an accessible reporting facility for unlawful online content in addition to other government-funded facilities, which forms of content this concerns, who reports, and how the requests are followed up by Internet companies, what is required for an accessible reporting facility to adequately implement it, and whether Helpwanted is the appropriate party to provide the definitive accessible reporting facility. When JenV chose Helpwanted in the pilot collaboration, already acquired experience with types of content, the NTD procedure and the target group were taken into account. On these points, Helpwanted fits in with the intended model of an accessible reporting facility where victims can report online content that affects them personally, with the aim of having it removed.

At the request of the sounding board group of the PPS online content moderation, the 'accessible reporting facility' working group was established. This working group advises PrOCOM on how best to organise this accessible reporting facility in a way that is workable and effective for all parties involved within the framework of the DSA. This advice is very important because support from all parties involved for the final working method of the LMV is essential for its ultimate usefulness for the citizen. In the run-up to the realisation of a new reporting facility, it is necessary to clearly identify what the scope of such a reporting centre should be (which forms of illegal content can be reported), how reports are assessed and how any removal requests are handled. This advice serves as single and indivisible advice.

The white paper starts with a description of the design of the accessible reporting facility, with the focus on defining different types of content that should be included within this structure. A distinction is made between content for which the LMV itself should be able to assess the unlawfulness of content and content for which external parties will make this assessment. The focus then shifts to the LMV ecosystem, highlighting the relationships between the various parties involved. Lastly, the recommendations are set out for advice and consideration.

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<sup>7</sup> [Helpwanted | Home](#)

<sup>8</sup> [Internet Hotline against Child Pornography - Home \(meldpunt-kinderporno.nl\)](#)

<sup>9</sup> [Offlimits | Home](#)



## Definitions

### Intermediary Service

An “intermediary service” under the DSA (Article 2, paragraph 10) includes various services. First, mere conduit services where information provided by a recipient of the service is transmitted via a communications network, or access to a communications network is provided. Secondly, caching services where information provided by a recipient of the service is automatically, intermediately and temporarily stored in a communications network, for the sole purpose of making the subsequent transmission of that information to other recipients of the service more effectively. Finally, hosting services that consist of the storage of information provided by a recipient of the service upon request.

### Unlawful online content

In the action plan for the pilot at Helpwanted, unlawful online content is described as “content that can be assessed as unlawful on the basis of the requirements of Article 6:162 of the Dutch Civil Code. An unlawful act can arise from an infringement of a right, an act or omission in violation of a statutory obligation or by action contrary to social decency.” In addition to unlawful online content, criminal content is, based on the Dutch Penal Code, also falls under *illegal online content*.

### Removal request

This advice often refers to a ‘removal request’ from the intended *trusted flagger* role of the accessible reporting facility or other organisations. It is worth emphasising that this is a request to remove content or make it inaccessible after it has been assessed that the content can be considered illegal within the meaning of the DSA. The accessible reporting facility focuses mainly on assessing manifest unlawfulness. If the reporting centre has doubts about whether certain content is considered manifestly unlawful, it can look at the general terms and conditions of the relevant intermediary service. If the content or behaviour is not permitted according to those general terms and conditions, the reporting centre can still decide to submit a removal request, clearly stating the basis for this. The party receiving the report will then assess it and may remove the content or make it inaccessible, taking into account the fundamental rights of the recipients of the service, including the right to freedom of expression and information. It is also possible that the assessment of the intermediary service is different from that of the reporting centre. In such a case, the intermediary service must provide feedback to the reporting centre as to why the removal request has not been implemented.

## Design of the accessible reporting facility

There are several ways in which citizens can report harmful content. This can be done directly with a service provider, for instance, by going to the police or asking a specific reporting centre for help. To make it easier for citizens to get help, a new broad, accessible reporting facility is being set up in addition to the existing options for reporting content. This does not alter the fact that intermediary services have their own reporting options and in many cases, this may be the fastest option. But sometimes people cannot solve the problem on their own, the problem is very complex and the request for help covers more than just removal, or they do not receive a response from the intermediary service. In that case, the LMV offers a solution.

Various types of content were reviewed in the PPP and it was discussed how the LMV should deal with relevant reports. It is widely agreed that citizens should be able to contact the LMV with all their questions and reports. Depending on the question and assessment of the report, advice is offered (such as reporting to the police, referral to a support organisation) and a removal request (or several) can be sent. The aim of the LMV is to take complainants by the hand and help them with their request for help. In that sense, the LMV is the national trusted reporting centre and tool for citizens who are dealing with harmful behaviour online and are seeking help.

The LMV looks at different types of content. If the LMV determines that the content can be considered manifestly unlawful within the meaning of the DSA, the LMV can submit a removal request to the relevant intermediary service. If manifest unlawfulness cannot be established, the LMV can, in the case of doubt about the lawfulness, also base itself on the general terms and conditions (**GTC**) of intermediary services to make a removal request if the content conflicts with the GTC of the intermediary service in question. After all, the LMV will become familiar with their general terms and conditions in its collaboration with intermediary services. This way, a citizen who makes a report receives the best possible assistance. The LMV must clearly indicate when a removal request is submitted based on the general terms and conditions. Standardisation of communication provides clarity and will also be addressed by the PPP.

This working method is also in line with current practice with Helpwanted, as an existing trusted flagger for some online platforms, already reporting to those online platforms if the content is suspected to be incompatible with their general terms and conditions. Lastly, paragraph 62 of the DSA Explanatory Memorandum emphasises that this function must continue: *'[...] The rules of this Regulation should not prevent online platform providers from using trusted flaggers or similar mechanisms to take swift and reliable action against content that is incompatible with their general terms and conditions [...]'*<sup>10</sup>.

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<sup>10</sup> [L\\_2022277NL.01000101.xml \(europa.eu\)](#)



## External expertise

In accordance with the DSA, the LMV must have expertise in assessing unlawful content. If specific expertise is not available at the LMV, it is necessary to work with external parties that do have it. An example of this is Meld.Online Discriminatie (MOD)<sup>11</sup> which has specific expertise (active for 10 years and ISO 9001 and 27001 certified) in assessing reports of online (group) discrimination. The starting point should be that a single report to one of the government-funded facilities is sufficient for citizens and that they are not referred from one reporting centre to another. Minimising the number of trusted flaggers is of value to the parties involved and the effectiveness of the system. Referral is of course possible when a report should be addressed to a supervisory body or when support from a professional support organisation is indicated. In this context, the PPP offers scope to optimise cooperation between the various government-funded facilities, so that the coherence of the hotline landscape meets the needs of citizens as best as possible.

There are also situations in which existing supervisory bodies and/or other government organisations have primacy in dealing with these types of problems. Reports that fall under the supervision of the Netherlands Food and Consumer Product Safety Authority (NVWA)<sup>12</sup> or the Dutch Media Authority (CvdM)<sup>13</sup> will in most cases be fully transferred, after which these (government) parties are responsible for following up and sending any removal request. Other parties can of course always forward reports they receive that do not fall within their area of expertise to the LMV.

We apply the following principles when designing the system:

1. The focus should be on the citizen who submits a report, and not on the working methods of the organisations involved. This means that the route to help is accessible, clear and designed in the interests of the individual.
2. The LMV is designed for citizens (individuals).
3. A marked distinction is made between removal requests based on the DSA and removal requests based on general terms and conditions to intermediary services.
4. Based on the DSA, the trusted flagger status has a high threshold<sup>14</sup>: the organisation must have excellent expertise and knowledge, be surrounded by sufficient financial guarantees and have well-organised processes. The status of trusted flagger is awarded by the ACM within a specific area of expertise based on legal requirements.<sup>15</sup>
5. For the process, we use the following as underlying categorisation (see *triage reports*):
  - a. Manifestly unlawful content
  - b. Content of which there is doubt about the manifest unlawfulness, but where there is a conflict with the general terms and conditions of an intermediary service

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<sup>11</sup> [Home | Meld.Online Discriminatie](#)

<sup>12</sup> [Home | NVWA](#)

<sup>13</sup> [Home - Dutch Media Authority \(cvdm.nl\)](#)

<sup>14</sup> By definition, the protected title of trusted flagger follows from Article 61 of the DSA and the certification by the Netherlands Authority for Consumers & Markets.

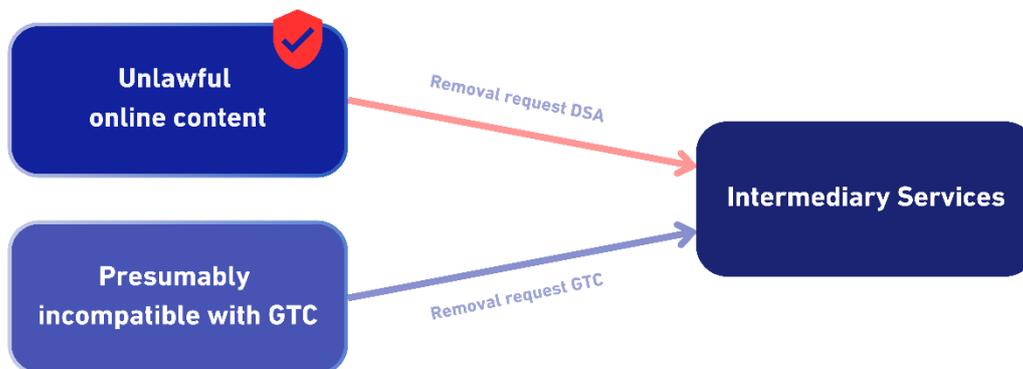
<sup>15</sup> Article 22, paragraph 2 of the DSA

- c. To be discussed
  - d. Referral/request for help/irrelevant
6. In accordance with the DSA, the final assessment of a, b or c always remains the responsibility of the intermediary service. In the case of a), it only concerns prioritisation, also in accordance with the DSA.
  7. In accordance with the DSA, use as few (subsidised) trusted flaggers as possible with the aim of ensuring high quality and scalability.

*LMV functions summarised:*

Following the discussions, the PPP identifies four functions for the LMV. Based on the reports that are received, the LMV should be able to provide assistance through its notice-and-action function (via a removal request), switching function, support function and signalling function.

In the case of unlawful online content, the LMV, based on its trusted flagger status, will be able to send removal requests to the relevant intermediary service to take the content offline. If content cannot be assessed with certainty as manifestly unlawful, but is most likely incompatible with the general terms and conditions of a platform, the LMV can send a removal request with reference to the general terms and conditions. This **notice-and-action function** of the LMV applies to content for which the LMV has the right expertise or has requested it externally.



Two scenarios are possible. Because it is preferable that the citizen is referred as few times as possible, it is preferable that external expertise is sought and the LMV then makes a removal request and handles the report as much as possible. If this method has not (yet) been set up, the full report will be sent to the external organisation via the **switching function**. If no expertise has yet been established, it must be permanently placed with the LMV to prevent fragmentation. As described under "External expertise", the working group has more far-reaching ideas about opportunities in LMV's collaboration with other government-funded facilities.



The LMV will also have to contact supervisory bodies such as the Netherlands Food and Consumer Product Safety Authority (NVWA) and the Dutch Authority for the Financial Markets (AFM) if reports give reason to do so. It is important to be in contact with reporting centres and organisations where reports of unlawful online content can be submitted so as not to lose time unnecessarily. To properly guide victims through the process, feedback from these organisations about the steps ultimately taken is critical.

Often, removing online content is only an urgent sub-part of a broader request for help. In addition, the LMV can also receive reports whose content is not assessed as possibly unlawful or incompatible with general terms and conditions. In these cases, the LMV must help reporters via a **support function**, inform them about possible next steps and advise them on which support parties people can turn to.

Although in principle, the LMV focuses on the individual, patterns, new phenomena and possible gaps could be identified in the reports. The LMV must periodically and, if relevant, ad hoc reflect on such developments by means of a **signalling function**. In addition, this can provide insight into the problems and help update information and awareness campaigns. For intermediary services, it can also be useful to be notified in the case of many reports about a specific customer or user. The interpretation of this signalling function must also be further fleshed out in practice.

# Preconditions

## *Accessibility and anonymity*

In addition to the functions of the LMV, it is very important that it is accessible and can be contacted easily. This can be achieved by offering an appropriate tone of voice (including visual explanation) and the option to contact it in various ways (for example via chat, telephone and email). All Dutch people should be able to contact the LMV.

Of all Dutch people, 4.5 million have a disability or chronic illness<sup>16</sup>. The accessibility of the LMV must therefore be designed accordingly, so that, for instance, people with hearing and visual impairments and people with low literacy can also contact the LMV.

Practice has also shown that it is important that the LMV offers the option for anonymous reporting. The option to report anonymously provides a safe environment for victims, lowering the threshold for reporting and allowing people to report on behalf of someone else. In addition, you may encounter harmful content that does not directly relate to you, but that you do want to report.

In some cases, however, identification will be necessary to confirm the victim's identity in order to establish unlawfulness (for instance, privacy violations are often personal). Article 50 of the DSA reads: "For some types of reported information, the identity of the person or entity reporting may be needed to determine whether the information in question constitutes illegal content, as claimed"<sup>17</sup>. It must also be checked whether the victim himself supports this report if it does not concern an administrator. The pilot phase of the LMV will provide clarity about anonymous reporting and what possible additional measures will have to be taken.

## *Ecosystem*

The LMV is part of an ecosystem of reporting centres, ministries, police, supervisory bodies, support parties, platforms and Internet Service Providers. The LMV must be in close contact with these parties to collaborate effectively and support complainants. At Offlimits, these three organisations and their many years of collaboration with the sector already have a lot of knowledge of the existing ecosystem and if the LMV is placed with Offlimits, this knowledge can be put to good use.

The advice is to continue discussions with various stakeholders regarding the assessment of content, but also prevention and other possible relevant parties. The appendix contains an overview of parties involved in the PPP online content moderation. It is a matter and part of the PPP online content moderation that all parties within the network know which party they can refer to and to draw attention to the LMV. The LMV must organise and shape this contact based on the aforementioned principles.

To guarantee the quality of the assessments, it is advisable to set up an expert group in addition to the LMV, such as the current comparison committee. This expert group can help determine and monitor frameworks based on case studies. Representation from

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<sup>16</sup> [What is digital accessibility? | Digitally accessible](#)

<sup>17</sup> [L\\_2022277NL\\_01000101.xml \(europa.eu\)](#)



platforms in this expert group would be of added value, because of their knowledge of the issues and the working methods of platforms.

### *Financial guarantee*

This white paper outlines the ideal scenario for the design of the national accessible reporting facility. To shape such an organisation permanently, sufficient facilities and resources are required. The aim is to offer citizens a permanent instrument for requests for help, which requires sufficient financial security. The new organisation will also have a broad set of tasks in a dynamic online environment. It is therefore recommended to provide at least a financial guarantee for several years at the start. This also ensures that the right expertise can be sought and retained. An evaluation will follow at the end of this period.



## How to handle incoming reports

Various steps can be identified within the process of processing reports. First of all, it will be necessary to assess whether the unlawfulness of content can be assessed by the LMV or whether external expertise is required for this. To determine the type of content and its possible unlawfulness, relevant information is needed about various contextual factors of the content. The *topic, location, basis and the individual* are key themes. Based on this information, reports can be classified into different categories.

The LMV - if Offlimits will be assigned as the LMV and is certified by the ACM as a trusted flagger - will have to be able to determine the unlawfulness of (predominantly) sexually transgressive behaviour, including in any case images of child abuse (both of young children at the Internet Hotline against Child Pornography, and teenagers, if put under pressure, at Helpwanted), online stalking, cyber bullying, toxicity, doxing, unwanted online approaches for sex, abuse of the online environment (fake profile/hacking), photo/video distributed via mobile, photo/video online, incitement to self-harm, suicide, human trafficking (if expertise is available) and blackmail/threats (sextortion).

In these cases, the LMV must be able to independently assess the content and, if unlawfulness is determined, to submit a notice-and-action/removal request to the relevant intermediary service. When a report concerns multiple categories, the LMV must take into account the prioritisation of the intermediary services and communicate clearly about the nature of the report.

Victims of unlawful online content can also be advised by the LMV to additionally contact the police or another party for professional assistance. For instance, for content within the category of incitement to self-harm, victims can be referred to 113 for further assistance (in addition to possible removal of content). Disinformation is in principle not unlawful and the LMV must only advise the complainant - if it does not fall under another form of unlawful content - to report it to the intermediary service themselves.

To prevent fragmentation, the expertise for new forms of unlawful online content for which no expertise has yet been set up either internally or externally should be permanently placed with the LMV. Discussions must continue about which forms of unlawful content should be addressed within this system.

Thanks to rapid technological developments, the LMV must also be able to respond to current problems. However, care must be taken when applying for certification as a trusted flagger within the meaning of the DSA as it requires specific expertise.<sup>18</sup> This expertise must be determined and established, and then it must be discussed with the ACM whether this should be expanded.

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<sup>18</sup> DSA (Article 61) [L\\_2022277NL.01000101.xml \(europa.eu\)](#)

## Triage of reports

Four different possible actions were discussed for the internal categorisation of reports. These actions are based on Offlimits' existing working method. **Category A - Removal request based on the DSA** - concerns the content of which the LMV can determine manifest unlawfulness on the basis of expertise. This concerns the category for which the LMV will apply for trusted flagger status and should therefore also request a quick removal. **Category B - Removal request based on the GTC** - concerns content for which manifest conflict with the law is doubtful, but for which there is a strong suspicion that it does conflict with the general terms and conditions of the intermediary service. For these reports, the LMV can send a removal request based on the general terms and conditions to the relevant intermediary services. Both categories A and B fall under the *notice-and-action function* of the LMV and the basis.

In addition, reports may be received by the LMV about content that cannot be placed in the above categories. On the one hand, these may be reports that are not yet clear in both the law and the general terms and conditions. Within **category C - in discussion-** content that is not yet clear is discussed and enables the LMV, from its *signalling function*, to identify new phenomena that can lead to victimisation. **Category D - switching external party or do nothing** - concerns reports of content for which the LMV itself cannot send a removal request. However, the LMV can forward these reports to other parties that have the right expertise, such as other trusted flaggers, external supervisory bodies or government parties. Complainants can also be referred to an appropriate support party. For this category of reports, the *switching* and *support functions* of the LMV are relevant.

The field of assistance is very broad and diverse and it is good to point out that this is a non-exhaustive list. Organisations such as the police or the GP can also be a designated support party, but for now, general parties have been chosen. There are also numerous small organisations that specialise in target groups and requests for help.

Internal Assessment			
Subject	Internal assessment	Action towards intermediary service*	Support party***
Sexual material of children (this concerns reports of sextortion of minor complainants or the unwanted distribution of nude images of minors)	Unlawful	Removal request DSA	including Police, Centre for Sexual Violence, Fier Internet Hotline against Child Pornography
	Incompatible with GTC	Removal request GTC	
Online stalking	Unlawful	Removal request DSA	Police

	Incompatible with GTC	Removal request GTC	Victim Support Netherlands Report Crime Anonymously?
Cyberbullying	Unlawful	Removal request DSA	Victim Support Netherlands Children's helpline
	Incompatible with GTC	Removal request GTC	
Toxicity	Unlawful	Removal request DSA	Children's helpline
	Incompatible with GTC	Removal request GTC	
Doxing	Unlawful	Removal request DSA	Police Victim Support Netherlands
	Incompatible with GTC	Removal request GTC	
Unwanted online contact for sex (grooming)	Unlawful	Removal request DSA	Police Victim Support Netherlands Fier Centre for Sexual Violence
	Incompatible with GTC	Removal request GTC	
Photo/video distributed via mobile	Unlawful	Removal request DSA	Victim Support Netherlands Centre for Sexual Violence
	Incompatible with GTC	Removal request GTC	
Photo/video online	Unlawful	Removal request DSA	Victim Support Netherlands Centre for Sexual Violence

	Incompatible with GTC	Removal request GTC	
Blackmail/threats (sextortion)	Unlawful	Removal request DSA	Police Take it Down (<18) Stop NCII (>18)
	Incompatible with GTC	Removal request GTC	
Abuse of online environment/Hacking	Unlawful	Removal request DSA	Police Victim Support Netherlands
	Incompatible with GTC	Removal request GTC	
Self-harm and the impetus for it	Unlawful	Removal request DSA	113 Children's helpline
	Incompatible with GTC	Removal request GTC	
Suicide and the impetus for it	Unlawful	Removal request DSA	113
	Incompatible with GTC	Removal request GTC	
Human trafficking (if expertise available)	Unlawful	Removal request DSA	Police Fier Victim Support Netherlands
	Incompatible with GTC	Removal request GTC	
Disinformation**	Check if it falls into a different category.		

\* Based on proportionality/subsidiarity, the LMV makes an estimate to which intermediary service the report can best be sent. Following the example of the NTD arrangement, the report is sent to the entity that is 'as close as possible to the content'. This party reserves the right to make a different choice than what is requested of them as it concerns a removal request and not an authorised order.

\*\* Disinformation: If the disinformation falls under a different category, it can be assessed by the LMV, otherwise no follow-up action is required from the LMV

\*\*\* Support party to which a complainant can be referred if the request for help does not concern the removal of content or which Helpwanted's support offering does not otherwise provide.

External assessment		
Subject	Switch with	Support party**
Incitement	In case of acute situation: police	Police
(group) discrimination and/or calls for violence	Meld.Online Discriminatie (MOD)	Victim Support Netherlands
Intellectual property	BREIN	
Fraud and scams	LMIO, Fraud Helpdesk & ACM	Victim Support Netherlands
Regulated sale of goods and services	NVWA/AFM/KSA/ILT/IGJ	
Online marketing aimed at minors	CvdM	
Surreptitious advertising	CvdM	

\* It is desirable that external parties provide feedback on follow-up actions

\*\* Support party that can provide additional assistance that does not relate to the removal of content.



## Conclusions and recommendations

In order for the reporting facility to be truly accessible, it is important to set it up as a **one-stop shop**. Citizens should be able to contact the LMV with all their questions and reports. Therefore it must be an **accessible** and approachable reporting centre for everyone. The LMV will focus on assessing reports about different types of content, with a focus on supporting victims, identifying new trends and to external expertise when necessary. The LMV operates within an ecosystem of collaborating parties such as ministries, police, reporting centres, support parties and the Internet sector. Collaboration and communication with these stakeholders are essential to ensure an effective approach.

In addition to its notice-and-action function, the LMV must also fulfil a switching function, a support function and a signalling function. The basic principle is to use as much internal expertise as possible for the assessment of reports or to call in external expertise, after which a possible removal request can be sent from the LMV to the relevant intermediary service. If no internal expertise is available or if no external expertise can be called in, the LMV will have to contact another party that has the right expertise.

Removing content is often part of a broader request for help, which is why the LMV must provide support with its support function to all citizens who report to the LMV, regardless of the final assessment regarding the lawfulness of content. With technological developments and therefore changing problems, the signalling function of the LMV offers valuable insights for tackling unlawful online content. In addition to **advise** that, based on its signalling function, the LMV provides periodic updates on the type of reports, numbers and other significant trends to relevant parties in the ecosystem, from the sector and support parties to the media and politicians. This ensures everyone has the right information to continuously improve prevention, collaboration, support and legislation.

To properly perform the above functions and guarantee the right to freedom of expression, the LMV must be **independent** and operate independently of the government. Although the Ministry of Justice and Security will be the largest subsidy provider, the LMV must set up control mechanisms to protect its independence. Ultimately, the final decision rests with the intermediary services, which means the LMV also has limited control over the final decisions. The reporting obligations play an important role in this and transparency about the LMV's working methods and incoming reports is crucial. Retaining the comparison committee also offers a solution in this regard.

The discussion about the implementation of the DSA and the LMV will have to continue to take place in the PPP online content moderation. Talking to each other on a neutral basis about how things are going and what could be improved is very important for the trust and effectiveness of the LMV. We therefore recommend conducting several **evaluations** per year about the implementation of the DSA, including the LMV. New trends and various issues can then also be discussed in order to respond to current problems.

## Appendix

At the request of the sounding board group of the PPS online content moderation, the 'accessible reporting facility' working group was established. The members of the working group have contributed ideas about how this accessible reporting facility can best be designed so that it is workable and effective for all parties involved within the framework of the DSA. The working group's advice has been drawn up by carefully weighing the diverse interests of the private and public parties involved, with an eye for operational feasibility and effectiveness. And thus aim to simplify administrative and political decision-making. The content does not represent existing government policy, but serves as a contribution to policymaking.

Members of the Accessible Reporting Facility working group:

- Amsterdam Internet Exchange (AMS-IX)
- Online Content Moderation Project (PrOCOM)\*
  - Ministry of Justice and Security
  - Ministry of the Interior and Kingdom Relations
- The Dutch Security Reporting Centre/Abuse IO
- Meta
- Meld.Online Discriminatie (MOD)
- Offlimits
- SIDN
- Snap
- TikTok
- Chairman/secretary: ECP | Platform for the Information Society

\*The Online Content Moderation Project (PrOCOM) is an interdepartmental project initiated by the Ministry of Justice and Security. The project is further supported by the Ministry of the Interior and Kingdom Relations, Ministry of Economic Affairs and Climate, the Public Prosecution Service, the police, and the Association of Netherlands Municipalities (VNG). PrOCOM aims to provide a public-private framework within which citizens, the government and the Internet sector can act actively and effectively in the case of online material that is punishable, causes damage or has socially undesirable effects.

If you have any questions about this advice, please send an email to [onlinecontentmoderatie@ecp.nl](mailto:onlinecontentmoderatie@ecp.nl)