

National rules applicable to influencers

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National rules applicable to influencers



Foreword

In his 1964 book, *Understanding Media: The extensions of man*, Canadian media philosopher Marshall McLuhan wrote: “The medium is the message.”

What was true at the time rings even truer in the digital age. The meteoric rise to prominence of social media influencers is reshaping the way we consume content, form opinions and make purchasing decisions.

For avid YouTube users, reading the names of some prominent content creators and influencers can almost immediately summon a mental image of the name and logo of a brand they are often associated with.

Where celebrities of the analogue world often appeared inaccessible, influencers can benefit from an illusion of proximity with their followers. Modern tools and platforms allow them to instantaneously engage with millions online. This sense of proximity grants them unprecedented influence over the public and incredible power in shaping brand narratives and consumer behaviour, transforming them from content creators to influential voices in the marketing domain. Their ability to create personalised content and forge genuine connections with their audience has elevated them to a position of trust, often surpassing that of traditional media.

But with great influence comes great responsibility. The lines between authentic and sponsored content have often become extremely blurry, highlighting very real risks for the general public and children (often the most vulnerable) to be misled by hidden advertising and misinformation.

The content of this study is based on information received from a network of national experts and elaborated in-house. I would like to thank them all, as well as the national media regulatory authorities through the European Platform of Regulatory Authorities (EPRA) that helped us check the accuracy of the information. I would also like to express our gratitude to the European Advertising Standards Alliance’s network, who provided us with information on the various guidance documents for influencers produced by actors of the consumer protection ecosystem. While the responsibility is entirely ours, the publication would not have been possible without their involvement.

Enjoy the read!

Strasbourg, December 2024

Maja Cappello

Head of Department for Legal Information

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Executive summary

In 2023, the European Audiovisual Observatory (EAO) published a mapping report on the protection of minors on video-sharing platforms, with a specific focus on age verification and parental control,¹ at the request of the European Commission. While influencers were not at the centre of the research, the Note reflected the relevant rules for influencers where they existed in EU member states.

In 2024, at the request of the European Commission, the EAO conducted a new study, focusing specifically on the rules applicable to influencers in the EU-27, Norway, Switzerland and the United Kingdom.

Definition of the concept of “influencer”

The study reveals a certain variety of approaches. Firstly, not all of the countries analysed have a definition (the following do not: CH, CZ, DE, DK, HR, LT, LU, LV, MT, SI). Among countries which do define what constitutes an influencer (AT, BE-FR, BE-VL, BG, CY, EE, ES, FI, FR, GR, HU, IE, IT, NL, NO, PL, PT, RO, SE, SK, UK), there is no shared definition. Among the latter, only France and Spain have defined the term “influencer” by law.

France introduced a definition of “persons carrying out the activity of commercial influence by electronic means” (*personnes exerçant l’activité d’influence commerciale par voie électronique*) with Law No. 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating the excesses of influencers on social networks (*Loi n° 2023-451 du 9 juin 2023 visant à encadrer l’influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux*).² While this law does not provide a clear definition of an “influencer”, its very title and Article 7, which links “influencer agents” to “persons carrying out the activity of commercial influence by electronic means” were considered in the context of this study to constitute a definitional framework. In Spain, Article 94 of Law No. 13/2022 of 7 July 2022, the General Law on Audiovisual Communication, the LGCA (*Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual*)³ introduced a definition of the concept of “users of special relevance” (*usuarios de especial relevancia*). As was the case with France, the law never defines explicitly the concept of “influencer” but its preamble indicates that what Article 94 refers to as “users of special relevance” are de facto influencers. In 2024, Royal Decree No. 444/2024 of 30 April 2024 on users of special

¹ [The protection of minors on video-sharing platforms: age verification and parental control](#), European Audiovisual Observatory, Strasbourg, 2023.

² [Law No. 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating the excesses of influencers on social networks](#) (*Loi n° 2023-451 du 9 juin 2023 visant à encadrer l’influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux*).

³ [Law No. 13/2022 of 7 July 2022, the General Law on Audiovisual Communication](#) (*Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual*).



relevance of video-sharing platforms (*Real Decreto 444/2024, de 30 de abril*)⁴ further developed Article 94 of Law No. 13/2022 of 7 July 2022, the LGCA.

Apart from France and Spain, some traits are common to most definitions, but variety remains from one country to another. Most definitions indicate that influencers should have a form of influence over a selected audience or the general public. This notion of general influence is found in nine countries (BE-FR, BE-VL, BG, CY, ES, NL, NO, PL and UK). In four countries (AT, HU, RO, SK), the definitions explicitly reference the influencer's ability to influence the purchase of goods or services, or consumer habits in general. The commercial purpose is also a prerequisite in four definitions (AT, HU, IE, IT). In most cases however, the commercial purpose is either referenced in the definitions as being the type of content that influencers can produce, along with non-commercial content (CY, UK) or it is not mentioned at all (BE-FR, BE-VL, BG, EE, ES, FI, GR, NL, NO, PL, RO, SE, SK).

Regulation under media and consumer protection legislations

Whether the concept is defined or not, influencers are regulated as audiovisual media service (AVMS) providers in most countries, in addition to being regulated under consumer protection laws. In all the EU-27, influencers may be considered as AVMS providers due to national transpositions of Article 1(1)(a) of the Audiovisual Media Services Directive (AVMSD). Since the definition of AVMS provider has been transposed in a substantially literal way in all member states, it allows some influencers, on the basis of specific criteria defined at national level, to meet the definition of an AVMS provider. In Norway too, influencers can be considered as AVMS providers and are treated as such by the national media regulatory authority (NRA). In Switzerland and the UK, however, influencers are not considered as AVMS providers.

Even among countries in which influencers may be considered as AVMS providers, some NRAs must still overcome technical challenges prior to being able to effectively regulate the activity of influencers under their jurisdiction.

Additional criteria for influencers to be considered as AVMS providers

To determine when an influencer should be regulated as an AVMS provider, some countries have produced additional criteria. In Spain, these criteria are included directly in Law No. 13/2022 of 7 July 2022, while they have been developed by the NRA in other countries (AT, CZ, GR, IT, LT, NL). Different approaches have been identified there too, with some countries setting precise thresholds (ES, IT, NL) and others not (AT, CZ, GR, LT). The most common criteria are the revenues generated by the influencer's activity and/or the presence of advertising, and the fact that the activity is conducted online (AT, CZ, GR, IT, LT, NL). The frequency in posting (ES, GR, IT, NL), having editorial responsibility (AT, CZ, ES, LT) and a broad audience (AT, ES, IT, LT, NL) are also common criteria.

The importance of guidance documents

All content creators and social media users, whether they meet the definition of AVMS provider or not, remain subject to consumer protection rules. The many proceedings

⁴ [Royal Decree No. 444/2024 of 30 April 2024](#) (*Real Decreto 444/2024, de 30 de abril, por el que se regulan los requisitos a efectos de ser considerado usuario de especial relevancia de los servicios de intercambio de vídeos a través de plataforma, en desarrollo del artículo 94 de la Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual*).



against influencers throughout the countries within the scope of the report may be seen as an indication that many influencers are not aware of the rules applying to them. This highlights the importance of guidance documents. Such documents have been identified in most of the EU-27 countries (BE-FR, BE-VL, BG, CY, CZ, DE, DK, EE, ES, FI, FR, GR, HR, HU, IE, IT, LT, LV, NL, NO, PL, PT, RO, SE, SI, SK, UK).

Advertising self-regulatory organisations (SROs) have been very active in the production of guidelines and the organisation of training programmes for influencers. The French and Dutch SROs, the *Autorité de Régulation Professionnelle de la Publicité* and the *Stichting Reclame Code* have reported certifying respectively 1 800⁵ and 1 900 influencers as of November 2024.⁶

⁵ [SRC wins European award for Influencer Certificate](#) (*SRC wint Europese award voor Influencer Certificaat*).

⁶ Press release, [Les équipes de l'ARPP présentes au 1^{er} salon européen Followme 2024 et sont au programme pour une influence commerciale responsable](#), 19 November 2024.



1. Introduction

The regulation of influencers is a crucial topic in the context of shifting media consumption habits, where their actions can have a significant impact on public opinion and consumer behaviour. The rules which apply to them may, however, not be obvious to the general public and sometimes to the influencers themselves.

Some countries, like France and Spain, have recently passed laws specifically tackling certain issues associated with influencers, but such laws are still relatively few, which may give the impression to some that influencers remain outside of the legal framework.

This would, however, be incorrect, as influencers are subject to various rules from legal frameworks pertaining to different fields (e.g. media law, consumer protection etc.), even though they are not necessarily mentioned by name in those laws. Such is the case with consumer protection laws, which apply to a wide variety of actors, including influencers, if they meet certain criteria. For influencers established in an EU member state, it can also be the case with media law, as Directive (EU) 2010/13 amended by Directive (EU) 2018/1808 gives a definition of what constitutes a provider of an “audiovisual media service” which can include certain influencers.

The concept of “influencer” itself is also rarely defined in law, and soft law definitions may vary from one country to another.

In this context, the EAO conducted a study of the rules applying to influencers in the EU-27, Norway, Switzerland and the UK. The objective of the study is to shed light on the rules applying to influencers.

The study looks into the definitions, both legal and non-legal, of the concept of “influencer”, and the regulatory framework which applies to them. When specific criteria have been defined to distinguish between users of social media who may commonly be referred to as influencers and influencers with a follower base large enough to warrant the application of specific, stricter, rules on them, those criteria are also examined.

The study also looks into the rules applying to influencers at the national level, from both the media and consumer protection perspective.

In addition to definitions and rules, the study also looks into guidance documents for influencers, published by the various stakeholders in the consumer protection and media ecosystems.



2. Methodology

A standardised questionnaire was designed by the EAO and sent out to national experts from all EU-27 member states, Norway, Switzerland and the UK. Based on their replies, and further exchanges with the national experts, the EAO prepared national factsheets for all countries within the scope of the study, with the aim of producing accurate overviews of the situation in each country.

Each national factsheet was sent back to the corresponding national expert for review. Once validated by the expert, each national factsheet was submitted to the NRA for further verification of the content. The European Advertising Standards Alliance (EASA), also contributed to the process of verifying the information contained in the national factsheets in terms of the guidelines and codes of conduct regarding influencer marketing.

In order to ensure the accuracy of the content of the national factsheets, they were sent to external checkers.

A first round of checks involved the media NRAs. It was followed by a second round of checks by members of the EASA. These separate rounds of verification aim to ensure that the national factsheets provide an accurate depiction of each country's situation with regards to influencers, both from the media law and consumer protection perspectives.

Based on the content of the national factsheets, the EAO identified trends and national specificities which are reflected on in a comparative analysis.

Throughout the report, the Flemish and the French Communities of Belgium are treated as separate entities, and as separate countries for the purpose of clarity when enumerating countries belonging to certain categories, as the legal framework applying to influencers is different for each of them.

All English translations of national texts are unofficial unless the source provided in a footnote is also in English.

3. The concept of “influencer”

3.1. Defining the term “influencer”

3.1.1. Defining “influencer” at the EU level

The Council conclusions on support for influencers as online creators⁷, adopted by the Council of the European Union on 14 May 2024, includes a definition of “influencers” in the Annex:

‘Influencers’ are online content creators who post content on social media or video-sharing platforms through which they impact society, public opinion and the personal views of their audience, often showcased through their authenticity-based relationship with their audience. Influencers often have a commercial intent and engage with commercial actors through different business models for monetisation purposes. Influencers can also engage in off-line activities, such as patronage, meet-and-greets and product lines. These off-line activities do not fall within the scope of these Council conclusions.

Points 13 to 19 of the Council conclusions on support for influencers as online content creators recall the different legal sources touching upon influencers. They include:

- **EU Charter of Fundamental Rights⁸ (Article 11)** with the right to freedom of expression and information;
- **Audiovisual Media Services Directive (AVMSD)** with the requirements related to the transparency and fairness of audiovisual commercial communications and the protection of minors and other vulnerable groups against potential harmful content. Specific rules for audiovisual content on video-sharing platforms also impact how influencers operate on these platforms and the quality of the content they provide;
- **Digital Services Act (DSA)⁹** with harmonised rules for providers of online platforms, with regard to illegal and harmful content intermediated through their services, including disinformation, content that is harmful for minors and other vulnerable groups, and promoting sales of counterfeited goods as well as rules on transparency of commercial content;

⁷ [Council conclusions on support for influencers as online content creators.](#)

⁸ [Charter of Fundamental Rights of the European Union.](#)

⁹ [Regulation \(EU\) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC \(Digital Services Act\).](#)



- **AI Act**¹⁰ with the obligations for influencers using AI in the production process to abstain from certain prohibited AI practices, inform their audience when they are interacting with an AI system and clearly label deepfakes;
- **Regulation on the transparency and targeting of political advertising**¹¹ which applies to influencers when they provide political advertising, with obligations to include labelling and other information about their advertisements;
- **European Media Freedom Act (EMFA)**¹² with common rules for the proper functioning of the internal market for media services, while safeguarding an independent and pluralistic media environment, which can have an impact on the activities of influencers, for instance when they are qualified as media service providers;
- **General Data Protection Regulation (GDPR)**¹³ with rules relating to the protection of natural persons with regard to the processing and protection of personal data and rules relating to the free movement of personal data.

The definition from the Council conclusions on support for influencers as online creators does not constitute a definition by law.

3.1.2. Influencers and the AVMSD

Directive (EU) 2010/13 as amended by Directive (EU) 2018/1808 (AVMSD) does not define the term “influencer” either, but its definition of “audiovisual media service”¹⁴ in Article 1(1)(a) encompasses activities commonly associated with the concept of “influencer”. This

¹⁰ [Regulation \(EU\) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations \(EC\) No 300/2008, \(EU\) No 167/2013, \(EU\) No 168/2013, \(EU\) 2018/858, \(EU\) 2018/1139 and \(EU\) 2019/2144 and Directives 2014/90/EU, \(EU\) 2016/797 and \(EU\) 2020/1828 \(Artificial Intelligence Act\).](#)

¹¹ [Regulation \(EU\) 2024/900 of the European Parliament and of the Council of 13 March 2024 on the transparency and targeting of political advertising.](#)

¹² [Regulation \(EU\) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU \(European Media Freedom Act\).](#)

¹³ [Regulation \(EU\) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC \(General Data Protection Regulation\).](#)

¹⁴ Article 1(1)(a) AVMSD defines an “audiovisual media service” as:

(i) a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of the service or a dissociable section thereof is devoted to providing programmes, under the editorial responsibility of a media service provider, to the general public, in order to inform, entertain or educate, by means of electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC; such an audiovisual media service is either a television broadcast as defined in point (e) of this paragraph or an on-demand audiovisual media service as defined in point (g) of this paragraph;

(ii) audiovisual commercial communication;



definition allows for the regulation of certain influencers as AVMS providers and the possibility of subjecting them to the same obligations as traditional AVMS providers.

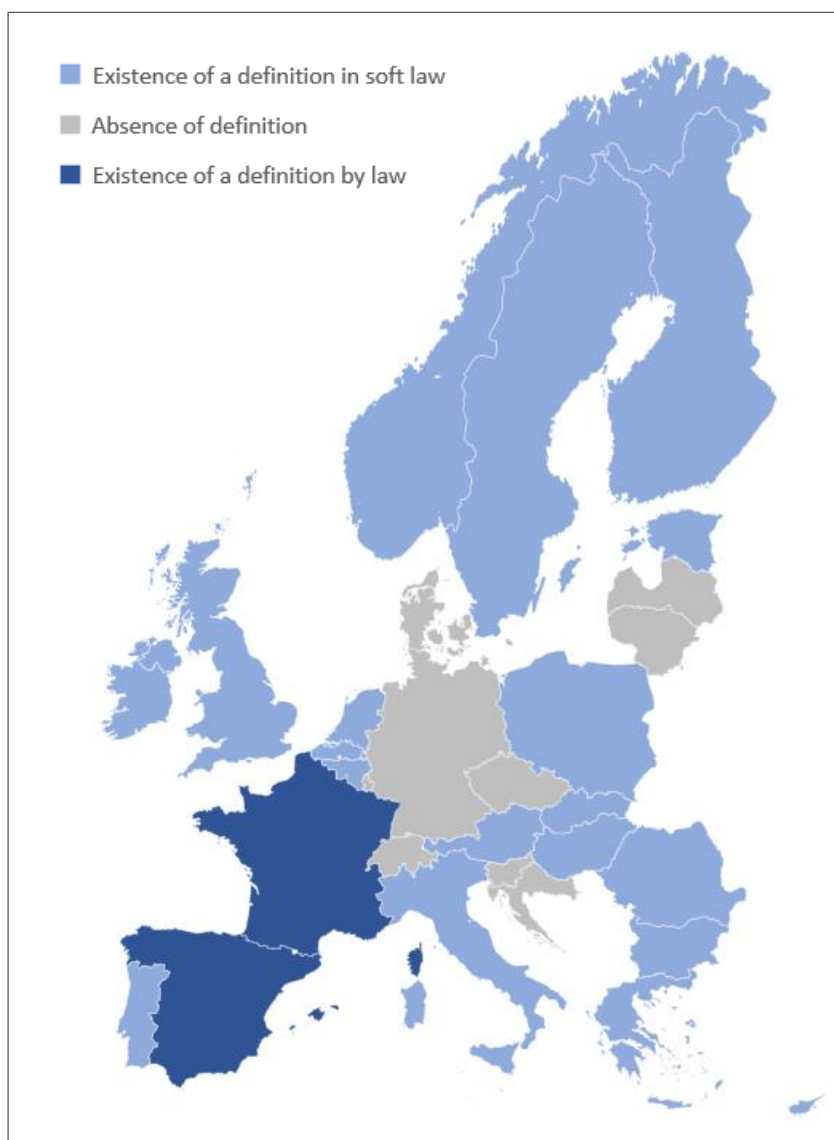
At the time of writing, the AVMSD had been transposed throughout all EU member states, including its Article 1(1)(a). In most cases, the national transpositions of Article 1(1)(a) have been either verbatim or substantially literal transpositions, allowing for influencers to be considered as AVMS providers at the national level.

None of the EU member states, however, refer to influencers by name in their transpositions of the AVMSD.¹⁵ In some countries, legislation which came into force after the national transposition of the AVMSD has introduced definitions of the concept of “influencer”, along with specific rules. In other cases, definitions by law may be introduced at a later date. Some draft laws being discussed at the national level at the time of writing included definitions.

¹⁵ In Spain, the term “influencers” appears once in the preamble (Title IV) of the Law No. 13/2022 of 7 July 2022 (*Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual*), which clarifies that “users of special relevance” (“*usuarios de especial relevancia*”), introduced in Article 94, correspond, *inter alia*, to “influencers”.

3.1.3. Definitions of the concept of “influencer” in the EU, Norway, Switzerland and the UK

Figure 1. Map of definitions of the concept of “influencer” in the EU-27, Norway, Switzerland and the UK



Source: Analysis of the responses to the EAO standardised questionnaire.

The countries within the scope of the report fall into three categories: countries with a definition by law of the concept of “influencer”, countries with a definition in soft law and countries without a definition.

Among the countries within the scope of the study, only France and Spain have definitions by law of the concept of “influencer”. There are 19 countries (AT, BE-FR, BE-VL, BG, CY, EE, FI, GR, HU, IE, IT, NL, NO, PL, PT, RO, SE, SK, UK) which have a definition, contained in guidelines, recommendations, codes of conduct and other types of guidance

documents. The 10 remaining countries (CH, CZ, DE, DK, HR, LT, LU, LV, MT, SI) have no definition of the concept of “influencer”.

3.2. Existence of a definition in national legislation

At the time of writing, only two countries within the scope of the study had introduced a definition by law of the concept of “influencer”.

France introduced a definition of “persons carrying out the activity of commercial influence by electronic means”¹⁶ (*personnes exerçant l’activité d’influence commerciale par voie électronique*) with Law No. 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating the excesses of influencers on social networks (*Loi n° 2023-451 du 9 juin 2023 visant à encadrer l’influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux*).¹⁷

The definition contained in Article 1 of Chapter 1 on General dispositions relative to the activity of electronic commercial influence is as follows:

Natural or legal persons who, for a fee, mobilise their celebrity among their audience to communicate to the public, by electronic means, content aimed at promoting, directly or indirectly, goods, services or any cause, are engaging in the activity of commercial influence.

Considering that Article 7 mentions “influencer agents” (*agents d’influenceur*) as “representing, for a fee, natural or legal persons exercising the activity of commercial influence by electronic means”,¹⁸ it appears appropriate to consider that the definition of “persons carrying out the activity of commercial influence by electronic means” corresponds to what is referred to as an “influencer” in Article 7, as well as the very title of the law.

Based on those elements, in the context of this study, it is considered that Law No. 2023-451 of 9 June 2023 defines the concept of “influencer”.

In Spain, the concept of “users of special relevance” (*usuarios de especial relevancia*) was first introduced in Article 94 of Law No. 13/2022 of 7 July 2022, the LGCA (*Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual*).¹⁹ In 2024, Royal Decree No. 444/2024 of 30 April on users of special relevance of video-sharing platforms (*Real Decreto 444/2024, de 30 de abril*)²⁰ further developed Article 94 of Law No. 13/2022 of 7 July 2022. Users of special

¹⁶ Unofficial translation.

¹⁷ [Law No. 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating the excesses of influencers on social networks](#) (*Loi n° 2023-451 du 9 juin 2023 visant à encadrer l’influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux*).

¹⁸ Official quote in French: *L’activité d’agent d’influenceur consiste à représenter, à titre onéreux, les personnes physiques ou morales exerçant l’activité d’influence commerciale par voie électronique définie à l’article 1er avec des personnes physiques ou morales et, le cas échéant, leurs mandataires, dans le but de promouvoir, à titre onéreux, des biens, des services ou une cause quelconque.*

¹⁹ [Law No. 13/2022 of 7 July 2022, the LGCA](#) (*Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual*).

²⁰ [Royal Decree No. 444/2024 of 30 April 2024](#) (*Real Decreto 444/2024, de 30 de abril, por el que se regulan los requisitos a efectos de ser considerado usuario de especial relevancia de los servicios de intercambio de vídeos a*



relevance are defined as users of video-sharing platforms meeting the following requirements:

- the service provided entails an economic activity for which its owner obtains significant income derived from its activity;
- the user of special relevance is the person editorially responsible for the content made available to the public in their service;
- the service provided is intended for a significant part of the general public and can have a clear impact on it;
- the function of the service is to inform, entertain or educate and the main objective of the service is the distribution of audiovisual content;
- the service is offered through electronic communications networks and is established in Spain.

It must be noted that the Spanish definition does not include any of these terms: “*influencer*”, “*influyente*” or “*influenciador*”. The term “*influencer*”, however, is used throughout both Law No. 13/2022 and Royal Decree No. 444/2024. The royal decree’s preamble (II, 4th paragraph) clarifies that “users of special relevance” include “vloggers”, “influencers” and “content creators” (*creadores de contenido*).

Further in the preamble (III, 3rd paragraph), the royal decree contains the following clarification:

Aware of the growing influence of these subjects in the Spanish, European and international audiovisual and advertising market in general, the Spanish legislator also chose to regulate, beyond the mandatory provisions provided for in Directive (EU) 2018/1808 of the European Parliament and of the Council, of 14 November 2018, the figure of “influencers” in Article 94 of Law No. 13/2022 of 7 July 2022, which it calls “users of special relevance” who use video-sharing services through a platform.²¹

In this context, and for the purpose of this study, the definition provided in the royal decree can be considered as a definition of the concept of “*influencer*”.

At the time of writing, several draft laws in the making in other countries included definitions of the concept of “*influencer*”.

través de plataforma, en desarrollo del artículo 94 de la Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual).

²¹ Official quote in Spanish: *Consciente de la creciente influencia de estos sujetos en el mercado audiovisual y publicitario español, europeo e internacional en general, el legislador español también optó por regular, más allá de las provisiones de obligado cumplimiento previstas en la Directiva (UE) 2018/1808 del Parlamento Europeo y del Consejo, de 14 de noviembre de 2018, la figura de los «influencers» en el artículo 94 de la Ley 13/2022, de 7 de julio, a los que denomina «usuarios de especial relevancia que empleen servicios de intercambio de vídeo a través de plataforma».*

The Slovenian draft Media Act²² (*Zakon o medijih*, ZMed-1, 2023), which was being discussed at the government level at the time of writing, proposes the introduction of a definition. It defines “influencers” as online content creators who post on social networks and video-sharing platforms and whose posts aim to influence society, public opinion or the personal opinion of individuals and the public, and whose posts may also have an economic interest in order to monetise the content. It does not include specific criteria, such as the number of followers or the frequency of posting.

In Belgium, a Bill to regulate digital commercial influence²³ aimed to provide a framework for influencers and make them accountable, protect subscribers and consumers, regulate child labour on digital platforms and grant them the right to be forgotten, and make platforms accountable. The bill also included a definition of an influencer, as a “natural or legal person carrying out an influencer marketing activity by electronic means” based on the definition adopted in France.²⁴ It was, however, never voted into law and is considered null and void following the general election of 9 June 2024.

Table 1. Definitions of “influencer” established in law

Country	Source	Definition
FR	Law No. 2023-451 of 9 June 2023 (Article 1)	Natural or legal persons who, for a fee, mobilise their celebrity among their audience to communicate to the public, by electronic means, content aimed at promoting, directly or indirectly, goods, services or any cause.
ES	Law No. 13/2022 of 7 July 2022, the LGCA (Article 94)	Users of video-sharing platforms meeting the following requirements: <ul style="list-style-type: none"> the service provided entails an economic activity for which its owner obtains significant income derived from its activity; the user of special relevance is the person editorially responsible for the content made available to the public in their service; the service provided is intended for a significant part of the general public and can have a clear impact on it; the function of the service is to inform, entertain or educate and the main objective of the service is the distribution of audiovisual content;

²² [Draft Media Act \(Zakon o medijih, ZMed-1\)](#).

²³ [Bill to regulate digital commercial influence \(Proposition de loi visant à encadrer l'influence commerciale numérique, 15 September 2023, DOC 55 3567/001\)](#).

²⁴ [Law No. 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating the excesses of influencers on social networks \(Loi n° 2023-451 du 9 juin 2023 visant à encadrer l'influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux\)](#).



Country	Source	Definition
		<ul style="list-style-type: none"> the service is offered through electronic communications networks and is established in Spain.

Source: Analysis of the responses to the EAO standardised questionnaire.

3.3. Definitions found in other sources

Although at the time of writing only France and Spain had a definition by law of the concept of “influencer”, in a majority of countries, one or several organisations, in most cases self-regulatory organisations for advertising but also media NRAs, have produced or collaborated on a definition to be used in the context of regulation or to help individuals falling under these definitions to understand which rules apply to them.

The sources of the soft law definitions highlight the fact that most definitions are provided in the context of the regulation of influencers from the consumer protection perspective (AT, BE-FR, BE-VL, BG, CY, EE, ES, FI, GR, HU, IE, NL, NO, PL, PT, RO, SE, SK, UK). Italy is the only case where the definition comes from the media NRA.

Estonia presents the particularity of having a soft law definition in guidelines co-published by the media NRA, the Consumer Protection and Technical Regulatory Authority (*Tarbijakaitse ja Tehnilise Järelevalve Amet – CPTRA*) which is also in charge of consumer protection, and the Estonian Marketing Association (*Turundajate Liit – TULI*).²⁵

Along with Estonia, only Italy has a soft-law definition based on media law, found in AGCOM Resolution No. 7/24/CONS of 10 January 2024 establishing the Guidelines to ensure compliance with the provisions of the Consolidated Law by influencers and the establishment of a technical round table²⁶ (*Delibera 7/24/CONS Linee-guida volte a garantire il rispetto delle disposizioni del Testo unico da parte degli influencer e istituzione di un apposite Tavolo tecnico*).

Table 2. Definitions in soft law and related legal basis

Definition related to consumer law	Definition related to the AVMSD
AT, BE-FR, BE-VL, BG, CY, EE, ES, FI, GR, HU, IE, NL, NO, PL, PT, RO, SE, SK, UK	EE, IT

19 countries (AT, BE-FR, BE-VL, BG, CY, EE, FI, GR, HU, IE, IT, NL, NO, PL, PT, RO, SE, SK, UK) have one or more such definitions and in 10 countries no definition was detected

²⁵ The guidelines refer to rules laid down in both the Advertising Act and the Media Services Act.

²⁶ [AGCOM Resolution No. 7/24/CONS of 10 January 2024 establishing the Guidelines to ensure compliance with the provisions of the Consolidated Law by influencers and the establishment of a technical round table \(*Delibera 7/24/CONS Linee-guida volte a garantire il rispetto delle disposizioni del Testo unico da parte degli influencer e istituzione di un apposite Tavolo tecnico*\)](#).

(CH, CZ, DE, DK, HR, LT, LU, LV, MT, SI). The definitions can be found in a variety of documents. Guidance documents, such as guidelines, guides and handbooks, constitute the most common source of these definitions (BE-FR, BE-VL, BG, CY, EE, FI, HU, IE, NO, PL, UK) along with various advertising codes and codes of ethics either as a stand-alone code or in an annex to an existing code (GR, HU, NL, RO, SK).

Other countries have definitions in other, more unique sources, as is the case in Ireland, with the 2022 study of influencer marketing by the Irish Competition and Consumer Protection Commission²⁷ (CCPC). It preceded the definition of the 2023 Guidance on Influencer Advertising and Marketing from the Advertising Standards Authority for Ireland and the CCPC which developed the idea that the term includes human, virtual and animal personas. The study defined an influencer as a social media content creator who often promotes or recommends items on social media, often in exchange for compensation.

In the UK, in addition to the guide jointly developed by the Advertising Standards Authority (ASA), the Committee of Advertising Practice (CAP) and the Competition and Markets Authority (CMA),²⁸ a 2022 report by the Digital, Culture, Media and Sport (DCMS) Committee of the House of Commons²⁹ defines an influencer as an individual content creator who builds trusting relationships with audiences and creates both commercial and non-commercial social media content across topics and genres.

Sweden is the only country within the scope of the study where a definition comes from case law, in a decision of the Patent and Market Court.³⁰ The court defined an influencer as a person who exerts influence on his or her audience, primarily through social media channels.

The definitions of the concept of influencer provided in the CCPC study, the DCMS Committee report and the decision by the Swedish Patent and Market Court are less comprehensive than most of those provided in the various guidance documents and codes. These sources only provide for a general definition of the concept of influencer, whereas most other definitions introduce additional details regarding certain specific aspects of the concept, such as the platforms commonly used by influencers, or even specific criteria to be considered as an influencer. In Slovakia, in addition to a definition in the Influencer Marketing Code of Conduct (IAB Slovakia),³¹ the European Consumer Centre Slovakia's website³² defines an influencer as a person who influences people through social networks and is able to influence their behaviour and thinking.

In Italy, the definition comes from AGCOM Resolution No. 7/24/CONS of 10 January 2024 establishing the Guidelines to ensure compliance with the provisions of the Consolidated Law by influencers and the establishment of a technical round table, which

²⁷ [CCPC research on social media influencers highlights the need for improvements in labelling influencer ads.](#)

²⁸ [Influencers' guide to making clear that ads are ads](#), by the Advertising Standards Authority (ASA), the Committee of Advertising Practice (CAP) and the Competition and Markets Authority (CMA).

²⁹ [Influencer culture: Lights, camera, inaction?](#), Twelfth Report of Session 2021-22, House of Commons, Digital, Culture, Media and Sport Committee, 9 May 2022.

³⁰ [Appealed Decision of the Patent and Market Court of 31 January 2020, in case No. PMT 798-19 \(Överklagat avgörande patent- och marknadsdomstolens dom 2020-01-31 i mål PMT 798-19\)](#) (in Swedish).

³¹ IAB Slovakia's [Influencer Marketing Code of Conduct \(Kódex influencer marketingu\)](#).

³² [European Consumer Centre Slovakia website: What is the responsibility of influencers towards consumers in Europe?](#)

explicitly refers to influencers being regulated under media law as AVMS providers. The Italian definition presents a key difference to the extent that it directly refers to Article 3(1)(a) and (b) of Legislative Decree No. 208 of 8 November 2021 (*Decreto Legislativo 8 Novembre 2021, N. 208*)³³ transposing Article 1(1)(a) AVMSD, which defines the concept of “audiovisual media service”. At the time of writing, the definition was in the process of being modified by another AGCOM Resolution.

AGCOM Resolution No. 472/24/CONS of 26 November 2024 launching the public consultation on the proposed amendments to the guidelines and code of conduct for influencers³⁴ (*Delibera 472/24/CONS Avvio della consultazione pubblica sulle proposte di modifica alle linee-guida e sul codice di condotta rivolti agli influencer*) aims to replace the definition of influencers outlined in point 5 of the Guidelines attached to Resolution No. 7/24/CONS.

The amended guidelines put on public consultation introduce a definition of “relevant influencers”, namely influencers who reach a subscriber count (so-called followers) of at least 500 000 on at least one social media or video-sharing platform used, or an average monthly view count of 1 million on at least one social media or video-sharing platform used.

Table 3. Definitions of “influencer” established in non-legislative sources

Country	Source and related legal framework	Definition
AT	Code of Ethics of the Advertising Industry (ÖWR) ³⁵	Influencers are persons who influence the behaviour of consumers by reporting on blogs, posts, tweets, videos and other social media measures for brands, services or products or by carrying out other marketing and promotional activities. Influencers communicate via various channels, but are primarily active in social networks. Influencer marketing takes place in the interest of a third party, in most cases an advertising company. Influencer marketing is a form of online marketing in which clients (usually advertising companies) book paid advertising on the channels (such as social media/website/blog/video or similar) of opinion leaders. The media presence, awareness and reputation of influencers support companies in making brands known, improving images of a brand or stimulating the sale of products or services. Influencers make a brand the topic of conversation and recommend it via blogs, in forums and social media as well as offline at events and in private surroundings. For the influencer, product

³³ [Legislative Decree No. 208 of 8 November 2021](#) (*Decreto Legislativo 8 novembre 2021, n. 208*).

³⁴ [AGCOM Resolution No. 472/24/CONS of 26 November 2024 launching the public consultation on the proposed amendments to the guidelines and code of conduct for influencers](#) (*Delibera 472/24/CONS Avvio della consultazione pubblica sulle proposte di modifica alle linee-guida e sul codice di condotta rivolti agli influencer*).

³⁵ ÖWR’s [Code of Ethics of the Advertising Industry](#) (2021).



Country	Source and related legal framework	Definition
		samples, financial compensation or other benefits represent entrepreneurial or private values that are to be regarded as income. Essentially, two conditions characterise influencer activities as marketing communication: compensation and content control.
BE (FR, VL)	Guidelines of the Communication Centre on online influencers (JEP) ³⁶	Influencers are influential people who have built up a relevant online community. On social networks and websites, influencers function as content creators (Instagrammers, YouTubers, Twittos, streamers, podcasters, Pinterest influencers, TikTokers, Twitch influencers, etc.).
BG	Handbook for good practices in influencer marketing in Bulgaria (IAB Bulgaria) ³⁷	A person or group who creates content on social networks in front of a large and/or a selected audience and influences the behaviour or opinion of their own followers.
CY	Guide to Influencer Marketing (ACA) ³⁸	Independent third-party endorsers who shape audience attitudes through blogs, posts, tweets and the use of social media. For the purposes of this guide, the concept of influencer includes any human or virtually produced persona (virtual influencer), that is active on any social media platform, such as Facebook, Instagram, TikTok, YouTube, etc. and may be named differently depending on the social media platform, e.g. “vlogger”, “blogger”, “creator”, “uploader”, etc.
EE	Guide for advertisers on social media (TTJA, TULI) ³⁹	A person who creates or shares content on social media and whose posts are followed by the public, no matter the number of followers or if posts are visible to all or followers only.
ES	Code of conduct regarding the use of influencers for advertising purposes (AUTOCONTROL) ⁴⁰	People who are considered to have a high level of influence on the public due to their high number of followers on social networks and/or digital media and who interact through tweets, videos and posts, as well as through messages on blogs or other means. The category includes so-called “social media influencers” such as “bloggers”, “YouTubers”, “Instagrammers” and “Facebookers”.

³⁶ [Guidelines of the Communication Centre on online influencers](#) (*Recommandations du Centre de la communication en matière d'influenceurs*).

³⁷ [Handbook for good practices in influencer marketing in Bulgaria](#) by the Interactive Advertising Bureau (IAB) Bulgaria.

³⁸ The Advertising Control Agency's [Guide to Influencer Marketing](#).

³⁹ [The Guide for advertisers on social media](#), published on 22 September 2020 by TTJA and TULI.

⁴⁰ [Code of conduct regarding the use of influencers for advertising purposes](#), AUTOCONTROL, 2020.



Country	Source and related legal framework	Definition
FI	Guidelines for influencer marketing in social media (KKV) ⁴¹	<p>A professional influencer refers to an individual for whom influencing is their primary occupation.</p> <p>A non-professional influencer refers to a consumer for whom content production for social media is a leisure time activity and not an occupation. In this case, the activities carried out by the influencer are not subject to the Consumer Protection Act or the authority of the Consumer Ombudsman. Despite this, the labelling of advertising is vital, because followers will otherwise not be able to avoid subliminal advertising.</p>
GR	Influencer Marketing Annex to the Advertising Code ⁴²	<p>The concept of influencer includes any person, real or virtual (virtual influencer), who is active on any online social networking platform, such as Facebook, Instagram, Snapchat, TikTok, YouTube, etc. and can be called by different names depending on the platform, such as vlogger, blogger, creator, uploader, etc.</p>
HU	<p>Advertising Code of Ethics⁴³</p> <p>Guidance on Influencer Marketing⁴⁴</p>	<p>Advertising Code of Ethics</p> <p>A known person (e.g. public figure), a non-known person (e.g. consumer), a YouTuber, blogger, vlogger, as well as a virtual person (e.g. robot, fictional character), personified character, animal, who has created content or on whose behalf content has been created by another (e.g. guest posts) on their own website, social media page, video-sharing or other online platform for commercial purposes (for remuneration), regardless of the size of their following. The advertiser can use the influencer to influence the purchase of their product or service in the digital environment. The cooperation between the influencer and the brand can be ad hoc or long term (e.g. brand ambassador), and can be established through intermediaries (agency, media company).</p> <p>Guidance on Influencer Marketing</p> <p>A person or thing, a virtual entity (such as an animal, a mascot, a digital character, an avatar), capable of influencing and shaping consumer opinion in the digital environment, even if they are a minor, who creates and publishes online content on their own website, social</p>

⁴¹ Guidelines for influencer marketing in social media by the Finnish Competition and Consumer Authority (*Kilpailu- ja kuluttajavirasto – KKV*) (in [English](#) and [Finnish](#)).

⁴² [Influencer Marketing Annex to the Advertising Code](#) (*Συμβούλιο Ελέγχου Επικοινωνίας*).

⁴³ [Hungarian Advertising Code of Ethics](#) (*Magyar Reklámetikai Kódex*).

⁴⁴ [Guidance on Influencer Marketing](#) (*Tájékoztató az influencers marketingről*).



Country	Source and related legal framework	Definition
		media page, video-sharing or other online platform, whether as an occasional or permanent partner or as a dedicated brand ambassador, whether the content is their own or a guest post; in most cases, the opinion leader has a committed follower base.
IE	<p>Online Behaviour – Influencer Marketing Study (CCPC)⁴⁵</p> <p>Guidance on Influencer Advertising and Marketing (ASA Ireland and CCPC)⁴⁶</p>	<p>Online Behaviour: Influencer Marketing Study</p> <p>A social media content creator who often promotes or recommends items on social media, often in exchange for compensation.</p> <p>Guidance on Influencer Advertising and Marketing</p> <p>This guidance applies to all those who promote or recommend products or services on social media for a benefit (monetary or non-monetary). This includes but is not limited to influencers, content creators, online personalities, online streamers, bloggers/vloggers, celebrities, or media personalities. This includes human, virtual, or animal personas.</p> <p>In the remainder of this guide, the term “influencer” is used to cover all the above terms.</p>
IT ⁴⁷	<p>AGCOM Resolution No. 7/24/CONS of 10 January 2024 establishing the Guidelines to ensure compliance with the provisions of the Consolidated Law by influencers and the establishment of a technical round table (Annex A)⁴⁸</p>	<p>Influencers are individuals engaged in an activity identical or otherwise comparable to that of an audiovisual media service provider subject to national jurisdiction where they are found to jointly meet the following requirements:</p> <ul style="list-style-type: none"> • the service provided constitutes an economic activity under Articles 56 and 57 of the TFEU; • the main purpose of the service is the provision of content, created or selected by the influencer, that informs, entertains or educates and that is capable of generating revenues directly from the execution of commercial agreements with manufacturers of

⁴⁵ [Online Behaviour: Influencer Marketing Study](#) by the Competition and Consumer Protection Commission.

⁴⁶ [Guidance on Influencer Advertising and Marketing](#) by the Advertising Standards Authority Ireland and the Competition and Consumer Protection Commission.

⁴⁷ AGCOM Resolution No. 472/24/CONS of 26 November 2024 launching the public consultation on the proposed amendments to the guidelines and code of conduct for influencers (*Delibera 472/24/CONS Avvio della consultazione pubblica sulle proposte di modifica alle linee-guida e sul codice di condotta rivolti agli influencer*) aims to replace the definition of influencers outlined in point 5 of the Guidelines attached to Resolution No. 7/24/CONS. At the time of writing, it was in public consultation.

⁴⁸ [AGCOM Resolution No. 7/24/CONS of 10 January 2024 establishing the Guidelines to ensure compliance with the provisions of the Consolidated Law by influencers and the establishment of a technical round table](#) (*Delibera 7/24/CONS Linee-guida volte a garantire il rispetto delle disposizioni del Testo unico da parte degli influencer e istituzione di un apposito Tavolo tecnico*).



Country	Source and related legal framework	Definition
		<p>goods or services or indirectly through the execution of monetisation agreements by the platform or social media used;</p> <ul style="list-style-type: none">• the influencer has the editorial responsibility over the content, which includes effective control on the creation, selection and organisation of the same content;• the service is accessible to the general public, reaches a significant number of users in the Italian territory, has a relevant impact on a significant portion of the audience and the content is disseminated through a video-sharing platform service or social media;• the service allows on-demand access to their content by the user;• the service is characterised by a stable and effective link with the Italian economy;• the content is provided through the use of the Italian language or is explicitly targeted at users on the Italian territory.
NL	Advertising Code for Alcoholic Beverages ⁴⁹	Somebody who, through social media, influences a particular target audience. For example, a distributor can be an influencer.
NO	Guidelines for influencer marketing of certain goods and services to children and young adults. (FIM) ⁵⁰	A person or group who has their own channels with a following, and who influences and engages their followers over time. An influencer can have different professional backgrounds for their business, for example from sports, entertainment, politics, lifestyle and cultural life.
PL	Recommendations regarding content advertised by influencers on social media (UOKiK) ⁵¹	A content creator actively running his/her social media to communicate with his/her followers, whose opinions, decisions, or behaviours may be influenced by influencers' publications.

⁴⁹ Advertising Code for Alcoholic Beverages (*Reclamecode voor alcoholhoudende dranken* – RVA) (in [Dutch](#) and [English](#)).

⁵⁰ [Guidelines on Influencer Marketing](#) by the Special Committee for Influencer Marketing (*Fagutvalget for influencermarkedsføring* – FIM).

⁵¹ [Recommendations regarding content advertised by influencers on social media](#) (*Rekomendacje Prezesa UOKiK dotyczące oznaczania treści reklamowych przez influencerów w mediach społecznościowych*).



Country	Source and related legal framework	Definition
PT	Guide for influencers and advertisers ⁵² (DGC)	A person or a character in the digital environment who has the potential to influence others regardless of the number of consumers that follow and accompany his/her publications. Influencers are also creators of digital content and are an important source of information and of influence for consumers who trust them.
RO	The Code of Good Practices in Influencer Marketing (IAB Romania) ⁵³ Code of Advertising Practice (RAC) ⁵⁴	<p>The Code of Good Practices in Influencer Marketing</p> <p>People who have the potential to create engagement, stimulate conversation and/or influence the decision to buy products or services for a target audience.</p> <p>Code of Advertising Practice</p> <p>Influencer (e.g. blogger/vlogger/referral initiator): a person who makes public his/her point of view and/or offers advice on some of the advertiser's products and/or services on the basis of a contractual report in a manner and style which are their own. An influencer can intervene in an editorial context or in collaboration with a brand in order to publish specific commercial content.</p>
SE	Appealed decision of the Patent and Market Court PMT 798-19 (Appendix A) ⁵⁵	A person who exerts influence on his or her audience, primarily through social media channels.
SK	Influencer Marketing Code of Conduct (IAB Slovakia) ⁵⁶	<p>An entity or person who, by virtue of their popularity, is a bearer of a social function with the ability to influence their audience and motivate them to take certain actions or hold certain opinions.</p> <p>In most cases, an influencer is a publicly known, real or fictitious digital personality who operates mainly on social networks and is able to influence the purchasing decisions of their audience through their identity and appearance. The influencer communicates mainly by publishing posts, blogs, videos or stories, and their audience consists of their followers (persons who subscribe to the influencer's posts from accounts created on their social networks), fans, as well as any other</p>

⁵² [Guide for influencers and advertisers \(Guia para influenciadores e anunciantes\)](#) by the General-Directorate for Consumers (Direção-Geral do Consumidor). The document can be found in the "Publicidade" section (in Portuguese).

⁵³ [The Code of Good Practices in Influencer Marketing \(Cod de bune practice în Influencer Marketing\)](#).

⁵⁴ The Code of Advertising Practice (Codul de Practică în Comunicarea Comercială) (in [Romanian](#) and [English](#)).

⁵⁵ [Appealed Decision of the Patent and Market Court of 31 January 2020, in case No. PMT 798-19 \(Överklagat avgörande patent- och marknadsdomstolens dom 2020-01-31 i mål PMT 798-19\)](#).

⁵⁶ IAB Slovakia's [Influencer Marketing Code of Conduct \(Kódex influencer marketingu\)](#).

Country	Source and related legal framework	Definition
		Internet users who may view their content. In influencer marketing, the influencer acts as an intermediary (communication channel) between the advertiser and the consumer, who, in return for cooperation, communicates the desired advertising message towards their audience (potential customers, consumers). The number of followers does not determine who is and who is not an influencer.
UK	<p>Twelfth Report of Session 2021-22, the DCMS Committee of the House of Commons⁵⁷</p> <p>Influencers' guide to making clear that ads are ads (ASA, CAP and CMA)⁵⁸</p>	<p>Report of Session of the DCMS Committee of the House of Commons:</p> <p>An "influencer" is an individual content creator who builds trusting relationships with audiences and creates both commercial and non-commercial social media content across topics and genres.</p> <p>Influencers' guide to making clear that ads are ads:</p> <p>For the purposes of this guide, the concept of an "influencer" includes any human, animal or virtually produced persona that is active on any online social media platform, such as Facebook, Instagram, Snapchat, TikTok, Twitch, YouTube, and others. Though they may be named differently on certain platforms or in regulatory frameworks, e.g., "bloggers", "streamers", "celebrities" or "content creators", they are all within scope of this guidance.</p>

Source: Analysis of the responses to the EAO standardised questionnaire.

While most definitions share basic common traits, differences can be observed between the countries analysed.

A large proportion of the definitions were produced by (or with the involvement of) actors from the consumer protection ecosystem, such as advertising self-regulatory organisations (advertising SROs) and national branches of the Interactive Advertising Bureau (IAB) (as is the case in BG, RO, SE, SK). As per their role, they define influencers from the consumer protection perspective.

The influence that influencers exert over their followers is a trait common to many definitions, but not all of them include indications as to the size of the audience. This appears to demonstrate a difference in approach to the concept itself: the definition by the

⁵⁷ [Influencer culture: Lights, camera, inaction?](#), Twelfth Report of Session 2021-22, House of Commons, Digital, Culture, Media and Sport Committee, 9 May 2022.

⁵⁸ [Influencers' guide to making clear that ads are ads](#), by the Advertising Standards Authority (ASA), the Committee of Advertising Practice (CAP) and the Competition and Markets Authority (CMA).

Estonian NRA's Guide for advertisers on social media⁵⁹ indicates that any social media user creating or sharing content with either the general public or only their own followers is to be considered an influencer. The definition by the Spanish advertising SRO,⁶⁰ AUTOCONTROL, explicitly refers to influencers as having "a large number of followers", which excludes social media users without a large number of followers from being considered as such.

Some definitions focus strictly on the individual's activity on social media platforms with no reference to the commercial influence they may have on their followers (EE, ES, GR, NO, PL and SE, for instance).

A common trait found in most definitions is that influencers should have a form of influence over a selected audience or the general public. This notion of general influence is found in 11 countries (AT, BE-FR, BE-VL BG, CY, ES, NL, NO, PL, PT, UK). In four countries (AT, HU, RO, SK), the definitions explicitly reference the influencer's ability to influence the purchase of goods or services, or consumer habits in general.

The commercial purpose can be a prerequisite (AT, HU, IE,⁶¹ IT) to fall under the definition of "influencer". The Italian definition is the only definition which refers only to income generation, when other definitions either do not mention benefits or do not define them as precisely (AT, IE,⁶² UK⁶³). In most cases, however, it is either referenced as the type of content that influencers can produce, along with non-commercial content (CY, UK) or not mentioned at all (BE-FR, BE-VL, BG, EE, ES, FI, GR, NL, NO, PL, RO, SE, SK).

A majority of definitions include the notion that influencers are content creators (BE-FR, BE-VL BG, CY, EE, GR, IE,⁶⁴ IT, PL, PT, UK), but some definitions do not.

3.4. Absence of definition and consequences

In 10 of the countries analysed (CH, CZ, DE, DK, HR, LT, LU, LV, MT, SI) within the scope of the study, no definition of the concept of "influencer" has been detected, either in legislation or elsewhere.

However, the existence of a definition, whether legal or not, is not a prerequisite for their regulation. While definitions may provide legal clarity to influencers, they are not necessary to regulate them, as they are in any case bound by advertising and marketing rules, and by the rules which apply to AVMS providers if they meet the required criteria.

The Danish case provides a good illustration of this situation in which influencers can be regulated from the consumer law perspective even in the absence of a national

⁵⁹ [The Guide for advertisers on social media](#), published on 22 September 2020 by TTJA and TULI.

⁶⁰ [Code of conduct regarding the use of influencers for advertising purposes](#), AUTOCONTROL, 2020.

⁶¹ As per the definition in the Guidance on Influencer Advertising and Marketing by the CCPC.

⁶² Benefits can be monetary and non-monetary according to the Guidance on Influencer Advertising and Marketing by the CCPC.

⁶³ Benefits are not mentioned explicitly in the Influencers' guide to making clear that ads are ads, by the ASA, the CAP and the CMA, but benefit can be assumed from "commercial [...] social media content".

⁶⁴ The definition in the Guidance on Influencer Advertising and Marketing by the CCPC.



definition. Denmark has no definition of the concept of “influencer” in legislation or in any other document. The Danish Consumer Ombudsman has, however, had to assess several cases of surreptitious advertising by influencers, and now provides information on its website with regard to influencers.⁶⁵ On its website, the Danish Consumer Ombudsman clarifies the situations in which an influencer is to be considered as a trader and must comply with the Danish Marketing Practices Act.⁶⁶ However, the Danish Consumer Ombudsman does not define who is to be considered as an “influencer”.

This highlights the fact that individuals fulfilling the various national definitions of the concept can still be regulated, if not as influencers, then as traders under the national consumer protection legislation or as AVMS providers under the national media legislation.

⁶⁵ [Danish Consumer Ombudsman website](#) (*Forbrugerombudsmanden*) (in Danish).

⁶⁶ [Danish Marketing Practices Act](#) (*Forbud mod skjult reklame*) (in Danish).

4. The regulation of influencers as AVMS providers

As indicated previously, the absence of a definition does not prevent influencers from being regulated under national legislation, but the legal framework which applies at the national level differs from one country to another.

Within the EU-27, Directive (EU) 2010/13 amended by Directive (EU) 2018/1808 (AVMSD) Article 1(1)(a) defines “audiovisual media service” as follows:

- (i) a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of the service or a dissociable section thereof is devoted to providing programmes, under the editorial responsibility of a media service provider, to the general public, in order to inform, entertain or educate, by means of electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC; such an audiovisual media service is either a television broadcast as defined in point (e) of this paragraph or an on-demand audiovisual media service as defined in point (g) of this paragraph;*
- (ii) audiovisual commercial communication;*

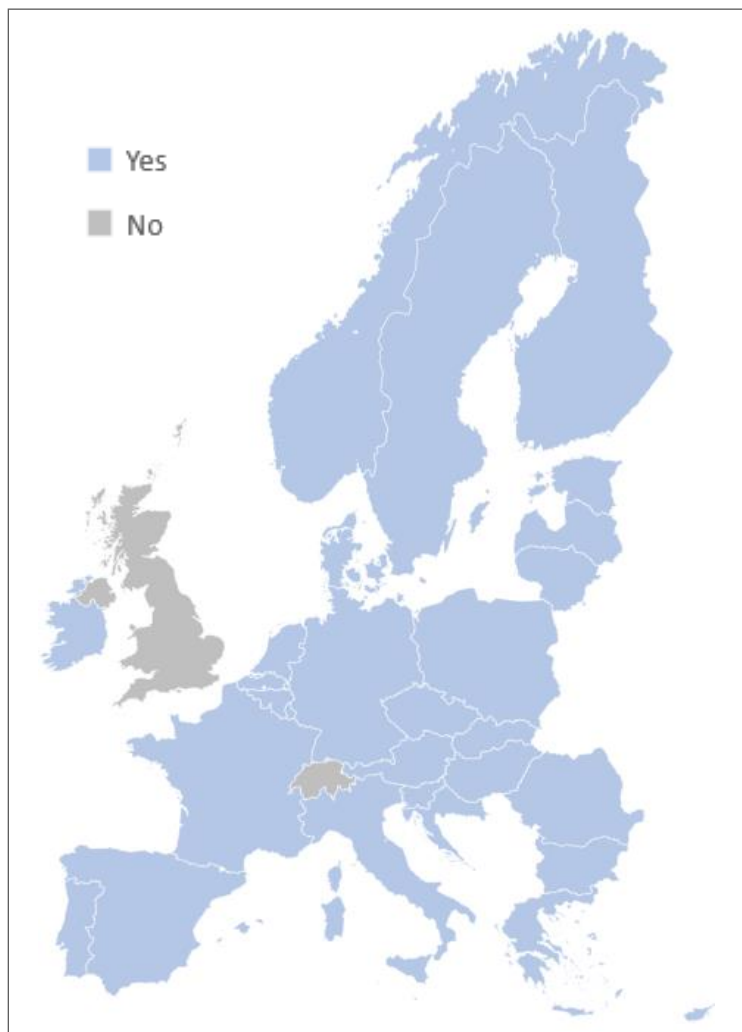
Based on that definition, influencers may also be considered as “audiovisual media service” providers in the sense of the AVMSD. As Article 1(1)(a) AVMSD was transposed in a substantially literal way in almost every member state of the EU-27, influencers may also be considered as AVMS providers under the national legislation of those member states.

Article 1(1)(a) AVMSD and its national transpositions never explicitly mention influencers but they do not exclude them either and can apply to them by extension. Similarly, none of the definitions found in law or soft law identified at national level exclude them from being considered as AVMS providers.

While the existence of a definition of the concept of “influencer” is not a prerequisite to their regulation as AVMS providers, additional criteria may be necessary to assess when an influencer can be considered as an AVMS provider.

Influencers may be considered as AVMS providers in all EU member states, as well as Norway.

Figure 2. Countries where influencers may be considered as AVMS providers



Source: Analysis of the responses to the EAO standardised questionnaire.

4.1. Influencers considered as AVMS providers

Article 1(1)(a) AVMSD was transposed in a substantially literal way throughout the EU-27.

Influencers may be considered as AVMS providers in all EU member states (AT, DE-FR, BE-VL, BG, CY, CZ, DE, DK, EE, ES, FR, FI, GR, HR, HU, IE, IT, LT, LU, LV, MT, NL, NO, PL, PT, RO, SE, SI, SK), on the basis of national transpositions of Article 1(1)(a) AVMSD. It is important to note that being considered as an AVMS provider only ever affects certain influencers, based on additional criteria that may vary, such as the size of their follower base, their reach and the presence of advertising in their content.

The fact that national legislation in most EU member states allows for influencers to be considered as AVMS providers under certain conditions, however, does not translate, at the time of writing, into systematic regulation of influencers under national media legislation within the EU-27. Many NRAs are still in the process of assessing how they

should regulate influencers, or are in the process of developing the means to do so. In Italy, AGCOM's Resolution No. 7/24/CONS,⁶⁷ which established the Italian definition of "influencer", is a good illustration of that process, as the resolution established a technical round table, in addition to setting out guidelines. Annex B to the resolution clarifies the role of the technical round table tasked with defining a disciplinary code containing further measures to ensure the compliance of influencers with Legislative Decree No. 208 of 8 November 2021.⁶⁸ The code will define, in particular, the application criteria of the essential provisions identified by the guidelines, the technical measures, the methods of registering influencers and the mechanisms for reporting violations to AGCOM. The tasks bestowed upon the technical round table, as established in the resolution, highlight the prerequisites for NRAs to be able to regulate influencers as AVMS providers.

As per the AVMSD, member states may require influencers meeting the criteria of audiovisual media service providers to register with the NRA. However, at the time of writing, some EU member states (12) had not implemented such a requirement for influencers.

Table 4. Registration of influencers as AVMS providers

Country	Influencers considered as AVMS providers	Obligations towards the NRA
AT	Yes	Registration with KommAustria
BE-FR	Yes	No registration obligation in place
BE-VL	Yes	No registration obligation in place
BG	Yes	No registration obligation in place
CH	No	N/A
CY	Yes	No registration obligation in place
CZ	Yes	Registration with the RRTV
DE	Yes	Influencers considered as on-demand AVMS providers: no registration obligation Influencers considered as broadcasters: registration with the <i>Länder's</i> media regulatory authority
DK	Yes	No registration obligation in place
EE	Yes	No registration obligation in place
ES	Yes	Registration with the CNMC
FR	Yes	Registration with Arcom

⁶⁷ [AGCOM Resolution No. 7/24/CONS of 10 January 2024 establishing the Guidelines to ensure compliance with the provisions of the Consolidated Law by influencers and establishment of a technical round table \(Delibera 7/24/CONS Linee-guida volte a garantire il rispetto delle disposizioni del Testo unico da parte degli influencer e istituzione di un apposite Tavolo tecnico\).](#)

⁶⁸ [Legislative Decree No. 208 of 8 November 2021 \(Decreto legislativo 8 novembre 2021, n. 208\).](#)



Country	Influencers considered as AVMS providers	Obligations towards the NRA
FI	Yes	No registration obligation in place
GR	Yes	Registration with the NCRTV*
HR	Yes	No registration obligation in place
HU	Yes	No registration obligation in place
IE	Yes	No registration obligation in place
IT	Yes	Registration with AGCOM*
LT	Yes	Registration with the RTK
LU	Yes	No registration obligation with ALIA, but notification to the Department of Media, Connectivity and Digital Policy
LV	Yes	Registration with the NEPLP
MT	Yes	No registration obligation in place
NL	Yes	Registration with the CvdM*
NO	Yes	Registration with the NMA
PL	Yes	Registration with the KRRiT
PT	Yes	No registration obligation in place
RO	Yes	Registration with the CNA
SE	Yes	Registration with the <i>Mediemyndigheten</i>
SI	Yes	No registration obligation in place
SK	Yes	Registration with the CMS
UK	No	N/A

*IT: implementation modalities to be defined by the technical round table to be established as per AGCOM Resolution No. 7/24/CONS of 10 January 2024.

NO: The registration obligation applies from 2025 with the implementation of the revised AVMSD in Norwegian law.

NL: influencers are also required to register with the Advertising Code Foundation.

GR: at the time of writing, no influencer had registered with the NCRTV despite Article 4 of NCRTV Regulatory Decision 1/2022. This may change with the entry into force of a draft law currently in preparation that could make registration with the NCRTV mandatory.

Source: Analysis of the responses to the EAO standardised questionnaire.

NRAs from 14 EU member states indicated they were requiring influencers considered as AVMS providers to register with them (AT, CZ, DE, ES, FR, GR, IT, LT, LV, NL, PL, RO, SE, SK). It does not constitute an explicit legal obligation as, with the exception of France and Spain, no EU member state mentions influencers in their national transposition of Article 1(1)(a) AVMSD. 12 EU member states do not yet require influencers to register or do not enforce yet the obligation of registration (BE-FR, BE-VL, BG, CY, DK, EE, FI, HR, HU, IE, MT, PT, SI).

In Luxembourg, influencers considered as AVMS providers must not register with the media NRA but must notify another public body.

Three EU member states where influencers can be considered as AVMS providers present specific situations with regard to their registration. In Luxembourg, influencers considered as AVMS providers are not required to register with the NRA, the Independent Luxembourgish Audiovisual Authority (ALIA), but they are required to notify the Department of Media, Connectivity and Digital Policy. In the Netherlands, influencers considered as AVMS providers are required to register with the NRA, the CvdM (*Commissariaat voor de Media*), but also with the Advertising Code Foundation (*Stichting Reclame Code – SRC*). Registration with the SRC is compulsory for all influencers, not just those considered as AVMS providers.

Germany presents a unique approach among all of the countries within the scope of the study. The equivalent of the term “on-demand audiovisual media service” from Article 1(1)(a)(i) in and (g) AVMSD is the term “broadcast-like telemedia” in Article 2(2)(13) of the Interstate Media Treaty (*Medienstaatsvertrag – MStV*),⁶⁹ the relevant media act for content-related regulation. Influencers, especially content creators on video-sharing platforms and social networks, can be considered as broadcast-like telemedia providers if they meet these criteria. The main assessment criterion in this case is the similarity to broadcasting. Again, this requires a case-by-case assessment of the individual offer of an influencer. In their guidance on political advertising, which is not legally binding but reflects their understanding, the 14 *Länder* media regulatory authorities, grouped under the umbrella organisation *die Medienanstalten*, point out that, in most cases, YouTube channels are covered and that social media profiles may be covered as well, if they include audiovisual content.

The MStV does not refer to the term “audiovisual media service provider” directly, nor does it contain an identical definition. The equivalent of the term “television broadcast” under Article 1(1)(a) and (e) of the AVMSD is the term “broadcasting” in Article 2(1) MStV. As the notion of “journalistic-editorial offers” is not subject to strict requirements, the main assessment criterion for influencers is their reliance on a broadcasting schedule. In their guidance document on broadcasting licences,⁷⁰ which is not legally binding but reflects their understanding of the legal rules, *die Medienanstalten* emphasise that this requires a case-by-case assessment. The more regularly and frequently a programme is disseminated, the more likely it is that a broadcasting schedule has to be assumed. Several influencers who are mostly specialised in the livestreaming of gaming content have broadcasting licences.⁷¹

⁶⁹ [Interstate Media Treaty \(Medienstaatsvertrag, – MStV\)](#) (in German).

⁷⁰ [Checklist: When do I need a broadcasting license? \(by the Länder media regulatory authorities\)](#) (*Checkliste: Wann benötige ich eine Rundfunklizenz*) (in German).

⁷¹ Several influencers have broadcasting licences, eg.: Kalimbo, Rocket Beans TV, MontanaBlack88 ([Übersicht der TV-Veranstalter](#), Hamburg/Schleswig-Holstein Media Authority), SlethZockt, NerdStar, Rewinside and Gronkh ([Sender mit Lizenz der Landesanstalt für Medien NRW – North Rhine-Westphalia Media Authority](#)).

As per Article 54 MStV, influencers considered as broadcasters are exempt from the authorisation requirement if they have little impact on the formation of individual and public opinion or reach or are expected to reach an average of less than 20 000 concurrent users over a six-month period.



Due to this distinction between live streamers and other influencers who do not livestream, not all influencers considered as AVMS providers in Germany are subjected to the same obligations. Live streamers are required to obtain a broadcasting licence (and appear as broadcasters in the registers of the corresponding *Länder* media regulatory authorities). Influencers considered as “broadcast-like telemedia” are not required to register with the media regulatory authorities.

Influencers cannot be considered as AVMS providers in either Switzerland or the UK.

In Norway, influencers may be considered as AVMS providers. YouTube channels and vlogs are required to comply with certain provisions of the Norwegian Act on broadcasting and audiovisual on-demand services⁷² (*Lov om kringkasting og audiovisuelle bestillingstjenester (kringkastingsloven)*) and the Regulation on broadcasting and audiovisual on-demand services⁷³ (*Forskrift om kringkasting og audiovisuelle bestillingstjenester*), with regard to sponsorship and commercial content. They are also required to comply with the provisions of the Act on the protection of minors against harmful audiovisual media content⁷⁴ (*Lov om beskyttelse av mindreårige mot skadelige bildeprogram mv.*) as well as the Regulation on the protection of minors against harmful audiovisual media content⁷⁵ (*Forskrift om beskyttelse av mindreårige mot skadelige bildeprogram*). The current legislation distinguishes video-based services (such as YouTube), and primarily text or still-image based services, currently labelled as social media (such as other video-sharing platforms like Facebook, Snapchat and Instagram), even though they also allow the sharing of videos.

A draft law transposing the AVMSD into Norwegian legislation proposes that users who share user-generated content on video-sharing platforms, but who do not fulfil the criteria of being providers of television or audiovisual media services, be required to comply with the Marketing Act.

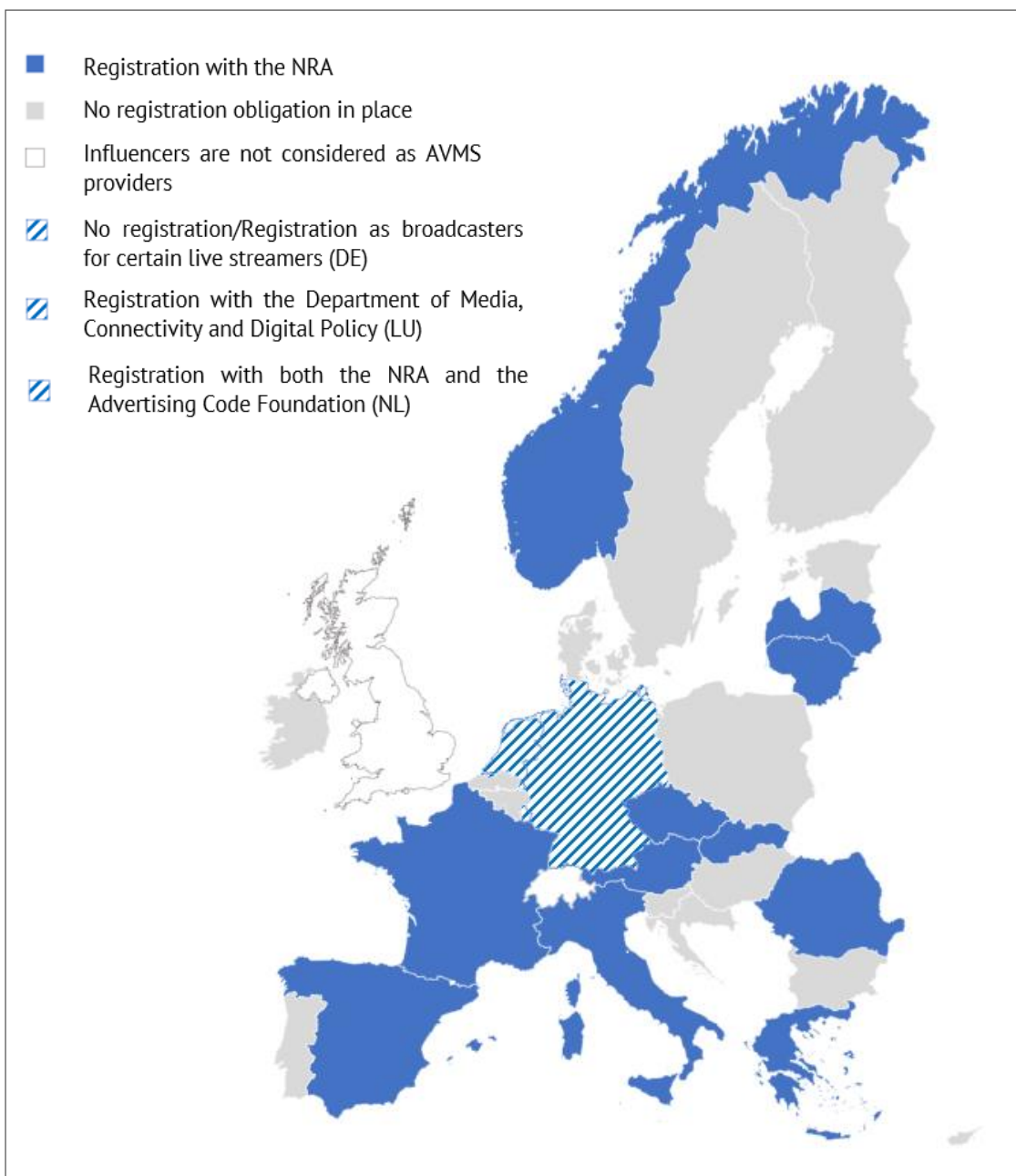
⁷² [Norwegian Act on broadcasting and audiovisual on-demand services](#) (*Lov om kringkasting og audiovisuelle bestillingstjenester (kringkastingsloven)*).

⁷³ [Regulation on broadcasting and audiovisual on-demand services](#) (*Forskrift om kringkasting og audiovisuelle bestillingstjenester*).

⁷⁴ [Act on the protection of minors against harmful audiovisual media content](#) (*Lov om beskyttelse av mindreårige mot skadelige bildeprogram mv.*).

⁷⁵ [Regulation on the protection of minors against harmful audiovisual media content](#) (*Forskrift om beskyttelse av mindreårige mot skadelige bildeprogram*).

Figure 3. Registration obligations imposed on influencers by NRAs



Source: Analysis of the responses to the EAO standardised questionnaire.

4.2. Additional criteria for influencers to be considered as AVMS providers

The possibility for influencers to be considered as AVMS providers under national legislation within the EU-27 does not imply that any kind of influencer is to be regulated as such. In countries where additional criteria and precise thresholds exist, an influencer falling just under the thresholds would not be subject to AVMSD-related obligations. In

countries with additional criteria but where no thresholds exist, the NRA assesses situations on a case-by-case basis.

Several EU member states have introduced such additional criteria (AT, CZ, ES, GR, IT, LT, NL).

Table 5. Additional criteria for influencers to be considered as AVMS providers

Country	Source	Precise threshold	Criteria
AT	KommAustria website – Special Information for Influencers ⁷⁶	No	<p>The information provided by KommAustria includes a list of six criteria to determine whether influencers are to be considered as AVMS providers, and how to register with KommAustria, should they meet the criteria. These criteria are identical for the categorisation of all AVMS providers, as follows:</p> <ul style="list-style-type: none"> - <i>revenue</i> - <i>editorial decision over the content created</i> - <i>the nature of the content</i> - <i>the fact that the content is the focus and not just a supplement to something else</i> - <i>the fact that the content can be viewed online</i> - <i>the audience.</i>
CZ	RRTV website – Obligation for content creators of audiovisual media content to register (Press release) ⁷⁷	No	<p>Audiovisual content creators meeting the following criteria are required to register with the RRTV:</p> <ul style="list-style-type: none"> - content creators whose activities generate profit; - content creators whose purpose is to inform, entertain or educate the general public; - content creators whose service reaches the general public through audiovisual content under their editorial control; - content creators who are based in Czechia.

⁷⁶ [KommAustria website: Information for social media channels.](#)

⁷⁷ [RRTV press release – Obligation for content creators of audiovisual media content to register \(Povinnost evidence tvůrců audiovizuálního mediálního obsahu\)](#), 21 November 2024.



Country	Source	Precise threshold	Criteria
ES	Royal Decree 444/2024 of 30 April ⁷⁸ Law 13/2022 of 7 July	<p>Revenue (Article 3, Royal Decree): EUR 300 000 (gross income over the previous calendar year)</p> <p>Reach (Article 4, Royal Decree): 1 million followers on a single platform or 2 million in the aggregate over all video-sharing platform services used</p> <p>Frequency (Article 4, Royal Decree): 24 videos published over the previous year</p>	<p>Criteria (Article 94, LGCA)</p> <p>Users of video-sharing platforms meeting the following requirements:</p> <ul style="list-style-type: none"> - <i>the service provided entails an economic activity for which its owner obtains significant income derived from its activity;</i> - <i>the user of special relevance is the person editorially responsible for the content made available to the public in their service;</i> - <i>the service provided is intended for a significant part of the general public and can have a clear impact on it;</i> - <i>the function of the service is to inform, entertain or educate and the main objective of the service is the distribution of audiovisual content;</i> - <i>the service is offered through electronic communications networks and is established in Spain.</i>
GR	Regulatory Decision 1/2022 of the National Council of Radio and Television (Article 3(2)) ⁷⁹	No	<p>According to Article 3 of Regulatory Decision 1/2022 of the National Council of Radio and Television, the production and the uploading of audiovisual content is considered as an AVMS, as long as this activity is carried out professionally. This can be determined by assessing the following criteria:</p> <ul style="list-style-type: none"> - <i>the regularity of uploads on one or more other platforms or social networks;</i> - <i>the registration of the provider in databases and other online tools that provide statistics and other elements for viewing their content;</i> - <i>the advertising of audiovisual content;</i> - <i>the use of tools provided by the video-sharing platform or social network to the user for classification of the videos uploaded;</i> - <i>the existence of commercial announcements in the videos uploaded;</i>

⁷⁸ [Royal Decree 444/2024 of 30 April 2024](#), the LGCA (*Real Decreto 444/2024, de 30 de abril, por el que se regulan los requisitos a efectos de ser considerado usuario de especial relevancia de los servicios de intercambio de vídeos a través de plataforma, en desarrollo del artículo 94 de la Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual*).

⁷⁹ [Regulatory Decision 1/2022 of ESR on Registration of audiovisual media services and related providers in the business register](#) (*Εγγραφή υπηρεσιών οπτικοακουστικών μέσων και οικείων πάροχων στο μητρώο επιχειρήσεων*).



Country	Source	Precise threshold	Criteria
			<ul style="list-style-type: none"> - <i>the drawing up of contracts with the video-sharing platform or social network with regard to the advertising revenue.</i>
IT ⁸⁰	AGCOM Resolution No. 7/24/CONS of 10 January 2024 (Annex A) ⁸¹	<p>Reach: 1 million followers</p> <p>Frequency: 24 pieces of content published over the previous year</p> <p>Engagement: 2% on average on at least one social media platform in the last six months</p>	<p>Influencers are individuals engaged in an activity comparable to that of an AVMS provider subject to national jurisdiction as defined in Article 3(1)(a) of Legislative Decree No. 208 of 8 November 2021 and the following additional criteria:</p> <ul style="list-style-type: none"> - <i>the provision of content is capable of generating revenue directly from the execution of commercial agreements with manufacturers of goods or services or indirectly through the execution of monetisation agreements by the platform or social media used;</i> - <i>their service allows on-demand access to their content by the user;</i> - <i>their service is characterised by a stable link with the Italian economy;</i> - <i>their content is provided through the use of the Italian language or is explicitly targeted at users on the Italian territory.</i>
LT	Decision No. KS-42 of the Lithuanian Radio and Television Commission of 30 March 2022 ⁸²	No	<p>The guidelines provide that a person (vlogger or channel) uploading content to a video-sharing platform (YouTube, Facebook, TikTok, etc.) is considered as an on-demand AVMS provider, if certain criteria are met:</p> <ul style="list-style-type: none"> - The service provider carries out an economic commercial activity. - The service provider provides programmes within the meaning of Article 2(40) of the Law on the Provision of Information to the Public of the Republic of Lithuania.

⁸⁰ AGCOM Resolution No. 472/24/CONS of 26 November 2024 launching the public consultation on the proposed amendments to the guidelines and code of conduct for influencers (*Delibera 472/24/CONS Avvio della consultazione pubblica sulle proposte di modifica alle linee-guida e sul codice di condotta rivolti agli influencer*) aims to replace the definition of influencers outlined in point 5 of the Guidelines attached to Resolution No. 7/24/CONS. At the time of writing, it was in public consultation.

⁸¹ [AGCOM Resolution No. 7/24/CONS of 10 January 2024 establishing the Guidelines to ensure compliance with the provisions of the Consolidated Law by influencers and the establishment of a technical round table \(Delibera 7/24/CONS Linee-guida volte a garantire il rispetto delle disposizioni del Testo unico da parte degli influencer e istituzione di un apposito Tavolo tecnico\).](#)

⁸² [Decision No KS-42 of the Lithuanian Radio and Television Commission of 30 March 2022 approving the Guidelines on the qualification and requirements for audiovisual media service providers providing services via video sharing platforms.](#)



Country	Source	Precise threshold	Criteria
			<ul style="list-style-type: none"> - The service provider's main purpose is to provide programmes for information, entertainment or educational purposes. - The service provider has editorial responsibility in respect of the programmes provided. - The service provider offers programmes for viewing at the user's request and at a time of the user's choosing in accordance with the catalogues offered, within the meaning of Article 2(73) of the Law on the Provision of Information to the Public of the Republic of Lithuania. - The service provider's target audience is the general public and has a demonstrable impact on it. Service providers/channels with a significant following and a significant number of programme views over a period of less than 12 months should be considered as providers of on-demand AVMS which reach a wide public.
NL	CvdM policy rules on the classification of on-demand commercial media services ⁸³	<p>Reach: 500 000 followers</p> <p>Frequency: 24 videos in the last 12 months</p>	<p>The policy rules on the classification of on-demand commercial media services of the NRA (CvdM) define when an influencer is considered as an on-demand commercial media service that falls under the supervision of the CvdM. If an influencer is considered as such, the general rules for on-demand commercial media services apply.</p> <p>On the basis of the policy rules of the CvdM, influencers are considered as providers of an on-demand commercial media service when they:</p> <ul style="list-style-type: none"> - are active on YouTube, Instagram and/or TikTok; - have at least 500 000 followers/subscribers; - have posted at least 24 videos in the last 12 months; - earn from the videos (money or free products); - and are registered as an entrepreneur with the Dutch Chamber of Commerce.

Source: Analysis of the responses to the EAO standardised questionnaire..

⁸³ [2022 Classification of On-Demand Commercial Media Services Policy Rules.](#)

Some countries have opted to include thresholds under which an influencer is not considered as an AVMS provider (ES, IT, NL). Other countries have opted to indicate criteria without setting precise thresholds, indicating a case-by-case analysis of influencers in determining whether they should be considered as AVMS providers (AT, GR, LT).

The most common criteria relate to revenues and the online character of the service (AT, CZ, ES, GR, IT, LT, NL). Although the latter is not always written explicitly, the online character is always at least implied. The following most common criteria are reach (AT, ES, IT, LT, NL) and frequency in posting (ES, GR, IT, NL).

In Austria, where KommAustria has not set precise thresholds, frequency in posting is not mentioned as an important criterion but the nature of the content and the fact that the content itself should be the purpose rather than just a supplement to something else are taken into account in the NRA's assessment of whether an influencer is to be considered as an AVMS provider.

In Greece, the criteria focus on determining whether an influencer exercises the activity professionally. To do so, in addition to other commonly used criteria, the NCRTV looks into the influencer's registration in databases or tools allowing for the provision of statistics on their content, and whether they use the tools provided by the platforms they use to classify their videos.

In Italy, the question of whether an influencer can be considered as an AVMS provider is dependent on the use of the Italian language, or the specific targeting of users on the Italian territory. The service should also be characterised by a stable link with the Italian economy. AGCOM Resolution No. 7/24/CONS of 10 January 2024 also establishes that the content should be available to the user on demand.

Annex A of Resolution No. 472/24/CONS, in public consultation at the time of writing, will lower the threshold of the subscriber count to be considered as a "relevant influencer", currently set on 1 million followers resulting from the sum of the platforms and social media where they operate. In addition to the subscriber count criterion, the average number of monthly views will be taken into account. Any influencer with at least 500 000 subscribers or a number of average monthly views reaching 1 million on at least one social media platform or VSP will be considered a "relevant influencer". The other criteria established by AGCOM Resolution No. 7/24/CONS, frequency and engagement, will not be taken into account anymore.

Reaching one of these thresholds on a platform obliges such individuals to comply with the Guidelines and the Code of Conduct across all social media or video-sharing platforms where they have a profile, regardless of the number of subscribers they have or the views they achieve on those other platforms.

Additionally, AGCOM, clarified in the consultation that "the identified thresholds may be subject to periodic review by the Authority, also in light of the potential implementation of new social media platforms."

Table 6. Common criteria to assess whether influencers can be considered as AVMS providers

Country	Revenue/Presence of advertising	Reach	Frequency in posting	Editorial responsibility	Online
AT	•	•		•	•
CZ	•			•	•
ES	•	•	•	•	•
GR	•		•		•
IT	•	•	•		•
LT	•	•		•	•
NL	•	•	•		•

Source: Analysis of the responses to the EAO standardised questionnaire.

In Denmark, the media NRA has not developed criteria to assess whether influencers can be considered as AVMS providers. Interestingly, however, the Danish Consumer Ombudsman has gathered the criteria used by Danish courts in cases involving influencers suspected of engaging in surreptitious advertising, in order to assess whether they qualified as traders.⁸⁴

The number of followers was taken into account, with liable influencers, at the time of writing, having a range of between 70 000 and 900 000 followers along with a number of other criteria related to business ownership.⁸⁵

In Germany, *die Medienanstalten* has published a checklist aimed at helping services in determining whether they need a broadcasting licence. While German media regulatory authorities assess the categorisation of services on a case-by-case basis, the checklist reaffirms that, as per Article 54 MStV, there is in any case an audience threshold of 20 000 concurrent users over a six-month period.

⁸⁴ The Danish Consumer Ombudsman's website: [Ban on surreptitious advertising - social media](#).

⁸⁵ For the full list of criteria, refer to the national factsheet for Denmark.

5. Rules applying to influencers

The possibility of influencers being considered as AVMS providers in most countries within the scope of this study means that influencers may be subject to the same rules as the latter.

For countries within the EU, this means that influencers may be subject to national dispositions transposing the AVMSD. Neither Switzerland nor the UK consider influencers to be AVMS providers. In Norway, however, influencers may be considered as AVMS providers and are regulated by the NRA.

Among the EU member states that have transposed Article 1(1)(a) AVMSD in a substantially literal way, two other factors play a role in the regulation of influencers as AVMS providers.

Firstly, some countries have yet to develop criteria allowing them to determine which influencers are considered as AVMS providers, and put in place technical measures for their regulation.

Secondly, even in countries already actively regulating influencers as AVMS providers, only influencers meeting certain criteria (in terms of reach, frequency in posting content, the presence of advertising in their content, etc.) are considered as such.

In some countries, influencers matching the definition of the Influencer Legal Hub and engaging in advertising may not be considered as AVMS providers, for instance due to their audience not being considered large enough. As such, they would not be regulated under media law as AVMS providers, but the national legal framework for consumer protection would still apply to them.

5.1. Specific provisions aimed at influencers

As indicated in the section on definitions of the concept of “influencer”, two countries have introduced legislation specifically dealing with influencers: France and Spain.

French Law No. 2023-451 of 9 June 2023 amends not only Law No. 86-1067 of 30 September 1986 on the freedom of communication (*Loi Léotard*)⁸⁶ but also Law No. 2020-1266 of 19 October 2020 aimed at regulating the commercial exploitation of the image of children under the age of 16 on online platforms (*Loi n°2020-1266 du 19 octobre 2020*)⁸⁷ and the Labour Code (*Code du travail*).⁸⁸

⁸⁶ [Law No. 86-1067 of 30 September 1986 on the freedom of communication \(Loi n° 86-1067 du 30 septembre 1986 relative à la liberté de communication \(Loi Léotard\)\)](#).

⁸⁷ [Law No. 2020-1266 of 19 October 2020 aimed at regulating the commercial exploitation of the image of children under the age of sixteen on online platforms \(Loi n°2020-1266 du 19 octobre 2020 visant à encadrer l'exploitation commerciale de l'image d'enfants de moins de seize ans sur les plateformes en ligne\)](#).

⁸⁸ [Labour Code \(Code du travail\)](#).

With regard to the Law of 9 June 2023, the European Commission wrote to France⁸⁹ to indicate that influencers should still, in certain situations, be considered as AVMS providers and therefore follow the rules which apply to other AVMS providers.⁹⁰

Ordinance No. 2024-978 of 6 November 2024 modifies Law No. 2023-451 and is aimed at regulating commercial influence and combating the excesses of influencers on social networks (*Ordonnance n° 2024-978 du 6 novembre 2024 modifiant la loi n° 2023-451 du 9 juin 2023 visant à encadrer l'influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux*)⁹¹ thereby bringing it into conformity with EU law.⁹²

Law No. 2023-451 of 9 June 2023 was designed as a legal framework to protect both influencers and consumers, in particular the youngest among them, on social networks.

It introduces definitions of “influencer”, “influencer agent” (*agent d'influenceur*) and of the activity of an influencer agent. Influencers, their agents or the advertisers will have to draft written contracts above certain remuneration thresholds (financial or via other forms of benefits). As per Article 8, the contract will have to include information such as the nature of the activities, the conditions for remuneration and the application of French law, as long as they are targeting French users. It also introduces a principle of joint and several liability between the influencer, their agent and the advertiser. Influencers living outside of the EU but targeting French users are also required to designate a legal representative in the EU.

Article 3 widens the scope of measures protecting child influencers to all online platforms. Rules regarding the activity of child influencers had been introduced in Law No. 2020-1266 of 19 October 2020⁹³ aimed at regulating the commercial exploitation of the image of children under the age of 16 on online platforms (*Loi du 19 octobre 2020 visant à encadrer l'exploitation commerciale de l'image d'enfants de moins de seize ans sur les plateformes en ligne*).

Article 4 prohibits online commercial influence with regard to surgery, plastic surgery, certain financial products and services (including with regard to cryptocurrencies), therapeutic abstention, products containing nicotine, subscriptions to sports tips and predictions, and professional training. The use of wild animals⁹⁴ is also prohibited.

⁸⁹ [Information report No. 2339 by the National Assembly](#) (*Rapport d'information n°2339 de l'Assemblée Nationale*).

⁹⁰ [Information report No. 2339 by the National Assembly](#) (*Rapport d'information n°2339 de l'Assemblée Nationale*) (in French). Referring to the content of a letter by the European Commission, the report notes (p.33): “*La Commission estime, en effet, que les influenceurs « peuvent être qualifiés de fournisseurs de services de médias audiovisuels à la demande » au sens de cette directive, ce qui implique la nécessité pour ces derniers « de se conformer aux règles pertinentes énoncées dans ladite directive, y compris aux exigences d'équité et de transparence pour la publicité et les autres formes de communications commerciales audiovisuelles. »*”

⁹¹ [Ordinance No. 2024-978 of 6 November 2024](#) (*Ordonnance n° 2024-978 du 6 novembre 2024 modifiant la loi n° 2023-451 du 9 juin 2023 visant à encadrer l'influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux*).

⁹² [Panorama des lois – Ordonnance du 6 novembre 2024 modifiant la loi du 9 juin 2023 visant à encadrer l'influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux](#), 7 November 2024, *Vie publique*.

⁹³ [Law No. 2020-1266 of 19 October 2020 aimed at regulating the commercial exploitation of the image of children under the age of 16 on online platforms](#) (*Loi n° 2020-1266 du 19 octobre 2020 visant à encadrer l'exploitation commerciale de l'image d'enfants de moins de seize ans sur les plateformes en ligne*).

⁹⁴ Defined as animals not listed in Article L. 413-1 A of the [Environment Code](#) (*Code de l'environnement*).



Obligations with regard to the promotion of certain goods and services are further defined in Article 5. Article 5.2 establishes that the absence of an indication, by a “clear, legible and comprehensible mention, on any medium used, of the commercial intention” constitutes a deceptive commercial practice in the sense of Article L. 121-3 of the Consumer Code (*Code de la consommation*).⁹⁵

As per Article 5.1, images which have been modified with the purpose of making a person’s silhouette appear thinner or thicker, or any modification of a person’s facial features must be accompanied by the phrase “*images retouchées*” (modified images). Images produced by artificial intelligence must be accompanied by the phrase “*images virtuelles*” (virtual images).

In Spain, Law No. 13/2022 of 7 July, the LGCA⁹⁶ (*Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual*) was the first to introduce references to influencers in national legislation. It provided a definition of the concept of “users of special relevance”, a category of users which can include some influencers. In its preamble (IV, 14th paragraph), users of special relevance “using video-sharing services through a platform” are indicated as constituting a group including vloggers, influencers and opinion leaders.

Article 94 of Law No. 13/2022 of 7 July 2022, which introduces the definition of “users of special relevance”, was further developed by Royal Decree No. 444/2024 of 30 April 2024 on users of special relevance of video-sharing platforms (*Real Decreto 444/2024, de 30 de abril, por el que se regulan los requisitos a efectos de ser considerado usuario de especial relevancia de los servicios de intercambio de vídeos a través de plataforma, en desarrollo del artículo 94 de la Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual*).⁹⁷

Users of special relevance are referred to in Article 39 as providers who must be registered in the state register of AVMS providers, video-sharing platform service providers and audiovisual media aggregation service providers.

Article 94, in addition to defining “users of special relevance”, reiterates their obligation to register in the state register. It also encourages the adoption of self-regulatory and co-regulatory codes of conduct by their representatives or the associations representing them.

They are further mentioned in Articles 158 and 159 with regard to serious violations and minor violations. Failure to comply with the obligations set out in Article 94 for an uninterrupted period of one month constitutes a serious violation, while any other violation of those obligations is considered a minor offence.

⁹⁵ [Consumer Code \(Code de la consommation\)](#).

⁹⁶ [Law No. 13/2022 of 7 July 2022, the LGCA \(Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual\)](#).

⁹⁷ [Royal Decree No. 444/2024 of 30 April 2024 on users of special relevance of video-sharing platforms \(Real Decreto 444/2024, de 30 de abril, por el que se regulan los requisitos a efectos de ser considerado usuario de especial relevancia de los servicios de intercambio de vídeos a través de plataforma, en desarrollo del artículo 94 de la Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual\)](#).

Royal Decree No. 444/2024 of 30 April 2024 further developed Article 94 of Law No. 12/2022 of 7 July 2022, focusing on the provision of additional criteria in order to determine whether a user of special relevance is to be considered as an AVMS provider.⁹⁸

5.2. General media law provisions on AVMS providers applying to influencers

5.2.1. Overview of media law provisions applying to influencers

Within the EU, the rules set by the AVMSD apply to influencers meeting the criteria of Article 1(1)(a), as transposed nationally, even in the absence of specific, additional pieces of legislation like the French and Spanish laws.

This means that influencers meeting the definition of AVMS providers are subject to the same rules as other AVMS providers.

In all cases, with the exception of Germany, influencers may be considered as on-demand AVMS providers,⁹⁹ provided that they meet the criteria set out in national law, and potential additional criteria laid down by the NRA.

Influencers may also be considered as AVMS providers in Norway and be subjected to national rules applying to other AVMS providers.

In the case of Switzerland and the UK, influencers are not regulated under the national media legislation, as they are not considered as AVMS providers.

The AVMSD imposes several rules on AVMS providers which also apply to influencers if provided for at national level, notably concerning the protection of minors and the audiovisual commercial communications. Some of the examples brought to our attention include:

As per Article 5 AVMSD, media service providers shall make easily, directly and permanently accessible to the recipients of a service its name, geographical address of establishment, details allowing for it to be contacted rapidly, in a direct and effective manner and the member state with jurisdiction over it, as well as the competent regulatory authorities or bodies, or supervisory bodies. As explored in section 4.1, 14 European countries impose a registration obligation on influencers under their jurisdiction (at the time of writing; AT, CZ, DE, ES, FR, GR, IT, LT, LV, NL, PL, RO, SE, SK). In the context of that registration, influencers are required to provide the aforementioned information to the

⁹⁸ Refer to Section 6.2. “Additional criteria for influencers to be considered as AVMS providers” for more on the criteria added by Royal Decree No. 444/2024.

⁹⁹ In Germany, live streamers may be considered as broadcasters, while other influencers may be considered as on-demand AVMS providers.

NRAs and public. Other European countries may impose similar obligations at a later stage.¹⁰⁰

The rules with regard to incitement to hatred and public provocation to commit a terrorist offence, covered in Article 6 AVMSD, also apply to influencers. Similarly, the rules with regard to the protection of minors laid down in Article 6a AVMSD also apply to influencers.

Finally, the AVMSD also includes rules for the protection of users notably with regard to audiovisual commercial communications in its Articles 9 (on audiovisual commercial communications), 10 (on sponsoring) and 11 (on product placement).

5.2.2. Selected examples of enforcement actions against influencers based on media law

As indicated in section 4.1, the enforcement of media rules also applicable to influencers is not homogenous at the European level, highlighting differences in regulatory approaches and in how advanced some countries are with regard to setting up effective means to enforce the rules which apply to influencers as AVMS providers.

Several enforcement actions and case law were identified by national experts, illustrating in some cases the obligations of influencers with regard to the media legislation at the national level.

In the Netherlands, there have been instances of the enforcement of rules on influencers based on media law. Over the past years, the *Commissariaat voor de Media* (CvdM) has gone from informal exchanges with influencers to increasingly strict enforcement measures in its supervision of influencers. In June 2024, the CvdM imposed an administrative fine of EUR 6 075 on a video uploader¹⁰¹ for violation of Article 3.5b, paragraph 1, of the Media Act (*Mediawet*)¹⁰² due to advertising not being made recognisable as such in four videos. The investigation had been preceded by a previous warning requiring the influencer to modify the four videos and to make the advertising recognisable as such. When the videos were not modified, despite information about the regulations having been provided on several occasions, the CvdM decided to impose an administrative fine.

In Poland, the media NRA, the National Broadcasting Council (*Krajowa Rada Radiofonii i Telewizji* – KRRiT), imposed several financial fines on influencers in 2023 and 2024. Most of the penalties were for failing to apply to the Chairperson of the KRRiT for

¹⁰⁰ As indicated in section 4.1, many NRAs are still in the process of assessing how they should regulate influencers, or are in the process of developing the technical means to do so. Those NRAs may not be enforcing or not fully enforcing rules applicable to influencers as AVMS providers at the time of writing (or only engaging in the monitoring of their activities).

¹⁰¹ [Sanctiebeschikking overtreding reclameregels](#), CvdM website.

¹⁰² [Media Act 2008 \(Mediawet 2008\)](#).



registration,¹⁰³ as required as per Article 47ca of the Broadcasting Act (*Ustawa o radiofonii i telewizji*),¹⁰⁴ as influencers meeting the criteria of AVMS providers as defined in the same act.

The KRRiT also imposed a fine on the owner of a YouTube channel for publicly sharing a music video on the platform, the content of which not only violated the ban on promoting intoxicants and alcohol, but also threatened the physical, mental and moral development of minors.¹⁰⁵

In Germany, the Federal Court of Justice (*Bundesgerichtshof* – BGH) noted in two cases¹⁰⁶ where advertising was not labelled properly, although based on claims under consumer protection law¹⁰⁷ that if the influencers had complied with the obligations laid down in the Interstate Media Treaty (*Medienstaatsvertrag* – MStV)¹⁰⁸ and the Telemedia Act (*Telemediengesetz*), replaced by the Digital Services Law (*Digitale-Dienste-Gesetz* – DDG),¹⁰⁹ there could have been no unfair practice.

¹⁰³ KRRiT website: [A financial penalty for failure to enter an on-demand audiovisual media service into the register kept by the Chairman of the National Broadcasting Council, enforced by the regulator \(*Kara pieniężna za brak wpisu audiowizualnej usługi medialnej na ządanie do wykazu prowadzonego przez Przewodniczącego KRRiT, wyegzekwowana przez regulatora*\)](#), 15 May 2024.

¹⁰⁴ [Broadcasting Act \(*Ustawa o radiofonii i telewizji*\)](#).

¹⁰⁵ KRRiT website: [The District Court in Warsaw, 20th Commercial Division, dismissed the appeal of Łukasz Poszwa against the decision of the Chairman of the National Broadcasting Council to impose a fine of PLN 10,000 \(*Sąd Okręgowy w Warszawie Wydział XX Gospodarczy oddalił odwołanie Łukasza Poszwy od decyzji Przewodniczącego KRRiT w sprawie nałożenia kary w wysokości 10 tys. zł*\)](#), 22 November 2024.

¹⁰⁶ The “Influencer judgements”:

[Influencer I: BGH, judgement of 9 September 2021 – I ZR 90/20;](#)

[Influencer II: BGH, judgement of 9 September 2021 – I ZR 125/20;](#)

[Influencer III: BGH, judgement of 13 January 2022 – I ZR 35/21;](#)

[Influencer IV: BGH, judgement of 13 January 2022 – I ZR 9/21.](#)

¹⁰⁷ [Act against Unfair Competition \(*Gesetz gegen den unlauteren Wettbewerb* – UWG\) reformed by the \[Act to Strengthen Consumer Protection in Competition and Trade Law \\(*Gesetz zur Stärkung des Verbraucherschutzes im Wettbewerbs- und Gewerberecht* – GSVWG\\)\]\(#\)](#)

¹⁰⁸ [Interstate Media Treaty \(*Medienstaatsvertrag* – MStV\)](#).

¹⁰⁹ [Digital Services Law \(*Digitale-Dienste-Gesetz* – DDG\)](#).



5.3. Other non-media legal provisions applying to influencers

5.3.1. Consumer protection rules

Whether or not influencers may be considered as AVMS providers, they remain in all cases bound by national consumer protection rules.

In the EU, influencers who meet the definition of a “trader” as established in Article 2(b) of the revised Directive 2005/29/EC (Unfair Commercial Practices Directive – UCPD)¹¹⁰ are also subject to the rules set by its national transpositions.

The Influencer Legal Hub¹¹¹ summarises the criteria for an influencer to meet the definition of the UCPD, as follows:

- *generating revenue through content monetisation;*
- *engaging in commercial practices towards consumers (including communication around advertising or selling goods or products aimed at an audience which includes consumers);*
- *acting as a professional (in connection with his/her trade, business, craft or profession).*

In 2018, the Court of Justice of the European Union (the CJEU) offered additional clarifications on the application of the definition. In the Kamenova case,¹¹² the Administrative Court (*Administrativen sad*) of Varna in Bulgaria requested an interpretation of Article 2(b) and (d) of the UCPD. The request came after the Bulgarian Consumer Protection Commission (*Komisia za zashtita na potrebitelite*) had imposed fines on Ms Kamenova for an administrative offence in the context of the Law on Consumer Protection¹¹³ (*Zakon za zashtita na potrebitelite*) with regard to her publication of eight pieces of advertising on the online marketplace olx.bg. In essence, the CJEU was requested to determine whether Ms Kamenova could be considered as a trader.

In paragraph 38 of its judgment, the CJEU proposed additional criteria to determine when a person is “acting for purposes relating to his/her trade, business, craft or profession” (Article 2(b) UCPD):

- whether the sale on the online platform was carried out in an organised manner;

¹¹⁰ [Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation \(EC\) No 2006/2004 of the European Parliament and of the Council \(Unfair Commercial Practices Directive\).](#)

¹¹¹ European Commission’s [Legal brief #3 : When is an influencer a “trader”?](#)

¹¹² [Judgment of 4 October 2018, Kamenova, C-105/17, EU:C:2018:808.](#)

¹¹³ [Law on Consumer Protection \(Zakon za zashtita na potrebitelite\).](#)

- whether that sale was intended to generate profit;
- whether the seller had technical information and expertise relating to the products which she offered for sale which the consumer did not necessarily have, with the result that she was placed in a more advantageous position than the consumer;
- whether the seller had a legal status which enabled her to engage in commercial activities and to what extent the online sale was connected to the seller's commercial or professional activity;
- whether the seller was subject to VAT;
- whether the seller, acting on behalf of a particular trader or on her own behalf or through another person acting in her name and on her behalf, received remuneration or an incentive;
- whether the seller purchased new or second-hand goods in order to resell them, thus making that a regular, frequent and/or simultaneous activity in comparison with her usual commercial or business activity;
- whether the goods for sale were all of the same type or of the same value, and, in particular;
- whether the offer was concentrated on a small number of goods.

The CJEU considered, in the *Kamenova* case, that the sale of eight products on an online platform did not automatically make her a trader.

In the case of influencers, this means that a single endorsement deal will not immediately make an influencer a trader in the sense of the UCPD. Influencers engaging in commercial activity on a regular basis are, however, more likely to be considered as such.

The Danish approach to regulating influencers, at the time of writing,¹¹⁴ provides an illustration of regulation based purely on consumer protection law. Danish influencers who are also business owners must comply with LBK No. 866 of 15/06/2022 (*LBK nr 866 af 15/06/2022* – the Marketing Practices Act).

According to the Danish Consumer Ombudsman (*Forbrugerombudsmanden*), influencers are considered to be traders if they benefit (financially, or via other forms of benefits) from designing and posting commercial posts for businesses. This applies regardless of whether the influencer promotes their own company or products, or whether the influencer promotes a company or its products on behalf of that company.

The Danish Consumer Ombudsman further notes that, while influencers having a Central Business Register (CVR) number will automatically be considered as traders, influencers without a CVR number may still be considered as traders.

¹¹⁴ It must be noted that the Consumer Council (*Forbrugerrådet Tænk*), an independent private member organisation financed via external partners and specific public grants for single projects, advocates that influencers should be considered as media and be subject to the Radio and Television Broadcasting Act (*Lov om radio- og fjernsynsudsendelse*) when their content is similar to television programmes.



It also provides a list of criteria used by Danish courts to assess whether Danish influencers are traders, which includes some criteria not unlike those developed by NRAs (and in Spanish Law No. 13/2022 of 7 July 2022 and Royal Decree No. 444/2024). The criteria include an assessment of the number of followers, the presence of commercial communication and the existence of a form of compensation for the posts (financial or otherwise).

The Danish Consumer Ombudsman further notes that influencers may be considered as traders in relation to a specific post, if they are acting on behalf of a trader, even if they do not fit the criteria of traders themselves. In that case, they are also required to comply with the Marketing Practices Act.

Until October 2024, the Danish Consumer Ombudsman provided a guidance document for influencers in relation to hidden advertising. It was removed and replaced with updates to the Danish Consumer Ombudsman website.

In the absence of laws specific to the activities of influencers in the national legal framework for consumer protection, many countries within the scope of the report have seen private actors produce similar guidance documents.

5.3.2. Actions undertaken against influencers under national consumer protection laws

The importance of guidance documents is highlighted by the numerous breaches of consumer protection rules by influencers revealed through investigations by various stakeholders in the consumer protection ecosystem. For years, actors both public and private, have launched investigations and taken action against influencers who did not comply with advertising rules.

The Italian Competition Authority¹¹⁵ (*Autorità garante della concorrenza e del mercato*, AGCM) began investigating hidden advertising by influencers as early as 2017, and started sending moral suasion letters to influencers found to infringe consumer protection legislation.

The French Consumer Protection Authority¹¹⁶ (*Direction générale de la concurrence, de la consommation et de la répression des fraudes* – DGCCRF) investigated the commercial practices of influencers. It found that 60% of the influencers it had investigated since 2021 did not comply with regulations on advertising and consumer rights. As a consequence, the DGCCRF initiated several proceedings and sanctions against the consumer protection violations it had discovered, such as injunctions asking influencers to post Instagram stories detailing their violations.

¹¹⁵ Press release, Second moral suasion on influencer marketing: hidden advertising is always prohibited, including on social media (*Seconda moral suasion per influencer: pubblicità occulta vietata sempre, anche sui social network*), 6 August 2018, AGCM (in [English](#) and [Italian](#)).

¹¹⁶ [Marketing d'influence : 60% des influenceurs ciblés par la DGCCRF en anomalie](#), 23 January 2023, DGCCRF.



Similar investigations were conducted by the Romanian Consumer Protection Authority (*Autorităţii Naţionale pentru Protecţia Consumatorilor – ANPC*),¹¹⁷ the Irish Competition and Consumer Protection Commission (CCPC),¹¹⁸ the Norwegian Consumer Authority (*Forbrukertilsynet – NCA*),¹¹⁹ and the Spanish General Sub-directorate of Inspection and Sanctioning Procedures (*Subdirección General de Inspección y Procedimiento Sancionador – SGIPS*).¹²⁰

The CCPC found that 48.4% of the commercial content reviewed was “not labelled as advertising in any way”. The SGIPS found that 77.75% of the investigated content did not comply with disclosure obligations. In the case of Romania, the 10 biggest Instagram influencers were found to consistently fail to disclose advertising.

In Norway, following its investigation, 47 influencers were informed by the NCA that they had violated the rules with regard to hidden advertising.

In Latvia, the Consumer Rights Protection Centre (*Patērētāju tiesību aizsardzības centrs – PTAC*) had fined four influencers for unfair commercial practices. The first two fines were imposed in 2021 (for EUR 1 000 and EUR 1 500) for misleading commercial practices (infringement of the Unfair Commercial Practices Prohibition Law). The PTAC has fined two more influencers for the same type of infringement, with one fine reaching EUR 15 000.¹²¹ While the number of fines may appear low, this comes from the PTAC’s approach, which always begins with a warning to the influencer when an infringement is observed.

In light of widespread infringements by influencers, guidance documents have been developed in many countries, with the aim of providing influencers with clarity regarding the rules they should follow.

5.4. Guidance documents

Guidance documents have been identified in almost all of the countries analysed and they are often the source of soft law definitions of the concept of “influencer”. Three of the four countries (AT, CH, LU, MT) where no guidance documents for influencers have been identified are also countries where no definitions exist.

¹¹⁷ Press release, *The National Authority for Consumer Protection started in 2023 an action to verify the Instagram accounts of Romanians with influencer status in the online environment* (*Autoritatea Naţională pentru Protecţia Consumatorilor a demarat în anul 2023 o acţiune de verificare a conturilor de Instagram ale românilor cu statut de Influencer în mediul online*), 1 August 2023, ANPC (in [English](#) and [Romanian](#)).

¹¹⁸ [CCPC research on social media influencers highlights the need for improvements in labelling influencers’ ads](#), 13 December 2022, CCPC.

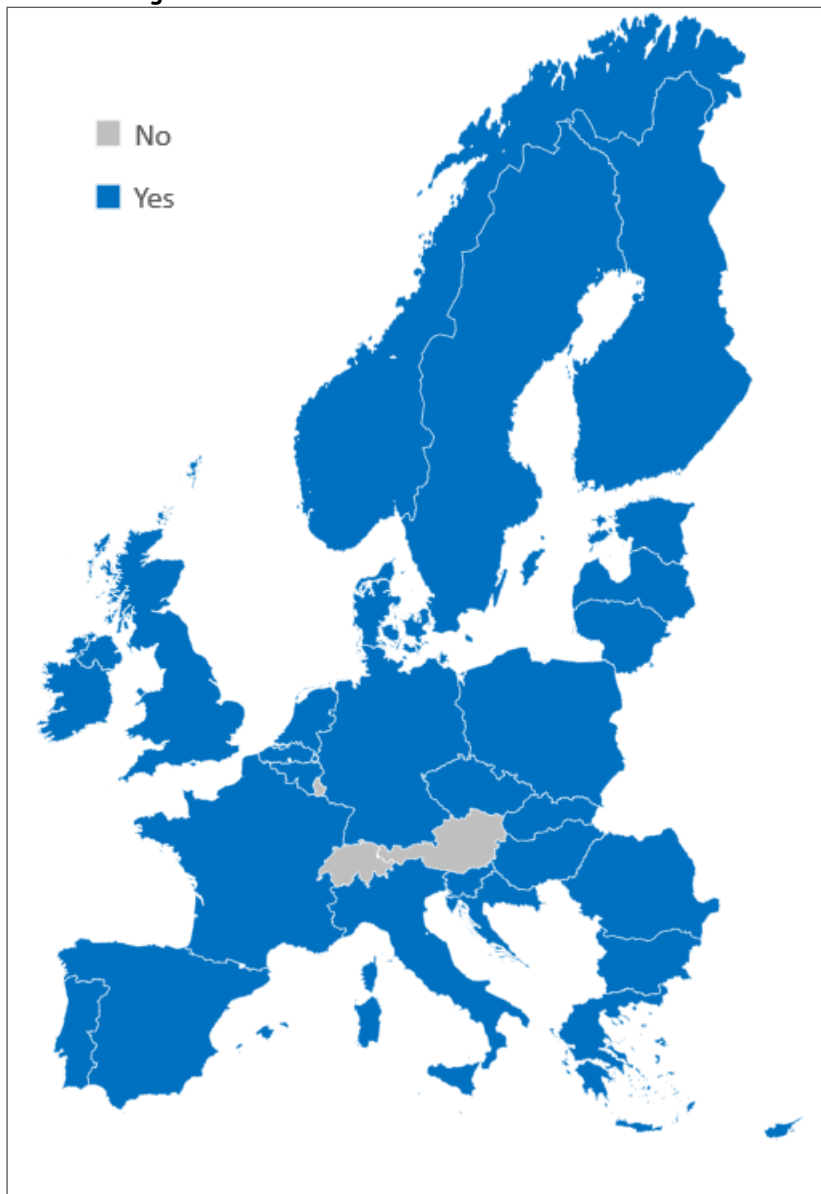
¹¹⁹ [47 advertisers violated the ban on hidden advertising](#) (*47 annonsører brøt forbudet mot skjult reklame*), 13 June 2022, NCA.

¹²⁰ Press release, [Consumer Affairs sends penalty warnings to major influencers for covert advertising](#) (*Consumo envía advertencias de sanción a grandes influencers por publicidad encubierta*), 20 July 2023, DSCA.

¹²¹ Press release, [PTAC imposes a fine of EUR 15 000 on an influencer](#) (*PTAC influencerei piemēro soda naudu 15 000 eiro apmērā*), 5 May 2023.

The exception is Austria, where a definition is included in the Code of Ethics of the Advertising Industry, although no guidance document targeting influencers specifically was identified.

Figure 4. Existence of guidance documents for influencers



Source: Analysis of the responses to the EAO standardised questionnaire.

In the majority (22) of cases (BE-FR, BE-VL, BG, CY, DK,¹²² ES, FI, FR, GR, HR, HU, IE, IT, NL, NO, PL, PT, RO, SE, SI, SK, UK), the guidance documents identified had been produced by (or with the involvement of) actors from the consumer protection ecosystem. National

¹²² The Guide for influencers on hidden advertising developed by the Danish Consumer Ombudsman was removed from its website, in favour of a suggestion for influencers to seek guidance directly on the [Danish Consumer Ombudsman website](#), which is to be continuously updated with new assessments and case law.

branches of the IAB and SROs are among the most commonly involved actors in producing those guidance documents.

SROs had published (or were involved in producing) 13 of the guidance documents identified (BE,¹²³ BG, CY, ES, FR, GR, IE, IT, NL, PT, RO, SI, UK). National branches of the IAB were involved in producing guidance documents in at least four countries (BG, ES, RO, SK). In Poland, the SRO *Rada Reklamy* and IAB Poland are jointly working on a Code of Conduct, expected to be published in 2025.

NRAs have also produced guidance documents (BE-VL, EE, NO). The Italian and Lithuanian NRAs have also produced guidelines with regard to influencers, but they are meant to clarify the criteria for influencers to be considered as AVMS providers, rather than being guidelines for the influencers themselves.

The Content Creator Protocol¹²⁴ (CCP) of the Flemish Regulatory Authority for the Media (VRM) is designed to help “content creators, vloggers, and influencers who post videos on social media platforms” comply with the rules. It consists of three main themes: commercial communications on social media, commercial communications and content aimed at minors, and the prohibition of hate speech and incitement to violence. It contains indications on what constitutes a commercial communication and the need to make them easily recognisable by followers and other viewers; it also includes a list of items the promotion of which is prohibited. With regard to minors, the CCP provides additional rules regarding videos specifically targeting children under one year, the prohibition of product placement and sponsorship, and indications on content that should not be viewed by minors. The CCP indicates that the latter can be achieved for instance with the addition of an age category upon uploading the video to the platform and by including a content description flagging the elements that could be inappropriate for minors in the video.

With regard to the general public, the CCP reminds content creators that any video made available to the general public must not contain incitement to violence or hatred directed against a group of people or a member of a group, in particular based on the grounds of gender, race, colour, ethnic or social origin, genetic features, language, religion or beliefs, political or other views, membership of a national minority, property, birth, disability, age or sexual orientation. It must also not contain a public provocation to commit a terrorist offence, as set out in Articles 137 and 140bis of the Penal Code (*Strafwetboek*).

The Estonian Guide for advertisers on social media¹²⁵ published by the NRA, the Consumer Protection and Technical Regulatory Authority (*Tarbijakaitse ja Tehnilise Järelevalve Amet* – CPTRA), and the Estonian Marketing Association (*Turundajate Liit* – TULI) focuses on advertising. It gives guidance on the proper labelling of advertising and how to disclose the presence of product placement, when a product being promoted was gifted and when a programme has been financed via sponsoring. While the guide does not include specific provisions with regard to the protection of minors, it includes a suggestion for

¹²³ In Belgium, the guidance document published by the SRO is common to both the French and Flemish Communities.

¹²⁴ VRM website: Content Creator Protocol – What is the Content Creator Protocol? (*Onafhankelijk toezichthouder voor de Vlaamse audiovisuele media*) (in [English](#) and [Flemish](#)).

¹²⁵ [The Guide for advertisers on social media](#), published on 22 September 2020 by the CPTRA and TULI.

influencers to refer to the Advertising Act, in particular with regard to advertising aimed at children.

At the time of writing, the CPTRA was working on the development of new guidelines specific to influencers considered as on-demand AVMS, with publication anticipated in 2025.

The Norwegian NRA, the Norwegian Media Authority (*Medietilsynet* – NMA), has published Guidelines for the labelling of marketing content on YouTube and other services (*Veileder til youtubere og videobloggere om merking av reklame*) and Guidelines for compliance with the Act on the protection of minors against harmful audiovisual media content¹²⁶ (*Slik må du merke videoar om du startar eigen Youtube-kanal*). These guidelines are based on the provisions of the Act relating to broadcasting and audiovisual on-demand services¹²⁷ (*Lov om kringkasting og audiovisuelle bestillingstjenester (kringkastingsloven)*), the Broadcasting Act) and the Regulation on broadcasting and audiovisual on-demand services¹²⁸ (*Forskrift om kringkasting og audiovisuelle bestillingstjenester*), as well as marketing legislation.

The Norwegian Media Authority has also produced Guidelines¹²⁹ for YouTube channels and vlogs to ensure compliance with the Act and Regulation on the protection of minors against harmful audiovisual media content (*Veileder til youtubere og videobloggere om merking av reklame*). The guidelines specify that videos posted on YouTube or other video-sharing platforms should be labelled as containing advertising, as long as the person posting them earns money or receives other benefits from the presentation of products or services in the videos.

In Italy, the guidelines established by AGCOM Resolution No. 7/24/CONS¹³⁰ detail the provisions laid down in Legislative Decree No. 208 of 8 November 2021 (*Decreto Legislativo 8 novembre 2021, n. 208*),¹³¹ as amended. The decree is intended for AVMS providers, and is also applicable to influencers meeting certain criteria; it lays the basis for the institution of a technical round table to introduce new rules applicable to influencers.

¹²⁶ [Guidelines for compliance with the Act on the protection of minors against harmful audiovisual media content](#) (*Slik må du merke videoar om du startar eigen Youtube-kanal*).

¹²⁷ [Norwegian Act relating to broadcasting and audiovisual on-demand services](#) (*Lov om kringkasting og audiovisuelle bestillingstjenester (kringkastingsloven)*).

¹²⁸ [Regulation relating to broadcasting and audiovisual on-demand services](#) (*Forskrift om kringkasting og audiovisuelle bestillingstjenester*).

¹²⁹ [Guidelines for the labelling of marketing content on YouTube and other services](#) (*Veileder til youtubere og videobloggere om merking av reklame*).

¹³⁰ [AGCOM Resolution No. 7/24/CONS of 10 January 2024 laying down the Guidelines to ensure compliance with the provisions of the Consolidated Law by influencers and the establishment of a technical round table](#) (*Delibera 7/24/CONS Linee-guida volte a garantire il rispetto delle disposizioni del Testo unico da parte degli influencer e istituzione di un apposito Tavolo tecnico*).

¹³¹ [Legislative Decree No. 208 of 8 November 2021](#) (*Decreto Legislativo 8 novembre 2021, n. 208*).

Table 7. Areas of activity of organisations which have produced guidance documents for influencers

Country	Guidance document ¹³²	Consumer protection	Media	Other
BE ¹³³	Guidelines on influencer advertising (JEP) Best practices in advertising by content creators and influencers (Federal Public Service of Economy)	•		•
BG	Handbook for good practices in influencer marketing in Bulgaria (IAB Bulgaria) Recommendation for the effective application of the National Ethical Standards for Advertising and Commercial Communication in respect of marketing through influencers (NCSR)	• •		
CY	Guide to influencer marketing (CARO)	•		
CZ	The Fair Influencer (Association for Internet Development)		•	
DE	Guidelines on the labelling of advertising in online media (<i>Länder</i> media regulatory authorities)		•	
DK*	Consumer Ombudsman website Ethical guidelines for bloggers and influencers (Danish Union of Journalists)	•	•	
EE	Guide for advertisers on social media (CPTRA)		•	
ES	Code of conduct regarding the use of influencers for advertising purposes (AUTOCONTROL, IAB Spain, Spanish Association of Advertisers)	•		
FR	Recommendation on Digital Advertising (ARPP)	•		
FI	Guidelines for influencer marketing in social media (Finnish Competition and Consumer Authority)	•		

¹³² Refer to the national summaries for links to all referenced guidance documents.

¹³³ Belgium is treated as a single entity for the purpose of this table as both of the referenced guidance documents are common to both the French and Flemish Communities.



Country	Guidance document ¹³²	Consumer protection	Media	Other
GR	Influencer Marketing annex to the Greek Advertising Code (CCC)	•		
HR	Code for advertising and market communication (HURA)	•		
HU	Code of ethics (Hungarian Advertising Association) Guidance on influencer marketing (Hungarian Competition Authority)	•		•
IE	Guidance on influencer advertising and marketing (CCPC, ASAI) Code of standards for advertising and marketing communications (ASAI)	• •		
IT	AGCOM guidelines Digital Chart Regulation (IAP)	•	•	
LT	Guidelines on the categorisation of and requirements for AVMS providers providing services via video-sharing platforms (RTK) Guidelines (State Consumer Rights Protection Authority) for opinion leaders on: - <i>cosmetics advertising</i> - <i>the advertising of healthcare and medical devices</i> - <i>the labelling of advertising</i> - <i>the advertising of essential oils</i> - <i>the advertising of CBD products (health-related).</i> Guidelines for influencers advertising financial services (Bank of Lithuania) Guidelines for alcohol and tobacco advertising on social networks (Drug, Tobacco and Alcohol Control Department)	•	•	• •
LV	Self-regulatory guidelines (<i>Golin Riga</i>)			•
NL	Advertising code for social media & influencer marketing (SRC)	•		
NO	Guidelines for the labelling of marketing content on YouTube and other services (NMA)		• •	



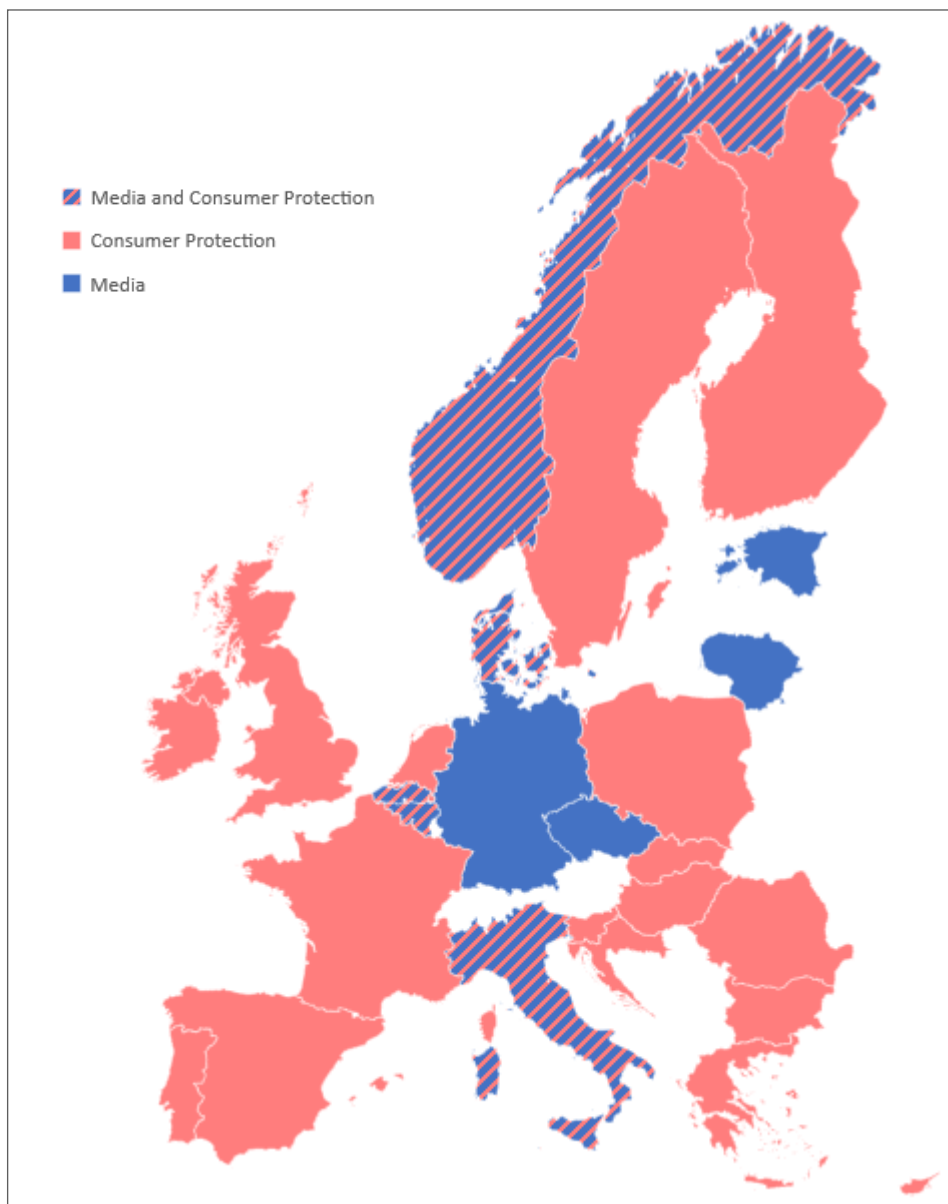
Country	Guidance document ¹³²	Consumer protection	Media	Other
	Guidelines for compliance with the Act on the protection of minors against harmful audiovisual media content (NMA) Guidelines on influencer marketing (FIM)	•		
PL*	Recommendations regarding content advertised by influencers on social media (UOKiK)			
PT	Guide for influencers and advertisers (General-Directorate for Consumers) Guide on influence marketing (ARP) Code of good practices (General-Directorate for Health)	• •		•
RO	Code of good practices in influencer marketing (IAB Romania) Code of advertising practice (RAC)	• •		
SE	Guidance on marketing in social media (<i>Konsumerverket</i>)	•		
SI	Recommendations on influencer marketing (Slovenian Advertising Chamber) 12 golden rules of influence marketing (Marketing Association of Slovenia)	• •		
SK	Influencer Marketing Code of Conduct (IAB Slovakia)	•		
UK	Guidance – Hidden ads: Being clear with your audience (CMA) Influencers guide to making clear that ads are ads (CMA, ASA, CAP) Influencer Marketing Code of Conduct (Incorporated Society of British Advertisers) Guidance for finance influencers (Financial Conduct Authority)	• • •		•

Source: Analysis of the responses to the EAO standardised questionnaire.

* DK: Until October 2024, the Danish Consumer Ombudsman provided a guidance document for influencers in relation to hidden advertising. It was removed and replaced with updates to the Danish Consumer Ombudsman website.

PL: The SRO Rada Reklamy and IAB Poland are jointly working on a Code of Conduct, expected to be published in 2025.

Figure 5. Existence of guidance documents from stakeholders of the media and/or consumer protection ecosystems



Source: Analysis of the responses to the EAO standardised questionnaire.

In the absence of specific guidance documents, SROs apply the International Chamber of Commerce’s ICC Code.¹³⁴ It is the case with Sweden, for instance, where the Swedish translation of the ICC Code was released in November 2024. The Swedish SRO,

¹³⁴ [ICC Advertising and Marketing Communications Code \(ICC:s Regler för reklam och marknadskommunikation\)](#).



Reklamombudsmannen, will begin applying the Swedish translation of the updated code to complaints received after 1 January 2025.

The ICC Code, in its 11th edition (2024), includes specific provisions with regard to influencers, in addition to definitions of “influencers” and “influencer marketing communications”.

6. Training programmes and certifications for influencers

Concern about suspected non-disclosure of commercial partnerships by influencers has led to numerous cases of NRAs and courts investigating alleged disguised advertising by influencers in countries within the scope of this report.¹³⁵ Some have resulted in fines, but in many cases where the NRA has been involved, the issue has been solved by engaging in a dialogue with the influencer suspected of not properly disclosing commercial partnerships. Influencers have often been reported to fail to properly disclose the commercial nature of their content after exchanges with the NRAs.

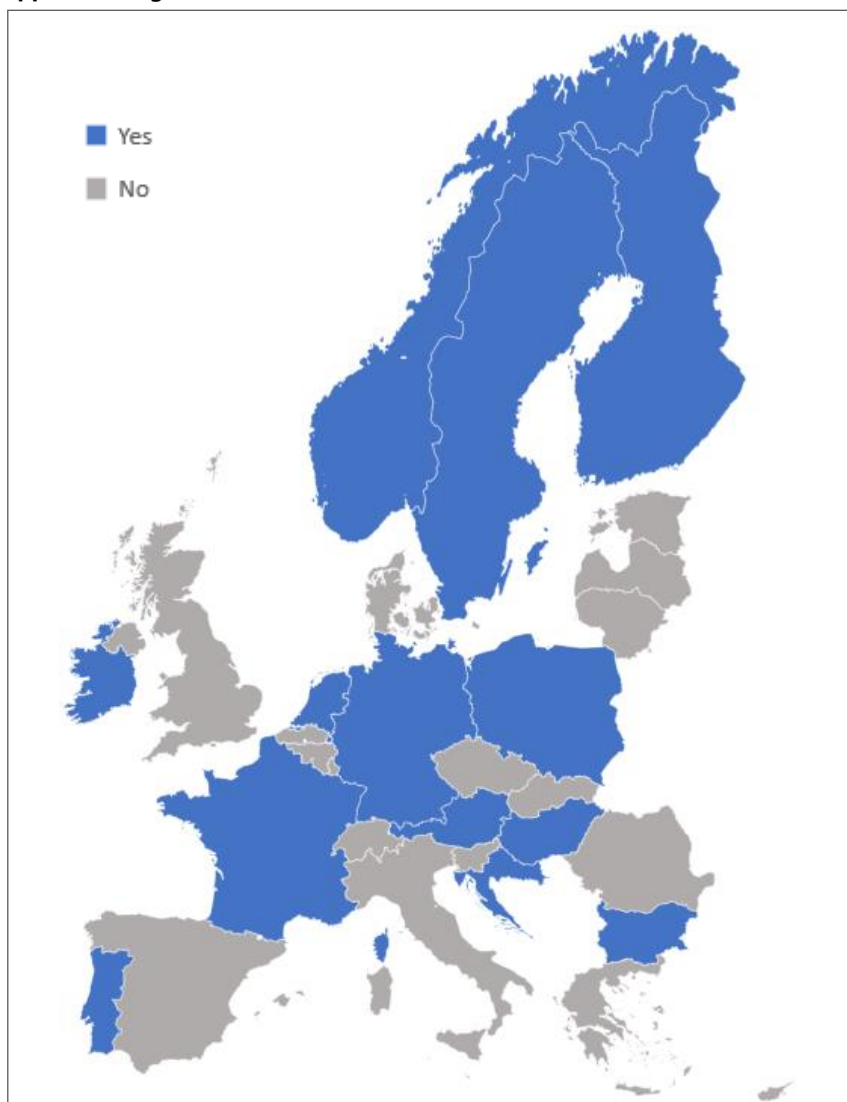
This appears to highlight a lack of understanding of the rules applying to them by many influencers. In that context, many of the actors involved in the regulation of influencers, both from the media and consumer protection perspectives, have developed guidance documents for influencers.

Over the years, numerous training programmes for influencers have been developed. The majority of them, however, focus on the influencers developing their reach, with fewer options focusing on thorough explanation of national rules applicable to the activity of influencers.

Training programmes for influencers with at least some form of focus on consumer protection rules applying to them have been identified in 13 countries (AT, BG, DE, FR, FI, HR, HU, IE, NL, NO, PL, PT, SE).

¹³⁵ Refer to national factsheets for more information.

Figure 6. Existence of training programmes for influencers with some form of focus on applicable legislation



Source: Analysis of the responses to the EAO standardised questionnaire.

Many of these programmes take the form of seminars, webinars or workshops. They are often organised by SROs (AT, DE, FR, GR, HU, IE, NL, SE) or national branches of the IAB (BG, PL, SE).

Some of the actions provide influencers who have followed them with certification (ES, FR, FI, NL, PT).

In Norway, it is the NRA, the NMA, which has conducted several courses with influencers and their agencies regarding the labelling of commercial content on YouTube and vlogs.



An important initiative with regard to the training of influencers is the EASA's Influencer Marketing Standards Training (IMST)¹³⁶ and the Certification for Responsible Influencer Marketing. The IMST is designed as a quick, accessible and affordable training programme for influencers and content creators across Europe. The certification then involves the monitoring of the activities of influencers who have completed the training, to ensure their compliance with the rules of certified influencers.

The content of the courses goes over the relevant fundamental principles of responsible advertising, such as transparency, non-misleading claims, legal and ethical advertising, social responsibility and specific principles with regard to minors and sustainability.

The training courses of the IMST are created and managed at the national level by the SROs (possibly in partnership with their stakeholders). Of the actions organised by SROs mentioned earlier, four were part of the IMST (AT, DE, FR, NL). Other SROs were developing their own courses at the time of writing.

In the Netherlands, the SRO *Stichting Reclame Code* announced that its training courses had been followed by 1 900 influencers.¹³⁷ The French SRO, the *Autorité de Régulation Professionnelle de la Publicité* reported the certification of 1 800 influencers as of November 2024.¹³⁸

Training programmes for influencers are also being developed by other actors, outside of the consumer protection and media ecosystems. In Ireland, for instance, the South East Technological University announced a Bachelor's degree in Content Creation and Social Media¹³⁹ in 2023. Framed as a "degree for influencers", it includes a dedicated ethics module, as well as several other modules on social media marketing.

¹³⁶ EASA website, [The Influencer Marketing Standards Training \(IMST\) and the Certification for Responsible Influencer Marketing](#).

¹³⁷ [SRC wins European award for Influencer Certificate \(SRC wint Europese award voor Influencer Certificaat\)](#).

¹³⁸ Press release, [Les équipes de l'ARPP présentes au 1^{er} salon européen Followme 2024 et sont au programme pour une influence commerciale responsable](#), 19 November 2024.

¹³⁹ South East Technological University's [Bachelor of Arts in Content Creation and Social Media](#).

7. National summaries

7.1. AT – Austria¹⁴⁰

7.1.1. Key facts

- There is no definition of the concept of “influencer” in Austrian legislation.
- The Code of Ethics of the Advertising Industry,¹⁴¹ developed by the self-regulatory Austrian advertising organisation *Österreichischer Werberat* (ÖWR) in 2021, includes a definition.
- An influencer meeting the criteria laid down in Article §2(3) AMD-G is considered to be an audiovisual media service (AVMS) provider if they also meet the criteria defined by the national media regulatory authority, KommAustria.¹⁴² Those criteria include revenue, editorial decision over the content created and the nature of the content.
- Influencers considered as audiovisual media services must register with KommAustria.
- On 12 June 2024, the lower house of the Austrian Parliament (*Nationalrat*) called upon the Federal Minister of Labour and Economics¹⁴³ to submit an amendment to the Adolescents Employment Act¹⁴⁴ to protect child influencers.

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	Code of Ethics of the Advertising Industry (ÖWR)
Definition	Influencers are persons who influence the behaviour of consumers by reporting on blogs,

¹⁴⁰ The factsheet on Austria incorporates feedback received from Stefan Rauschenberger, director of the Legal Media Department at KommAustria during the checking round with the national regulatory authorities.

¹⁴¹ [Code of Ethics of the Advertising Industry](#), *Österreichischer Werberat* (2021, version translated to English).

¹⁴² [KommAustria website: Information for social media channels](#).

¹⁴³ [Motion for a resolution 4080/A\(E\) XXVII. GP](#).

¹⁴⁴ [Children and Adolescents Employment Act](#)¹⁴⁴ (*Kinder- und Jugendlichenbeschäftigungsgesetz*, KJBG).



Definition	Existence
	posts, tweets, videos and other social media measures for brands, services or products or by carrying out other marketing and promotional activities. Influencers communicate via various channels, but are primarily active in social networks. Influencer marketing takes place in the interest of a third party, in most cases an advertising company. Influencer marketing is a form of online marketing in which clients (usually advertising companies) book paid advertising on the channels (such as social media/website/blog/video or similar) of opinion leaders. The media presence, awareness and reputation of influencers support companies in making brands known, improving images of a brand or stimulating the sale of products or services. Influencers make a brand the topic of conversation and recommend it via blogs, in forums and social media as well as offline at events and in private surroundings. For the influencer, product samples, financial compensation or other benefits represent entrepreneurial or private values that are to be regarded as income. Essentially, two conditions characterise influencer activities as marketing communication: compensation and content control.
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	Yes

7.1.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in Austrian legislation.



7.1.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

Article §2(3) of the Federal Act on Audiovisual Media Services (*Bundesgesetz über audiovisuelle Mediendienste (Audiovisuelle Mediendienste-Gesetz – AMD-G)*) does not explicitly refer to influencers as being AVMS providers, but they are not excluded either. Influencers meeting the criteria laid down in Article §2(3) AMD-G are considered to be AVMS providers.

While neither primary nor secondary legislation provide additional criteria to assess whether an influencer is to be considered as an AVMS provider, the national media regulatory authority, KommAustria (*Kommunikationsbehörde Austria*) has published special information for influencers.¹⁴⁵

The information provided by KommAustria includes a list of six criteria to determine whether they are to be considered as AVMS providers, and how to register with KommAustria, should they meet the criteria. These criteria are identical for all AVMS providers.

The criteria are as follows:

- revenue
- editorial decision over the content created
- the nature of the content
- the fact that the content is the focus and not just a supplement to something else
- the fact that the content can be viewed online
- the audience.

The ÖWR defines influencers and influencer marketing in the 2021 edition of its Code of Ethics of the Advertising Industry.¹⁴⁶ It further defines “content control”, “compensation” and “labelling”.

7.1.4. Rules and/or guidelines specific to influencers

There are no rules or guidelines specific to influencers in Austria.

¹⁴⁵ [KommAustria website: Information for social media channels.](#)

¹⁴⁶ ÖWR's [Code of Ethics of the Advertising Industry](#) (2021) (in English).

7.1.5. Case law

N/A.

7.1.6. Training programmes and certification

Several organisations offer training programmes for influencers, mostly with the aim of improving influencers' ability to reach more people.

Very few such programmes offer modules regarding the legislation which applies to influencers, such as Mba-Studium.at's Certificate in Influencer Marketing & Campaign Management.¹⁴⁷

In November 2024, ÖWR launched the Academy for Ethics in Advertising¹⁴⁸ (#EthicalAd) a training programme aimed at influencers, developed in cooperation with *Wirtschaftskammer Österreich (WKO)* and *Jugendmedienschutz (JMS)*, and under the auspices of the European-wide Influencer Marketing Standard Training¹⁴⁹ of the EASA.

7.1.7. Recent developments

An independent motion for a resolution to protect child influencers from online exploitation¹⁵⁰ was filed on 5 July 2023.

On 12 June 2024, the National Council (*Nationalrat*) called upon the Federal Minister of Labour and Economics¹⁵¹ (*Bundesminister für Arbeit und Wirtschaft*) to submit an amendment to the Adolescents Employment Act¹⁵² (*Kinder- und Jugendlichenbeschäftigungsgesetz – KJBG*) to include employment protection for children and young people in the digital world and implement mandatory child protection concepts.

The motion noted that the KJBG, a law from 1987 and last amended in 2009 no longer reflected reality.

¹⁴⁷ Mba-Studium.at's [Certificate in Influencer Marketing & Campaign Management](#).

¹⁴⁸ Information is available on the [website of the Austrian Academy for Ethics in Advertising \(Akademie für Werbeethik – #EthicalAd\)](#).

¹⁴⁹ Information about the Influencer Marketing Standard Training is available on the [dedicated webpage of the European Advertising Standards Alliance](#).

¹⁵⁰ [Kinder-Influencer:innen vor Ausbeutung im Netz schützen! \(3506/A\(E\)\)](#).

¹⁵¹ [Motion for a resolution 4080/A\(E\) XXVII. GP](#).

¹⁵² [Children and Adolescents Employment Act](#)¹⁵² (*Kinder- und Jugendlichenbeschäftigungsgesetz, KJBG*).

7.2. BE-FR – French Community of Belgium¹⁵³

7.2.1. Key facts

- There is no definition of the concept of “influencer” in Belgian (FR) legislation.
- In 2023, a bill to regulate digital commercial influence,¹⁵⁴ which was not adopted, included a definition of an “influencer” as a “natural or legal person carrying out an influencer marketing activity by electronic means” based on the definition adopted in France.¹⁵⁵
- The Communication Centre guidelines on online influencers,¹⁵⁶ published by the Jury for Ethical Practices in Advertising (JEP) provide a definition of “influencer”. The definition also applies in the Flemish Community of Belgium.
- Influencers may be considered as audiovisual media services (AVMS) if they meet the seven cumulative criteria based on the Recommendation on the scope of the regulation of audiovisual media services¹⁵⁷ of the media regulatory authority, the *Conseil supérieur de l’Audiovisuel* (CSA).
- Influencers are not required to register with the CSA, although they are asked to use all the tools at their disposal to clearly identify commercial communications as such.
- A 2022 decision by the CSA established that video tabs on the Facebook and Instagram accounts of a radio programme provider were audiovisual media services.

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	Communication Centre guidelines on online influencers ¹⁵⁸

¹⁵³ The factsheet on the French Community of Belgium incorporates feedback received from Eszter Bako, director of European affairs at the CSA, during the checking round with the national regulatory authorities.

¹⁵⁴ [Bill to regulate digital commercial influence](#) (*Proposition de loi visant à encadrer l’influence commerciale numérique, 15 September 2023, DOC 55 3567/001*).

¹⁵⁵ Law No. 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating the excesses of influencers on social networks (*Loi n° 2023-451 du 9 juin 2023 visant à encadrer l’influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux*).

¹⁵⁶ [Communication Centre guidelines on online influencers](#) (*Recommandations du Centre de la communication en matière d’influenceurs*).

¹⁵⁷ [Recommendation on the scope of the regulation of audiovisual media services](#) (in French) (*Recommandation relative au périmètre de la régulation des services de médias audiovisuels*).

¹⁵⁸ [Communication Centre guidelines on online influencers](#) (*Recommandations du Centre de la communication en matière d’influenceurs*).



Definition	Existence
Definition	Influencers are influential people who have built up a relevant online community. On social networks and websites, influencers function as content creators (Instagrammers, YouTubers, twittos, streamers, podcasters, Pinterest influencers, TikTokers, Twitch influencers, etc.).
Categorisation of influencers as AVMS providers	Applicability
Can influencers be classed as AVMS providers?	Yes
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers classed as AVMS providers have to register with the national media regulatory authority?	No

7.2.2. Definition of the concept of “influencer”

There is no definition of the concept of influencer in the legislation of the French Community of Belgium (either at the federal level or in the French Community of Belgium).

The only definition comes from the Communication Centre guidelines on online influencers,¹⁵⁹ published by the JEP, the self-regulatory body for advertising in Belgium.¹⁶⁰

The guidelines define influencers as “influential people who have built up a relevant online community”. The text adds that they “act as content creators (Instagrammers, YouTubers, twittos, streamers, podcasters, Pinterest influencers, TikTokers, Twitch influencers, etc.) on social networks and websites”.

The guidelines specify that:

Influencers build their reputation based on their knowledge and interest in a specific subject. They communicate via posts on social networks (text, speech, video and photos) with an engaged and relevant audience of followers. They include celebrities, politicians, business leaders, bloggers and so-called “small influencers”.

The guidelines also define “influencer marketing” as “a form of marketing through which companies activate the online influence and relevant sector knowledge of individuals or influencers”.

¹⁵⁹ Ibid.

¹⁶⁰ The definition from the JEP is the only definition in both the French and Flemish Communities of Belgium.

7.2.3. Categorisation of influencers as AVMS providers and obligations towards the national media regulator

In the French Community of Belgium, the media regulatory authority, the CSA, categorises influencers as AVMS providers if they meet the criteria established in the decree of 4 February 2021 on audiovisual media services and video-sharing services¹⁶¹ (the Decree).

Article 1.3-1 52° of the Decree defines an audiovisual media service as:

a service under the editorial responsibility of a service provider where the principal purpose or a dissociable section thereof is to share linear or non-linear television or audio programmes with the public, by means of electronic communications networks, in order to inform, entertain, educate or provide commercial communications.

A recommendation¹⁶² by the CSA defines seven cumulative criteria to be met for a service to fall under the definition of audiovisual media service, in line with the definition of the Decree. The criteria are:

- to be a service;
- to be under the editorial responsibility of a service provider;
- to focus mainly on the audiovisual format;
- to be intended for the public;
- to consist of television or audio programmes;
- to be shared with the public by means of electronic communications networks;
- to pursue the aim of informing, entertaining, educating or providing commercial communication.

The guidelines were drawn up in 2012 and do not refer to criteria that are specific to influencers, such as frequency in posting videos or audience. The CSA has not yet rendered any decision that would apply these criteria to an influencer, but it regularly monitors if and how influencers in the French Community of Belgium identify commercial communications in their audiovisual content.¹⁶³

In 2022, the CSA published a decision¹⁶⁴ in which it stated that the video tabs on the Facebook and Instagram accounts of a radio programme provider were, indeed, audiovisual media services. While the decision makes no reference to influencers, the case is relevant due to the similarities it shares with how influencers distribute their content.

¹⁶¹ [Decree of 4 February 2021 on audiovisual media services and video-sharing services \(Décret du 4 février 2021 relatif aux services de médias audiovisuels et aux services de partage de vidéos\).](#)

¹⁶² [Recommendation on the scope of the regulation of audiovisual media services \(Recommandation relative au périmètre de la régulation des services de médias audiovisuels\).](#)

¹⁶³ CSA website:

[Le CSA monitore la pub auprès des vlogueur.euse.s](#), 6 November 2020.

[Le CSA sonde les pratiques publicitaires des influencer.euse.s](#), 23 June 2023.

¹⁶⁴ CSA [Decision of 30 June 2022 \(Décision du 30 juin 2022\).](#)

7.2.4. Rules and/or guidelines specific to influencers

In line with the CSA's stance on influencers and the 2012 guidelines which also apply to them, influencers could be subject to an obligation to identify as AVMS providers, but not as influencers which are not mentioned in Article 3.1.2-1 of the Decree establishing the general obligation.

Furthermore, the CSA has no specific official register for influencers yet while such a register does exist for web TV providers.

Nevertheless, the CSA “requested vloggers to use the identification tool provided by the platforms and to add any complementary vocal or graphic information in order to make the identification as clear as possible” as reported in the public report of Subgroup 1 of the European Regulators Group for Audiovisual Media Services (ERGA).¹⁶⁵ It further added that “this complementary information is often needed when multiple products appear on the screen, to precisely identify those that have been commercially promoted”. Since this additional information wasn't visible for long enough or was very blurry, it obviously didn't provide enough clarity. Therefore, the CSA suggests, in the recent Q&A section dedicated to vloggers,¹⁶⁶ that they combine at least one vocalised mention and one written mention about their commercial intentions. According to the CSA, influencers can choose for themselves how they do this, as they know what is most applicable for them and their audience.

According to the same report, the CSA considers that no formal sanctions have yet been necessary, because their case-by-case approach appears to be working. The CSA monitors a smaller number of representative channels for a few months rather than basing their activity on consumer complaints.

The Federal Public Service of Finance has also published best practices on advertising by content creators or influencers,¹⁶⁷ which are supervised by the Economic Inspection. The economic and fiscal inspection services actively investigate influencers with regard to their compliance with all applicable legislation (including consumer law, copyright law and fiscal law).

In addition to defining what an influencer is, the guidelines on influencer advertising by the JEP provide further guidance and legal security by ensuring that influencers know the rules with regard to influencer marketing.

7.2.5. Case law

N/A.

¹⁶⁵ ERGA Subgroup 1 – 2023, Consistent implementation and enforcement of the European framework for audiovisual media services: Learning from the practical experiences of NRAs in the regulation of vloggers (Deliverable 3), [Public report](#), p. 9 (in English).

¹⁶⁶ CSA website: [Quelles précautions prendre quand je fais de la publicité ?](#), 21 June 2023.

¹⁶⁷ [Best practices regarding commercial communications by influencers](#) by the Federal Public Service of Economy. This page regrouping best practices applies to both the French and Flemish Communities of Belgium.

7.2.6. Training programmes and certification

The CSA's MeetYou initiative aims to bring together French-speaking Belgian influencers and inform them about specific topics. At the time of writing, two meetings have been held about the transparency of commercial communication (2019) and freedom of speech (2023).

7.2.7. Recent developments

Two bills in relation to influencers were introduced in 2022 and 2023 in the parliament. Neither had the support of the majority parties and they were both abandoned. Following the general election of 9 June 2024, they are considered “null and void” and considered to have been abandoned, but are included here for the sake of completeness.

The Bill to regulate digital commercial influence¹⁶⁸ aimed to provide a framework for influencers and make them accountable, protect subscribers and consumers, regulate child labour on digital platforms and grant them the right to be forgotten, and make platforms accountable. The bill also included the definition of an influencer, as a “natural or legal person carrying out an influencer marketing activity by electronic means” based on the definition adopted in France.¹⁶⁹

The Bill to amend the Labour Act of 16 March 1971 and the Royal Decree of 11 March 1993 on child labour, with regard to the activities of child influencers¹⁷⁰ aimed to improve the legal protection of underage influencers. The current legal framework for child labour has been revised to this end and adapted to digital developments. Online activities performed by these minors will thus fall under the same legal framework as that governing physical activities for which an individual exemption may be requested for child labour. Individual derogations from the ban on child labour may be issued in a more flexible manner.

The self-regulatory body JEP rendered two decisions in 2018, regarding the suspicion of a long-term advertising partnership between a French-speaking Belgian influencer and a beer brand,¹⁷¹ and in 2020, regarding a Flemish influencer who directly encourages children to buy a product being advertised.¹⁷²

¹⁶⁸ [Bill to regulate digital commercial influence](#) (*Proposition de loi visant à encadrer l'influence commerciale numérique, 15 September 2023, DOC 55 3567/001*).

¹⁶⁹ [Law No. 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating the excesses of influencers on social networks](#) (*Loi n° 2023-451 du 9 juin 2023 visant à encadrer l'influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux*).

¹⁷⁰ [Bill to amend the Labour Act of 16 March 1971 and the Royal Decree of 11 March 1993 on child labour, with regard to the activities of child influencers](#) (*Proposition de loi modifiant la loi sur le travail du 16 mars 1971 et l'arrêté royal du 11 mars 1993 relatif au travail des enfants, en ce qui concerne les activités des influenceurs mineurs* (DOC 55 2943/001).

¹⁷¹ JEP Decision [AB INBEV – 01/12/2020](#).

¹⁷² JEP Decision [ACID APPAREL – 14/09/2018](#).



The Influencer Marketing Alliance¹⁷³ has been created as a professional organisation for influencers, content creators, influencer marketing agencies and other stakeholders. Their mission is to professionalise influencer marketing in Belgium

¹⁷³ [Influencer Marketing Alliance website](#).

7.3. BE-VL – Flemish Community of Belgium¹⁷⁴

7.3.1. Key facts

- There is no definition of the concept of “influencer” in Flemish legislation.
- Influencers may be considered as providers of “television services” (*televisiediensten*) in application of the Media Decree, which does not include the exact notion of an audiovisual media service (AVMS) provider.
- The media regulatory authority, the Flemish Regulatory Authority for the Media (VRM) has published the Content Creator Protocol¹⁷⁵ (CCP), a guidance tool to help influencers in complying with the Flemish Media Decree, but it does not enforce the obligation for influencers considered as audiovisual media services to register with the VRM in the same way that other audiovisual media services do.
- Guidelines of the Communication Centre on online influencers,¹⁷⁶ by the Jury of Ethical Practices in Advertising (JEP) provide a definition of “influencer”. The definition also applies in the French Community of Belgium.
- At the time of writing, the VRM had issued 36 official decisions concerning influencers, all involving violations of Article 53 of the Flemish Media Decree, which stipulates that commercial communications must be easily recognisable.
- In most cases, the VRM issued warnings but a limited number of cases involving recidivism led to fines being issued.

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	Guidelines of the Communication Centre on online influencers ¹⁷⁷
Definition	Influencers are influential people who have built up a relevant online community. On social networks and websites, influencers function as content creators (Instagrammers, YouTubers,

¹⁷⁴ The summary on the Flemish Community of Belgium incorporates feedback received from Dirk Peereman, advisor at the VRM during the checking round with the national regulatory authorities.

¹⁷⁵ VRM Content Creator Protocol (in [Dutch](#) and [English](#)).

¹⁷⁶ [Guidelines of the Communication Centre on online influencers](#) (*Aanbevelingen inzake influencer marketing*).

¹⁷⁷ *Ibid.*

Definition	Existence
	Twittos, streamers, podcasters, Pinterest influencers, TikTokers, Twitch influencers, etc.).
Categorisation of influencers as AVMS providers	Applicability
Can influencers be classed as AVMS providers?	Yes ¹⁷⁸
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers classed as AVMS providers have to register with the national media regulatory authority?	No

7.3.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in legislation in the Flemish Community of Belgium (neither at the federal level nor in the Flemish Community).

The only definition comes from the guidelines of the Communication Centre on online influencers, published by the JEP (*Jury voor Ethische Praktijken Inzake Reclame*), the self-regulatory organisation for advertising in Belgium.¹⁷⁹

The guidelines define influencers as “influential people who have built up a relevant online community”. It adds that they “act as content creators (Instagrammers, YouTubers, X-influencers, streamers, podcasters, Pinterest influencers, TikTokers, Twitch influencers, etc.) on social networks and websites”.

The guidelines specify that:

Influencers build their reputation based on their knowledge and interest in a specific subject. They communicate via posts on social networks (text, speech, video and photos) with an engaged and relevant audience of followers. They include celebrities, politicians, business leaders, bloggers and so-called “small influencers”.

The guidelines also define “influencer marketing” as “a form of marketing through which companies activate the online influence and relevant sector knowledge of individuals or influencers”.

¹⁷⁸ Influencers may be considered as providers of “television services” (*televisiediensten*) in application of the Media Decree. The Media Decree does not include the notion of an audiovisual media service (AVMS). Its Article 2,26°, transposing Article 1(1)(a) AVMSD rather uses the term *omroepdienst*, which includes both *radiodiensten* (radio services) and *televisiediensten* (television services). The definition of *omroepdienst* in the Media Decree is, however, a substantially literal translation of the definition of “audiovisual media service” from the AVMSD.

¹⁷⁹ The definition from the JEP is the only definition in both the French and Flemish Communities of Belgium.

7.3.3. Categorisation of influencers as AVMS providers and obligations towards the national media regulator

The Media Decree (*Decreet betreffende radio-omroep en televisie*) does not include the notion of an “audiovisual media service”. Its Article 2,26°, transposing Article 1(1)(a) AVMSD rather uses the term *omroepdienst*, which includes both *radiodiensten* (radio services) and *televisiediensten* (television services). The definition of *omroepdienst* in the Media Decree is, however, a substantially literal translation of the definition of “audiovisual media service” from the AVMSD.

In the Flemish Community of Belgium, influencers are considered to be providers of *televisiedienst* on the condition that all the criteria of the definition are met, but they are not explicitly mentioned in the Media Decree.¹⁸⁰

Article 2,25° of the Media Decree refers to the making available of moving images, with or without sound for the general public or a part thereof by means of electronic communications networks as broadcasting. To class as such, a service¹⁸¹ must fall under the editorial responsibility of an AVMS provider, where the principal purpose of the service or a dissociable section thereof is devoted to providing audiovisual or audio programmes to the general public in order to inform, entertain or educate, or with a cultural dimension, using electronic communication networks. No additional criteria or thresholds are used at the moment.

However, in the preparatory works to the update of the Media Decree of 2021 the legislator acknowledges that channels and profiles on social media platforms could be considered broadcasting services in accordance with the Media Decree. In practice this means that influencers are considered to be AVMS providers if the criteria defining an *omroepdienst* in Article 2,26° of the Media Decree are met.

According to Articles 159 and 175 of the Media Decree, for linear and non-linear television services, providers have to notify their services to the VRM. However, the VRM does not enforce this obligation with regard to influencers.

7.3.4. Rules and/or guidelines specific to influencers

The VRM has published a soft law tool, the Content Creator Protocol¹⁸² (CCP) which does not introduce binding obligations but provides guidance for Flemish user-generated video creators on how to apply the Flemish Media Decree in practice.

The Flemish Government has introduced the Influencer FAQ,¹⁸³ which serves as a general point of information for influencers. It does not contain additional rules, but provides advice, tips and tricks for online content creators. The tool is continually

¹⁸⁰ [Decreet betreffende radio-omroep en televisie van 27 maart 2009](#).

¹⁸¹ As referred to in Articles 56 and 57 of the [Treaty on the Functioning of the European Union](#).

¹⁸² VRM Content Creator Protocol: in [Dutch](#) and [English](#).

¹⁸³ [De Influencer FAQ website](#).

supplemented with new topics and relevant information, in close cooperation with influencers.

In addition to defining what an influencer is, the guidelines on influencer advertising¹⁸⁴ by the JEP provide additional guidance and legal security by ensuring that influencers know the rules with regard to influencer marketing.

The Federal Public Service of Economy has also published best practices on advertising by content creators or influencers,¹⁸⁵ which are supervised by the Economic Inspection. The economic and fiscal inspection services actively investigate influencers in respect of all applicable legislation (including consumer law, copyright law and fiscal law).

7.3.5. Case law

The Flemish influencer Acid was convicted by the correctional court in Bruges for making public a video message that involved online shaming and doxing (putting personal data online without permission as revenge) and has been given a suspended prison sentence and a fine for his videos on Sanda Dia, a student who died following a fraternity ritual in the student club *Reuzegom*, in which he revealed the identities of four members of the controversial club.¹⁸⁶

7.3.6. Training programmes and certification

N/A.

7.3.7. Recent developments¹⁸⁷

The first enforcement decisions regarding influencers were taken in December 2022. At the time of writing, the VRM had issued 36 official decisions concerning influencers. All involved violations of Article 53 of the Media Decree, which stipulates that commercial communications must be easily recognisable.

The VRM assesses the recognisability of commercial communications in influencer videos by relying on the three cumulative disclosure steps of the CCP:

¹⁸⁴ [Guidelines on influencer advertising](#) by the Communication Centre of the JEP.

¹⁸⁵ [Best practices regarding commercial communications by influencers](#) (in Dutch) by the Federal Public Service of Economy. This page regrouping best practices applies to both the French and Flemish Communities of Belgium.

¹⁸⁶ [“Sanda Dia death: suspended sentence for influencer Acid after naming \(former\) Reuzegom fraternity members on YouTube”](#), VRT, 22 February 2024 (in English).

¹⁸⁷ For more on recent developments with regard to the regulation of influencers: Feci N. (19 March 2024), [“Influencers under the Flemish media regulator’s looking glass: Breaking the streak of warnings with a first fine”](#), KU Leuven CiTiP Blog, (in English).



- reference to *advertentie* (advertisement), *publiciteit* (publicity) or *reclame* (advertising) at the beginning of the description;
- a visible tag of the partner concerned;
- activation of the platform disclaimer that the video contains commercial communication.

All three conditions are regularly violated. Commercial communications are often identified by influencers using alternative terminology, which can be misleading or mean the opposite (such as *ad*, *gifted*, *collaboration*, *proud ambassador*). Moreover, influencers often purposefully misspell the words (e.g. *ad vertentie* or *a dvertentie*) in order to avoid a negative impact on the reach of their post by the algorithm of the social media platforms. According to the VRM, the mere fact of turning on a platform's setting to disclose the presence of commercial communication is not sufficient, due to the fact that such disclosures are controlled by the platform and the wording is not considered to be clear. Failure to fully comply with the CCP does not automatically imply a violation of media regulation as the protocol is not legally binding, although identified violations are shared publicly. The VRM operates on a case-by-case basis when deciding whether a commercial communication is sufficiently recognisable.

In determining the sanctions, the VRM takes into account the fact that the regulations are fairly new for influencers and that it is imposing sanctions for the first time. After continuously opting for a warning, on 11 December 2023, the VRM imposed its first fine. The influencer had already received an official warning for similar infringements before, and the videos concerned had provided the influencer with significant benefits. Since then, the VRM has imposed three more fines.

The self-regulatory organisation Jury for Ethical Practices in Advertising (JEP) rendered a decision in 2018, regarding the suspicion of a long-term advertising partnership between a French-speaking Belgian influencer and a beer brand.¹⁸⁸ Since then, the JEP has rendered several decisions in cases involving influencers.¹⁸⁹

The Influencer Marketing Alliance¹⁹⁰ has been created as a professional organisation for influencers, content creators, influencer marketing agencies and other stakeholders. Their mission is to professionalise influencer marketing in Belgium.

¹⁸⁸ JEP Decision [AB INBEV – 01/12/2020](#).

¹⁸⁹ See cases on the JEP website (in Dutch): [Eléonore Van Bavel – Drunk Elephant 27-03-2024](#); [Imperial Meat Products – Michael Sels – Aoste 04-04-2023](#); [Philips – Lars Lennert Lagaisse 06-03-2024](#).

¹⁹⁰ [Influencer Marketing Alliance website](#).

7.4. BG – Bulgaria¹⁹¹

7.4.1. Key facts

- There is no definition of the concept of “influencer” in Bulgarian legislation.
- The Handbook of best practices in influencer marketing in Bulgaria¹⁹² by the national branch of the Interactive Advertising Bureau, IAB Bulgaria, introduces a definition of “influencer”.
- An influencer meeting the criteria of the Radio and Television Act¹⁹³ may be recognised as an audiovisual media service (AVMS) provider. At the time of writing, there has been no decision by the national media regulatory authority, the Council for Electronic Media (CEM), nor any case law confirming this interpretation in practice.
- Influencers engaging in commercial communications fall under the definition of traders as defined in the Consumer Protection Act.¹⁹⁴

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	Handbook of best practices in influencer marketing in Bulgaria (IAB Bulgaria) ¹⁹⁵
Definition	A person or group who creates content on social networks in front of a large and/or a selected audience and influences the behaviour or opinion of their own followers.
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes
By extension or directly envisaged in law?	By extension

¹⁹¹ The factsheet on Bulgaria incorporates feedback received from Ilya Lyutskanov, chief expert at the CEM during the checking round with the national regulatory authorities.

¹⁹² [Handbook of best practices in influencer marketing in Bulgaria](#) by the Interactive Advertising Bureau, IAB Bulgaria.

¹⁹³ [Radio and Television Act \(Закон за радиото и телевизията\)](#).

¹⁹⁴ [Consumer Protection Act \(Закон за защита на потребителите – CPA\)](#).

¹⁹⁵ [Handbook for good practices in influencer marketing in Bulgaria](#) by IAB Bulgaria



Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	No

7.4.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in Bulgarian legislation.

The Handbook of best practices in influencer marketing from IAB Bulgaria, defines an influencer as “a person or group who create content on social networks in front of a large and/or a selected audience and influence the behaviour or opinion of their own followers”.

There is a definition of “influencer marketing” in the Recommendation for the effective application of the National Ethical Standards for Advertising and Commercial Communication in respect of marketing through influencers¹⁹⁶ by the National Council for Self-Regulation (*Национален съвет за саморегулация – NCSR*). It is defined as:

any form of communication by an individual or virtual person, who shapes the behaviour of an audience through content in blogs, posts, images, videos, messages, etc. on any social media, such communication being under editorial control and/or being published in exchange for payment or in return for consideration of any kind by the marketer.

7.4.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

An influencer meeting the criteria of the Radio and Television Act¹⁹⁷ (*Закон за радиото и телевизията*) may be recognised as an AVMS provider.

The Radio and Television Act defines an “audiovisual media service” as:

a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of the service or of a dissociable section thereof is to provide, under the editorial responsibility of a media service provider, audiovisual and/or radio programmes to the general public, in order to inform, entertain or educate, by means of electronic communications networks within the meaning of the Electronic Communications Act.

¹⁹⁶ [Recommendation for the effective application of the National Ethical Standards for Advertising and Commercial Communication in respect of marketing through influencers](#) by the National Council for Self-Regulation (*Национален съвет за саморегулация – NCSR*) (in English).

¹⁹⁷ [Radio and Television Act \(*Закон за радиото и телевизията*\)](#).

At the time of writing, there has been no decision by the national media regulatory authority, the Council for Electronic Media (*Съвет за електронни медии – СЕМ*) nor any case law confirming this interpretation in practice.

According to the Consumer Protection Act¹⁹⁸ (*Закон за защита на потребителите – CPA*) an influencer acting on the basis of a contract with a trader in order to promote and/or advertise their product falls precisely within the definition of a “trader”¹⁹⁹ and, as such, Bulgarian influencers have an obligation to disclose to their audience that the specific content created by them is advertising.

7.4.4. Rules and/or guidelines specific to influencers

Specific requirements are established in the NCSR recommendation, which indicates that the recognisability of marketing communications is of paramount importance and that the true aim of promoting a product or a service should not be disguised in other forms, including user-generated content, personal blogs, social media posts or independent reviews.

The recommendation further adds that influencer marketing content should be presented in such a way that the audience can immediately identify it as advertising.

In addition to providing a definition of “influencer”, IAB Bulgaria’s handbook also defines “influencer marketing”, as the partnership between influencers and advertisers with the purpose of promoting a product or service to a selected audience via the influencer’s social networks. It also defines categories of influencers based on their numbers of followers, starting from “nano influencers” (starting at 500 followers) to “top influencers” (over 150 000 followers).

The handbook also provides principles and ethical norms in influencer marketing, such as the need for transparency in disclosing what constitutes advertising and the importance of complying with all applicable legal requirements.

7.4.5. Case law

N/A.

¹⁹⁸ [Consumer Protection Act](#) (*Закон за защита на потребителите – CPA*).

¹⁹⁹ The Bulgarian approach is in line with the [Opinion by the European Economic and Social Committee on Advertising through influencers and its impact on consumers](#) (Exploratory opinion requested by the Spanish presidency) INT/1026 (in English).



7.4.6. Training programmes and certification

In addition to its Handbook of best practices in influencer marketing in Bulgaria, IAB Bulgaria also offers masterclasses for influencer marketing.²⁰⁰

Non-profit organisation Startup Factory has developed a webinar²⁰¹ for influencers.

7.4.7. Recent developments

N/A.

²⁰⁰ IAB Bulgaria's [Masterclasses on influencer marketing](#).

²⁰¹ Startup Factory's [Webinar for influencers](#).

7.5. CH – Switzerland²⁰²

7.5.1. Key facts

- There is no definition of the concept of “influencer” in Swiss legislation.
- Influencers are not considered as audiovisual media services (AVMS) and have no obligation towards the national media regulatory authority, OFCOM.
- The Swiss Commission for Fairness in Commercial Communication (SCL),²⁰³ the self-regulatory body in charge of enforcing the Federal Act on Unfair Competition,²⁰⁴ considers that there is no obligation to disclose to the public that content constitutes commercial communications, if it is easily identifiable as such.²⁰⁵

Definition	Existence
Existence of a definition of the concept of “influencer”	No
Definition in legislation	N/A
Definition in other documents	N/A
Definition	N/A
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	No
By extension or directly envisaged in law?	N/A
Are influencers explicitly mentioned as being AVMS providers in law?	N/A
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	N/A

²⁰² The factsheet on Switzerland incorporates feedback received from Samuel Studer, team leader for media research at OFCOM during the checking round with the national regulatory authorities.

²⁰³ *Schweizerische Lauterkeitskommission* (in German), *Commission Suisse pour la Loyauté* (in French), *Commissione Svizzera per la Lealtà* (in Italian).

²⁰⁴ Federal Act on Unfair Competition (in [English](#), unofficial translation) (*Loi fédérale contre la concurrence déloyale*, in [French](#); *Bundesgesetz gegen den unlauteren Wettbewerb*, in [German](#); *Legge federale contro la concorrenza sleale*, in [Italian](#)).

²⁰⁵ [LK2060520 – Nr. 201/19](#) (p.2) (in German).



7.5.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in Swiss legislation.

7.5.3. Influencers considered as AVMS providers and obligations towards the national media regulator

Influencers are not considered as AVMS providers in Switzerland.

7.5.4. Rules and/or guidelines specific to influencers

At the time of writing, there were no rules specific to influencers in Switzerland. However, on 14 March 2024, a motion to regulate advertising by influencers in Switzerland²⁰⁶ was presented in the National Council, the lower house of the Swiss Parliament.²⁰⁷

The grounds for the motion referred to the supposed absence of clear rules with regard to hidden advertising by influencers and called for stricter rules to ensure both transparency and legal certainty.

On 8 May 2024, the Federal Council rejected the motion.²⁰⁸ The Federal Council argued that advertising by influencers falls within the scope of the Federal Act on Unfair Competition²⁰⁹ (UCA). It further referred to the role of the Swiss Commission for Fairness in Commercial Communication (SCL),²¹⁰ the self-regulatory body in charge of enforcing the UCA, which has investigated complaints against influencers and developed a specific approach towards influencers. As reported by the Federal Council, the SCL indicated that there is no obligation to provide information on commercial communications to the public if they are easily identifiable as such.²¹¹

The Federal Council considers that this approach by the SCL demonstrates that the current rules which apply to influencers are sufficiently clear and rejects the idea of a lack of legal certainty. This approach reflects Rule B.15²¹² of the SCL:

²⁰⁶ Motion 24.3257: Regulating advertising by influencers in Switzerland (*Encadrer la publicité faite par les influenceurs en Suisse*) (in [French](#), [German](#), [Italian](#) and [Romansh](#)).

²⁰⁷ *Nationalrat* (in German), *Conseil national* (in French) *Consiglio nazionale* (in Italian), *Cussegl naziunal* (in Romansh).

²⁰⁸ *Ibid.*

²⁰⁹ Federal Act on Unfair Competition (in [English](#), unofficial translation) (*Loi fédérale contre la concurrence déloyale*, in [French](#); *Bundesgesetz gegen den unlauteren Wettbewerb*, in [German](#); *Legge federale contro la concorrenza sleale*, in [Italian](#)).

²¹⁰ *Schweizerische Lauterkeitskommission* (in German), *Commission Suisse pour la Loyauté* (in French), *Commissione Svizzera per la Lealtà* (in Italian).

²¹¹ [LK2060520 – Nr. 201/19](#) (p.2) (in German).

²¹² [SCL Rules regarding fairness in commercial communication](#) (*Règles relatives à la loyauté dans la communication commerciale*), refer to *Règles* (in French), *Grundsätze der SLK* (in German) and *Regolamento della CSL* (in Italian).



(1) Commercial communication, regardless of the form in which it appears or the medium it uses, is unfair if it is not clearly recognisable as such and is not clearly separated from the other content.

(2) The same applies if a person uses or makes available a blog or a user account, a profile or a similar form of affiliation to a social media platform or a media portal that can be designed by users in order to conduct or enable commercial communication for third parties that is not clearly recognisable as such for the users. If a contribution is not clearly recognisable as commercial communication, the relationship with the third party must be disclosed. This applies in particular if the third party provides sponsorship services or comparable payments or benefits in kind.

7.5.5. Case law

In a leading case,²¹³ the SCL made clear that the decisive question is whether the commercial nature of a communication is clearly recognisable or not. Labelling or other clarification is therefore required if a communication on a social media portal cannot be clearly identified as a commercial communication. The question of the recognisability of the type of communication is subject to a case-by-case assessment. In this case, one of the most famous tennis players in the world made posts on his Instagram profile showing logos of his sponsors. The SCL considered that these posts were clearly recognisable as commercial communication and that no further label was required.

In a case involving an influencer suspected of not properly labelling a post as advertising,²¹⁴ the SCL considered that the commercial nature of the post had been made sufficiently clear, as the influencer had thanked the company whose product or service he/she was promoting.

In another case,²¹⁵ the SCL decided that the influencer should have clearly labelled a post as commercial communication.

7.5.6. Training programmes and certification

N/A.

²¹³ [LK1110919 – Nr. 154/19 \(in German\)](#).

²¹⁴ [SCL Rules regarding fairness in commercial communication \(Règles relatives à la loyauté dans la communication commerciale\)](#), refer to *Règles* (in French), *Grundsätze der SLK* (in German) and *Regolamento della CSL* (in Italian).

²¹⁵ [LK3190619 – Nr. 153/19 \(in German\)](#).



7.5.7. Recent developments

As highlighted by the motion presented to the National Council on 14 March 2024,²¹⁶ the regulation of influencers was discussed in the parliament in 2024, but the idea of imposing stricter regulations specific to influencers was rejected.

²¹⁶ Motion 24.3257: Regulating advertising by influencers in Switzerland (*Encadrer la publicité faite par les influenceurs en Suisse*) (in [French](#), [German](#), [Italian](#) and [Romansh](#)).



7.6. CY – Cyprus²¹⁷

7.6.1. Key facts

- There is no definition of the concept of “influencer” in Cypriot legislation but the Cyprus Advertising Regulation Organisation (CARO) has provided one in a guide to influencer marketing.
- Influencers may be considered as audiovisual media service (AVMS) providers if their activities meet the criteria laid down in Article 2 of the consolidated Law on Radio and Television Organisations.²¹⁸
- In March 2024, CARO and the Consumer Protection Service (CPS) of the Ministry of Energy, Commerce and Industry signed a five-year Memorandum of Understanding²¹⁹ aiming to inform consumers about the commercial intent of content published by influencers on social media platforms.

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	Guide to Influencer Marketing (CARO) ²²⁰
Definition	Independent third-party endorsers who shape audience attitudes through blogs, posts, tweets, and the use of other social media. For the purpose of this guide, the concept of influencer includes any human or virtually produced persona (virtual influencer), that is active on any online social media platform, such as Facebook, Instagram, TikTok, YouTube, etc. and may be named differently depending on the social media platform, e.g. “vlogger”, “blogger”, “creator”, “uploader”, etc.

²¹⁷ The factsheet on Cyprus incorporates feedback received from Ms Constandia Michaelidou, legal officer at the Cyprus Radiotelevision Authority during the checking round with the national regulatory authorities.

²¹⁸ [Law on Radio and Television Organisations](#) (Ο περί Ραδιοφωνικών και Τηλεοπτικών Οργανισμών Νόμος του 1998).

²¹⁹ Psara S. (14 March 2024), “[Cyprus government takes aim at influencer marketing](#)”, *Cyprus Mail*.

²²⁰ The Cyprus Advertising Regulation Organisation’s [Guide to Influencer Marketing](#).



Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	No

7.6.2. Definition of the concept of “influencer”

There is no definition by law of the concept of “influencer” in Cyprus.

CARO has provided one in their Guide to Influencer Marketing.²²¹ The guide defines influencers as “independent third-party endorsers who shape the public’s attitude through blogs, posts, tweets and the use of other social media”. For the purposes of the guide, the concept of influencer includes:

any human or virtually produced persona (virtual influencer), that is active on any online social media platform, such as Facebook, Instagram, TikTok, YouTube, etc. and may be named differently depending on the social media platform, e.g. “vlogger”, “blogger”, “creator”, “uploader”, etc.

7.6.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

There is no specific legislative provision nor any case law clarifying whether influencers are considered as AVMS providers. Neither have any individual criteria been introduced which might be helpful in identifying whether influencers should be considered as such.

Article 2 of the consolidated Law on Radio and Television Organisations²²² establishes that audiovisual “media service provider” means the natural or legal person who has the editorial responsibility for the selection of the audiovisual content of the AVMS and determines the manner in which this is organised.

It defines “audiovisual media service” as:

(a) a service, as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, which is under the editorial responsibility of a media service provider and the principal purpose of which or of a dissociable section thereof is the provision of

²²¹ The Cyprus Advertising Regulation Organisation’s [Guide to Influencer Marketing](#).

²²² [Law on Radio and Television Organisations](#) (Ο περί Ραδιοφωνικών και Τηλεοπτικών Οργανισμών Νόμος του 1998).



programmes, in order to inform, entertain or educate the general public by electronic communications networks. Such audiovisual media services can be either television broadcasts, radio broadcasts, or on-demand audiovisual media services; (b) audiovisual commercial communications.

Influencers may be considered as AVMS providers if their activities meet the criteria laid down in Article 2 of the consolidated Law on Radio and Television Organisations. At the time of writing, no governmental regulatory authority, organisation or body monitors or regulates the activities of influencers.

The government body responsible for influencer marketing in Cyprus is the CPS. Influencer marketing falls under the Consumer Protection Law of 2021, which includes the provisions of the UCP (Unfair Commercial Practices) Directive 2005/29/EC. As with other forms of hidden marketing, the failure to clearly declare the commercial element in an influencer's content or practice can amount to misleading practice under the law.

7.6.4. Rules and/or guidelines specific to influencers

There are no rules governing the activity of influencers but CARO, a self-regulatory organisation, has adopted a Guide to Influencer Marketing²²³ (based on the Best Practice Recommendation on Influencer Marketing of the European Advertising Standards Alliance), which is a separate appendix of the Cyprus Advertising Code. The Guide to Influencer Marketing has been acknowledged as best practice by the CPS.

In addition to defining the concept of “influencer”, the guide defines “influencer marketing” as follows:

content uploaded by influencers is defined as a marketing communication if the advertiser, or any other person, natural or legal, acting on their instructions and/or on their behalf, has compensated the influencer either via payment or through other arrangements. Additionally, the level of control by the advertiser, or any other person, natural or legal, acting on their instructions and/or on their behalf (editorial control), is also a factor which may determine whether the influencer's content is to be regarded as marketing communication.

However, as long as the influencer is compensated in payment or in kind, disclosure is necessary even if the content produced by the influencer is impartial and/or produced entirely by the influencer and therefore not subject to editorial control.

7.6.5. Case law

N/A.

²²³ The Cyprus Advertising Regulation Organisation's [Guide to Influencer Marketing](#).



7.6.6. Training programmes and certification

N/A.

7.6.7. Recent developments

In March 2024, CARO and the CPS signed a five-year Memorandum of Understanding²²⁴ aiming to inform consumers about the commercial intent of posts published by influencers on social media platforms. They agreed to work together to inform businesses, consumers, and influencers about the need for influencers to clearly indicate when they are promoting something in their posts. They also agreed on basic rules for how these disclosures should be made. These rules indicate that disclosure should be easy to see and understand, and it should cover different types of formats used by influencers on various platforms.

²²⁴ Psara S. (14 March 2024), "[Cyprus government takes aim at influencer marketing](#)", *Cyprus Mail*.

7.7. CZ – Czechia²²⁵

7.7.1. Key facts

- There is no definition of the concept of “influencer” in the national legislation or in other documents.
- An influencer meeting the criteria of Section 2 (1) (a) of Act No. 132/2010²²⁶ may be considered as an on-demand audiovisual media service (AVMS) provider.
- In 2022, the financial administration started²²⁷ to look into the activities of influencers, with regard to tax evasion and rules regarding transparent advertising.

Definition	Existence
Existence of a definition of the concept of “influencer”	No ²²⁸
Definition in legislation	N/A
Definition in other documents	N/A
Definition	N/A
Influencers considered as AVMS providers ²²⁹	Applicability
Can influencers be considered as AVMS providers?	Yes
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	Yes

²²⁵ The factsheet on Czechia incorporates feedback received from Kateřina Lojíková, specialist at the Television Broadcasting Analysis Department, at the RRTV during the checking round with the national regulatory authorities.

²²⁶ [Act No. 132/2010, on on-demand audiovisual media services \(Zákon o audiovizuálních mediálních službách na vyžádání\)](#).

²²⁷ Press release by the Czech Financial Administration: An analysis of entertainment internet platforms confirmed deficiencies in the taxation of domestic taxpayers’ income, 21 October 2022.

²²⁸ There is no definition of the concept of “influencer” in Czechia but influencers may meet the definitions of two concepts defined in Czech laws (detailed in the section below).

²²⁹ Refer to Section 4.2 for a detailed explanation on the methodology used to determine the content of the Applicability column.



7.7.2. Definition of the concept of “influencer”

The term “influencer” is not part of Czech legislation. However, influencers may meet the definitions of “user of video-sharing platform”²³⁰ as defined in section 2(1)(c) of Act No. 242/2002 Coll., on Video-Sharing Platform Services (*Zákon č. 242/2022 Sb. o službách platforem pro sdílení videonahrávek*) and “disseminator”²³¹ as defined in section 1(6) and (7) of Act No. 40/1995 Coll., on Advertising (*Zákon č. 40/1995 Sb. o regulaci reklamy*).

Act No. 242/2002 defines a “user of a video-sharing platform” (VSP) as a person who has created a video recording that they or another person have uploaded to the VSP, as well as a person who has uploaded to the VSP a video recording created by another user of the platform.

Act No. 40/1995 defines a “disseminator” as a legal or natural person who publicly disseminates an advertisement. A “processor” is defined as a legal or natural person who has prepared an advertisement for him or herself or for another legal or natural person.

7.7.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

An influencer meeting the criteria provided in section 2 (1) (a) of Act No. 132/2010, on on-demand audiovisual media services²³² (*Zákon o audiovizuálních mediálních službách na vyžádání*), may be considered as an on-demand AVMS provider.

On 21 November 2024, the national media regulatory authority, the Council for Radio and TV Broadcasting (*Rada pro rozhlasové a televizní vysílání – RRTV*) issued a press release²³³ informing certain content creators of audiovisual media content of their obligation to register as on-demand AVMS providers. This obligation applies to content creators:

- whose activities as content creators generate profit;
- whose purpose is to inform, entertain or educate the general public;
- whose service reaches the general public through audiovisual content under their editorial control;
- who are based in Czechia.

²³⁰ [Act No. 242/2002 Coll., on Video-Sharing Platform Services \(Zákon č. 242/2022 Sb. o službách platforem pro sdílení videonahrávek\)](#).

²³¹ [Act No. 40/1995 Coll., on Advertising \(Zákon č. 40/1995 Sb. o regulaci reklamy\)](#).

²³² [Act No. 132/2010, on on-demand audiovisual media services \(Zákon o audiovizuálních mediálních službách na vyžádání\)](#).

²³³ [RRTV press release – Obligation for content creators of audiovisual media content to register \(Povinnost evidence tvůrců audiovizuálního mediálního obsahu\)](#), 21 November 2024.

7.7.4. Rules and/or guidelines specific to influencers

The Association for Internet Development in the Czech Republic has developed a website called The Fair Influencer (*Férový Influencer*),²³⁴ which offers guidance to influencers on best practices for conducting their activities.

The Fair Influencer website includes, in particular, an Influencer Code of Conduct.²³⁵ The Advertising Code enforced by the self-regulatory organisation *Rada Pro Reklamu* (RPR)²³⁶ covers all types of ads on all mediums. Article 1 and Article 2 of the Code make it explicit that the rules also apply to influencers, and Article 34.6 lays down transparency rules for influencers.

7.7.5. Case law

N/A.

7.7.6. Training programmes and certification

U2B *Multimediální střední škola*²³⁷ (Multimedia Secondary School) offers a specialised programme for aspiring influencers, teaching both technical skills and knowledge about the ethical aspects of online influence. Students completing the programme obtain a high school diploma.

7.7.7. Recent developments

On 24 October 2022, the Czech Tax Authority stated that they had identified significant tax evasion by tax entities using Internet platforms for their activities and that they intended to further focus on such persons in the future.²³⁸

On 6 February 2024, the Czech Trade Inspection published a press release calling on influencers to adhere to rules for transparent advertising and safe selling to protect the rights and health of their followers. It referenced the Influencer Legal Hub maintained by the European Commission.²³⁹

²³⁴ [The Fair Influencer website](#) (*Férový influencer*).

²³⁵ Influencer [Code of Conduct](#) (*Kodex influencera*)

²³⁶ [Rada Pro Reklamu's Advertising Code](#).

²³⁷ [U2B Multimediální střední škola](#) website.

²³⁸ [Statement by the Czech Tax Authority](#).

²³⁹ Statement by the Czech Trade Inspection (in [Czech](#) and [English](#)).

7.8. DE – Germany²⁴⁰

7.8.1. Key facts

- There is no definition of the concept of “influencer” in German legislation.
- Content-oriented media regulation is ensured by the *Länder* and advertising rules are also primarily found in media law at the *Länder* level. The regulation of economic aspects is determined by federal law.
- Influencers, if they are live streamers, can be considered as broadcasters, provided they meet the criteria of Article 2(1) of the Interstate Media Treaty (*Medienstaatsvertrag – MStV*).²⁴¹ Such influencers (especially content creators on video-sharing-platforms (VSPs) and social networks) can also be considered as “broadcast-like telemedia”, the equivalent of the AVMSD’s “on-demand audiovisual media service” (AVMS) providers if they meet the criteria of Article 2(2)(13) MStV.
- The Guidelines on the labelling of advertising in online media²⁴² by the *Länder* media regulatory authorities are not exclusively directed at influencers but are of particular relevance to them and explain which rules apply to advertising in different types of content.
- Four judicial proceedings related to influencer marketing have led to the so-called “Influencer judgments”²⁴³ of the Federal Court of Justice, each dealing with different aspects of the requirements of the labelling obligation and the question whether a lack of labelling constitutes unfair practice.

Definition	Existence
Existence of a definition of the concept of “influencer”	No
Definition in legislation	N/A
Definition in other documents	N/A
Definition	N/A

²⁴⁰ The factsheet on Germany incorporates feedback received from Michel Winkels, European affairs adviser at the *Landesanstalt für Medien NRW* during the checking round with the national regulatory authorities.

²⁴¹ [Interstate Media Treaty \(*Medienstaatsvertrag – MStV*\)](#).

²⁴² Guidelines on the labelling of advertising in online media (*Leitfaden Werbekennzeichnung bei Online-Medien*), available ([German](#) and [English](#)).

²⁴³ The “Influencer judgments” (in German):

[Influencer I: BGH, judgment of 9 September 2021 – I ZR 90/20;](#)

[Influencer II: BGH, judgment of 9 September 2021 – I ZR 125/20;](#)

[Influencer III: BGH, judgment of 13 January 2022 – I ZR 35/21;](#)

[Influencer IV: BGH, judgment of 13 January 2022 – I ZR 9/21.](#)

Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes ²⁴⁴
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	No ²⁴⁵

7.8.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in German legislation.

7.8.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

Influencers can be considered as AVMS providers. Content-oriented media regulation is ensured by the *Länder* and advertising rules are also primarily found in media law at the level. The regulation of economic aspects is determined by federal law.

The relevant media law of the German *Länder* does not refer to the term “audiovisual media service provider”. The equivalent of the term “television broadcast” under Article 1(1)(a)(i) and (e) of the AVMSD is the term “broadcasting” in Article 2(1) of the MStV,²⁴⁶ which also applies to the Interstate Treaty on the Protection of Minors in Broadcasting and Telemedia (*Staatsvertrag über den Schutz der Menschenwürde und den Jugendschutz in Rundfunk und Telemedien – JMStV*).²⁴⁷

A “television broadcast” is defined as a linear information and communication service. This involves the provision and transmission of journalistic editorial offers for the general public for simultaneous reception in moving images or sound according to a schedule, using telecommunication, which includes audiovisual media. Influencers, if they are live streamers, can be considered as broadcasters, provided they meet these criteria. As the notion of “journalistic editorial offers” is not subject to strict requirements, the main assessment criterion for influencers is their reliance on a broadcasting schedule. Article 2(2)(2) MStV defines such a schedule as “the permanent definition of the content

²⁴⁴ Influencers can be considered as audiovisual media services if they meet the criteria laid down in Articles 2(1) and 2(2)(13) MStV. Content-oriented media regulation is ensured by the German *Länder* and the regulation of economic aspects is determined by federal law.

²⁴⁵ Influencers considered as broadcasters may require a broadcasting licence depending on their reach.

²⁴⁶ [Interstate Media Treaty \(Medienstaatsvertrag – MStV\)](#).

²⁴⁷ [Interstate Treaty on the Protection of Minors in Broadcasting and Telemedia \(Staatsvertrag über den Schutz der Menschenwürde und den Jugendschutz in Rundfunk und Telemedien, Jugendmedienschutz-Staatsvertrag – JMStV\)](#).



and times on the basis of a schedule of broadcasts, which is determined by the broadcaster and cannot be changed by the user”. In their guidance document on broadcasting licences,²⁴⁸ which is not legally binding but reflects their understanding of the legal rules, the 14 *Länder* media regulatory authorities, grouped in the umbrella organisation *die Medienanstalten*, emphasise that this requires a case-by-case assessment. The more regularly and frequently a programme is disseminated, the more likely it is that a broadcasting schedule has to be assumed. The sporadic distribution of a programme is not to be qualified as a broadcasting schedule. Other criteria may include prior announcement of the programmes (via social networks or direct communication with the audience, for instance). Several influencers who are mostly specialised in the livestreaming of gaming content have broadcasting licences.²⁴⁹

As per Article 54 MStV, influencers considered as broadcasters are exempted from the authorisation requirement if they have little impact on the formation of individual and public opinion or are expected to reach an average of fewer than 20 000 concurrent users over a six-month period.

The equivalent of the term “on-demand audiovisual media service” from Article 1(1)(a)(i) and (g) AVMSD is the term “broadcast-like telemedia” in Article 2(2)(13) MStV, which applies also in the JMStV. It corresponds to online media which are not broadcasting or telecommunication services with content that is similar to radio or television in terms of form and design and which is made available from a catalogue specified by a provider for individual demand at a time selected by the user (audio and audiovisual media services on demand). Influencers, especially content creators on VSPs and social networks, can be considered as broadcast-like telemedia providers if they meet these criteria. The main assessment criterion in this case is the similarity to broadcasting. Again, this requires a case-by-case assessment of an influencer’s individual offer. In their guidance on political advertising, which is not legally binding but reflects their understanding, *die Medienanstalten* points out that in most cases YouTube channels are covered and that for social media profiles (Facebook, Twitter, Instagram, TikTok, etc.) it depends on whether audiovisual content is included, and if so, to what extent.

At the federal level, the Digital Services Law (*Digitale-Dienste-Gesetz – DDG*)²⁵⁰ contains provisions for on-demand AVMS providers. According to Article 1(4)(6) DDG, they are defined as non-linear AVMS where the principal purpose of the service or a dissociable section thereof is to provide, under the editorial responsibility of an AVMS provider, programmes for information, entertainment or education to the general public for individual viewing at a time chosen by the user. The sole purpose of establishing these rules addressing on-demand AVMS at the federal level was the transposition of certain provisions of the AVMSD which concern the economic aspects of such offers. When introducing the rules, the legislator assumed that they would also apply to influencers. In principle, every channel on a VSP or profile on a video-oriented social network can meet these criteria. In particular, there are no explicit legal exceptions for smaller channels, for

²⁴⁸ [Checklist: When do I need a broadcasting license \(by the Länder media regulatory authorities\)](#) (*Checkliste: Wann benötige ich eine Rundfunklizenz*).

²⁴⁹ Several influencers have broadcasting licences, eg.: Kalimbo, Rocket Beans TV, MontanaBlack88 ([Übersicht der TV-Veranstalter](#) – Hamburg/Schleswig-Holstein Media Authority), SlethZockt, NerdStar, Rewinside and Gronkh ([Sender mit Lizenz der Landesanstalt für Medien NRW](#) – North Rhine-Westphalia Media Authority).

²⁵⁰ [Digital Services Law](#) (*Digitale-Dienste-Gesetz – DDG*).

example. However, the offer must be a “service”, which requires a commercial character on the part of the influencer and excludes offers that serve purely personal or family purposes. To assess the commercial character, the explanatory memorandum²⁵¹ to the law cites the number of videos, subscribers and views as relevant criteria. A case-by-case assessment is required, on the basis of economic considerations.

7.8.4. Rules and/or guidelines specific to influencers

In Germany, there is no legislation that applies specifically to influencers.

According to the MStV and JMStV, influencers considered as broadcasters or broadcast-like telemedia must provide information regarding their name, address and authorised representatives (in the case of legal persons) in an easily recognisable, directly accessible and permanently available way, but they have no obligation to register with the Länder media regulatory authorities, unless they are considered as broadcasters and reach an average of more than 20 000 simultaneous viewers (in which case they require a licence, as per Article 54 MStV).

Channels of influencers that are considered to be broadcast-like telemedia must adhere to the requirements for labelling advertisements, just like broadcasters, as per Article 74, 8 MStV. At the same time, the provisions of the JMStV for the protection of children and young people from content that could impair their development must also be observed.

In 2022, the Act against Unfair Competition (*Gesetz gegen den unlauteren Wettbewerb – UWG*)²⁵² was reformed by the Act to Strengthen Consumer Protection in Competition and Trade Law (*Gesetz zur Stärkung des Verbraucherschutzes im Wettbewerbs- und Gewerberecht – GSVWG*).²⁵³ The act is commonly referred to as the “Influencer Act”, due to its aim to clarify when influencer content is considered as commercial communication and when it must be labelled as such.

The Länder media regulatory authorities have published guidance documents²⁵⁴ directed at online media, including influencers. These are not legally binding but provide explanations of the rules of the MStV which apply to their activities.

The Guidelines on the labelling of advertising in online media (*Leitfaden Werbekennzeichnung bei Online-Medien*),²⁵⁵ which are not exclusively directed at but are of particular relevance to influencers, explain the rules which apply to advertising in different types of content or media, and when and how it must be labelled.

²⁵¹ [Draft law to amend the Telemedia Act and other laws](#) (*Entwurf eines Gesetzes zur Änderung des Telemediengesetzes und weiterer Gesetze*).

²⁵² [Act against Unfair Competition](#) (*Gesetz gegen den unlauteren Wettbewerb, UWG*).

²⁵³ [Act to Strengthen Consumer Protection in Competition and Trade Law](#) (*Gesetz zur Stärkung des Verbraucherschutzes im Wettbewerbs- und Gewerberecht, GSVWG*).

²⁵⁴ [Guidelines and information by the Länder media regulatory authorities](#).

²⁵⁵ Guidelines on the labelling of advertising in online media by the Länder media regulatory authorities (*Leitfaden Werbekennzeichnung bei Online-Medien*), available ([German](#) and [English](#)).



The rules of the German Advertising Standards (*Deutscher Werberat*) also apply to influencers, just as they apply to all commercial communication.²⁵⁶

7.8.5. Case law

The absence of labelling of advertising by influencers has been and continues to be the subject of numerous court cases in Germany. They are primarily based on claims for injunctive relief and damages under the UWG but have been judged differently by the lower courts. Four proceedings in particular have subsequently led to the so-called “influencer judgements”²⁵⁷ of the Federal Court of Justice (*Bundesgerichtshof* – BGH), each dealing with different aspects of the requirements of the labelling obligation and the question whether a lack of labelling constitutes unfair practice.

In the first two decisions, the main concern was to determine whether a lack of labelling amounted to an unfair commercial act if there was no consideration for advertising a product (in both cases through “tap tags” on Instagram). The BGH ruled that it was only the case if the post was excessively promotional. It was also decided that “tap tagging” does not constitute sufficient labelling, and that a further indication must be provided. In the case of images, a simple reference in the accompanying text can also be considered insufficient.

Influencer III and Influencer IV, on the other hand, dealt with the characteristic of the intention to promote sales and whether it is relevant in the case of products provided free of charge. The BGH confirmed that it was relevant under the UWG. However, the BGH emphasised in both cases that if the influencers had complied with the obligations laid down in the MStV and the Telemedia Act (*Telemediengesetz*, replaced by the DDG), there could be no unfair practice. A clarification was added to Article 5a(4) UWG through the amending GSVWG in 2022 to incorporate this case law.

The provisions for labelling advertisements in the MStV take precedence over the provisions of the UWG, and thus the media law regulations of the Länder, for which the media authorities are responsible, are decisive for the regulation of advertising by influencers.

On 28 August 2024, *Wettbewerbszentrale*, a cross-sector business association, also published an informal set of guidelines on influencer marketing, addressing primarily influencers and companies collaborating with influencers for advertising purposes.²⁵⁸

²⁵⁶ [Werberat website: Key Facts](#) (in English).

²⁵⁷ The “Influencer judgements”:

[Influencer I: BGH, judgement of 9 September 2021 – I ZR 90/20;](#)

[Influencer II: BGH, judgement of 9 September 2021 – I ZR 125/20;](#)

[Influencer III: BGH, judgement of 13 January 2022 – I ZR 35/21;](#)

[Influencer IV: BGH, judgement of 13 January 2022 – I ZR 9/21.](#)

²⁵⁸ [Guidelines on influencer marketing by Wettbewerbszentrale](#), August 2024.

7.8.6. Training programmes and certification

Several organisations offer certifications in influencer marketing management, but they mostly consist in methods of growing one's business rather than constituting an indication that the influencer must comply with the legislation.

The German Advertising Standards Council (*Deutscher Werberat*), the self-regulation organisation for advertising, started an Influencer Training Programme under the umbrella of the EASA in September 2024. The topics included in the training programme cover issues relating to disclosure, the rules of the German Advertising Standards Council and examples of misleading advertising. Special guidelines on alcohol and food advertising from the Advertising Council are also covered, as is the protection of minors in advertising. Influencers who pass the test at the end are mentioned on a public page.²⁵⁹

Wettbewerbszentrale regularly offers seminars and in-house training courses on influencer marketing. These are intended to provide participants with an overview of the regulatory background for influencer marketing and to outline the regulations influencers and the companies they collaborate with need to comply with. The seminars are made for both members of the *Wettbewerbszentrale* and external participants.

7.8.7. Recent developments

The Media Authority North Rhine-Westphalia (*Landesanstalt für Medien NRW*) regularly organises workshops²⁶⁰ for influencers within their jurisdiction, with the objective of educating them on how to properly advertise on their social media profiles.

²⁵⁹ Influencers passing the Influencer Training Programme by the German Advertising Standards Council are named on www.influencer-training.de.

²⁶⁰ The Media Authority NRW website: [Insights – Einblicke in die Praxis](#).



7.9. DK – Denmark²⁶¹

7.9.1. Key facts

- There is no definition of the concept of “influencer” in Danish legislation.
- An influencer meeting the criteria of Article 2(7) of the Order No 1158 on Video-sharing Platform Services²⁶² and Section 2(5) of the Act on Radio and Television Broadcasting²⁶³ may be considered as an on-demand audiovisual media service (AVMS) provider.
- At the time of writing, influencers meeting the criteria of the Order No 1158 on Video-sharing Platform Services and Section 2(5) of the Act on Radio and Television Broadcasting are not required by the national media regulatory authority, the Danish Radio and Television Board, to register as AVMS providers.
- The Consumer Council, which is an independent private member organisation financed via external partners and specific public grants for single projects, advocates that influencers should be considered media and be subject to the Radio and Television Act when their content is similar to television programmes.²⁶⁴
- The Danish Union of Journalists has developed ethical guidelines for bloggers and influencers²⁶⁵ as well as a more detailed guide on how to comply with these guidelines; it includes specific considerations for followers under the age of 18.
- The Consumer Ombudsman²⁶⁶ reports that Danish courts have assessed whether influencers are considered as traders in cases of surreptitious advertising based on their revenue, audience size and the presence of commercial communications in their content, among other criteria.
- Ongoing discussions at the political level highlight a growing sense of the need to consider the implementation of stricter rules to regulate influencers.

Definition	Existence
Existence of a definition of the concept of “influencer”	No
Definition in legislation	N/A

²⁶¹ The summary on Denmark incorporates feedback received from Anna Katrine Duelund Hansen, Media Officer at the Danish Radio and Television Board, during the checking round with the national regulatory authorities.

²⁶² [Order No 1158 of 18 June 2020 - Order on video sharing platform services \(BEK nr 1158 af 18. juni 2020 - Bekendtgørelse om videodelingsplatformstjenester\)](#).

²⁶³ [Act on Radio and Television Broadcasting \(Lov om radio- og fjernsynsudsendelse\)](#).

²⁶⁴ Consumer Council website: [Influencers must follow the same rules as all other media](#).

²⁶⁵ [Ethical guidelines by the Danish Union of Journalists](#)

²⁶⁶ The Danish Consumer Ombudsman’s website: [Ban on surreptitious advertising – social media](#).



Definition	Existence
Definition in other documents	N/A
Definition	N/A
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	No ²⁶⁷

7.9.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in Denmark.

7.9.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

An influencer meeting the criteria of Article 2(7) of the Order No 1158 on Video-sharing Platform Services²⁶⁸ (*BEK nr 1158 af 18. juni 2020 - Bekendtgørelse om videodelingsplatformstjenester*) and Section 2(5) of the Act on Radio and Television Broadcasting²⁶⁹ (*Lov om radio- og fjernsynsudsendelse*) may be considered as an on-demand audiovisual media service (AVMS) provider. At the time of writing, the national media regulatory authority, the Radio and Television Board (*Radio og tv-nævnet*), had not required any influencer to register as audiovisual media service provider.

The Consumer Council (*Forbrugerrådet Tænk*) advocates that influencers should indeed be considered as media and subject to the Radio and Television Act when their content is similar to television programmes.

A proposal²⁷⁰ by the Consumer Council is meant to help ensure that influencers can be considered as and regulated like traditional media in the future and follow the same rules.

²⁶⁷ At the time of writing, the Danish Radio and Television Board does not require influencers under their jurisdiction to register.

²⁶⁸ [Order No 1158 of 18 June 2020 - Order on video sharing platform services](#) (*BEK nr 1158 af 18. juni 2020 - Bekendtgørelse om videodelingsplatformstjenester*).

²⁶⁹ [Act on Radio and Television Broadcasting](#) (*Lov om radio- og fjernsynsudsendelse*).

²⁷⁰ Consumer Council website: [Influencers must follow the same rules as all other media](#).

The Danish Radio and Television Board has recently announced that they are updating their guidance on AVMS providers in order to elaborate on the providers on social media, video sharing platforms, etc.

7.9.4. Rules and/or guidelines specific to influencers

Until October 2024, the Danish Consumer Ombudsman provided a guide for influencers on hidden advertising, to help them comply with the rules on surreptitious advertising in LBK No. 866 of 15 June 2022 (*LBK nr 866 af 15/06/2022* – the Marketing Practices Act).²⁷¹ While it does not provide for specific rules for influencers, the Danish Consumer Ombudsman indicates on its website that when an influencer is a business owner, he/she must comply with the Danish Marketing Practices Act.

The guide was removed in favour of continuous updates to the website of the Danish Consumer Ombudsman, which recommends (since October 2024) that influencers directly consult the website for guidance.²⁷²

Influencers are considered to be traders if they benefit (financially, or via other forms of benefits) from designing and posting commercial posts for businesses. This applies regardless of whether the influencer promotes their own company or products, or whether the influencer promotes a company or its products on behalf of that company.

Influencers with significantly fewer than 70 000 followers may, under the circumstances, also be considered as traders and thus subject to the Marketing Practices Act, as emphasis will also be placed on whether the influencer frequently posts commercial posts on social media.

The guide provides influencers with appropriate wording to disclose that a post is an advertisement in order to comply with the ban on surreptitious advertising in the Marketing Practices Act.

The Danish Union of Journalists (*Dansk Journalistforbund*) has developed ethical guidelines for bloggers and influencers²⁷³ as well as a more detailed guide on how to comply with the guidelines. The latter covers the influencer's responsibility as a role model, compliance with the Danish Marketing Practices Act and considerations for followers under the age of 18.

²⁷¹ [LBK No. 866 of 15 June 2022 with later amendments \(LBK nr 866 af 15/06/2022\)](#).

²⁷² Danish Consumer Ombudsman website: [Prohibition of hidden advertising – Social media \(Forbud mod skjult reklame – Sociale medier\)](#).

²⁷³ [Ethical guidelines by the Danish Union of Journalists](#).

7.9.5. Case law

The Consumer Ombudsman²⁷⁴ mentions that Danish courts have assessed cases of influencers with regard to surreptitious advertising. In those cases, they assessed a selection of criteria to determine whether the influencers could be considered as traders:

- the nature of the influencer's business, including the fact that the influencer's work involved making commercial posts on social media;
- the fact that the influencer ran a business as an influencer;
- the number of followers (at the time of the offence, the liable influencers had from around 70 000 to over 900 000 followers);
- the fact that the influencer received remuneration for the posts in the form of money, products, services, accommodation, loan of clothes, etc;
- the fact that the influencer had a contact person for social media requests or a manager;
- the nature of the defendant's social profiles containing product exposure;
- the fact that the influencer had commercial co-operation with companies;
- and the fact that it is not a requirement for the influencer to have a company registration number.

7.9.6. Training programmes and certification

N/A.

7.9.7. Recent developments

Following the introduction of new, stricter rules applying to influencers in France in 2023, the Danish government announced in April 2023 that it would investigate whether the influencer industry should be subject to stricter regulations in Denmark as well. Several political parties supported stricter regulation.²⁷⁵

In November 2023, the Minister for Industry, Business and Financial Affairs stated that the government planned to give the Consumer Ombudsman more funds to monitor influencers' compliance with the Marketing Practices Act.²⁷⁶

On 25 June 2024, the Minister of Culture confirmed that he shared the belief that the reach and impact of some influencers were comparable to that of traditional media and

²⁷⁴ The Danish Consumer Ombudsman's website: [Ban on surreptitious advertising – social media](#).

²⁷⁵ Goodstein R. (26 April 2023), "[The government will look into whether rules for influencers need to be tightened](#)", *Mediawatch*.

²⁷⁶ Fogde J. M. (20 November 2023), "[Minister warns influencers who break the law](#)", *Mediawatch*.



has asked the Ministry of Culture to investigate possible initiatives with regard to influencers.²⁷⁷

The minister also referred to the Media Liability Committee (*Medieansvarsudvalget*), who must investigate the responsibility of bloggers and influencers with regard to the content they publish and disseminate.

²⁷⁷ [Parliamentary response from the Minister of Culture, 25 June 2024.](#)

7.10.EE – Estonia²⁷⁸

7.10.1. Key facts

- There is no definition of the concept of “influencer” in Estonian legislation.
- The concept of “social media influencer” is defined in a guide published by the national media regulatory authority, the Consumer Protection and Technical Regulatory Authority (*Tarbijakaitse ja Tehnilise Järelevalve Amet – CPTRA*) and the Estonian Marketing Association (*Turundajate Liit – TULI*).
- Influencers are not directly mentioned in Article 4(1) of the Media Services Act²⁷⁹ defining audiovisual media services (AVMS) but the CPTRA monitors their compliance with the act.

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	Guide for advertisers on social media (CPTRA, TULI) ²⁸⁰
Definition	A person who creates or shares content on social media and whose posts are followed by the public, no matter the number of followers or if posts are visible to all or followers only.
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	No

²⁷⁸ The factsheet on Estonia incorporates feedback received from Peeter Sookruus, an adviser at the Consumer Protection and Technical Regulatory Authority, during the checking round with the national regulatory authorities.

²⁷⁹ [Media Services Act](#) (*Meediateenuste seadus*).

²⁸⁰ [The Guide for advertisers on social media](#), published on 22 September 2020 by the CPTRA and TULI.



7.10.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in national legislation.

The Guide for advertisers on social media²⁸¹ published by the national media regulatory authority, the CPTRA, and the Estonian Marketing Association TULI, however, provides a definition of “social media influencer”.

The guide gives the following definition of an influencer:

...a person who creates or shares content on social media and whose posts are followed by the public. It is irrelevant whether the post is followed by 10, 100, 1 000 or a million people, or whether it is visible to everyone or only to followers.

Although the concept of “influencer” is not defined in Estonian legislation and the number of followers a person needs to have to become an influencer is therefore not regulated by law, the CPTRA considers the scope of the “influence” that a person has when applying the Media Services Act.

The regulation of the Advertising Act²⁸² (*Reklaamiseadus (lühend – RekS)*) and the definition of “advertising” in Estonian legislation is the main reason why the advertising guide does not take into account the number of followers when defining influencers. Advertising, according to the Advertising Act, is any information that is made public for the purpose of increasing sales or promoting something (no matter whether it is paid for or not or what the reach of the information is). Therefore, advertising is always considered as such regardless of its influence or reach.

However, when applying the Media Services Act²⁸³ (*Meediateenuste seadus*), the CPTRA takes into account the level of influence in order to consider a person as an influencer and AVMS provider. Persons with over 30 000 followers are required by the CPTRA to comply with the Media Services Act.

7.10.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

There is no explicit reference to influencers being considered as audiovisual media services in Estonian law and influencers do not have to register with the CPTRA. Influencers may be considered as AVMS providers if they meet the criteria defined in Article 4(1)(2) of the Media Services Act.

The CPTRA is in the process of starting to monitor influencers’ compliance with the Media Services Act.²⁸⁴

²⁸¹ [The Guide for advertisers on social media](#), published on 22 September 2020 by the CPTRA and TULI.

²⁸² [Advertising Act \(Reklaamiseadus \(lühend – RekS\)\)](#).

²⁸³ [Media Services Act \(Meediateenuste seadus\)](#).

²⁸⁴ [The Guide for advertisers on social media](#), published on 22 September 2020 by the CPTRA and TULI (in Estonian).

The CPTRA is currently in the process of applying AVMSD rules to influencers as on-demand AVMS providers. Influencers under the CPTRA's jurisdiction will need to present a notice of economic activities, but they will not be required to apply for a licence.

7.10.4. Rules and/or guidelines specific to influencers

In addition to providing a definition of “social media influencer”, the Guide for advertisers on social media defines what constitutes advertising and what does not and provides guidance with regard to advertising for influencers.

Specific guidance is given on how to properly label advertising as such, as well as how to disclose when a product has been given as a gift, when there has been product placement and when a programme has been financed via a sponsor.

The CPTRA is also currently developing more specific guidelines for influencers considered to be on-demand media service providers. This process will be completed in the first quarter of 2025.

7.10.5. Case law

N/A.

7.10.6. Training programmes and certification

N/A.

7.10.7. Recent developments

N/A



7.11.ES – Spain²⁸⁵

7.11.1. Key facts

- Article 94 of Law No. 13/2022 of 7 July 2022, the General Law on Audiovisual Communication (LGCA),²⁸⁶ developed by Royal Decree No. 444/2024 of 30 April 2024²⁸⁷ introduced a definition of “users of special relevance” (*usuarios de especial relevancia* – USR) which corresponds to influencers matching certain criteria, including gross yearly income (EUR 300 000 or more), audience (at least 1 million followers on a single video-sharing platform (VSP), or at least 2 million followers cumulated between different VSPs) and frequency in posting videos (24 per year or more).
- Influencers deemed to be USRs are considered as audiovisual media service (AVMS) providers and must register with the Ministry of Economic Affairs and Digital Transformation, which will supervise the national register with the cooperation of the national media regulatory authority, the National Authority for Markets and Competition (CNMC).
- The self-regulatory body for commercial communications, AUTOCONTROL, has issued a code of conduct regarding the use of influencers for advertising purposes. It includes criteria to properly identify commercial content, as well as indications on how to respect the general rules of fair competition.
- AUTOCONTROL’s code of conduct also includes a definition of the concept of “influencer”.²⁸⁸

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes ²⁸⁹

²⁸⁵ The factsheet on Spain incorporates feedback received from Pedro Domingo Martín Contreras, senior legal advisor at the CNMC, during the checking round with the national regulatory authorities.

²⁸⁶ [Law No. 13/2022 of 7 July 2022, the General Law on Audiovisual Communication \(Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual\)](#).

²⁸⁷ [Royal Decree No. 444/2024 of 30 April 2024 on users of special relevance of video-sharing platforms \(Real Decreto 444/2024, de 30 de abril, por el que se regulan los requisitos a efectos de ser considerado usuario de especial relevancia de los servicios de intercambio de vídeos a través de plataforma, en desarrollo del artículo 94 de la Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual\)](#).

²⁸⁸ [Code of conduct regarding the use of influencers for advertising purposes](#), AUTOCONTROL, 2020 (in Spanish).

²⁸⁹ There is no definition of the concept of “influencer” in Spanish legislation, but Article 94 of [Law No. 13/2022](#), of 7 July 2022, the LGCA, developed by [Royal Decree No. 444/2024](#) of 30 April 2024 introduced a definition of “users of special relevance” (USR) which corresponds to influencers matching certain criteria.



Definition	Existence
Definition in legislation	Law No. 13/2022 of 7 July 2022, the General Law on Audiovisual Communication ²⁹⁰
Definition in other documents	Code of conduct regarding the use of influencers for advertising purposes by AUTOCONTROL ²⁹¹
Law No. 13/2022 of 7 July 2022, the LGCA	Law No. 13/2022 of 7 July 2022, the LGCA, defines only “users of special relevance who use video-sharing platform services” (USR) as those meeting the following requirements: <ul style="list-style-type: none">- the service provided entails an economic activity for which its owner obtains significant income derived from its activity;- the user of special relevance is the person editorially responsible for the content made available to the public in their service;- the service provided is intended for a significant part of the general public and can have a clear impact on it;- the function of the service is to inform, entertain or educate and the main objective of the service is the distribution of audiovisual content;- the service is offered through electronic communications networks and is established in Spain.
Code of conduct regarding the use of influencers for advertising purposes	People who are considered to have a high level of influence on the public due to their high number of followers on social networks and/or digital media and who interact through tweets, videos and posts, as well as through messages on blogs or other means. The category includes so-called “social media influencers” such as “bloggers”, “YouTubers”, “Instagrammers” and “Facebookers”.
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes
By extension or directly envisaged in law?	Directly

²⁹⁰ [Law No. 13/2022 of 7 July 2022, the LGCA \(Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual\)](#).

²⁹¹ [Code of conduct regarding the use of influencers for advertising purposes, AUTOCONTROL, 2020 \(in Spanish\)](#).



Definition	Existence
Are influencers explicitly mentioned as being AVMS providers in law?	Yes ²⁹²
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	Yes ²⁹³

7.11.2. Definition of the concept of “influencer”

The term “influencer” is not mentioned in national primary legislation, but certain audiovisual influencers or vloggers fit into the concept of “user of special relevance”, which is envisaged in the Spanish Audiovisual Communications Law.

USRs are defined in Article 94 of the LGCA. Some requirements of the definition have been developed by Royal Decree No. 444/2024 of 30 April 2024 which regulates the requirements for being considered a USR of video exchange services through a platform. (*Real Decreto 444/2024, de 30 de abril, por el que se regulan los requisitos a efectos de ser considerado usuario de especial relevancia de los servicios de intercambio de vídeos a través de plataforma, en desarrollo del artículo 94 de la Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual*).²⁹⁴ USRs who use VSP services are defined as those meeting the following requirements:

- the service provided entails an economic activity for which its owner obtains significant income derived from its activity;
- the user of special relevance is the person editorially responsible for the content made available to the public in their service;
- the service provided is intended for a significant part of the general public and can have a clear impact on it;
- the function of the service is to inform, entertain or educate and the main objective of the service is the distribution of audiovisual content;
- the service is offered through electronic communications networks and is established in Spain.

The following subjects will never be considered as USRs:

- educational or scientific centres when their activity falls within their duties or serves the purpose of communicating information;
- museums, theatres or any other cultural entity when presenting their programming or activities;

²⁹² Royal Decree No. 444/2024 of 30 April 2024 does not refer to “influencers” but it does refer to “users of special relevance”, the definition of which encompasses influencers meeting certain criteria.

²⁹³ Ibid.

²⁹⁴ In accordance with Royal Decree No. 444/2024 of 30 April 2024, the CNMC refers to “users of special relevance” and “vloggers” rather than “influencers”.



- public administrations or political parties for purposes of providing information about and presenting the functions they perform;
- companies and self-employed workers in order to promote goods and services produced or distributed by them;
- associations and non-governmental organisations for the purposes of self-promotion and presentation of the activities they carry out in accordance with their objectives.

Article 3 of Royal Decree No. 444/2024 defines “significant revenue” as gross income earned in the previous calendar year, equal to or greater than EUR 300 000, derived from the activity of users in all VSP services that they employ. Revenue eligible for determining significant income shall be as follows:

- revenue obtained both from monetary remuneration and remuneration in kind, for the marketing, sale or organisation of audiovisual commercial communications accompanying or inserted into the audiovisual content which is the responsibility of users of VSP services;
- revenue received by users from the providers of VSP services as a result of their activity in those services;
- revenue received from user activity from fees and payments paid by their audience for VSP services;
- revenue from financial benefits granted by public administrations and entities, regardless of their name and nature, related to the activity of users on VSP services;
- other revenue obtained from the activity of users on the VSP services.

Article 4 establishes that a service provided by a USR shall be deemed to be intended for a significant part of the general public and may have a clear impact on it when it meets, cumulatively, the following requirements:

- the service reached, at some point in the previous calendar year, a number of followers equal to or greater than 1 million on a single VSP service; or a number of followers equal to or greater than 2 million, in the aggregate, taking into account all VSP services on which the user carries out their activity;
- in all VSP services on which the user carries out their activity, 24 videos or more were published or shared in the previous calendar year, regardless of their duration.

The concept is also defined in the 2020 Code of conduct regarding the use of influencers for advertising purposes published by AUTOCONTROL,²⁹⁵ the advertising self-regulatory organisation. AUTOCONTROL define “influencers” as:

people who are considered to have a high level of influence on the public due to their high number of followers on social networks and/or digital media and who interact through tweets, videos and posts, as well as through messages on blogs or other means.

²⁹⁵ [Code of conduct regarding the use of influencers for advertising purposes](#), AUTOCONTROL, 2020.



The category includes so-called “social media influencers” such as “bloggers”, “YouTubers”, “Instagrammers” and “Facebookers”.

7.11.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

USRs are considered to be AVMS providers if they meet the general criteria defined in Royal Decree No. 444/2024. As such, they must register with the Ministry of Economic Affairs and Digital Transformation (*Ministerio de Asuntos Económicos y Transformación Digital*), which will supervise the national register with the cooperation of the CNMC.²⁹⁶

7.11.4. Rules and/or guidelines specific to influencers

According to Article 94, USRs have the obligation to respect the provisions included in the LGCA,²⁹⁷ particularly with regard to:

- Article 4 LGCA on respect for human dignity and constitutional values;
- Article 6 LGCA on audiovisual communication transmitting an egalitarian and non-discriminatory image of women and men and not favouring situations of discrimination based on sex, the inequality of women or that incite sexual violence;
- Article 7(1) LGCA on audiovisual communication favouring an adjusted, respectful, appreciative image, inclusive and free of stereotypes of people with disabilities;
- Article 10 on collaboration with the competent authority and other audiovisual media services providers in the adoption of measures to promote media literacy;
- Article 12 LGCA regarding engagement in self-regulation initiatives;
- Article 14 LGCA regarding their participation in co-regulatory efforts;
- Article 15 LGCA regarding the adoption of self- and co-regulation codes;
- Article 99(1) LGCA on providing users with sufficient and unequivocal information about the potentially harmful nature of audiovisual programmes and content for the physical, mental or moral development of minors by using a system with content description, an audible warning, a visual symbol or any other technical means describing the nature of the content, in accordance with co-regulation agreements.

Regarding commercial communications, USRs must also respect general rules regarding commercial communications (Articles 121-134 LGCA), as well as specific obligations regarding different types of commercial communications, whenever they market, sell or

²⁹⁶ Press release, [El nuevo Registro Audiovisual incluirá nuevos prestadores como los servicios de intercambio de vídeos a través de plataformas o los vloggers](#), 17 April 2023.

²⁹⁷ [Law No. 13/2022 of 7 July 2022, the General Law on Audiovisual Communication \(Ley 13/2022, de 7 de julio, General de Comunicación Audiovisual\)](#).

organise commercial communications that accompany or are inserted in their audiovisual content.

USRs had a period of two months from the entry into force of Royal Decree No. 444/2024 to submit the registration request to the body designated according to Article 34 LGCA.

In addition to rules found in primary legislation, the self-regulatory body for commercial communications, AUTOCONTROL, together with the Spanish Association of Advertisers (and since 2024, IAB Spain as well) issued a code of conduct regarding the use of influencers for advertising purposes²⁹⁸ in 2020. It includes criteria to properly identify commercial content, as well as indications on how to respect fair competition. The code also refers to general commercial ethical standards already covered by other self-regulatory instruments, as well as “copy advice” and monitoring mechanisms.

7.11.5. Case law

A judgment of 5 December 2023 by the Provincial Appeal Court of Madrid²⁹⁹ declared as unfair the advertising of a chain of dental clinics consisting of a series of testimonials from public figures promoting their dental treatments on the clinics' social networks.

The judgment took up the arguments of the first instance, pointing out that the opinion expressed by the influencers, framed in the campaign developed by the defendant using testimonies of well-known people, had an obvious advertising nature. It also pointed out that the advertising nature was not disclosed to the consumers to whom the advertising was addressed, concluding that the advertising had to be considered as unfair.

7.11.6. Training programmes and certification

AUTOCONTROL has carried out numerous training activities for influencers since 2020 on the regulation and self-regulation of influencer marketing. A training programme and certification are under development, scheduled to be released in the first quarter of 2025.

7.11.7. Recent developments

In June 2023, AUTOCONTROL signed a new co-regulation agreement on audiovisual commercial communications with the CNMC,³⁰⁰ extending its scope from television to

²⁹⁸ [Code of conduct regarding the use of influencers for advertising purposes](#), AUTOCONTROL, 2020.

²⁹⁹ [SAP M 19239/2023](#).

³⁰⁰ [Resolution of June 28, 2023, of the National Commission of Markets and Competition, by which the Agreement with the Association for the Self-Regulation of Commercial Communication, Autocontrol, is](#)



include radio, VSPs, and influencers under the scope of Law No. 13/2022 of 7 July 2022. The agreement also encourages the voluntary use of AUTOCONTROL Copy Advice and the out-of-court resolution of complaints through the AUTOCONTROL Jury, among providers of audiovisual communication services and USRs.

It also envisages the following.

1. Providers or USRs who are members of AUTOCONTROL and who receive a request or administrative communication from the CNMC regarding an audiovisual commercial communication with positive Copy Advice®, may inform the CNMC of the content of such a report.
2. Before or during the processing of an administrative file, the CNMC may request information from AUTOCONTROL as to whether a specific audiovisual commercial communication has obtained a positive Copy Advice® or has been the subject of a jury decision. AUTOCONTROL shall provide information in this respect.
3. When determining a sanction, the CNMC, in accordance with the provisions of the LGCA, will presume the good faith of the responsible party when the audiovisual commercial communication that allegedly infringes audiovisual regulations complies with AUTOCONTROL's decisions.
4. AUTOCONTROL must report quarterly to the CNMC on its prior voluntary activity on audiovisual commercial communications and on the activity of its Jury.
5. The CNMC may transfer complaints to AUTOCONTROL regarding the content of audiovisual commercial communications where infringement of the LGCA or of the applicable codes of conduct is alleged.
6. The CNMC may require AUTOCONTROL to request that the jury act in relation to specific audiovisual commercial communications, within the scope of an investigation on its own initiative. AUTOCONTROL shall inform the CNMC of the outcome.
7. AUTOCONTROL shall regularly inform the CNMC of the decisions taken by the advertising jury regarding audiovisual commercial communications.
8. The CNMC shall keep AUTOCONTROL informed of the outcome of its proceedings, if it applies an interpretative criterion which differs from that applied by AUTOCONTROL, in which case AUTOCONTROL undertakes to apply it in the future.

AUTOCONTROL's Code of conduct on the use of influencers in advertising is currently under review in order for it to be brought in line with, among others, the DSA, the LGCA updates, the 2023 EASA best practice recommendation on influencer marketing and the latest version of the ICC code (2024).

[published for the promotion of co-regulation on commercial communications in audiovisual communication services](#) (Resolución de 28 de junio de 2023, de la Comisión Nacional de los Mercados y La Competencia, por la que se publica el Convenio con la Asociación para la Autorregulación de la Comunicación Comercial, Autocontrol, para el fomento de la corregulación sobre comunicaciones comerciales en servicios de comunicación audiovisual).



7.12.FI – Finland³⁰¹

7.12.1. Key facts

- There is no definition of the concept of “influencer” in Finnish legislation but the Finnish Competition and Consumer Authority (*Kilpailu- ja kuluttajavirasto – KKV*) has provided definitions of “professional influencer” and “non-professional influencer” in its guidelines for influencer marketing in social media.
- Influencers may be considered as audiovisual media service (AVMS) providers, as per the definition laid out in Article 3, paragraph 2 of the Electronic Communications Services Act (917/2014)³⁰² (*Laki sähköisen viestinnän palveluista (917/2014)*). At the time of writing, there has been no decision in this regard by the national media regulatory authority, the Finnish Transport and Communications Agency (Traficom), nor any case law. The Tax Authority is looking into earnings by Finnish influencers on OnlyFans following calculations that Finnish content producers undervalued their earnings by EUR 5 000 000 in 2023.
- The Council of Ethics in Advertising has published several opinions on cases of suspected hidden advertising by influencers, on the basis of Article 7 of the ICC Advertising and Marketing Communications Code³⁰³ from the International Chamber of Commerce (ICC) on the recognisability of marketing.

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	Guidelines for influencer marketing in social media (KKV) ³⁰⁴
Definition	A professional influencer refers to an individual for whom influencing is their primary occupation.

³⁰¹ The factsheet on Finland incorporates feedback received from Sanni Jokinen, legal counsel at the Finnish Transport and Communications Agency, Traficom, during the checking round with the national regulatory authorities.

³⁰² [Electronic Communications Services Act \(917/2014\)](#) (*Laki sähköisen viestinnän palveluista (917/2014)*).

³⁰³ [The Advertising and Marketing Communications Code](#) by the International Chamber of Commerce (in English).

³⁰⁴ Guidelines for influencer marketing in social media by the Finnish Competition and Consumer Authority (*Kilpailu- ja kuluttajavirasto – KKV*) (in [English](#) and [Finnish](#)).



Definition	Existence
	A non-professional influencer refers to a consumer for whom content production for social media is a leisure time activity and not an occupation. In this case, the activities carried out by the influencer are not subject to the Consumer Protection Act or the authority of the Consumer Ombudsman. Despite this, the labelling of advertising is vital, because followers will otherwise not be able to avoid subliminal advertising.
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	No

7.12.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in legislation, but guidelines from the KKV provide definitions of “professional influencer” and “non-professional influencer”.

According to these guidelines, a professional influencer is an individual for whom influencing is their primary occupation. Under the Consumer Protection Act,³⁰⁵ professional influencers are responsible for disclosing the commercial nature of their collaboration with a company. Similarly, a company engaging in influencer marketing must disclose the commercial nature of its collaboration with an influencer.

The guidelines define a non-professional influencer as a consumer for whom content production for social media is a leisure time activity and not an occupation. In this case, the activities carried out by the influencer are not subject to the Consumer Protection Act or the authority of the Consumer Ombudsman. However, they must still properly label advertising in order not to mislead the public.

The guidelines also define influencer marketing as a commercial collaboration between companies and influencers whose goal is to promote the sale of company products or raise their brand profile.

The ICC’s Advertising and Marketing Communications Code³⁰⁶ applies to influencer marketing. The Council of Ethics in Advertising (*Mainonnan eettinen neuvosto*

³⁰⁵ [Consumer Protection Act \(1978/38\)](#) (*Kuluttajansuojalaki - (1978/38)*) (in English).

³⁰⁶ The ICC’s [Advertising and Marketing Communications Code](#) (11th Edition, 2024) (in English).

Liiketapalautakunta – MEN-LTL), the Finnish self-regulation organisation for ethical advertising, applies the ICC Code as such. The code (11th edition, 2024) defines “influencers” as:

individuals, organisations or machine-created or controlled representations i.e. avatars, who mainly use social media platforms to communicate and interact with their audiences including followers. In that context they may shape audience attitudes for commercial purposes, based on brand partnerships. However, they can also act outside any such arrangement, e.g. when promoting their own brand and products. In that case they are considered marketers (...). Those who match this definition are covered by it even if they appear under a different name, such as creator or brand ambassador. It also includes those with a relatively small number of followers.

“Influencer marketing communications” is also defined, as marketing communications conveyed by an influencer.

7.12.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

Influencers may be considered as AVMS providers, as per the definition laid out in Article 3, paragraph 2 of the Electronic Communications Services Act (917/2014)³⁰⁷ (*Laki sähköisen viestinnän palveluista (917/2014)*).

The Electronic Communications Services Act uses the term “audiovisual content service” instead of “audiovisual media service” and defines it as a service or a distinguishable part thereof, the principal purpose of which is the provision of television broadcasts to the public or on-demand services as a commercial activity and where editorial responsibility lies with the provider of the audiovisual content service.

At the time of writing, there has been no decision by the national media regulatory authority, the Finnish Transport and Communications Agency (*Liikenne- ja viestintävirasto* – Traficom), in this sense.

7.12.4. Rules and/or guidelines specific to influencers

In addition to providing definitions, the guidelines for influencer marketing in social media published by the KKV provide guidance to both influencers and companies resorting to influencer marketing.

They summarise the legal obligations stemming from the Consumer Protection Act, as well as other rules applying to influencers and companies, such as the rules contained in the Government Decree on practices in marketing and customer relationships considered

³⁰⁷ [Electronic Communications Services Act \(917/2014\)](#) (*Laki sähköisen viestinnän palveluista (917/2014)*).



unfair to the consumer (601/2008)³⁰⁸ (*Valtioneuvoston asetus kuluttajien kannalta sopimattomasta menettelystä markkinoinnissa ja asiakassuhteissa (601/2008)*).

The guidelines also address the need for advertising to be recognisable, and for both the company and the influencer to ensure that the commercial purpose of influencer marketing is clearly stated and distinguishable from other content. It also provides examples of labelling tools in place on popular video-sharing platforms (VSPs) and highlights the importance for companies engaged in influencer marketing to take into consideration the age of the target audience when choosing partners, marketing methods and products being marketed, especially when involving influencers who generally target minors or produce content appealing to them.

The self-regulatory Council of Ethics in Advertising³⁰⁹ has given instructions and issued several decisions related to influencer marketing.

7.12.5. Case law

N/A.

7.12.6. Training programmes and certification

Marketing Finland, a network of marketing and communication professionals, organises training programmes for influencers. At the time of writing, almost 50 influencers had graduated from their certification programme for responsible marketing and communication.³¹⁰

7.12.7. Recent developments

Influencers using OnlyFans are now being monitored by the Tax Authority,³¹¹ following calculations that Finnish OnlyFans content producers undervalued their earnings by EUR 5 000 000 in 2023.

The Tax Authority has developed detailed explanations on its website regarding the disclosure by Finnish influencers of income from social media platforms.³¹²

³⁰⁸ [Government Decree on practices in marketing and customer relationships considered unfair to the consumer \(601/2008\)](#) (*Valtioneuvoston asetus kuluttajien kannalta sopimattomasta menettelystä markkinoinnissa ja asiakassuhteissa (601/2008)*).

³⁰⁹ [Website](#) of the Council of Ethics in Advertising.

³¹⁰ [Webpage](#) for Marketing Finland's certificate of responsible marketing and communication.

³¹¹ [Press release](#) by the Tax Authority.

³¹² [Webpage](#) on income from social media platforms for individual taxpayers by the Finnish Tax Authority (in English).

The Council of Ethics in Advertising has published several opinions on cases of suggested hidden advertising, on the basis of Article 7 of the Advertising and Marketing Communications Code³¹³ from the ICC on the recognisability of marketing.

Following a request from a private individual, the Council of Ethics in Advertising released, on 6 August 2024, an opinion³¹⁴ on two publications from an influencer, which were suspected of constituting hidden advertising. The first publication featured a picture of a hand holding vitamin tablets and supplements with a caption that did not indicate any form of commercial collaboration. The second publication showed the packages of different products referring to upcoming “collaboration” (*yhteistyö*) without further clarification.

Harmonia Life Oy and influencer Anette Aho began their commercial collaboration in March 2024, with both parties agreeing on publications on Instagram. Harmonia Life Oy indicated that they had ensured that the publications would disclose the commercial nature of the partnership appropriately. The publications which were at the origin of the request for an opinion by the Council of Ethics in Advertising were not part of the agreed-upon publications, according to the company, which further argued that they cannot be held responsible for the influencer making those publications on their own initiative.

On the basis of Articles 7 and C1 of the ICC Advertising and Marketing Communications Code, the Council of Ethics in Advertising considered that the advertisement was not disclosed with an easily perceptible, clear and comprehensible label. The use of the term “collaboration” was not considered to be a clear identifier of advertising but it was considered that the use of the term “advertisement” (*mainos*) would have been sufficient. It also added that the distinction was made especially difficult by the fact that the account used by the influencer featured both personal posts and advertising.

In another recent case,³¹⁵ the Advertising Ethics Council has received requests for statements from private individuals regarding two publications by influencer Karoliina Pentikäinen on the Instagram account “karoliina_pentikainen”. According to the requesters, the publications constitute hidden advertising.

Both posts contain pictures of clothes that the influencer says she will advertise later. The second post contains the text: “On my trip, I had this perfect beach dress, AVENY’s Chantilly dress, which I will make a collaboration reel of later (the product was received for that promotion). AVENY is sold in Finland only by the one and only [@inchstore](#)”. The second post contains the text: “The outfit was received as part of a future collaboration [@aveny_official](#) [@inchstore](#)”. The requesters consider that this is a case of hidden advertising.

According to the company, the marketing of the clothes seen in the pictures has been agreed upon verbally with the influencer, but the publications that are the subject of the request for a statement have not been agreed upon. According to the influencer, this is not a commercial collaboration with the company. However, the influencer emphasizes that the publications have stated that the outfits were not purchased by her, and that

³¹³ [ICC Advertising and Marketing Communications Code](#) (in English).

³¹⁴ [Opinions by the Council of Ethics in Advertising MEN 27/2024 Harmonia Life Oy.](#)

³¹⁵ [Opinions by the Council of Ethics in Advertising MEAN 41/2024 J&A Clothing Oy \(Inchstore-brändi\).](#)



commercial collaboration with the company regarding the clothes seen in the photos has been agreed upon in the future.

The Council of Advertising Ethics stated that it assesses the scope of the company's marketing assignment taking into account that the agreement between the parties was made orally, the statement of the influencer in its response in full, the intensity and duration of the marketing cooperation between the parties, the presentation of the clothing of the publications subject to the request for a statement, brand mentions and the announced future commercial cooperation. On those grounds, the publications can be considered to have been included in the marketing assignment given orally by the company to the influencer. The Council of Advertising Ethics also stated that the company, as an established operator and the person giving the oral assignment, can be considered responsible if its oral marketing assignment has been open to interpretation from the influencer's perspective.

The Advertising Ethics Council considers that the primary purpose of the publications can be considered to have been the promotion of products on behalf of the marketer and that the company is therefore liable for the procedure. As the publications are not immediately clearly identifiable as marketing, they constitute hidden advertising.

On the grounds mentioned above, the Advertising Ethics Council found that the marketer and the influencer have acted in violation of Articles 7 and C1 of the ICC Marketing Rules.

7.13. FR – France³¹⁶

7.13.1. Key facts

- Law No. 2023-451 of 9 June 2023³¹⁷ introduced a definition of “commercial influence activity”.
- Influencers may be considered as on-demand audiovisual media services (AVMS) within the meaning of paragraph 6 of Article 2 of the Law of 30 September 1986 on freedom of communication.
- An information report by the French National Assembly on the application of Law No. 2023-451 of 9 June 2023 indicates that some of its dispositions were incompatible with the Audiovisual Media Services Directive (AVMSD), the Directive on Electronic Commerce and the Digital Services Act (DSA); the French Government had until January 2025 to amend this law by way of an ordinance (decree).³¹⁸ The ordinance was adopted on 6 November 2024.³¹⁹
- A soft law definition of the concept of “influencers” also exists in the Recommendation on Digital Advertising³²⁰ of the self-regulatory organisation, the Professional Regulation Authority for Advertising (*Autorité de régulation professionnelle de la publicité* – ARPP).

³¹⁶ The factsheet on France incorporates feedback received from Raphaël Honoré, European and international affairs project manager at Arcom during the checking round with the national regulatory authorities.

³¹⁷ [LAW No. 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating the excesses of influencers on social networks \(1\)](#) (*LOI n° 2023-451 du 9 juin 2023 visant à encadrer l'influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux (1)*).

³¹⁸ [Information report No. 2339 by the National Assembly](#) (*Rapport d'information n°2339 de l'Assemblée Nationale*) (in French). The report indicates (p.27): “The first reason is obviously the need to amend Law No. 2023-451 in order to bring the provisions that have been the subject of observations by the European Commission into line with European law.” The report further notes compatibility issues with Directive 2000/31/CE (Directive on Electronic Commerce) (p.32), Directive (EU) 2018/1808 (AVMSD) (p.33) and Regulation (EU) 2°22/2065 (DSA) (p.34).

The government notified to the European Commission a draft ordinance aimed at making the Law of 9 June 2023 more compliant with the DSA, the AVMSD and recent case law of the European Court of Justice on the interpretation of the country-of-origin principle under Directive 2000/31/CE (E-Commerce Directive). On 30 September, the standstill period ended, and the European Commission did not express any comment on the draft ordinance.

See [Law No. 2024-364 of 22 April 2024 on various provisions adapting to European Union law](#) (*LOI n° 2024-364 du 22 avril 2024 portant diverses dispositions d'adaptation au droit de l'Union européenne*).

³¹⁹ [Ordinance No. 2024-978 of 6 November 2024 modifying Law No. 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating the excesses of influencers on social networks](#) (*Ordonnance n° 2024-978 du 6 novembre 2024 modifiant la loi n° 2023-451 du 9 juin 2023 visant à encadrer l'influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux*).

³²⁰ [Recommendation on Digital Advertising](#) (*Recommandation communication publicitaire numérique*) by the ARPP.



- The Directorate General for Competition, Consumer Affairs and Fraud Control (*Direction Générale de la Competition, de la Consommation et de la Répression des fraudes* – DGCCRF) regularly sanctions influencers who have violated the provisions of the Consumer Code or the provisions of the Law of 9 June 2023. At the time of writing, 35 warnings had been issued to influencers who committed occasional infringements; 81 compliance orders had been issued for influencers suspected of the most serious and deliberate practices; and 35 criminal proceedings had been launched.

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	Law No. 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating the excesses of influencers on social networks ³²¹
Definition in other documents	Recommendation on Digital Advertising (ARPP)
Definition in Law No. 2023-451 of 9 June 2023	Natural or legal persons who, for a fee, mobilise their celebrity among their audience to communicate to the public, by electronic means, content aimed at promoting, directly or indirectly, goods, services or any cause.
Definition in the Recommendation on Digital Advertising (ARPP)	An influencer (blogger, vlogger, creator, talent, etc.) is a person who creates content, expresses a point of view or gives advice, in a specific field and according to a style or treatment that is specific to them and which their audience identifies.
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes ³²²
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	Yes

³²¹ While [Law No. 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating the excesses of influencers on social networks \(1\)](#) (*LOI n° 2023-451 du 9 juin 2023 visant à encadrer l'influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux (1)*) does not provide a clear definition of an “influencer”, it is considered, in the context of this study, to constitute a definitional framework.

³²² Influencers may be considered as on-demand AVMS if they meet the defining criteria of on-demand AVMS within the meaning of paragraph 6 of Article 2 of the Law of 30 September 1986 on freedom of communication.

7.13.2. Definition of the concept of “influencer”

Law No. 2023-451 of 9 June 2023³²³ introduced a definition of “commercial influence activity”.

Article 1 of Law No. 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating the excesses of influencers on social networks (1) (*LOI n° 2023-451 du 9 juin 2023 visant à encadrer l'influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux*) does not define what an “influencers”, but it gives the following definition of “commercial influence activity”:

Natural or legal persons who, for a fee, mobilise their celebrity among their audience to communicate to the public, by electronic means, content aimed at promoting, directly or indirectly, goods, services or any cause are engaging in the activity of commercial influence.

While the concept of “influencer” is not defined in the Good Conduct Guide: Influencers and Content Creators³²⁴ (*Guide de bonne conduite : influenceurs et créateurs de contenu*) by the Ministry of the Economy, Finance and Industrial and Digital Sovereignty (*Ministère de l'économie, des finances et de la souveraineté industrielle et numérique*), the concept of commercial influence is. The guide indicates that any person producing content on social networks and promoting goods and services for brands by expressing their opinions and using their celebrity is engaging in commercial influence.

7.13.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

Influencers may meet the criteria defining on-demand AVMS providers from the Law of 30 September 1986 and, therefore, may have to comply with the French regulations applicable to on-demand AVMS.

With regard to the Law of 9 June 2023, the European Commission wrote to France³²⁵ to indicate that influencers should still, in certain situations, be considered as AVMS providers and therefore follow the rules which apply to other AVMS providers.³²⁶

³²³ [LAW No. 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating the excesses of influencers on social networks \(1\) \(LOI n° 2023-451 du 9 juin 2023 visant à encadrer l'influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux \(1\)\)](#).

³²⁴ [Good Conduct Guide: Influencers and Content Creators \(Guide de bonne conduite : influenceurs et créateurs de contenu\)](#) by the Ministry of the Economy, Finance and Industrial and Digital Sovereignty (*Ministère de l'économie, des finances et de la souveraineté industrielle et numérique*).

³²⁵ [Information report No. 2339 by the National Assembly \(Rapport d'information n°2339 de l'Assemblée Nationale\)](#).

³²⁶ [Information report No. 2339 by the National Assembly \(Rapport d'information n°2339 de l'Assemblée Nationale\)](#). Referring to the content of a letter by the European Commission, the report notes (p.33): “The Commission considers, in fact, that influencers ‘may be qualified as providers of on-demand audiovisual media services’ within the meaning of this directive, which implies the need for the latter “to comply with the relevant rules set out in that directive, including the requirements of fairness and transparency for advertising and other forms of audiovisual commercial communications”.

Whether or not they are recognised as on-demand AVMS, influencers must nonetheless comply with French regulations applicable to commercial practices.

7.13.4. Rules and/or guidelines specific to influencers

The Law of 9 June 2023 generally regulates commercial influence activities.

It extends a certain number of rules relating to the commercial exploitation of the images of children under 16 years of age previously applicable to video-sharing platforms. The notion of a video-sharing platform (*plateforme de partage de vidéos* – VSP) is replaced by the notion of an online platform which is a broader concept than that of a VSP because it is not limited to the presence of audiovisual formats (Article 2).

The law also introduces a reminder that commercial influence is subject to existing French and EU provisions on advertising, which is expected to be implemented by secondary legislation (Article 3).

It introduces an advertising ban for influencers on a selection of products and services, with violations punishable by imprisonment of up to two years and a fine of EUR 300 000 (Article 4):

- procedures and techniques for aesthetic purposes and cosmetic surgery;
- products, acts, processes, techniques and methods presented as comparable, preferable or substitutable for acts, protocols or therapeutic prescriptions;
- nicotine products;
- the use of non-domestic animals;
- some financial products and services;
- subscriptions to sports advice or predictions;
- supervision of the promotion of gambling and games of chance limited to platforms that can exclude minors by a technical process and whether this exclusion mechanism is actually activated by influencers (with an obligation to report that gambling and games of chance are forbidden to minors during the promotion);
- a prohibition on the sale or promotional offer of a product or any remuneration in exchange for registration for professional training activities.

The law also establishes the mandatory character of identifying commercial communications by influencers and their liability. An obligation to report if images show alterations to the silhouette or face of a person, and also if AI-generated images are introduced (Article 5).

Decree No. 2023-887 of 20 September 2023 relating to the liquidation of fines imposed pursuant to Articles L. 521-1 and L. 521-2 of the Consumer Code, and Article L. 470-1 of the Code of Commerce³²⁷ (*Décret n° 2023-887 du 20 septembre 2023 relatif à la*

³²⁷ [Decree No. 2023-887 of 20 September 2023 relating to the liquidation of fines imposed pursuant to Articles L. 521-1 and L. 521-2 of the Consumer Code, and Article L. 470-1 of the Code of Commerce \(Décret n° 2023-887 du 20 septembre 2023 relatif à la liquidation des astreintes prononcées en application des articles L. 521-1 et L. 521-2 du code de la consommation, et de l'article L. 470-1 du code de commerce\).](#)



liquidation des astreintes prononcées en application des articles L. 521-1 et L. 521-2 du code de la consommation, et de l'article L. 470-1 du code de commerce) has been published with regard to the new power of injunction and the ability of the DGCCRF to impose fines in the event of breaches or offences in relation to the Law of 9 June 2023 (Article 13).

Law No. 2020-1266 of 19 October 2020³²⁸ (*LOI n° 2020-1266 du 19 octobre 2020 visant à encadrer l'exploitation commerciale de l'image d'enfants de moins de seize ans sur les plateformes en ligne*) regulates the commercial exploitation of the image of children under the age of 16 on online platforms.

Article 1 introduces an obligation to receive approval from the public administration when a child under 16 is hired by an employer whose activity consists of making audiovisual recordings whose main subject is a child under 16 years of age, with a view to distributing it for profit on an online platform service. In this situation, if authorisation is obtained, the administrative authority provides the legal representatives with information on the protection of the rights of children in the context of the production of these videos, in particular the consequences, on the private life of children, of the dissemination of their image on an online platform. This information also concerns the financial obligations incumbent on them.

The dissemination of the image of a child under 16 years of age on a VSP service, when the child is the main subject, must be declared to the competent authority by the legal representatives, on the basis of cumulative duration, number of pieces of content and income thresholds to be set by decree. Exceptions are listed in Article L. 7124-1 of the Labour Code³²⁹ (*Code du travail*), modified by Article 1 of the Law of 19 October 2020.

Article 4 establishes that VSPs must put in place charters to:

- promote information on the provisions applicable to the exploitation of the images of children under the age of 16;
- promote information and awareness on the dissemination of the images of children under 16;
- encourage the reporting by users of audiovisual content featuring children under the age of 16 that would harm their dignity, moral or physical integrity;
- take all relevant measures to prevent the processing for commercial purposes, such as canvassing, profiling and advertising based on behavioural targeting, of the personal data of minors which would be collected during the posting online by a user of audiovisual content containing a minor;
- improve, in conjunction with child protection associations, the detection of situations in which the production or dissemination of such content would harm the dignity or moral or physical integrity of minors under the age of 16;
- facilitate the implementation, by minors, of the right to delete personal data and to inform them in clear and precise terms, easily understandable by them, of the methods of implementing this right.

³²⁸ [Law No. 2020-1266 of 19 October 2020 aimed at regulating the commercial exploitation of the image of children under the age of 16 on online platforms](#) (*LOI n° 2020-1266 du 19 octobre 2020 visant à encadrer l'exploitation commerciale de l'image d'enfants de moins de seize ans sur les plateformes en ligne*).

³²⁹ [Labour Code](#) (*Code du travail*).



Finally, Article 5 specifies that the Regulatory Authority for Audiovisual and Digital Communication (*Autorité de régulation de la communication audiovisuelle et numérique* – Arcom) must promote the establishment of charters by VSPs in order to regulate the commercial exploitation of the images of children under 16. In 2022, seven platforms (Tiktok, Snapchat, Dailymotion, Yubo, YouTube, Facebook and Instagram) and five non-governmental organisations focussed on the protection of minors ratified the Charter to promote the information and protection of users with regard to the distribution of the image of minors on online platforms (*Charte visant à promouvoir l'information et la protection des utilisateurs s'agissant de la diffusion de l'image des mineurs sur les plateformes en ligne*, also known as *Charte Studer*), under the auspices of Arcom.³³⁰ The law requires Arcom to publish a periodic report on the effectiveness and implementation of this charter.

The Recommendation on Digital Advertising from the ARPP³³¹ stresses the need to properly identify advertising and for it to be honest, as well as the need to include references to other recommendations made by the ARPP with regard to good practices on specific topics.

7.13.5. Case law

On 4 March 2024, the Paris Criminal Court (*Tribunal correctionnel de Paris*) sentenced a company and an influencer to suspended fines for their collaboration. Gérard Bertrand, a winemaker, and influencer Anna Rvr collaborated to promote their products.³³²

The court considered that the promotion of an alcoholic beverage by an influencer, which aimed to make the consumption of the product appear glamorous, was incompatible with Law No. 91-32 of 10 January 1991 relating to the campaign against smoking and alcoholism (*Loi n° 91-32 du 10 janvier 1991 relative à la lutte contre le tabagisme et l'alcoolisme, Loi Evin*).

7.13.6. Training programmes and certification

The ARPP, an association of advertisers and advertising agencies, has implemented a certification of responsible influence³³³ for influencers to protect their audiences, differentiate themselves from brands and preserve the values of ethical and responsible influencer marketing. This certificate proves that its holder knows the rules regarding commercial communications.

³³⁰ [Charter to promote information and the protection of users with regard to the distribution of the image of minors on online platforms](#) (*Charte visant à promouvoir l'information et la protection des utilisateurs s'agissant de la diffusion de l'image des mineurs sur les plateformes en ligne – Charte Studer*).

³³¹ [Recommendation on Digital Advertising](#) (*Recommandation communication publicitaire numérique*) by the Professional Regulation Authority for Advertising (*Autorité de régulation professionnelle de la publicité* – ARPP).

³³² Press release, *Anna Rvr, Lady Gaga, SCH... Ces célébrités épinglées pour leurs contenus alcool*, March 2024, Association Addictions France.

³³³ [Certificate of responsible influence](#) (*Certificat de l'Influence Responsable*) issued by the ARPP.

In collaboration with the Financial Markets Authority (*Autorité des marchés financiers*), the ARPP offers the possibility to add an optional module on financial advertising. It teaches influencers about the importance of transparency with regard to risks (in particular with regard to cryptocurrencies and financial investments). Another module, in collaboration with the National Gambling Authority (*Autorité nationale des jeux*) prepares influencers to ethically and responsibly promote products and services associated with gambling, and comply with all applicable rules.

According to the ARPP, more than 1 800 influencers had been certified as of November 2024.

7.13.7. Recent developments

The DGCCRF regularly sanctions influencers who have violated the provisions of the Consumer Code or the provisions of the Law of 9 June 2023. According to the DGCCRF, more than 300 influencers were monitored in 2022 and 2023.³³⁴ Over two years, 35 warnings were sent to influencers for whom the breaches were occasional; 81 compliance orders were issued to influencers suspected of the most serious and deliberate practices and 35 criminal proceedings were launched. The fines imposed by the DGCCRF often target “deceptive commercial practices” (the absence of reporting of the commercial nature of a video).³³⁵

Convictions may also target commercial communications for dangerous products or products and services prohibited from marketing in France (such as the online sale of alcohol, tobacco and vaping products, for instance).

The DGCCRF practices “naming and shaming” as part of its interventions with regard to influencers. To this end, the DGCCRF publishes sanctions or transactions with influencers by giving their name both on the DGCCRF website³³⁶ but also on its accounts on social networks.

The European Commission notified France on 14 August 2023 that the Law of 9 June 2023 could prove incompatible with different European texts. Articles 10, 11, 12 and 15 have been repealed by Law No. 2024-364 of 22 April 2024 containing various provisions for adaptation to European Union law in matters of economy, finance, ecological transition, criminal law, social law and agriculture³³⁷ (*Loi n° 2024-364 du 22 avril 2024 portant diverses*

³³⁴ Press release, *Influenceurs : bilan des contrôles 2022 et 2023 de la DGCCRF*, DGCCRF, 3 April 2024.

³³⁵ See two cases:

Press release, *Paiement d'une amende de 20 000€ par l'influenceuse Nabilla BENNATTIA-VERGARA, pour pratiques commerciales trompeuses sur les réseaux sociaux*, DGCCRF, 28 July 2021 ;

L'influenceuse Poupette Kenza condamnée à une amende de 50 000 euros, *Le Monde*, 20 November 2023.

³³⁶ See example:

[Deceptive commercial practice committed in the context of an influencer marketing activity \(Pratique commerciale trompeuse commise dans le cadre d'une activité de marketing d'influence\)](#).

³³⁷ [Law No. 2024-364 of 22 April 2024 containing various provisions for adaptation to European Union law in matters of economy, finance, ecological transition, criminal law, social law and agriculture \(Loi n° 2024-364 du 22 avril 2024 portant diverses dispositions d'adaptation au droit de l'Union européenne en matière d'économie, de finances, de transition écologique, de droit pénal, de droit social et en matière agricole\)](#).



dispositions d'adaptation au droit de l'Union européenne en matière d'économie, de finances, de transition écologique, de droit pénal, de droit social et en matière agricole) in order to bring the Law of 9 June 2023 in line with the content of the DSA.

Beyond compatibility with the DSA, the European Commission has notably pointed to incompatibilities with the AVMSD (with regard to influencers being considered as AVMS providers) and with Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on Electronic Commerce).³³⁸ The problem with this latest text lies, in particular, with the applicability of the Law of 9 June 2023 to influencers established in other EU member states. The country-of-origin principle envisaged in the directive may conflict with the content of the Law of 9 June 2023.

As a result, in accordance with Article 3 of the Law of 22 April 2024, the French Government modified the Law of June 9 2023 (Articles 1, 4, 5 and 9) by means of Ordinance No. 2024-978 of 6 November 2024 modifying Law No. 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating the excesses of influencers on social networks (*Ordonnance n° 2024-978 du 6 novembre 2024 modifiant la loi n° 2023-451 du 9 juin 2023 visant à encadrer l'influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux*)³³⁹ in order to make the text compliant with European Union law.

The rules established by the Law of 9 June 2023 directly apply to regulated actors that are established in France, and to those established in other member states only once they have been designated by an administrative authority (they will be designated by decree), in compliance with the procedures for exemptions to the “country-of-origin” principle set out in the AVMSD (for audiovisual services) and in the e-Commerce Directive (for other services or persons).

³³⁸ [Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market \(Directive on electronic commerce\).](#)

³³⁹ [Ordinance No. 2024-978 of 6 November 2024 modifying Law No. 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating the excesses of influencers on social networks \(Ordonnance n° 2024-978 du 6 novembre 2024 modifiant la loi n° 2023-451 du 9 juin 2023 visant à encadrer l'influence commerciale et à lutter contre les dérives des influenceurs sur les réseaux sociaux\).](#)

7.14.GR – Greece³⁴⁰

7.14.1. Key facts

- There is no definition of the concept of “influencer” in legislation but the Influencer Marketing Annex to the Advertising Code provides a definition.
- A regulatory decision by the national media regulator (*Εθνικό Συμβούλιο Ραδιοτηλεόρασης* – the National Council for Radio and Television – NCRTV) establishes that users of video-sharing platforms (VSPs) who produce and upload audiovisual content professionally are to be classed as audiovisual media service (AVMS) providers, though the term “influencer” is never used in the regulatory decision.
- VSP users fitting that description are considered as AVMS providers and must register with the national media regulator.
- The categorisation of VSP users as AVMS providers can be determined by assessing several criteria, such as the frequency of uploads and the existence of advertising in their content. Regulatory Decision 1/2022 however does not indicate thresholds for each criterion.
- The Independent Authority for Public Revenue, responsible for the public income, is monitoring influencers to identify tax evasion phenomena by influencers who advertise products and services on social media.

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	Influencer Marketing Annex to the Advertising Code ³⁴¹
Definition	The concept of influencer includes any person, real or virtual (virtual influencer), who is active on any online social networking platform, such as Facebook, Instagram, Snapchat, TikTok, YouTube, etc. and can be called by different

³⁴⁰ The factsheet on Greece incorporates feedback received from Persefoni Lampropoulou, attorney at law at the National Council for Radio and Television during the checking round with the national regulatory authorities.

³⁴¹ [Influencer Marketing Annex to the Advertising Code](#) (*Συμβούλιο Ελέγχου Επικοινωνίας*).

	names depending on the platform, such as vlogger, blogger, creator, uploader, etc.
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes ³⁴²
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	Yes ³⁴³

7.14.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in legislation.

The Influencer Marketing Annex to the Advertising Code defines an influencer as any person, real or virtual (virtual influencer), who is active on any online social networking platform (such as Facebook, Instagram, Snapchat, TikTok, YouTube, etc.) and who can be called by different names depending on the platform (such as vlogger, blogger, creator, uploader, etc).

Article 3 of Regulatory Decision 1/2022 of the NCRTV on the registration of audiovisual media services and related providers in the business register³⁴⁴ establishes that a user of a VSP who produces and uploads audiovisual content can be considered as an AVMS provider as long as their activity is carried out professionally. A user fitting this definition would fall under the definition of the term as provided in the Influencer Marketing Annex to the Advertising Code, though the term “influencer” is never used in the regulatory decision. Article 3 of Decision 1/2022 of the NCRTV provides in paragraph 1 that user-generated content (UGC) is not considered to be an AVMS if it is not produced “professionally”.

³⁴² Regulatory Decision 1/2022 of the NCRTV on the registration of audiovisual media services and related providers in the business register provides that users of VSPs producing and uploading content professionally are to be considered as AVMS providers. A user fitting this definition would fall under the definition of the term as provided in the Influencer Marketing Annex to the Advertising Code, though the term “influencer” is never used in the regulatory decision.

³⁴³ Ibid.

³⁴⁴ [Regulatory Decision 1/2022 of the NCRTV on the registration of audiovisual media services and related providers in the business register](#) (Εγγραφή υπηρεσιών οπτικοακουστικών μέσων και οικείων πάροχων στο μητρώο επιχειρήσεων).

7.14.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

According to Article 3 of Regulatory Decision 1/2022 of the NCRTV, the production and the uploading of audiovisual content is considered as an audiovisual media service, as long as this activity is carried out professionally. This can be determined by assessing the following criteria:

- the regularity of uploads on one or more other platforms or social networks;
- the registration of the provider in databases and other online tools that provide statistics and other elements for viewing their content;
- the advertising of audiovisual content;
- the use of tools provided by the VSP or social network to the user for classification of the videos uploaded;
- the existence of commercial announcements in the videos uploaded;
- the drawing up of contracts with the VSP or social network with regard to the advertising revenue.

Based on these criteria, a VSP user producing and uploading content professionally, while never being referred to as an influencer, can be considered as an AVMS provider.

7.14.4. Rules and/or guidelines specific to influencers

According to Article 4 of Regulatory Decision 1/2022 of the NCRTV, users producing and uploading content professionally on video-sharing platforms have to be registered with the NCRTV.

At the time of writing, no influencers have applied to register with the NCRTV. This may change with the entry into force of a draft law in preparation that could make registration with the NCRTV mandatory.

The Influencer Marketing Annex to the Greek Advertising Code³⁴⁵ (*Συμβούλιο Ελέγχου Επικοινωνίας*) was published in November 2023 by the Communications Control Council (*Συμβούλιο Ελέγχου Επικοινωνίας – CCC*), a non-profit civil society, consisting of the Association of Advertising and Communication Companies of Greece (*Ενωση Διαφημιστικών Εταιριών Ελλάδος – EDEE*), the Association of Advertisers of Greece (*Σύνδεσμος Διαφημιζομένων Ελλάδος – SDE*) and other associations of the audiovisual sector.

The Influencer Marketing Annex defines who is considered as an influencer and goes over the basic principles governing influencer marketing and the importance of ensuring that commercial communications are easily identifiable as such.

The rules and guidance provided in the Greek Advertising Code, in addition to its Influencer Marketing Annex, also apply to influencers.

³⁴⁵ [Influencer Marketing Annex](#) to the Greek Advertising Code (*Συμβούλιο Ελέγχου Επικοινωνίας*).



7.14.5. Case law

N/A.

7.14.6. Training programmes and certification

The CCC is developing an online training programme aimed at improving the awareness of influencers, coupled with a certification to ensure that influencers comply with the rules of the self-regulatory code. The training programme is scheduled to become available in the first half of 2025.

7.14.7. Recent developments

The Independent Authority for Public Revenue (*Ανεξάρτητη Αρχή Δημοσίων Εσόδων* – AADE), which is responsible for the public income, is monitoring influencers to identify tax evasion phenomena by influencers who advertise products and services on social media.³⁴⁶

Influencers are also invited by the Ministry of Development to take the necessary corrective actions, so that it becomes clear that the posts they make on social media relate to commercial activity.³⁴⁷

³⁴⁶ Siomopoulos D. (7 May 2024), "[ΑΑΔΕ: Η Εφορία κάνει «follow» σε 1.000 influencers](#)", in *Newspaper*.

³⁴⁷ Christoulia D. (15 April 2024), "[Στο στόχαστρο των ελεγκτών οι influencers – Task force της ΑΑΔΕ σαρώνει τα social media](#)", *enikonomia.gr*.

7.15.HR – Croatia³⁴⁸

7.15.1. Key facts

- There is no definition of the concept of “influencer” in Croatia, either in primary or secondary legislation.
- Influencers whose activity meet the criteria of audiovisual media service as defined by Article 3(1)(2) of the Electronic Media Act³⁴⁹ may be considered audiovisual media service providers.
- At the time of writing, the national media regulatory authority, the Agency for Electronic Media, did not require influencers to register as audiovisual media service (AVMS) providers.
- Influencers are only mentioned in the self-regulatory Code for advertising and market communication,³⁵⁰ the latest revision of which focuses on direct marketing and digital marketing.

Definition	Existence
Existence of a definition of the concept of “influencer”	No
Definition in legislation	N/A
Definition in other documents	N/A
Definition	N/A
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes ³⁵¹
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No

³⁴⁸ The factsheet on Croatia incorporates feedback received from Sanja Pančić, managing director at the Agency for Electronic Media, during the checking round with the national regulatory authorities.

³⁴⁹ [Electronic Media Act](#) (Zakon o elektroničkim medijima, NN 111/21, 114/22).

³⁵⁰ [Code for advertising and market communication](#) (Kodeks oglašavanja i tržišnog komuniciranja).

³⁵¹ Influencers may be considered as AVMS providers if they meet the criteria of Article 3(1)(2) of the Electronic Media Act (Zakon o elektroničkim medijima, NN 111/21, 114/22). At the time of writing, the national media regulatory authority, the Agency for Electronic Media (Agencija za elektronicke medije), did not require influencers to register as AVMS providers.



Definition	Existence
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	No

7.15.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in Croatia, either in primary or secondary legislation.

7.15.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

Influencers may be considered as AVMS providers if they meet the criteria of Article 3(1)(2) of the Electronic Media Act (*Zakon o elektroničkim medijima*, NN 111/21, 114/22).³⁵² Article 3(1)(2) defines an audiovisual media service as:

a service as defined in Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of the service or a dissociable section thereof is devoted to providing programmes, under the editorial responsibility of a media service provider, to the general public, in order to inform, entertain or educate, by means of electronic communications networks within the meaning of the provisions of the act regulating electronic communications. Such an audiovisual media service is a television broadcast or an on-demand audiovisual media service and/or audiovisual commercial communication, as defined by this act.

Being an influencer is not recognised in the Croatian legislation as a professional occupation. Influencers are responsible for their actions and activities just as any other natural person or, if they have a registered business activity, as a business entity or trade. Influencers usually register their business (or trade) as an advertising company and by advertising a product or service, the influencer pays taxes on the income generated.

At the time of writing, the national media regulatory authority, the Agency for Electronic Media (*Agencija za elektroničke medije* – AEM), did not require influencers to register as AVMS providers.

7.15.4. Rules and/or guidelines specific to influencers

There are no specific rules or guidelines related to influencers in Croatia. Their activities are not specifically regulated by any primary or secondary legislative act.

³⁵² [Electronic Media Act](#) (*Zakon o elektroničkim medijima*, NN 111/21, 114/22).

Influencers are however mentioned in the self-regulatory Code for advertising and market communication³⁵³ (*Kodeks oglašavanja i tržišnog komuniciranja*) of the Croatian Association of Communications Agencies (*Hrvatska udruga društava za tržišno komuniciranje* – HURA) that was revised according to the International Chamber of Commerce’s (ICC) Advertising and Marketing Communications Code (2018),³⁵⁴ with a focus on direct marketing and digital marketing. In the 10th revision of the Code, its scope of applicability was enlarged to include all participants in the marketing ecosystem, explicitly mentioning influencers as being a part of it.

It refers to the marketing communications of the members of the HURA. All of the marketers have overall responsibility for the marketing communications of their products, and those responsibilities also apply to influencers in cases where they are hired by marketing agencies that are members of HURA (Article 23).

7.15.5. Case law

N/A.

7.15.6. Training programmes and certification

There are several training programmes for influencers in Croatia conducted by NGOs or private actors.

Among them is the School of Responsible Influencing³⁵⁵ (*Škola odgovornog influensanja*), which aims to make influencers aware of the importance of behaving responsibly online, to raise awareness of recognising and reporting inappropriate content online and to exert their influence in a positive way. It is mostly intended for influencers who are widely followed by children.

7.15.7. Recent developments

N/A.

³⁵³ [Code for advertising and market communication](#) (*Kodeks oglašavanja i tržišnog komuniciranja*).

³⁵⁴ [ICC Advertising and Marketing Communications Code \(2018\)](#) (in English).

³⁵⁵ The [School of Responsible Influencing](#) (*Škola odgovornog influensanja*) was launched by the [Croatian Safer Internet Centre](#) (*Centar za sigurniji internet*), which is part of the Better Internet for Kids (BIK) initiative.



7.16.HU – Hungary³⁵⁶

7.16.1. Key facts

- The concept of “influencer” is defined in the Hungarian Advertising Code of Ethics.
- An additional definition is provided in the Guidance on Influencer Marketing by the Hungarian Competition Authority.
- Both the Hungarian Advertising Code of Ethics and the Guidance on Influencer Marketing link the concept of “influencer” to that of “opinion leader” and use them as synonyms.
- Influencers may be considered as audiovisual media service (AVMS) providers, if they meet the criteria laid down in Article 203(1a) of Act CLXXXV of 2010 on Media Services and Mass Communication.³⁵⁷

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	Advertising Code of Ethics ³⁵⁸ Guidance on Influencer Marketing ³⁵⁹
Definition from the Hungarian Advertising Code of Ethics	A known person (e.g. public figure), a non-known person (e.g. consumer), a YouTuber, blogger, vlogger, as well as a virtual person (e.g. robot, fictional character), personified character, animal, who has created content or on whose behalf content has been created by another (e.g. guest posts) on their own website, social media page, video-sharing or other online platform for commercial purposes (for remuneration), regardless of the size of their following. The advertiser can use the influencer to influence the purchase of their product or service in the digital environment. The

³⁵⁶ The factsheet on Hungary incorporates feedback received from György Ocskó, international legal advisor at the NMHH, during the checking round with the national regulatory authorities.

³⁵⁷ [Act CLXXXV of 2010 on Media Services and Mass Communication](#) (2010. évi CLXXXV. Törvény a médiaszolgáltatásokról és a tömegkommunikációról).

³⁵⁸ [Hungarian Advertising Code of Ethics](#) (*Magyar Reklámetikai Kódex*) (in English).

³⁵⁹ [Guidance on Influencer Marketing](#) (*Tájékoztató az influenszer marketingről*).



Definition	Existence
	cooperation between the influencer and the brand can be ad hoc or long term (e.g. brand ambassador), and can be established through intermediaries (agency, media company).
Definition from the Guidance on Influencer Marketing	A person or thing, a virtual entity (such as an animal, a mascot, a digital character, an avatar), capable of influencing and shaping consumer opinion in the digital environment, even if they are a minor, who creates and publishes online content on their own website, social media page, video-sharing or other online platform, whether as an occasional or permanent partner or as a dedicated brand ambassador, whether the content is their own or a guest post; in most cases, the opinion leader has a committed follower base.
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	No

7.16.2. Definition of the concept of “influencer”

The concept of “influencer” is defined in the Guidance on Influencer Marketing³⁶⁰ (*Tájékoztató az influencerszer marketingről*) by the Hungarian Competition Authority (*Gazdasági Versenyhivatal – GVH*) and in the Hungarian Advertising Code of Ethics (*Magyar Reklámetikai Kódex*)³⁶¹ by the Hungarian Advertising Association (*Magyar Reklámszövetség*).

Both texts link the concept of “influencer” to that of “opinion leader” and use them as synonyms.

According to the guidance, an influencer is:

a person or thing, a virtual entity (such as an animal, a mascot, a digital character, an avatar), capable of influencing and shaping consumer opinion in the digital environment, even if they are a minor, who creates and publishes online content on their own website, social media page, video-sharing or other online platform, whether as an occasional or

³⁶⁰ [Guidance on Influencer Marketing](#) (*Tájékoztató az influencerszer marketingről*).

³⁶¹ [Hungarian Advertising Code of Ethics](#) (*Magyar Reklámetikai Kódex*) (in English).



permanent partner or as a dedicated brand ambassador, whether the content is their own or a guest post; in most cases, the opinion leader has a committed follower base.

It also adds that influencers, as opinion leaders, typically receive compensation for their content and that their recommendations can therefore not be considered fully objective and independent as they are, in the vast majority of cases, driven by business considerations.

Any individual promoting third-party products for compensation on their social media page is considered by the GVH as an opinion leader.

According to the Hungarian Advertising Code of Ethics, an influencer (and an opinion leader) is:

a known person (e.g. public figure), a non-known person (e.g. consumer), a YouTuber, blogger, vlogger, as well as a virtual person (e.g. robot, fictional character), personified character, animal, who has created content or on whose behalf content has been created by another (e.g. guest posts) on their own website, social media page, video-sharing or other online platform for commercial purposes (for remuneration), regardless of the size of their following.

The Code of Ethics also defines “influencer content” as any textual, audiovisual and/or photographic content published by one or more influencers in connection with their promotional activities, regardless of the platform, for any economic benefit.

7.16.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

Influencers may be considered as AVMS providers, if they meet the criteria laid down in Article 203(1a) of Act CLXXXV of 2010 on Media Services and Mass Communication³⁶² (2010. évi CLXXXV. Törvény a médiaszolgáltatásokról és a tömegkommunikációról).

No document clarifies the legal status of influencers and the register of on-demand media services of the national media regulatory authority, the Media Council of the National Media and Infocommunications Authority (*Nemzeti Média- és Hírközlési Hatóság – Médiatanács* – NMHH) does not include the most popular influencer channels.

7.16.4. Rules and/or guidelines specific to influencers

Article 27 of the Code of Ethics covers specific rules for influencers (or opinion leaders) with regard to unambiguously disclosing when an influencer is receiving remuneration for the creation and publication of content.

³⁶² [Act CLXXXV of 2010 on Media Services and Mass Communication](#) (2010. évi CLXXXV. Törvény a médiaszolgáltatásokról és a tömegkommunikációról).

The Guidance on Influencer Marketing provides definitions of key concepts and indications regarding the proper way of disclosing that compensation was received for the creation of content.

7.16.5. Case law

The GVH has already investigated several influencers and influencer agencies.

In 2022, it imposed a fine on three Hungarian influencer agencies for failing to fulfil their obligations in connection with advertising for a mobile game which aimed to persuade children to send high-price text messages while concealing their cost.³⁶³

7.16.6. Training programmes and certification

The Hungarian Advertising Self-Regulatory Board (*Önszabályozó Reklám Testület – ÖRT*) organises an average of 25 corporate training sessions on ethical advertising practices each year. The training includes a special chapter on ethical influencer advertising.

The GVH has held a professional consultation with industry representatives and has issued a guide to responsible influencer advertising practices.³⁶⁴

7.16.7. Recent developments

The GVH launched proceedings against the six most popular Hungarian influencers in May 2024. The competition authority found that their social platforms had published content promoting the products, services or brands of certain advertising companies, with the latter likely to have provided compensation to the company acting as an agency and to the influencer. However, the compensation was not made clear to consumers from the imagery of the content examined, the information given in the videos or the descriptions attached to the content.

³⁶³ [GVH fined influencer agencies in connection with a mobile game that scams children](#) (*Influencer-ügynökségeket bírságolt a GVH a gyermekeket átverő mobiljáték kapcsán*), 17 May 2022.

³⁶⁴ [Guide on responsible influencer advertising practices](#) (*Véleményvezérek, figyellem! – frissült a GVH iránymutatása*).



7.17. IE – Ireland³⁶⁵

7.17.1. Key facts

- There is no definition of the concept of “influencer” in national legislation.
- Two definitions were provided by the Competition and Consumer Protection Commission (CCPC) in a Study of Influencer Marketing published in 2022³⁶⁶ and by the CCPC and the Advertising Standards Authority Ireland (ASAI) in their Guidance on Influencer Advertising and Marketing published in 2023.
- While no influencers had registered with the national media regulatory authority, at the time of writing, it should not be considered as an indication that influencers cannot be considered as audiovisual media service (AVMS) providers.
- The Broadcasting Act 2009 provides definitions of media service providers and audiovisual on-demand media services, and an influencer may meet the definition of a media service provider or on-demand media service provider.

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	Online Behaviour: Influencer Marketing study (CCPC) ³⁶⁷ Guidance on Influencer Advertising and Marketing (ASAI and CCPC) ³⁶⁸
Definition in the Online Behaviour: Influencer Marketing study	A social media content creator who often promotes or recommends items on social media, often in exchange for compensation.
Definition in the Guidance on Influencer Advertising and Marketing	This guidance applies to all those who promote or recommend products or services on social media for a benefit (monetary or non-monetary). This includes but is not limited to influencers, content creators, online

³⁶⁵ The factsheet on Ireland incorporates feedback received from Deborah Molloy Bergin, Communications and Public Affairs manager, at the Coimisiún na Meán during the checking round with the national regulatory authorities.

³⁶⁶ [Online Behaviour: Influencer Marketing Study](#) by the Competition and Consumer Protection Commission.

³⁶⁷ Ibid.

³⁶⁸ [Guidance on Influencer Advertising and Marketing](#) by the Advertising Standards Authority Ireland and the Competition and Consumer Protection Commission.

Definition	Existence
	<p>personalities, online streamers, bloggers/vloggers, celebrities, or media personalities. This includes human, virtual, or animal personas.</p> <p>In the remainder of this guide, the term “influencer” is used to cover all the above terms.</p>
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes ³⁶⁹
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	No ³⁷⁰

7.17.2. Definition of the concept of “influencer”

In a 2022 Study of Influencer Marketing, the CCPC noted that there was no commonly accepted definition of an influencer in law. In the study, the CCPC adopted the following definition: “a social media content creator who often promotes or recommends items on social media, often in exchange for compensation”.

The CCPC believes that if a separate definition by law of “influencer” were to be provided, it would have to be future-proofed and would have to be construed as imposing additional obligations on top of the existing obligations for traders.³⁷¹ Traders are defined under Article 2(b) of Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005³⁷² as “any natural or legal person who, in commercial practices covered by this Directive, is acting for purposes relating to his/her trade, business, craft or profession and anyone acting in the name or on behalf of the trader”.

In the context of influencer marketing, the CCPC recognises that the brands engaging with influencers are traders and influencers themselves may be traders.

³⁶⁹ At the time of writing, the Media Commission had only been established for just over a year and no influencer had yet registered with the Media Commission.

³⁷⁰ Ibid.

³⁷¹ [Submission of the CCPC in response to the European Commission Directorate General for Justice and Consumers’ public consultation on the European Commission’s Fitness Check of EU consumer law on digital fairness \(20 February 2023\).](#)

³⁷² [Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation \(EC\) No 2006/2004 of the European Parliament and of the Council \(Unfair Commercial Practices Directive\).](#)

In their Guidance on Influencer Advertising and Marketing, the ASAI and the CCPC consider that the term influencer encompasses “all those who promote or recommend products or services on social media for a benefit (monetary or non-monetary)” including, but not limited to, influencers, content creators, online personalities, online streamers, bloggers/vloggers, celebrities, or media personalities. This includes human, virtual, or animal personas.

7.17.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

Influencers meeting the criteria laid down in Article 2(1) of the Broadcasting Act 2009, as amended by the Online Safety and Media Regulation Act 2022 may be considered as AVMS providers.

According to Article 2(1) of the Broadcasting Act, an audiovisual media service is:

a service, within the meaning of Articles 56 and 57 of the Treaty on the Functioning of the European Union, where (a) the principal purpose of the service is devoted to, or (b) the principal purpose of a dissociable section of the service is devoted to, providing audiovisual programmes, by electronic communications networks, to the general public, under the editorial responsibility of the provider of the service, in order to inform, entertain or educate.

At the time of writing, the national media regulator, *Coimisiún na Meán* (the Commission), had only been established for just over a year and had published two iterations of its register of media service providers (the current register having been published on 1 January 2024). The Commission’s statutory register of media service providers owning and operating audiovisual on-demand services (where the providers of such services are established in Ireland) does not include any influencer.³⁷³ At the time of writing the Commission was developing its regulatory approach to the various types of VOD provided on video-sharing platforms (VSPs) and advised that services/channels on VSPs would be assessed on a case-by-case basis. In circumstances where a service provider and a service meet the definitional and jurisdictional criteria, they are subject to all the relevant statutory provisions.

7.17.4. Rules and/or guidelines specific to influencers

In 2023, the CCPC and the ASAI jointly published their Guidance on Influencer Advertising and Marketing,³⁷⁴ which applies to:

³⁷³ [Statutory register of media service providers](#) (last accessed on 19 August 2024).

³⁷⁴ [Guidance on Influencer Advertising and Marketing](#) by the Competition and Consumer Protection Commission and the Advertising Standards Authority Ireland.



all those who promote or recommend products or services on social media for a benefit (monetary or non-monetary). This includes but is not limited to influencers, content creators, online personalities, online streamers, bloggers/vloggers, celebrities, or media personalities.

They prescribe labels that influencers must use for advertisements and commercial content. A primary advertisement label must be used in any commercial post. Primary labels include #ad (or #fógra in Irish), #gifted (or #féirín in Irish) and any platform-provided label.

Primary labels can be accompanied by secondary labels, such as #collaboration, #brandambassador, #sponsored. Both primary and secondary labels, with the exception of platform-provided advertising labels, should begin with #.

Under the guidance, brands are encouraged to inform themselves of their legal responsibilities towards consumers while the 2022 Study of Influencer Marketing encourages online platforms to support users to appropriately label advertising content and to inform and educate influencers and users about advertising.

The self-regulatory Code of Standards for Advertising and Marketing Communications in Ireland was developed by the ASAI. It does not mention influencers, but it requires that a “marketing communication should be designed and presented in such a way that it is clear that it is a marketing communication” and that marketing communications should not misrepresent their true purpose, including by being presented as “user-generated content, private blogs, or independent reviews if their purpose is marketing, i.e. the promotion of a product”. The guidance jointly developed by the ASAI and the CCPC sets out how these concepts apply to influencer marketing.

7.17.5. Case law

While there is no case law in this area, the ASAI has published the outcome of investigations into influencer content. These decisions are available on the ASAI website.³⁷⁵

7.17.6. Training programmes and certification

To promote the CCPC and ASAI 2023 Guidance on Influencer Advertising and Marketing, a number of industry organisations held webinars for their members, such as the national branch of the International Advertising Bureau, IAB Ireland, which held a webinar with the CCPC and ASAI.³⁷⁶ The Public Relations Institute of Ireland (PRII) also held a webinar for its members with the CCPC and ASAI.³⁷⁷

The ASAI presented at an event covering many aspects of influencer marketing including disclosing commercial content.³⁷⁸

³⁷⁵ [ASAI website – Complaints Decisions.](#)

³⁷⁶ [Webinar: New Guidance on Social Media Advertising for Influencers](#) by IAB Ireland, the CCPC and the ASAI.

³⁷⁷ [Examples of correct social media advertising labels.](#)

³⁷⁸ [Presentation by the ASAI on influencer marketing.](#)



Ireland's first third-level programme for social media professionals, the Bachelor of Arts in Content Creation and Social Media³⁷⁹ at South East Technological University, was announced in 2023. Framed as a “degree for influencers”, it included a dedicated ethics module as well as numerous modules on social media marketing.

7.17.7. Recent developments

In March 2024, the CCPC formally contacted 26 social media influencers,³⁸⁰ cautioning them to obey the legal requirement to label content. The CCPC also contacted 18 agencies representing the influencers who did not label their posts adequately to remind them of their legal obligations. The CCPC highlighted the importance of advertising transparency and announced that it was prepared to take legal action if appropriate.

Potential offences under the Consumer Protection Act 2007 which implements the Unfair Commercial Practices Directive include S. 55(1)(q) which provides that, an influencer who posts commercial content “shall not” use:

editorial content in the media to promote a product (if a trader has paid for that promotion) if it is not made clear that the promotion is a paid promotion, whether in the content itself or in any oral, written, visual or descriptive representation in the promotion.

In addition, S. 55(1)(x) provides that an influencer who posts commercial content “shall not” “[make] a representation or [create] an impression that the trader” (who in this case is the influencer) “(i) is not acting for purposes related to the trader’s trade, business or profession, when the trader is so acting, or (ii) is acting as a consumer, when the trader is not”. Breaches of these sections mean that influencers could be subject to prosecution.

The contact with influencers was the result of a sweep coordinated by the European Commission and carried out simultaneously by national consumer protection authorities across the European Union. As part of this, the Irish national consumer protection authority screened the social media posts of Irish influencers across all major social media platforms.

Separately, the self-regulatory ASAI has upheld several complaints against influencers and advertisers over sponsored content on social media that was not clearly marked as advertising.³⁸¹

At the time of writing, the ASAI is operating an outreach programme to influencers and agencies on breaches of the ASAI and CCPC guidance, and seeking compliance. The CCPC is working with the ASAI on data and information sharing in the context of potential enforcement.

The ASAI held a webinar on 7 January 2024, presenting the guidance with the CCPC. The ASAI will be rolling out a training programme, based on a programme developed by

³⁷⁹ South East Technological University's [Bachelor of Arts in Content Creation and Social Media](#).

³⁸⁰ Burns J. (23 April 2024), “[Twenty-six Irish social media influencers warned to comply with laws around labelling content](#)”, *Irish Independent*.

³⁸¹ McAuley E. (11 December 2023), “[Advertising watchdog clamps down on posts from Irish influencers not marked as ads](#)”, *The Journal*.



the European Advertising Standards Alliance (EASA),³⁸² on compliance with ASAI code rules including those on disclosure and honesty.

³⁸² [EASA website](#).

7.18.IT – Italy³⁸³

7.18.1. Key facts

- Guidelines published by the national media regulator (*Autorità per le Garanzie nelle Comunicazioni* – AGCOM) provide a definition of an “influencer”, in which influencers’ activities are considered to be “comparable” to those of an “audiovisual media service provider”. AGCOM Resolution 472/24/CONS, in public consultation at the time of writing, proposes to replace the definition of “influencer” of the Guidelines with definition of “relevant influencer”.
- Influencers meeting certain criteria (1 million followers or more considering the total sum of followers on all the influencer’s social media accounts, 24 pieces of content or more posted in the previous year, and an average engagement rate of 2% or more, on at least one social media platform in the last six months) are subject to certain provisions applying to audiovisual media service (AVMS) providers, laid down in Legislative Decree No. 208 of 8 November 2021³⁸⁴ and fall under the jurisdiction of AGCOM.
- AGCOM Resolution 472/24/CONS also foresees a modification of the criteria to differentiate between an “influencer” and a “relevant influencer”. The follower threshold is to be lowered to 500 000 on at least one social media or video-sharing platform used, or an average monthly view count of 1 million on at least one social media or video-sharing platform used. Meeting one criteria is enough to be considered a “relevant influencer”.
- Influencers can also be subject to the self-regulatory Code on Commercial Communications, which includes the Digital Chart Regulation setting out specific rules on influencer marketing, issued by the Institute for Advertising Self-regulation (*Istituto dell’autodisciplina pubblicitaria* – IAP).³⁸⁵ The self-regulatory code (and consequently the Digital Chart) is binding for companies involved in communications, agencies, consultants, media, and everyone accepting the self-regulatory code by adhering to it directly or by being a member of an association which adheres to it, or by signing an advertising contract containing the acceptance clause. However, Italian courts, including the Supreme Court of Cassation, have found that a breach of the self-regulatory code (regardless of whether a company

³⁸³ The factsheet on Italy incorporates feedback received from Francesco Di Giorgi, Digital Services Directorate at AGCOM (*Autorità per le garanzie nelle comunicazioni*), during the checking round with the national regulatory authorities.

³⁸⁴ [Legislative Decree No. 208 of 8 November 2021](#) (*Decreto legislativo 8 novembre 2021, n. 208*) (in Italian).

³⁸⁵ Digital Chart Regulation on the Recognisability of Marketing Communication distributed over the Internet (*Regolamento Digital Chart sulla riconoscibilità della comunicazione commerciale diffusa attraverso internet*) (in [English](#) and [Italian](#)).

has agreed to it or not) may constitute unfair competition under section 2598 of the Italian Civil Code.

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	AGCOM Resolution No. 7/24/CONS of 10 January 2024 establishing the Guidelines to ensure compliance with the provisions of the Consolidated Law by influencers and the establishment of a technical round table (Annex A) ³⁸⁶
Definition ³⁸⁷	<p>Influencers are individuals engaged in an activity comparable to that of an audiovisual media service provider subject to national jurisdiction as defined in Article 3(1)(a) of Legislative Decree No 208 of 8 November 2021 and the following additional criteria:</p> <ul style="list-style-type: none"> - <i>the provision of content is capable of generating revenue directly from the execution of commercial agreements with manufacturers of goods or services or indirectly through the execution of monetisation agreements by the platform or social media used;</i> - <i>their service allows on-demand access to their content by the user;</i> - <i>their service is characterised by a stable link with the Italian economy;</i> - <i>their content is provided through the use of the Italian language or is explicitly targeted at users on the Italian territory.</i>
Influencers considered as AVMS providers	Applicability

³⁸⁶ [AGCOM Resolution No. 7/24/CONS of 10 January 2024 laying down Guidelines to ensure compliance with the provisions of the Consolidated Law by influencers and the establishment of a technical round table \(Delibera 7/24/CONS Linee-guida volte a garantire il rispetto delle disposizioni del Testo unico da parte degli influencer e istituzione di un apposito Tavolo tecnico\).](#)

³⁸⁷ The definition referenced in the table is the definition from the Guidelines to ensure compliance with the provisions of the Consolidated Law by influencers and the establishment of a technical round table. [AGCOM Resolution No. 472/24/CONS of 26 November 2024 launching the public consultation on the proposed amendments to the guidelines and code of conduct for influencers \(Delibera 472/24/CONS Avvio della consultazione pubblica sulle proposte di modifica alle linee-guida e sul codice di condotta rivolti agli influencer\)](#) aims to replace this definition. Refer to section 7.18.2 of the Italian factsheet for more information.



Can influencers be considered as AVMS providers?	Yes
By extension or directly envisaged in law?	By extension ³⁸⁸
Are influencers explicitly mentioned as being AVMS providers in law?	No ³⁸⁹
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	Yes ³⁹⁰

7.18.2. Definition of the concept of “influencer”

According to Annex A of AGCOM Resolution No. 7/24/CONS of 10 January 2024 establishing the Guidelines to ensure compliance with the provisions of the Consolidated Law by influencers and the establishment of a technical round table (*Delibera 7/24/CONS Linee-guida volte a garantire il rispetto delle disposizioni del Testo unico da parte degli influencer e istituzione di un apposito Tavolo tecnico*), influencers are:

those individuals engaged in an activity identical or otherwise comparable to that of an audiovisual media service provider subject to national jurisdiction where they are found to jointly meet the following requirements:

- the service provided constitutes an economic activity under Articles 56 and 57 of the TFEU;
- the main purpose of the service is the provision of content, created or selected by the influencer, that informs, entertains or educates and that is capable of generating revenues directly from the execution of commercial agreements with manufacturers of goods or services or indirectly through the execution of monetisation agreements by the platform or social media used;
- the influencer has the editorial responsibility over the content, which includes effective control on the creation, selection and organisation of the same content;
- the service is accessible to the general public, reaches a significant number of users in the Italian territory, has a relevant impact on a significant portion of the audience and the content is disseminated through a video-sharing platform service or social media;
- the service allows on-demand access to their content by the user;
- the service is characterised by a stable and effective link with the Italian economy;
- the content is provided through the use of the Italian language or is explicitly targeted at users on the Italian territory.

³⁸⁸ Influencers are not mentioned in Legislative Decree No. 208 of 8 November 2021 transposing the AVMSD and defining “audiovisual media service” but AGCOM’s Resolution No. 7/24/CONS establishes criteria for them to be considered as audiovisual media service providers.

³⁸⁹ Ibid.

³⁹⁰ The implementing modalities of the registration will be established by the technical round table to be established as per AGCOM Resolution No. 7/24/CONS of 10 January 2024.



AGCOM Resolution No. 472/24/CONS of 26 November 2024 launching the public consultation on the proposed amendments to the guidelines and code of conduct for influencers³⁹¹ (*Delibera 472/24/CONS Avvio della consultazione pubblica sulle proposte di modifica alle linee-guida e sul codice di condotta rivolti agli influencer*) aims to replace the definition of influencers outlined in point 5 of the Guidelines attached to Resolution No. 7/24/CONS.

It is to be replaced with the definition of "relevant influencers", namely influencers who reach a subscriber count (so-called followers) of at least 500 000 on at least one social media or video-sharing platform used, or an average monthly view count of 1 million on at least one social media or video-sharing platform used.

Reaching one of these thresholds on a platform obliges such individuals to comply with the Guidelines and the Code of Conduct across all social media or video-sharing platforms where they have a profile, regardless of the number of subscribers they have or the views they achieve on those other platforms.

Additionally, AGCOM, clarified in the consultation that "the identified thresholds may be subject to periodic review by the Authority, also in light of the potential implementation of new social media platforms."

Similarly, the consultation aims to amend the definition provided in Section II of point 5 of the Guidelines: "individuals who operate in a less continuous and structured manner, and who are characterized by not reaching the established threshold for the number of followers and a significant engagement rate, for whom, by contrast, the imposition of such obligations does not appear justified, without prejudice to the applicability of Articles 41 and 42 of the Unified Text to the content they publish," with the following definition:

influencers who operate in a less continuous and structured manner, and who are characterized by not reaching the established thresholds, for whom, by contrast, the imposition of the rules referred to in the Guidelines and the Code of Conduct does not appear justified, without prejudice, in any case, to the application of Articles 41 and 42 of the TUSMA to content-sharing platforms.

The new Code of Conduct, Annex B to Resolution 472/24/CONS (under public consultation at the time of writing), has introduced the establishment of a register to be updated every six months, managed by a neutral third party. The register will include the following information:

- personal details: name, nickname, brand, and tax code.
- online presence: links to websites or profiles on platforms and social media.
- metrics: data as specified in the Guidelines.
- contact information: details for official communications, such as certified email.

³⁹¹ [AGCOM Resolution No. 472/24/CONS of 26 November 2024 launching the public consultation on the proposed amendments to the guidelines and code of conduct for influencers](#) (*Delibera 472/24/CONS Avvio della consultazione pubblica sulle proposte di modifica alle linee-guida e sul codice di condotta rivolti agli influencer*).



The Digital Chart Regulation on the Recognisability of Marketing Communication distributed over the Internet³⁹² (*Regolamento Digital Chart sulla riconoscibilità della comunicazione commerciale diffusa attraverso internet*) from the IAP does not define the concept but uses the term “influencer” to refer loosely to an influencer, celebrity, blogger or any “similar user of the Internet, whose actions might potentially influence the commercial choices of the public”.

7.18.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

The AGCOM Guidelines have provided the criteria based on which it is now possible to identify which influencers are subject to provisions for AVMS providers established in Legislative Decree No. 208 of 8 November 2021 (*Decreto Legislativo 8 novembre 2021, n. 208*),³⁹³ as amended.

Influencers proposing audiovisual content having the characteristics defined by the Influencer Guidelines, including commercial communications based on any kind of agreement, under monetary compensation or compensation through the provision of goods or services, that jointly:

- a) reach at least 1 million followers (considering the total sum of the followers on all the influencer’s social media);
- b) have published at least 24 pieces of content in the previous year;
- c) have reached 2% of the average engagement rate, on at least one social media platform in the last six months.

A second category of influencers consists of individuals who operate in a less continuous or structured manner and who are characterised by not reaching requirements (a) and (c) above. Influencers in this category are not subject to the provisions of Legislative Decree No. 208, except for the provisions established in its Articles 41 and 42.

According to the new definition proposed by Resolution No. 472/24/CONS (under public consultation at the time of writing), relevant influencers are content creators proposing audiovisual content having the characteristics defined by the Guidelines, including commercial communications based on any kind of agreements, under monetary compensation or compensation through the provision of goods or services, that:

- a. Reach at least one million followers (considering the total sum of the followers on all the influencer’s social media or video-sharing platform used);

or

³⁹² Digital Chart Regulation on the Recognisability of Marketing Communication distributed over the Internet (*Regolamento Digital Chart sulla riconoscibilità della comunicazione commerciale diffusa attraverso internet*) (in [English](#) and [Italian](#)).

³⁹³ [Legislative Decree No. 208 of 8 November 2021](#) (*Decreto Legislativo 8 novembre 2021, n. 208*).



- b. Have reached an average monthly view count of one million on at least one social media or video-sharing platform used.

A second category of influencers consists of influencers who operate in a less continuous and structured manner, and who are characterized by not reaching the established thresholds, for whom, by contrast, the imposition of the rules referred to in the Guidelines and the Code of Conduct does not appear justified, without prejudice, in any case, to the application of Articles 41 and 42 of the TUSMA to content-sharing platforms.

7.18.4. Rules and/or guidelines specific to influencers

In addition to providing a definition of the concept of “influencer”, the AGCOM Guidelines aim to detail the provisions laid down in Legislative Decree No. 208/2021 intended for AVMS providers, which are also applicable to influencers meeting certain criteria and which lay the basis for the institution of a technical round table (which will include influencers) to introduce new rules.

Influencers can also be subject to the self-regulatory Code on Commercial Communications, which includes the Digital Chart Regulation setting out specific rules on influencer marketing, issued by the IAP. The IAP being a private entity, the self-regulatory code (and consequently the Digital Chart) is binding on a voluntary basis only. It concerns companies involved in communications, agencies, consultants, media, and everyone accepting the self-regulatory code by adhering to it directly or by being a member of an association which adheres to it, or by signing an advertising contract containing the acceptance clause.

Relevant influencers will be required to sign the Code of Conduct in Annex B of AGCOM Resolution No. 472/24/CONS (created following a specific working group launched with Resolution No. 7/24/CONS and subject to public consultation at the time of writing). In doing so, they will be required to comply with the rules on commercial communications, telesales, sponsorships and product placement (pursuant to Articles 43, 46, 47 and 48 of the TUSMA), the prohibition of covert advertising, as well as the implementing provisions adopted by AGCOM with a specific regulation. They will also have to comply with the provisions of the Digital Chart Regulation on the recognisability of commercial communication disseminated via the Internet promoted by the IAP.

Other influencers, although they are not required to sign this code, are required to observe its contents.

7.18.5. Case law

It is worth noting that Italian courts, including the Supreme Court of Cassation, have found that a breach of the self-regulatory code (regardless of whether a company has agreed to it or not) may constitute unfair competition under section 2598 of the Italian Civil



Code.³⁹⁴ The Italian Competition Authority (*Autorità Garante della Concorrenza e del Mercato* – AGCM) has also been particularly active over the years regarding the applicability of the Consumer Code³⁹⁵ (*Codice del consumo*) to influencers. In 2023, in a case involving influencer Chiara Ferragni, the AGCM opened a proceeding against the company Balocco³⁹⁶ (manufacturer of bakery products, including the Italian cake *panettone*) and two companies belonging to the famous Italian influencer Chiara Ferragni, for misleading advertising in relation to charity initiatives, also advertised on social media. The AGCM issued a sanction equal to EUR 420 000 against Balocco and for a total amount of EUR 1 750 000 against Chiara Ferragni's company.

7.18.6. Training programmes and certification

The IAP, being a part of the Influencer Marketing Training System in collaboration with the EASA, is due to release an online course for influencers to demonstrate their knowledge of the rules governing advertising.

7.18.7. Recent developments

Following the technical round table initiated with Resolution No. 7/24/CONS, AGCOM, on 26 November 2024, Resolution No. 472/24/CONS launched a new public consultation by submitting to the various stakeholders a code of conduct that applies to relevant influencers, without prejudice to the applicability of articles 41 and 42 of the TUSMA and compliance with the regulation on video sharing platforms pursuant to resolution no. 298/23/CONS.

³⁹⁴ Court of Cassation, Judgment No. 1259/1999. The judgments are only available in non-public databases.

³⁹⁵ [Consumer Code](#) (*Codice del consumo*).

³⁹⁶ [Balocco-sostegno all'ospedale Regina Margherita](#) (PS12506) of 14 December 2023.

7.19.LT – Lithuania³⁹⁷

7.19.1. Key facts

- There is no definition of the concept of “influencer” in Lithuanian legislation or in any other document.
- Influencers are considered audiovisual media service (AVMS) providers if they meet the criteria laid down in the Law on the Provision of Information to the Public of the Republic of Lithuania³⁹⁸ and an additional set of criteria laid down in guidelines developed by the national media regulatory authority, the Radio and Television Commission of Lithuania (RTK).³⁹⁹
- The additional criteria include revenue, audience and the nature of the content.
- Influencers meeting the criteria to be considered as AVMS providers have to register with the RTK.
- Several public authorities have produced specific guidelines for influencers regarding the advertising of certain products or services.

Definition	Existence
Existence of a definition of the concept of “influencer”	No
Definition in legislation	N/A
Definition in other documents	N/A
Definition	N/A
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes
By extension or directly envisaged in law?	By extension ⁴⁰⁰

³⁹⁷ The factsheet on Lithuania incorporates feedback received from Nerijus Maliukevičius, market research analyst at the Radio and Television Commission of Lithuania (*Lietuvos radijo ir televizijos komisija* – RTK) during the checking round with the national regulatory authorities.

³⁹⁸ [Law on the Provision of Information to the Public of the Republic of Lithuania](#) (*Lietuvos Respublikos visuomenės informavimo įstatymas*).

³⁹⁹ [Decision No. KS-42 of the Lithuanian Radio and Television Commission of 30 March 2022 approving the Guidelines on the qualification and requirements for audiovisual media service providers providing services via video-sharing platforms](#).

⁴⁰⁰ Influencers are not mentioned in the Law on the provision of information to the public of the Republic of Lithuania transposing the AVMSD and defining “audiovisual media services” but guidelines from the national media regulatory authority provide for additional criteria to meet for an influencer to be considered as an AVMS provider.



Are influencers explicitly mentioned as being AVMS providers in law?	No ⁴⁰¹
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	Yes

7.19.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in Lithuanian legislation or in any other document.

7.19.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

Influencers can be considered as AVMS providers, if the criteria laid down in the Law on the Provision of Information to the Public of the Republic of Lithuania⁴⁰² (*Lietuvos Respublikos visuomenės informavimo įstatymas*) are met.

The question of whether influencers can be considered as AVMS providers is further described in guidelines⁴⁰³ published by the national media regulatory authority, the Radio and Television Commission of Lithuania (*Lietuvos radijo ir televizijos komisija* – RTK).

The guidelines provide that a person (vlogger or channel) uploading content to a video-sharing platform (YouTube, Facebook, TikTok, etc.) is considered as an on-demand AVMS provider if certain criteria are met:

- The service provider carries out an economic commercial activity.
- The service provider provides programmes within the meaning of Article 2(40) of the Law on the Provision of Information to the Public of the Republic of Lithuania.
- The service provider's main purpose is to provide programmes for information, entertainment or educational purposes.
- The service provider has editorial responsibility in respect of the programmes provided.
- The service provider offers programmes for viewing at the user's request and at a time of the user's choosing in accordance with the catalogues offered, within the meaning of Article 2(73) of the Law on the Provision of Information to the Public of the Republic of Lithuania.

⁴⁰¹ Ibid.

⁴⁰² [Law on the provision of information to the public of the Republic of Lithuania](#) (*Lietuvos Respublikos visuomenės informavimo įstatymas*).

⁴⁰³ [Decision No. KS-42 of the Lithuanian Radio and Television Commission of 30 March 2022 approving the Guidelines on the qualification and requirements for audiovisual media service providers providing services via video-sharing platforms.](#)

- The service provider's target audience is the general public and has a demonstrable impact on it. Service providers/channels with a significant following and a significant number of programme views over a period of less than 12 months should be considered as providers of on-demand audiovisual media services which reach a wide public.

It is only by assessing all the criteria listed above that it can be concluded whether a particular uploader of content to a platform is an on-demand AVMS provider providing a service through a VSP. An influencer meeting the abovementioned criteria is considered to be an AVMS provider.

The guidelines also specify that audiovisual content published by natural persons for the purpose of presenting their private life, such as leisure activities or hobbies, without providing any information likely to influence the formation of public opinion and without commercial gain is not considered to be an on-demand AVMS.

7.19.4. Rules and/or guidelines specific to influencers

At the time of writing, there were no regulations or binding guidelines aimed specifically at influencers, but public authorities have released several documents to help influencers comply with advertising rules applying to all actors engaging in advertising.

The State Consumer Rights Protection Authority has produced guidelines for opinion leaders on cosmetics advertising,⁴⁰⁴ on the advertising of healthcare and medical devices,⁴⁰⁵ the labelling of advertising,⁴⁰⁶ the advertising of essential oils⁴⁰⁷ and the advertising of CBD products.⁴⁰⁸

The Bank of Lithuania has also published guidelines⁴⁰⁹ for influencers, clarifying the requirements of legal acts on the advertising of financial services, which include adequately presenting the potential risks and not giving undue prominence to benefits, providing information on potential fees and providing the appropriate warnings depending on the subject of the advertising.

The Drug, Tobacco and Alcohol Control Department (*Narkotikų, tabako ir alkoholio kontrolės departamentas* – NTAKD) has developed guidelines for influencers regarding alcohol and tobacco advertising on social networks.⁴¹⁰

⁴⁰⁴ [Guidelines on cosmetics advertising](#) (*Kosmetikos gaminių reklama*).

⁴⁰⁵ [Guidelines on healthcare and medical devices advertising](#) (*Sveikatos priežiūros paslaugų ir medicinos priemonių reklama*).

⁴⁰⁶ [Guidelines for the labelling of advertising](#) (*Reklamos žymėjimo gairės*).

⁴⁰⁷ [Guidelines for essential oil advertising](#) (*Eterinių aliejų reklama*).

⁴⁰⁸ [Guidelines for CBD products advertising](#) (*CBD produktų reklama*).

⁴⁰⁹ Decision of the Board of the Bank of Lithuania No. 416-33 of 22 February 2021, "Guidelines on the Advertising of Financial Services" (*Lietuvos banko valdybos 2021 m. vasario 22 d. sprendimas Nr. 416-33 „Finansinių paslaugų reklamos gairės“*) (in [Lithuanian](#) and in [English](#), summarised).

⁴¹⁰ [Guidelines for alcohol and tobacco advertising](#) (*Gairės nuomonės formuotojams („influenceriams“*)).



7.19.5. Case law

N/A.

7.19.6. Training programmes and certification

N/A.

7.19.7. Recent developments

The National Tax Authority (*Valstybinės mokesčių inspekcijos – VMI*) is reported to have carried out investigations in respect of influencers' tax evasion and/or tax law violations,⁴¹¹ often due to influencers' lack of knowledge of the rules applying to their activities. In 2021 and 2022, the VMI conducted 30 influencer control actions, leading to an additional EUR 96 000 of taxes declared. In April 2022, one influencer alone was found to have failed to declare more than EUR 200 000 to the VMI.

⁴¹¹ Piečytė M. (30 January 2023), "*VMI fiksuoja daugybę „influencerių“ pažeidimų – nuo nedeklaruotų pajamų iki bandymų išvengti mokesčių už NT*", *Lrytas.lt*.

7.20.LU – Luxembourg⁴¹²

7.20.1. Key facts

- There is no definition of the concept of “influencer” in Luxembourgish legislation or in any other document.
- An influencer’s activity may be considered as an on-demand audiovisual media service (AVMS) if it meets the criteria laid out in Article 2, paragraph 16 of the amended Law of 27 July 1991 on Electronic Media.⁴¹³
- For an influencer’s activity to be considered as an on-demand AVMS, the national media regulatory authority, the Independent Luxembourgish Audiovisual Authority (ALIA), ensures that the activity meets the six cumulative criteria established by the amended Law on Electronic Media.

Definition	Existence
Existence of a definition of the concept of “influencer”	No
Definition in legislation	N/A
Definition in other documents	N/A
Definition	N/A
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes ⁴¹⁴
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	No, but they must notify the Department of Media, Connectivity and Digital Policy ⁴¹⁵

⁴¹² The factsheet on Luxembourg incorporates feedback received from the Legal Affairs Department at the Independent Luxembourgish Audiovisual Authority (ALIA) during the checking round with the national regulatory authorities.

⁴¹³ [Law of 27 July 1991 on Electronic Media \(Loi du 27 juillet 1991 sur les médias électroniques\)](#).

⁴¹⁴ At the time of writing, influencers considered as AVMS providers are required to notify the Department of Media, Connectivity and Digital Policy (*Service des médias, de la connectivité et de la politique numérique*) of the Luxembourgish government. At the time of writing, no influencer had registered with the department.

⁴¹⁵ Influencers meeting the criteria for consideration as an on-demand AVMS have to notify the Department of Media, Connectivity and Digital Policy, which is not part of ALIA.



7.20.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in Luxembourgish legislation or in any other document.

7.20.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

In order to be considered an AVMS provider, the national media regulatory authority (*Autorité Luxembourgeoise Indépendante de l’Audiovisuel – ALIA*) verifies that an influencer meets the criteria for an on-demand AVMS laid out in the Law of 27 July 1991 on electronic media⁴¹⁶ (*Loi du 27 juillet 1991 sur les médias électroniques*).

According to Article 2(15)(i), the criteria for consideration as an AVMS are that the service provider:

- provides programmes to the general public;
- assumes editorial responsibility for those programmes;
- informs, entertains or educates the general public; and
- uses an electronic communications network.

According to Article 2(16), in order to be considered an on-demand AVMS:

- users must be in a position to pick their individual programme whenever it suits them; and
- the service provider must carry a catalogue of programmes.

If an influencer’s activities meet the criteria for an on-demand AVMS, they have to notify the Department of Media, Connectivity and Digital Policy (*Service des médias, de la connectivité et de la politique numérique*) of the Luxembourgish government. At the time of writing, no influencer had done so.

ALIA regularly evaluates whether influencers meet the criteria of on-demand services. So far, ALIA has limited its actions to raising awareness about the legal obligations among the influencer community and does not seek sanctions in cases of influencers failing to notify their activities to the Department of Media, Connectivity and Digital Policy.

7.20.4. Rules and/or guidelines specific to influencers

There are no rules or guidelines specific to influencers in Luxembourg.

⁴¹⁶ [Law of 27 July 1991 on electronic media](#) (*Loi du 27 juillet 1991 sur les médias électroniques*).

Although they are not specific to influencers, the rules laid down in the Law of 27 July 1991 and in the Consumer Code⁴¹⁷ (*Code de la consommation*) apply to certain influencers. The latter however only applies to “professional” influencers, as defined in Article L. 010-1 (2) of the Consumer Code, which defines a professional as any natural or legal person, public or private, who acts, including through another person acting in their name or on their behalf, for purposes which fall within the scope of their commercial, industrial, craft or liberal activity.

7.20.5. Case law

N/A.

7.20.6. Training programmes and certification

N/A.

7.20.7. Recent developments

The ministers in charge of the media from the coalition government formed after the parliamentary elections of 8 October 2023 have vowed to reform the outdated 1991 Law on Electronic Media. At the time of writing, political reflection and a public discussion were ongoing.⁴¹⁸

⁴¹⁷ [Consumer Code](#) (*Code de la consommation*).

⁴¹⁸ [#Mediareform.lu Loi sur les médias électroniques : quelle réforme possible ?](#).



7.21.LV – Latvia⁴¹⁹

7.21.1. Key facts

- There is no definition of the concept of “influencer” in Latvian legislation or in any other document.
- An influencer meeting the criteria of the Electronic Mass Media Law (*Elektronisko plašsaziņas līdzekļu likums*) may be recognised as an audiovisual media service (AVMS) provider and could be required to register as an on-demand AVMS provider with the national media regulatory authority, the National Electronic Mass Media Council (*Nacionālā elektronisko plašsaziņas līdzekļu padome – NEPLP*).
- The Consumer Rights Protection Centre (*Patērētāju tiesību aizsardzības centrs – PTAC*) has produced several guidelines to help influencers comply with laws and regulations.

Definition	Existence
Existence of a definition of the concept of “influencer”	No
Definition in legislation	N/A
Definition in other documents	N/A
Definition	N/A
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	Yes

⁴¹⁹ The factsheet on Latvia incorporates feedback received from Māra Madara Lūse, head of the International Cooperation and Information Analytics Division at the NEPLP during the checking round with the national regulatory authorities.

7.21.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in Latvian legislation or in any other document.

7.21.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

Influencers are neither directly mentioned nor excluded from the definition of audiovisual electronic media service provider as defined in Article 1(3) of the Electronic Mass Media Law⁴²⁰ (*Elektronisko plašsaziņas līdzekļu likums*).

An influencer meeting the criteria of the Electronic Mass Media Law may be recognised as such and could be required to register as an on-demand AVMS provider with the national media regulatory authority, the NEPLP.

7.21.4. Rules and/or guidelines specific to influencers

There are no specific laws or regulations in Latvia that apply specifically to influencers. However, several guidelines have been produced by the PTAC to help influencers comply with laws and regulations.⁴²¹

Self-regulatory guidelines⁴²² have also been prepared by Golin Riga, a public relations agency, which cover the ethics of the activity of influencers.

7.21.5. Case law

N/A.

7.21.6. Training programmes and certification

N/A.

⁴²⁰ Electronic Mass Media Law (*Elektronisko plašsaziņas līdzekļu likums*) (in [Latvian](#) and [English](#)).

⁴²¹ [Guidelines published by the Consumer Rights Protection Centre](#).

⁴²² [Guidelines on ethics by Golin Riga](#).



7.21.7. Recent developments

The PTAC is the only organisation that develops guidelines and recommendations for influencers and seeks to educate content creators on the laws and regulations that apply to them.

At the time of writing, the PTAC had fined four influencers for unfair commercial practices. The first two fines imposed in 2021 (for EUR 1 000 and EUR 1 500) for misleading commercial practices (infringement of the Unfair Commercial Practices Prohibition Law). The PTAC has fined two more influencers for the same type of infringement, with one fine reaching EUR 15 000.⁴²³ The low number of fines imposed is due to the PTAC's approach, which always begins with a warning to the influencer about the existence of an infringement.

⁴²³ [Press release \(5 May 2023\), "The PTAC imposes a fine of EUR 15 000 on an influencer"](#).



7.22.MT – Malta⁴²⁴

7.22.1. Key facts

- There is no definition of the concept of “influencer” in Maltese legislation or in any other document.
- An influencer meeting the criteria of the Broadcasting Act⁴²⁵ may be recognised as an audiovisual media service (AVMS) provider.
- The regulation of influencers in Malta falls to the Malta Competition and Consumer Affairs Authority (MCCAA), which enforces the rules from the Consumer Affairs Act⁴²⁶ that apply to influencers meeting the definition of a “trader” established in the act.

Definition	Existence
Existence of a definition of the concept of “influencer”	No
Definition in legislation	N/A
Definition in other documents	N/A
Definition	N/A
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes ⁴²⁷
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	No

⁴²⁴ The factsheet on Malta incorporates feedback received from Joanna Spiteri, chief executive at the Broadcasting Authority, during the checking round with the national regulatory authorities.

⁴²⁵ [Broadcasting Act](#).

⁴²⁶ [Consumer Affairs Act](#).

⁴²⁷ An influencer meeting the criteria of the Broadcasting Act may be recognised as an AVMS provider. At the time of writing, there has been no decision by the national media regulatory authority, the Malta Broadcasting Authority, in this sense.



7.22.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in Maltese legislation or in any other document.

7.22.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

Influencers are neither directly mentioned in nor excluded from the definition of AVMS provider, as defined in Article 16G of the Broadcasting Act.⁴²⁸

An influencer meeting the criteria of the Broadcasting Act may be recognised as an AVMS provider. At the time of writing, there has been no decision by the national media regulatory authority, the Malta Broadcasting Authority, in that regard.

Influencers have no obligations towards the national media regulatory authority.

7.22.4. Rules and/or guidelines specific to influencers

There are no specific rules or guidelines for influencers in Malta.

The MCAA enforces the rules from the Consumer Affairs Act⁴²⁹ that apply to influencers meeting the definition of a “trader”. Article 51A of the Consumer Affairs Act defines a trader as:

any natural person or any legal person who, in commercial practices covered by this Title, is acting for purposes relating to his/her trade, business, craft or profession and includes anyone acting in the name or on behalf of a trader.

7.22.5. Case law

N/A.

7.22.6. Training programmes and certification

N/A.

⁴²⁸ [Broadcasting Act.](#)

⁴²⁹ [Consumer Affairs Act.](#)



7.22.7. Recent developments

The MCCA website addresses influencers to make them more aware of the need to disclose commercial partnerships when endorsing a product or service.⁴³⁰

⁴³⁰ MCCA website: [Consumer Dialogue on the New Consumer Agenda](#).



7.23.NL – Netherlands⁴³¹

7.23.1. Key facts

- There is no definition by law of the concept of “influencer” in Dutch legislation.
- The concept of “influencer” is defined in the self-regulatory Advertising Code for Alcoholic Beverages.⁴³²
- The self-regulatory Advertising Code for Social Media & Influencer Marketing⁴³³ provides a definition of a “distributor”, which includes influencers, as indicated in an explanatory note.
- An influencer fitting the criteria of the consolidated Media Act⁴³⁴ and the additional influencer-specific criteria laid down in the policy rules⁴³⁵ of the national media regulatory authority (*Commissariaat voor de Media* – CvdM), can be considered as an audiovisual media service (AVMS) provider.
- Influencers considered as AVMS providers and who distribute advertising must register with the Advertising Code Foundation⁴³⁶ in addition to the CvdM.
- For influencers who are not considered as AVMS providers but distribute advertising, the self-regulatory general and specific codes of the Advertising Code Foundation are applicable.
- The Advertising Code Foundation has brought the self-regulatory Code for Social Media & Influencer Marketing in line with the CvdM’s policy rules on the classification of on-demand commercial media services.
- The Advertising Code Foundation, the Data-Driven Marketing Association and the Dutch Association of Advertisers have launched the certificate “Certified by [Influencerregels.com](https://www.influencerregels.com)”.⁴³⁷ Influencers receiving this certification show that they intend to advertise in a correct and responsible manner and are included in a public register. Their advertising posts are monitored by the Advertising Code Foundation.

⁴³¹ The factsheet on the Netherlands incorporates feedback received from Marcel Betzel, senior international policy advisor and Berend van Hemel, senior advisor supervision at the CvdM (*Commissariaat voor de Media*) as well as Fiona Vening, compliance officer at the Dutch Advertising Code Foundation (*Stichting Reclame Code*) during the checking round with the national regulatory authorities.

⁴³² Advertising Code for Alcoholic Beverages (*Reclamecode voor alcoholhoudende dranken* – RVA) (in [Dutch](#) and [English](#)).

⁴³³ [Advertising Code for Social Media & Influencer Marketing](#) (*Reclamecode Social Media & Influencer Marketing*, RSM).

⁴³⁴ [Media Act 2008](#) (*Mediawet 2008*).

⁴³⁵ [2022 Classification of On-Demand Commercial Media Services Policy Rules](#) (in English).

⁴³⁶ [Advertising Code Foundation](#) (*Stichting Reclame Code*) (in English).

⁴³⁷ [Influencerregels.com](https://www.influencerregels.com).



Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	Advertising Code for Alcoholic Beverages ⁴³⁸
Definition	Somebody who, through social media, influences a particular target audience. For example, a distributor can be an influencer.
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No ⁴³⁹
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	Yes, and they must register with the Advertising Code Foundation if they distribute advertising. ⁴⁴⁰

7.23.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in Dutch legislation.

The self-regulatory Advertising Code for Alcoholic Beverages⁴⁴¹ (*Reclamecode voor alcoholhoudende dranken* – RVA) contains a definition of an influencer, as “somebody who, through social media, influences a particular target audience”. It adds that a distributor can be an influencer.

The self-regulatory Advertising Code for Social Media & Influencer Marketing⁴⁴² provides a definition of a distributor as:

the party that has a relevant relationship with the advertiser and that distributes advertising through social media. A distributor may be a natural person or legal entity. A distributor is understood as not including an operator of social network sites and forums

⁴³⁸ Advertising Code for Alcoholic Beverages (*Reclamecode voor alcoholhoudende dranken* – RVA) (in [Dutch](#) and [English](#)).

⁴³⁹ Influencers are not explicitly mentioned in Article 1.1(1) of the consolidated Media Act 2008 (*Mediawet 2008*), transposing Article 1(1)(a) AVMSD, but they are not excluded either. Policy rules by the national media regulatory authority define when an influencer is considered as an on-demand commercial media service that falls under the supervision of the CvdM.

⁴⁴⁰ Based on Articles 3.29d and 3.6 of the Media Act 2008, influencers considered as providers of an on-demand commercial media service are obliged to affiliate with the Advertising Code Foundation.

⁴⁴¹ Advertising Code for Alcoholic Beverages (*Reclamecode voor alcoholhoudende dranken* – RVA) (in [Dutch](#) and [English](#)).

⁴⁴² [Advertising Code for Social Media & Influencer Marketing](#).

that facilitates communication between participants and takes a neutral stand regarding content.

The explanatory notes on this definition clarify the position of influencers: “distributors can be online content creators such as bloggers, vloggers and influencers”.

7.23.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

Influencers are not explicitly mentioned in Article 1.1(1) of the consolidated Media Act 2008, transposing Article 1(1)(a) AVMSD, but neither are they excluded.

The policy rules on the classification of on-demand commercial media services⁴⁴³ of the CvdM define when an influencer is to be considered as an on-demand commercial media service that falls under the supervision of the CvdM. If an influencer is considered as such, the general rules for on-demand commercial media services apply.

On the basis of the policy rules of the CvdM, influencers are considered as providers of an on-demand commercial media service when they:

- are active on YouTube, Instagram and/or TikTok;
- have at least 500 000 followers/subscribers;
- have posted at least 24 videos in the last 12 months;
- earn from the videos (money or free products);
- and are registered as an entrepreneur with the Dutch Chamber of Commerce.

The CvdM actively monitors video uploaders active on YouTube, Instagram or TikTok, and those who meet the criteria of AVMS providers are required to register with the CvdM.⁴⁴⁴

Based on Articles 3.29d and 3.6 of the Media Act, influencers that are considered as providers of an on-demand commercial media service and who distribute advertising are obliged to affiliate with the Advertising Code Foundation. The CvdM supervises compliance with this obligation. The general and specific advertising codes apply in full to influencers considered as providers of an on-demand commercial media service.

If an influencer isn't considered as an AVMS provider and distributes advertising that is covered by the definition of advertising within the meaning of Article 1 of the Dutch Advertising Code⁴⁴⁵ (*Nederlandse Reclame Code*), the self-regulatory general and specific codes of the Advertising Code Foundation are applicable. The Advertising Code Foundation has brought the self-regulatory Code for Social Media & Influencer Marketing in line with the CvdM's policy rules on the classification of on-demand commercial media services.

⁴⁴³ [2022 Classification of On-Demand Commercial Media Services Policy Rules](#) (in English).

⁴⁴⁴ [CvdM registers](#).

⁴⁴⁵ [Dutch Advertising Code](#) (*Nederlandse Reclame Code*) (in English).

7.23.4. Rules and/or guidelines specific to influencers

With the exception of influencers considered as providers of an on-demand commercial media service, which are also under the supervision of the CvdM, rules pertaining to influencers are self-regulatory and set by the Advertising Code Foundation.

The Dutch Advertising Code, which consists of a general code and specific codes, applies to influencers who distribute advertising that is covered by the definition of “advertising” within the meaning of Article 1 of the general code. The Advertising Code for Social Media & Influencer Marketing applies to influencers (defined as “distributors”) and is part of the Dutch Advertising Code.

The Advertising Code for Social Media & Influencer Marketing applies once a “relevant relationship” between advertiser and distributor can be established. Such a relationship includes contracts, sponsorships or the offering of free products to influencers for the purpose of posting something about the product. The advertiser must require the influencer to comply with this code, for example by including a provision in the contract, employment agreement or the terms and conditions of the promotion. If there is no agreement, the advertiser must explicitly draw the attention of distributors to this code when inviting them to provide their opinion on their products.

Manipulation, such as the modification of posts or other communications on social media in such a manner that the average consumer may be misled, is prohibited, as per Article 4.

The advertiser and the influencer each bear their own responsibility for compliance with Article 3 (disclosure and recognisability of a relevant relationship), Article 4 (a ban on manipulation) and Article 5 (a ban on encouraging children aged 12 or under to advertise products or services on social media) of the code.

In the event that the advertising is aimed at children, Article 5 states that the Children and Young People Advertising Code⁴⁴⁶ (*Kinder- en Jeugd reclamecode* – KJC) applies in full.

Influencers, as “distributors”, are directly mentioned in the RVA, a special code under the Dutch Advertising Code, pursuant to Article 23, paragraph 6. Article 11 sets specific rules with regard to influencer advertising for alcoholic beverages, establishing that they cannot be or “clearly appear” younger than 25 years of age.

Article 20 sets out that advertising for alcoholic beverages in any form whatsoever may not reach an audience of which more than 25% are minors.

Finally, Article 29, paragraph 3 states that it is not permitted to hire athletes who practice their sport professionally for social media posts with or without images and/or videos.

The Advertising Code for Food Products 2019 (*Reclamecode Voor Voedingsmiddelen – RVV 2019*)⁴⁴⁷ applies to all advertising for food products specifically intended for the Dutch

⁴⁴⁶ Children and Young People Advertising Code (*Kinder- en Jeugd reclamecode* KJC) (in [Dutch](#) and [English](#)).

⁴⁴⁷ Advertising Code for Food Products 2019 (*Reclamecode Voor Voedingsmiddelen (RVV) 2019*) (in [Dutch](#) and [English](#)).



market, regardless of the medium used, and therefore includes online advertising and social media, such as influencer marketing which is specifically referred to in the first section of the code.

Other specific codes apply to influencers without including specific provisions for them, such as:

- the Code for Medical Cosmetic Treatments performed by Physicians⁴⁴⁸ (*Code medische Cosmetische Behandelingen uitgevoerd door Artsen – CCBA*);
- the Advertising Code for Cosmetic Products⁴⁴⁹ (*Reclamecode Cosmetische Producten – RCP*);
- the Code for Advertising Medicines to the General Public 2019⁴⁵⁰ (*Code Publieksreclame voor Geneesmiddelen – CPG*);
- the Code for Health Product Promotion⁴⁵¹ (*Code Aanprijzing Gezondheidsproducten – CAG*);
- the Code for Online Games of Chance⁴⁵² (*Reclamecode Online Kansspelen – ROK*);
- the Infant and Follow-on Formulae Advertising Code⁴⁵³ (*Reclamecode Zuigelingenvoeding*).

7.23.5. Case law

Since 2022, the CvdM has been supervising video uploaders, also known as influencers, vloggers or content creators. The CvdM expects uploaders to be transparent about commercial influence in their videos, among other things. Advertising in videos must be recognisable to the viewer. Over the past two years, the CvdM has gone from providing information to increasingly strict enforcement in its supervision of uploaders. In many cases, informal exchanges were considered effective by the CvdM in achieving its goal.

Many uploaders who were contacted and to whom the rules were explained now follow those rules. This does not apply to all cases, however. In the event of persistent violations, the CvdM uses formal enforcement instruments. This has now resulted in the first fine for a video uploader.

In June 2024 the CvdM imposed an administrative fine of EUR 6 075 on a video uploader for violation of Article 3.5b, paragraph 1, of the Media Act.⁴⁵⁴

⁴⁴⁸ Code for Medical Cosmetic Treatments performed by Physicians (*Code medische Cosmetische Behandelingen uitgevoerd door Artsen – CCBA*) (in [Dutch](#) and [English](#)).

⁴⁴⁹ Advertising Code for Cosmetic Products (*Reclamecode Cosmetische Producten – RCP*) (in [Dutch](#) and [English](#)).

⁴⁵⁰ Code for Advertising Medicines to the General Public 2019 (*Code Publieksreclame voor Geneesmiddelen – CPG*) (in [Dutch](#) and [English](#)).

⁴⁵¹ Code for Health Product Promotion (*Code Aanprijzing Gezondheidsproducten – CAG*) (in [Dutch](#) and [English](#)).

⁴⁵² Code for Online Games of Chance (*Reclamecode Online Kansspelen – ROK*) (in [Dutch](#) and [English](#)).

⁴⁵³ Infant and Follow-on Formulae Advertising Code (*Reclamecode Zuigelingenvoeding*) (in [Dutch](#) and [English](#)).

⁴⁵⁴ [Sanctiebeschikking overtreding reclameregels](#), CvdM website.



This article was violated because advertising in four videos was not made recognisable as such. The investigation had been preceded by a previous warning requiring the influencer to modify the four videos and to make the advertising recognisable as such. When the videos were not modified, despite information about the regulations having been provided on several occasions, the CvdM decided to impose an administrative fine. The violations have now ended, and the CvdM notices that the influencer now clearly indicates if a video contains advertising.

7.23.6. Training programmes and certification

To increase knowledge of the rules and thus promote transparency within influencer marketing, the Advertising Code Foundation, the Data-Driven Marketing Association (DDMA) and the Dutch Association of Advertisers (*Bond van adverteerders* – BvA) have launched the certificate “Certified by Influencerrules.com”.⁴⁵⁵ Influencers receiving this certification show that they intend to advertise in a correct and responsible manner. After earning the certificate via an e-learning course, influencers are added to a public register.

The Advertising Code Foundation also monitors content compliance with some regularity through an online monitoring system and provides recommendations and advice on perceived missteps.

On 7 November 2024, the Advertising Code Foundation announced that 1 900 influencers had passed the exam and were listed in the public register.⁴⁵⁶ Major advertisers like McDonalds and Nestlé Nederland have joined the initiative. By doing so, these advertisers indicate that they will only work with certified influencers.

7.23.7. Recent developments

The CvdM began supervising the activities of influencers with more than 500 000 followers. and are now looking to expand their active supervision to a larger group of influencers. The CvdM has identified risks posed by influencers with fewer than 500 000 followers, particularly with regard to commercial influence and the protection of children.

Adjusting the threshold criteria is one of the CvdM’s priorities for 2025. Incidentally, the current threshold does not mean that the CvdM cannot take informal action against uploaders with fewer than 500 000 followers in response to complaints. For example, it has already done this with a video uploader who promoted toys and about whom the CvdM received a complaint.

⁴⁵⁵ [Influencerregels.com](https://www.influencerregels.com).

⁴⁵⁶ [SRC wins European award for Influencer Certificate](#) (*SRC wint Europese award voor Influencer Certificaat*).



7.24. NO – Norway⁴⁵⁷

7.24.1. Key facts

- Guidelines on Influencer Marketing of certain goods and services to children and young adults by the Special Committee for Influencer Marketing (FIM)⁴⁵⁸ include a definition of the concept of “influencer”.
- There is no indication in Norwegian media law that influencers are considered as audiovisual media service (AVMS) providers, but the national media regulatory authority has published several guidelines for YouTubers and vloggers in order to ensure that they follow the rules laid down in Norwegian media law.
- A draft law⁴⁵⁹ transposing the AVMSD into Norwegian law proposes that users who share user-generated content on video-sharing platforms, but who do not fulfil the criteria of being providers of television or audiovisual media services, be required to comply with the Marketing Act.

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	Guidelines on Influencer Marketing of certain goods and services to children and young adults (FIM) ⁴⁶⁰
Definition	A person or group who has their own channels with a following, and who influences and engages their followers over time. An influencer can have different professional backgrounds for their business, for example from sports, entertainment, politics, lifestyle and cultural life.

⁴⁵⁷ The factsheet on Norway incorporates feedback received from Lars Erik Krogsrud, an adviser at *Medietilsynet* (Norwegian Media Authority) during the checking round with the national regulatory authorities.

⁴⁵⁸ [Guidelines on Influencer Marketing](#) by the Special Committee for Influencer Marketing (*Fagutvalget for influencemarkedsføring* – FIM).

⁴⁵⁹ [Prop. 66 LS \(2023-2024\) Proposisjon til Stortinget \(forslag til lovvedtak og stortingsvedtak\)](#).

⁴⁶⁰ [Guidelines on Influencer Marketing](#) by the Special Committee for Influencer Marketing (*Fagutvalget for influencemarkedsføring* – FIM).



Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes ⁴⁶¹
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	Yes ⁴⁶²

7.24.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in Norwegian legislation.

The Guidelines on Influencer Marketing (*Retningslinjer for influencemarkedsføring av visse varer og tjenester overfor barn og unge voksne*) published by the Special Committee for Influencer Marketing (*Fagutvalget for influencemarkedsføring – FIM*)⁴⁶³ include a definition of the concept of “influencer”.

The Marketing Act⁴⁶⁴ (*Forskrift om urimelig handelspraksis*) defines a “trader” as “a natural or legal person who is acting for commercial purposes, and anyone acting in the name or on behalf of that person”. An influencer acting for commercial purposes, on their own behalf or on the behalf of others, may fall under this definition.

7.24.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

Influencers may be considered as AVMS providers. YouTube channels and vlogs are required to comply with certain provisions of the Norwegian Act on broadcasting and audiovisual on-demand services⁴⁶⁵ (*Lov om kringkasting og audiovisuelle bestillingstjenester*

⁴⁶¹ There is no indication in Norwegian media law that influencers are AVMS providers, but the national media regulatory authority, the Norwegian Media Authority (*Medietilsynet*) has published several guidelines for influencers and related to obligations laid down in the Norwegian Act Relating to Broadcasting and Audiovisual On-Demand Services⁴⁶¹ (*Lov om kringkasting og audiovisuelle bestillingstjenester (kringkastingsloven)*) and the Regulation relating to Broadcasting and Audiovisual On-Demand Services⁴⁶¹ (*Forskrift om kringkasting og audiovisuelle bestillingstjenester*).

⁴⁶² The registration obligation applies from 2025 with the implementation of the revised AVMSD in Norwegian law.

⁴⁶³ [Guidelines on Influencer Marketing](#) (*Retningslinjer for influencere*) by the Special Committee for Influencer Marketing (FIM).

⁴⁶⁴ [Marketing Act](#) (*Forskrift om urimelig handelspraksis*).

⁴⁶⁵ [Norwegian Act Relating to Broadcasting and Audiovisual On-Demand Services](#) (*Lov om kringkasting og audiovisuelle bestillingstjenester (kringkastingsloven)*).



(*kringkastingsloven*) – the Broadcasting Act) and the Regulation on broadcasting and audiovisual on-demand services⁴⁶⁶ (*Forskrift om kringkasting og audiovisuelle bestillingstjenester*), with regard to sponsorship and commercial content. They are also required to comply with the provisions of the Act on the protection of minors against harmful audiovisual media content⁴⁶⁷ (*Lov om beskyttelse av mindreårige mot skadelige bildeprogram mv.*) as well as the Regulation on the protection of minors against harmful audiovisual content⁴⁶⁸ (*Forskrift om beskyttelse av mindreårige mot skadelige bildeprogram*).

Under the current legislation, a distinction is made between video-based services (such as YouTube), and primarily text or still-image based services, currently labelled as social media (such as other video-sharing platforms like Facebook, Snapchat and Instagram), even though they also allow the sharing of videos. The national media regulatory authority, the Norwegian Media Authority (*Medietilsynet* – NMA) observed that accounts on those platforms rarely meet the criteria of audiovisual media services, especially that of “primary purpose” and “catalogue of programmes” as defined in the Broadcasting Act.

7.24.4. Rules and/or guidelines specific to influencers

The NMA has published Guidelines for the labelling of marketing content on YouTube and other services (*Veileder til youtubere og videobloggere om merking av reklame*) and Guidelines for compliance with the Act on the protection of minors against harmful audiovisual media content⁴⁶⁹ (*Slik må du merke videoer om du startar eigen Youtube-kanal*). These guidelines are grounded in the provisions of the Broadcasting Act and Regulation, and the legislation concerning marketing.

The Norwegian Media Authority has also produced guidelines⁴⁷⁰ for YouTube channels and vlogs to ensure compliance with the Act and Regulation on the protection of minors against harmful audiovisual media content. The guidelines specify that videos posted on YouTube or other video-sharing platforms should be labelled as containing advertising, as long as the person posting them earns money or receives other benefits from the presentation of the products or services in the videos.

The guidelines specify that the Norwegian Broadcasting Act contains rules regarding the labelling of advertising, sponsorship and product placement, and these rules apply to anyone who posts videos on their own video channel. If advertisements are posted on other social media, which are mainly based on communication via written text or still

⁴⁶⁶ [Regulation on broadcasting and audiovisual on-demand services](#) (*Forskrift om kringkasting og audiovisuelle bestillingstjenester*).

⁴⁶⁷ [Act on the protection of minors against harmful audiovisual media content](#) (*Lov om beskyttelse av mindreårige mot skadelige bildeprogram mv.*).

⁴⁶⁸ [Regulation on the protection of minors against harmful audiovisual media content](#) (*Forskrift om beskyttelse av mindreårige mot skadelige bildeprogram*).

⁴⁶⁹ [Guidelines for compliance with the Act on the protection of minors against harmful audiovisual media content](#) (*Slik må du merke videoer om du startar eigen Youtube-kanal*).

⁴⁷⁰ [Guidelines for the labelling of marketing content on YouTube and other services](#) (*Veileder til youtubere og videobloggere om merking av reklame*).

images, the person posting is required to comply with the Marketing Act. It is the Norwegian Consumer Protection Authority which enforces the Marketing Act. This authority has produced separate guidelines for marketing in social media.

The Norwegian Media Authority regulates the compliance of video channel owners and vloggers with the Broadcasting Act. If the rules are infringed, this may have consequences for the video channel owner or vlogger, for example in the form of an infringement fee, a compulsory fine or a time-limited ban on featuring advertising. In practice however, cases have been resolved through dialogue and guidance

Some of the films and programmes that video channel owners or vloggers create and post on their YouTube channel or vlog must be marked with an age limit, as per the Act on the protection of minors against harmful audiovisual media content (*Lov om beskyttelse av mindreårige mot skadelige bildeprogram mv*)⁴⁷¹ and the NMA's Guidelines on age classification of audiovisual programmes.⁴⁷² It is not necessary to label videos with age limits if only close friends and family have access to the video channel or vlog. Some programme types are exempt from the obligation to classify, and do not need an age limit; see the guidelines for age classification for further information.

In addition to defining the concept of “influencer”, the FIM guidelines apply to influencer marketing of cosmetic procedures, dietary supplements and similar products, with the objective of preventing marketing that might lead to dissatisfaction in children and young adults with their body or appearance.

7.24.5. Case law

N/A.

7.24.6. Training programmes and certification

Several informal training programmes are offered to influencers in Norwegian, but the focus is usually on increasing followers, impact and revenue rather than ensuring compliance with the rules. The NMA has conducted several courses with influencers and their agencies regarding the labelling of commercial content on YouTube and vlogs.

⁴⁷¹ [Act on the protection of minors against harmful audiovisual media content \(*Lov om beskyttelse av mindreårige mot skadelige bildeprogram mv*\)](#).

⁴⁷² [Guidelines on age classification of audiovisual programmes](#) (in English).



7.24.7. Recent developments

The proposal by the Ministry of Culture, Prop. 66 LS (2023-2024),⁴⁷³ to implement the revised AVMSD in Norwegian law, suggests that AVMS providers will be subject to regulation under the AVMSD as well as the Broadcasting Act and the Regulation relating to broadcasting and audiovisual on-demand services. In Prop. 66 LS (2023-2024), it is also proposed that users who share user-generated content on video-sharing platforms, but who do not fulfil the criteria of being providers of television or audiovisual media services, be required to comply with the Marketing Act.

⁴⁷³ [Prop. 66 LS \(2023-2024\) Proposisjon til Stortinget \(forslag til lovvedtak og stortingsvedtak\).](#)

7.25.PL – Poland⁴⁷⁴

7.25.1. Key facts

- There is no definition of the concept of “influencer” in Polish legislation but recommendations by the Office of Competition and Consumer Protection (*Urząd Ochrony Konkurencji i Konsumentów* – UOKiK)⁴⁷⁵ provide one.
- Influencers are considered to be audiovisual media service (AVMS) providers if they meet the criteria of the Broadcasting Act⁴⁷⁶ and are regulated, as such, by the national media regulatory authority, the National Broadcasting Council (KRRiT).
- The UOKiK recommendations do not constitute secondary legislation and are only an instrument used by the UOKiK to clarify their future policy, though breaches may be subject to sanctions under the Competition and Consumer Protection Act.⁴⁷⁷ The recommendations may also influence the interpretation of influencers’ activity by civil courts.
- Several proceedings with the UOKiK involve influencers and their illegitimate activity with regard to commercial communications. The UOKiK also targeted entities that were hiring influencers to promote their products or services.

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	Recommendations regarding content advertised by influencers on social media (UOKiK) ⁴⁷⁸
Definition	A content creator actively running his/her social media to communicate with his/her followers, whose opinions, decisions, or behaviours may be influenced by influencers’ publications. The

⁴⁷⁴ The factsheet on Poland incorporates feedback received from Paulina Dudek, specialist at the Multimedia Department at the National Broadcasting Council of Poland (KRRiT), during the checking round with the national regulatory authorities.

⁴⁷⁵ Office of Competition and Consumer Protection (*Urząd Ochrony Konkurencji i Konsumentów* – UOKiK).

⁴⁷⁶ [Broadcasting Act](#) (*Ustawa o radiofonii i telewizji*).

⁴⁷⁷ [Competition and Consumer Protection Act](#) (*Ustawa z dnia 16 lutego 2007 r. o ochronie konkurencji i konsumentów*).

⁴⁷⁸ [Recommendations regarding content advertised by influencers on social media](#) (*Rekomendacje Prezesa UOKiK dotyczące oznaczania treści reklamowych przez influencerów w mediach społecznościowych*).



Definition	Existence
	definition of followers is: persons who, even temporarily, follow or subscribe to influencers' social media accounts if the content published therein may influence their decisions regarding, in particular, the purchase of a service or product.
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	Yes

7.25.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in Polish legislation.

Recommendations published by the UOKiK regarding content advertised by influencers on social media⁴⁷⁹ (*Rekomendacje Prezesa UOKiK dotyczące oznaczania treści reklamowych przez influencerów w mediach społecznościowych*) provide a definition of the concept of an “influencer” as a “content creator actively running his/her social media to communicate with his/her followers, whose opinions, decisions, or behaviours may be influenced by influencers’ publications”. They also provide a definition of “followers” as “persons who, even temporarily, follow or subscribe to influencers’ social media accounts if their content published therein may influence their decisions regarding in particular the purchase of a service or product.”

7.25.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

Influencers may be considered as AVMS providers if their activity meets the requirements laid down in Article 4(1) of the Broadcasting Act⁴⁸⁰ (*Ustawa o radiofonii i telewizji*).

Article 4(1) of the Broadcasting Act defines a “media service” as:

⁴⁷⁹ [Recommendations regarding content advertised by influencers on social media](#) (*Rekomendacje Prezesa UOKiK dotyczące oznaczania treści reklamowych przez influencerów w mediach społecznościowych*).

⁴⁸⁰ [Broadcasting Act](#) (*Ustawa o radiofonii i telewizji*).

a service in the form of a channel or on-demand audiovisual media service which is under the editorial responsibility of its provider and the principal purpose of the service or a dissociable section thereof is the provision of programmes, to the general public, in order to inform, entertain or educate, by means of telecommunications networks; a commercial communication is also a media service.

Influencers who create and make available to the general public, under their own editorial responsibility, audiovisual materials of an informative, entertaining or educational nature for commercial purposes may fall under the definition of on-demand AVMS provider contained in Article 4(1) of the Broadcasting Act.

7.25.4. Rules and/or guidelines specific to influencers

Recommendations regarding content advertised by influencers on social media were issued in 2022 by the UOKiK following procedures against influencers and after broad public consultation.

The recommendations do not constitute secondary legislation, they are an instrument used by the UOKiK to clarify their future policy, though breaches may be subject to sanctions under the Competition and Consumer Protection Act⁴⁸¹ (*Ustawa z dnia 16 lutego 2007 r. o ochronie konkurencji i konsumentów*). The recommendations may also have an impact on the interpretation of influencers' activity by civil courts.

Administrative sanctions include:

- the payment of a fine of up to 10% of the yearly turnover;
- the discontinuation of practices that violate collective consumer interests;
- the removal of the ongoing effects of the breach.

With the exception of the influencer's liability, the advertiser and media agency (the producer of content or intermediary in the relations with the influencer) may also be held responsible for the content of commercial communications, under the same provisions.

A Code of Good Practices for Influencers is being developed within the self-regulatory organisation *Rada Reklamy*,⁴⁸² at the initiative of the national branch of the Interactive Advertising Bureau, IAB Poland.

The members of *Rada Reklamy* are expected to vote on the code at an upcoming general meeting. Its entry into force may take place in 2025, as part of the Code of Ethics for Advertising.

⁴⁸¹ [Competition and Consumer Protection Act](#) (*Ustawa z dnia 16 lutego 2007 r. o ochronie konkurencji i konsumentów*).

⁴⁸² [Website of Rada Reklamy](#).

7.25.5. Case law

N/A.

7.25.6. Training programmes and certification

The national branch of IAB Poland organises webinars for influencers⁴⁸³ informing them about the legal consequences of their activity.

In addition to the recommendations, the UOKiK website includes a Q&A section, as well as practical tips for influencers and the findings of research into how social media users react to the activities of influencers.⁴⁸⁴

Discussions are underway within *Rada Reklamy* on a training programme for influencers as well as certifications for influencers.

7.25.7. Recent developments

Several proceedings with the UOKiK involve influencers and their illegitimate activity with regard to commercial communications. The UOKiK also targeted entities that were hiring influencers to promote their products or services. In the majority of cases, influencers voluntarily accepted the sanctions imposed by the UOKiK and did not apply to the court to override the administrative decision. Some influencers stopped their activity which led to the discontinuation of the proceedings.

The National Broadcasting Council (*Krajowa Rada Radiofonii i Telewizji* – KRRiT) imposed several financial penalties on influencers in 2023 and 2024. Most of the penalties were for failing to apply to the Chairman of the KRRiT for registration⁴⁸⁵ as required by Article 47ca of the Broadcasting Act, as audiovisual media service providers.

The KRRiT also imposed a penalty for publicly sharing a music video on the YouTube platform, the content of which not only violated the ban on promoting intoxicants and alcohol, but also threatened the physical, mental and moral development of minors.⁴⁸⁶ Numerous influencers have registered with the KRRiT following this sanction.

⁴⁸³ IAB Poland website – [Webinary: Influencer Marketing 2024](#).

⁴⁸⁴ UOKiK website: [Influencer Marketing](#).

⁴⁸⁵ KRRiT website: [A financial penalty for failure to enter an on-demand audiovisual media service into the register kept by the Chairman of the National Broadcasting Council, enforced by the regulator \(*Kara pieniężna za brak wpisu audiowizualnej usługi medialnej na żądanie do wykazu prowadzonego przez Przewodniczącego KRRiT, wyegzekwowana przez regulatora*\), 15 May 2024.](#)

⁴⁸⁶ KRRiT website: [The District Court in Warsaw, 20th Commercial Division, dismissed the appeal of Łukasz Poszwa against the decision of the Chairman of the National Broadcasting Council to impose a fine of PLN 10,000 \(*Sąd Okręgowy w Warszawie Wydział XX Gospodarczy oddalił odwołanie Łukasza Poszwy od decyzji Przewodniczącego KRRiT w sprawie nałożenia kary w wysokości 10 tys. zł*\), 22 November 2024.](#)

7.26.PT – Portugal⁴⁸⁷

7.26.1. Key facts

- There is no definition of the concept of “influencer” in Portuguese legislation.
- The Guide for Influencers and Advertisers, published in 2019 by the General-Directorate for Consumers introduced a definition.
- An influencer fitting the criteria laid down in Article 2(3) of Law No. 74/2020⁴⁸⁸ may be recognised as an audiovisual media service (AVMS) provider. At the time of writing, there has been no decision in this sense by the national media regulatory authority, the Regulatory Authority for the Media (*Entidade Reguladora para a Comunicação Social* – ERC).
- Influencers do not have to register with the ERC.
- The Guide for Influencers and Advertisers⁴⁸⁹ published by the General-Directorate for Consumers contains good practice for commercial communication in the digital environment and establishes the circumstances under which content is considered to be of a commercial nature.

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	Guide for Influencers and Advertisers ⁴⁹⁰
Definition	A person or a character in the digital environment who has the potential to influence others regardless of the number of consumers

⁴⁸⁷ The factsheet on Portugal incorporates feedback received from Renata Rosa, Support Office to the Regulatory Board, at the *Entidade Reguladora para a Comunicação Social* (ERC) during the checking round with the national regulatory authorities.

⁴⁸⁸ [Law No. 74/2020 – transposes Directive \(EU\) 2018/1808 of the European Parliament and of the Council, of 14 November 2018, into the domestic legal order, amending Law No. 27/2007 that approves the Television and on-demand Audiovisual Media Services Act and Law No. 55/2012, of 6 September, on the promotion, development and protection of the art of cinema and cinematographic and audiovisual activities \(Lei n.º 74/2020 – Transpõe para a ordem jurídica interna a Diretiva \(UE\) 2018/1808 do Parlamento Europeu e do Conselho, de 14 de novembro de 2018, alterando a Lei n.º 27/2007, de 30 de julho, que aprova a Lei da Televisão e dos Serviços Audiovisuais a Pedido, e a Lei n.º 55/2012, de 6 de setembro, relativa ao fomento, desenvolvimento e proteção da arte do cinema e das atividades cinematográficas e audiovisuais\).](#)

⁴⁸⁹ [Guide for influencers and advertisers \(Guia para influenciadores e anunciantes\) by the General-Directorate for Consumers \(Direção-Geral do Consumidor\)](#). The document can be found in the “Publicidade” section.

⁴⁹⁰ Ibid.

Definition	Existence
	that follow and accompany his/her publications. Influencers are also creators of digital content and are an important source of information and of influence for consumers who trust them.
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes ⁴⁹¹
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	No

7.26.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in Portuguese legislation, but the concept is defined in the Guide for Influencers and Advertisers,⁴⁹² published in 2019 by the General-Directorate for Consumers (*Direção-Geral do Consumidor*).

An influencer is defined as:

a person or a character in the digital environment who has the potential to influence others regardless of the number of consumers that follow and accompany his/her publications. Influencers are also creators of digital content and are an important source of information and of influence for consumers who trust them.

7.26.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

The Portuguese legal framework does not explicitly indicate that influencers are considered as AVMS providers.

Article 2(3) of Law No. 74/2020⁴⁹³ (*Lei n.º 74/2020*), however, provides that:

⁴⁹¹ An influencer fitting the criteria laid down in Article 2(3) of Law No. 74/2020 may be recognised as an AVMS provider. At the time of writing, there have been no decisions by the ERC or case law confirming this interpretation in practice.

⁴⁹² [Guide for Influencers and Advertisers](#) (*Guia para influenciadores e anunciantes*) (in Portuguese and English).

⁴⁹³ [Law No. 74/2020 – transposes Directive \(EU\) 2018/1808 of the European Parliament and of the Council, of 14 November 2018, into the domestic legal order, amending Law No. 27/2007 which approves the Television](#)

the provision of programmes and user-generated videos shall be considered to constitute an essential function of the social media service if the audiovisual content is not merely ancillary to, or does not constitute a minor part of, the activities of that social media service.

Influencers do not have to register with the ERC.

7.26.4. Rules and/or guidelines specific to influencers

The Guide for Influencers and Advertisers⁴⁹⁴ published by the General-Directorate for Consumers contains good practice for commercial communication in the digital environment and establishes that the content is commercial when it involves financial compensation or other benefits to the influencer sharing a post, a publication that includes the offer of products or services by a brand or when the content contains discount codes.

Influencers shall also identify the commercial relationship in the beginning of the publication by adding #PUB, #Sponsorship, #Partnership or #Offer, as applicable.

The Guide on Influence Marketing⁴⁹⁵ by the self-regulatory body *Autorregulação Publicitária* (ARP) contains recommendations for influencer marketing and native advertising.

The Code of Good Practices prepared by the Directorate-General for Health (*Direção-Geral da Saúde*) and the Directorate-General for Consumers⁴⁹⁶ was published in October 2024 and contains good practices for commercial communication in the digital environment, especially in the commercial communication of breast milk substitutes and foods for babies and young children.

7.26.5. Case law

N/A.

and on-demand Audiovisual Media Services Act and Law No. 55/2012 of 6 September, on the promotion, development and protection of the art of cinema and cinematographic and audiovisual activities (Lei n.º 74/2020 – Transpõe para a ordem jurídica interna a Diretiva (UE) 2018/1808 do Parlamento Europeu e do Conselho, de 14 de novembro de 2018, alterando a Lei n.º 27/2007, de 30 de julho, que aprova a Lei da Televisão e dos Serviços Audiovisuais a Pedido, e a Lei n.º 55/2012, de 6 de setembro, relativa ao fomento, desenvolvimento e proteção da arte do cinema e das atividades cinematográficas e audiovisuais).

⁴⁹⁴ [Guide for Influencers and Advertisers](#) (*Guia para influenciadores e anunciantes*) (in Portuguese and English).

⁴⁹⁵ [Guide on Influence Marketing](#).

⁴⁹⁶ [Code of Good Practices](#) (*Guia para influenciadores digitais e anunciantes*).



7.26.6. Training programmes and certification

Some private institutions have been offering training programmes for influencer marketing, such as the Lisbon Digital School.⁴⁹⁷

The Digital Marketing School (*Escola Marketing Digital*) issues a professional certification upon completion of its course on influencer marketing.⁴⁹⁸

The Association for Academic Extension (*Associação para a extensão Universitaria*) of the University of Coimbra also offers a similar course.⁴⁹⁹ The latter is the only one for which the programme, which is publicly available online, includes a module on legislation.

7.26.7. Recent developments

Between 19 and 24 August 2024, the Portuguese Association for Betting and Online Games (*Associação Portuguesa de Apostas e Jogos Online* – APAJO) filed criminal complaints against three influencers for advertising illegal betting websites on social media,⁵⁰⁰ but no other information is available at the moment.

In response to growing concerns about the impact of food advertising on the health of children and young people, a working group in Portugal has recommended improving the legal framework to regulate the marketing strategies of influencers and other digital content creators and proposed expanding restrictions on food marketing, currently aimed at minors under 16, to include all individuals up to the age of 18. This working group was formed to assess the impact of Law No. 30/2019 of 23 April⁵⁰¹ which restricted food advertising aimed at children and young people and delivered a report⁵⁰² which was made available on 5 July 2024.

⁴⁹⁷ Website of the [Lisbon Digital School](#).

⁴⁹⁸ Website of the [Digital Marketing School](#) (*Escola Marketing Digital*).

⁴⁹⁹ Website of the [Association for Academic Extension](#) (*Associação para a extensão Universitaria*) of the University of Coimbra.

⁵⁰⁰ Castro C., [Influencers portugueses denunciados por publicitarem jogo ilegal](#), JN, 29 June 2024.

⁵⁰¹ [Law No. 30/2019 of 23 April](#) (*Lei n.º 30/2019, de 23 de abril*).

⁵⁰² [A regulação da publicidade alimentar dirigida a crianças](#), Programa Nacional para a Promoção da Alimentação Saudável da Direção-Geral da Saúde website.

7.27.RO – Romania⁵⁰³

7.27.1. Key facts

- There is no definition of the concept of “influencer” in Romanian legislation.
- An influencer fitting the criteria laid down in Article 1(1) of Audiovisual Law No. 504/2002, as amended, may be recognised as an audiovisual media service (AVMS) provider. However, at the time of writing, regulation of influencers was mainly enforced from the consumer protection perspective.
- The Code of Good Practices in Influencer Marketing⁵⁰⁴ by the national branch of the Interactive Advertising Bureau, IAB Romania, and online marketing agency 2Performant provides a definition of an “influencer” and provides influencers (and companies seeking commercial collaboration with them) with information about the applicable legislation, their obligations and their liability.
- The Code of Advertising Practice of the Romanian Advertising Council⁵⁰⁵ also provides a definition and best practice.
- At the time of writing, some journalists from exclusively online media were included in the List of notifications of on-demand AVMS provision⁵⁰⁶ of the national media regulatory authority, the National Audiovisual Council (CNA).
- A revision of the Audiovisual Code is planned, with clarifications on the criteria to be considered as an audiovisual media service, following the consolidation of the Audiovisual Law on 3 July 2022 which added a definition of “user-generated video”.
- A decision by the CNA is expected to be published on the CNA website for public consultation. Releasing content on a regular basis and generating revenue are expected to be considered as key factors when deciding whether an “online content creator” is to be considered an on-demand AVMS provider based on the existing legislation.

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No

⁵⁰³ The factsheet on Romania incorporates feedback received from Ruxandra Minea-Cristea, head of the Regulatory and European Relations Office at the CNA during the checking round with the national regulatory authorities.

⁵⁰⁴ [The Code of Good Practices in Influencer Marketing](#) (*Cod de bune practice în Influencer Marketing*).

⁵⁰⁵ The Code of Advertising Practice (*Codul de Practică în Comunicarea Comercială*) (in [Romanian](#) and [English](#)).

⁵⁰⁶ List of notifications of on-demand audiovisual media service provision (*Avize de furnizare servicii media audiovizuale la cerere*).



Definition	Existence
Definition in other documents	The Code of Good Practices in Influencer Marketing (IAB) ⁵⁰⁷ Code of Advertising Practice (RAC) ⁵⁰⁸
Definition in the Code of Good Practices in Influencer Marketing	People who have the potential to create engagement, stimulate conversation and/or influence the decision to buy products or services for a target audience.
Definition in the Code of Advertising Practice	Influencer (e.g. blogger/vlogger/referral initiator): a person who makes public his/her point of view and/or offers advice on some of the advertiser's products and/or services on the basis of a contractual report in a manner and style which are their own. An influencer can intervene in an editorial context or in collaboration with a brand in order to publish specific commercial content.
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes ⁵⁰⁹
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	Yes ⁵¹⁰

7.27.2. Definition of the concept of “influencer”

There is currently no definition of the concept of “influencer” in Romanian legislation.

A draft decision by the CNA on the Regulatory Code of Audiovisual Content includes the definition of an “online audiovisual content creator” as:

any person who generates, creates, produces, edits, and makes available to the public or shares audiovisual content for which they have editorial responsibility, regardless of its

⁵⁰⁷ [The Code of Good Practices in Influencer Marketing](#) (*Cod de bune practice în Influencer Marketing*) (in Romanian).

⁵⁰⁸ The Code of Advertising Practice (*Codul de Practică în Comunicarea Comercială*) (in [Romanian](#) and [English](#)).

⁵⁰⁹ An influencer fitting the criteria laid down in Article 1(1) of Audiovisual Law No. 504/2002, as amended, can be recognised as an AVMS provider.

⁵¹⁰ While influencers may be considered AVMS providers, only some journalists from exclusively online publications were, at the time of writing, included in the CNA’s list of notifications of on-demand AVMS provision (*Avize de furnizare servicii media audiovizuale la cerere*).

name and organisational form, through electronic communication networks such as the Internet.

This definition allows for the inclusion of vloggers, streamers, and other content creators who do not necessarily aim to “influence” but rather to entertain or share ideas and experiences. This definition may still be subject to modifications following public consultations.

The Code of Good Practices in Influencer Marketing,⁵¹¹ adopted by IAB Romania and 2Performant⁵¹² provides the definition of “influencer” as “people who have the potential to create engagement, stimulate conversation and/or influence the decision to buy products or services for a target audience”.

The code adds that influencers range from celebrities to less high-profile individuals, known in a general setting, but who remain recognised in a more “niche” setting. It is further clarified in the document that the “niche” setting corresponds to a small group of followers, in which the influencer exerts great influence, as opposed to the situation of an influencer with a higher number of followers.

The Code of Advertising Practice of the Romanian Advertising Council (RAC)⁵¹³ defines an influencer as “a person who makes public his/her point of view and/or advice on some of the advertiser’s products and/or services on the basis of a contractual report in a manner and style which are their own”. It adds that an influencer “can intervene in an editorial context or in collaboration with a brand in order to publish specific commercial content”.

7.27.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

Article 1(1) of Audiovisual Law No. 504/2002, as amended,⁵¹⁴ (*Lege nr. 504 din 11 iulie 2002, Legea audiovizualului*) does not explicitly refer to influencers as being AVMS providers, but they are not excluded either. Influencers meeting the criteria laid down in Article 1(1) may be considered as AVMS providers.

Decision No. 320/2012 concerning the provision of on-demand audiovisual media services⁵¹⁵ (*Decizie nr. 320 din 29 mai 2012 privind furnizarea serviciilor media audiovizuale la cerere*) has made it compulsory for on-demand AVMS providers to notify the national media regulatory authority, the National Audiovisual Council (*Consiliul Național al Audiovizualului* – CNA).

⁵¹¹ [The Code of Good Practices in Influencer Marketing](#) (*Cod de bune practice în Influencer Marketing*).

⁵¹² The code was designed with the support of IAB Spain, in cooperation with the Romanian Advertising Council (*Consiliul Roman Pentru Publicitate*) and Social Smarts.

⁵¹³ The Code of Advertising Practice (*Codul de Practică în Comunicarea Comercială*) (in [Romanian](#) and [English](#)).

⁵¹⁴ [Audiovisual Law No. 504/2002](#), as amended (*Legea audiovizualului nr. 504 din 11 iulie 2002*) (in Romanian).

⁵¹⁵ Decision No. 320/2012 concerning the provision of on-demand audiovisual media services (*Decizie nr. 320 din 29 mai 2012 privind furnizarea serviciilor media audiovizuale la cerere*) (in [Romanian](#) and [English](#)).



While influencers may be considered AVMS providers, only some journalists from exclusively online publications were, at the time of writing, included in the CNA's List of notifications of on-demand AVMS provision.⁵¹⁶

At the time of writing, a new version of the Regulatory Code of Audiovisual Content (*Decizia Nr. 220 din 24 februarie 2011 privind Codul de reglementare a conținutului audiovizual*) is under revision following the consolidation of the Audiovisual Law with Law No. 190/2022 (*LEGE nr. 190 din 28 iunie 2022*). The upcoming revision is expected to enter public debate at the beginning of 2025.⁵¹⁷ The consolidated version from 2022 does not make any reference to influencers but defines “user-generated video” as “a set of moving images with or without sound constituting an individual item, irrespective of its length, that is created by a user and uploaded to a video-sharing platform by that user or any other user”.

7.27.4. Rules and/or guidelines specific to influencers

The Code of Good Practices in Influencer Marketing provides influencers (and companies seeking commercial collaboration with them) with information on the applicable legislation, their obligations and their liability.

In the context of its Code of Advertising Practice, the RAC recommends that influencers and companies clearly mark advertising as such. Article 4 of the RAC Code mentions that responsibility falls with the advertiser in cases where a contract has been signed with the influencer. The RAC acts in close cooperation with the CNA on the basis of an established protocol.

7.27.5. Case law

N/A.

7.27.6. Training programmes and certification

N/A.

⁵¹⁶ List of notifications of on-demand audiovisual media service provision (*Avize de furnizare servicii media audiovizuale la cerere*) (in Romanian).

⁵¹⁷ [Law No. 190 of 28 June 2022 for the amendment and completion of Audiovisual Law No. 504/2002, for the amendment and completion of Government Ordinance No. 39/2005 on cinematography, as well as for the amendment of Law No. 41/1994 on the organisation and operation of the Romanian Broadcasting Company and the Romanian Television Company](#) (*LEGE nr. 190 din 28 iunie 2022 pentru modificarea și completarea Legii audiovizualului nr. 504/2002, pentru modificarea și completarea Ordonanței Guvernului nr. 39/2005 privind cinematografia, precum și pentru modificarea Legii nr. 41/1994 privind organizarea și funcționarea Societății Române de Radiodifuziune și Societății Române de Televiziune*).

7.27.7. Recent developments

In August 2023, the National Agency for Consumer Protection (*Autoritatea Națională pentru Protecția Consumatorilor – ANPC*) publicly communicated that it had sent information letters to ten Romanian influencers with reference to specific content disseminated through posts on the Instagram platform, to request maximum transparency and clarity on any advertising content in their published posts.⁵¹⁸

The ANPC has formally invited the recipients of these letters to make the promotional purpose, where appropriate, clearly recognisable for all content disseminated via social media.

In this context, the ANPC made recommendations⁵¹⁹ for the disclosure of commercial intent for all photos and videos posted by Romanian influencers on their social media accounts, including when they are promoting their own brand. The ANPC's recommendations consist in requiring the labelling of each post with commercial intent to appear in a visible place, in a clear font and in a sufficiently large font size, by inserting appropriate warnings and with the use of hashtags (such as #ADVERTISING or #PAIDSPONSORSHIP).

The National Tax Administration Agency (*Agenția Națională de Administrare Fiscală – ANAF*) launched an awareness campaign and published a digital guide with instructions on the income earned by individuals from posts made on different social networks. The legal tax provisions apply to both financial and in-kind benefits. The guide was released in 2021 and republished in 2023.⁵²⁰

⁵¹⁸ Crăciun D. (16 May 2024), *Director ANPC către influencerii români care nu își marchează publicitatea: „Vom merge chiar până la a închide conturile”*, Startup Cafe.

⁵¹⁹ Press release (1 August 2023), *Autoritatea Națională pentru Protecția Consumatorilor a demarat în anul 2023 o acțiune de verificare a conturilor de Instagram ale românilor cu statut de Influencer în mediul online*, ANPC.

⁵²⁰ *Leaflet on the tax treatment of income earned by individuals from posts made on various social networks (Broșură privind tratamentul fiscal al veniturilor obținute de persoanele fizice din postări realizate pe diferite rețele de socializare)*.



7.28. SE – Sweden⁵²¹

7.28.1. Key facts

- There is no definition of the concept of “influencer” in Swedish legislation.
- A definition was provided in a decision of the Patent and Market Court of Appeal, which concerned the requirements to disclose advertising.⁵²²
- Influencers may be considered as “media service providers” under the Radio and Television Act.⁵²³ At the time of writing however, there has been no decision by the national media regulatory authority or case law in this sense.
- Two influencers were found by the Patent and Market Court of Appeal to have unlawfully advertised for companies, by not appropriately disclosing that they had been compensated for posts they had made on social networks which constituted advertising, in a breach of the Marketing Practices Act.⁵²⁴

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	Appealed decision of the Patent and Market Court PMT 798-19 (Appendix A) ⁵²⁵
Definition	A person who exerts influence on his or her audience, primarily through social media channels
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes ⁵²⁶
By extension or directly envisaged in law?	By extension

⁵²¹ The factsheet on Sweden incorporates feedback received from Tove de Vries, Research Officer at the Swedish Agency for the Media, during the checking round with the national regulatory authorities.

⁵²² [Appealed Decision of the Patent and Market Court of 31 January 2020, in case No. PMT 798-19 \(Överklagat avgörande patent- och marknadsdomstolens dom 2020-01-31 i mål PMT 798-19\)](#) (in Swedish).

⁵²³ Radio and Television Act (2010:696) (*Radio- och tv-lag (2010:696)*) (in [Swedish](#) and [English](#)).

⁵²⁴ [Swedish Marketing Practices Act \(Marknadsföringslag \(2008:486\)\)](#).

⁵²⁵ [Appealed Decision of the Patent and Market Court of 31 January 2020, in case No. PMT 798-19 \(Överklagat avgörande patent- och marknadsdomstolens dom 2020-01-31 i mål PMT 798-19\)](#) (in Swedish).

⁵²⁶ Influencers may be considered as “media service providers” under the RTA. At the time of writing, however, there has been no decision by the national media regulatory authority or case law confirming this interpretation in practice.



Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	Yes ⁵²⁷

7.28.2. Definition of the concept of “influencer”

There is no definition of the concept of influencer in Swedish legislation.

In the decision of the Patent and Market Court PMT 798-19 (*Överklagat avgörande patent- och marknadsdomstolens dom 2020-01-31 i mal PMT 798-19*), which concerned the advertising disclosure requirements in the Marketing Practices Act⁵²⁸ (*Marknadsföringslag (2008:486)* – MPA), the Patent and Market Court of Appeal (*Patent- och marknadsöverdomstolen* – PMÖD) stated that an influencer is a person who exerts influence on his or her audience, primarily through social media channels.

Reklamombudsmannen, the Swedish self-regulation organisation for ethical advertising, applies the ICC Advertising and Marketing Communications Code⁵²⁹ to all commercial advertising. While it is not a national definition of the concept, *Reklamombudsmannen* uses the ICC code’s definition of influencers.

The ICC code defines influencers as follows:

individuals, organisations or machine-created or controlled representations, i.e. avatars, who mainly use social media platforms to communicate and interact with their audiences including followers. In that context they may shape audience attitudes for commercial purposes, based on brand partnerships. However, they can also act outside any such arrangement, e.g. when promoting their own brand and products. In that case they are considered marketers ... Those who match this definition are covered by it even if they appear under a different name, such as creator or brand ambassador. It also includes those with a relatively small number of followers.

“Influencer marketing communications” are defined as “marketing communications conveyed by an influencer”.

⁵²⁷ Influencers considered as on-demand media service providers are required to register with the national media regulatory authority, the Swedish Agency for the Media, under the RTA.

⁵²⁸ [Swedish Marketing Practices Act \(Marknadsföringslag \(2008:486\)\)](#).

⁵²⁹ [ICC Advertising and Marketing Communications Code \(ICC:s Regler för reklam och marknadskommunikation\)](#).



7.28.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

Chapter 3, section 1, of the Radio and Television Act⁵³⁰ (2010:696) (*Radio- och tv-lag (2010:696)* – RTA) neither specifically excludes nor references influencers as “media service providers”.

According to the RTA, a media service provider is any party who has the editorial responsibility for the choice of content in a radio or television broadcast, radio-on-demand, video-on-demand or searchable teletext, and determines the manner in which the content is organised.

Influencers may be considered as “media service providers” under the RTA. Influencers meeting the criteria of on-demand media service providers are required to register with the national media regulatory authority, the Swedish Agency for the Media (*Mediemyndigheten*). At the time of writing, however, there has been no decision by the national media regulatory authority in this sense.

7.28.4. Rules and/or guidelines specific to influencers

The national branch of the Interactive Advertising Bureau, IAB Sverige, has issued the Influencer Marketing Best Practice Guide 6.0 2024,⁵³¹ which includes information regarding tax rules applying to influencers and promotes the IAB Sverige’s Gold Standard Influencer Marketing Certification.⁵³²

The Swedish Association of Communication Agencies (*Sveriges Kommunikationsbyråer*) has compiled information and recommendations on influencer marketing on a website dedicated to influencers.⁵³³

In 2019, the Consumer Agency (*Konsumentverket*) issued its Guidance on Marketing in Social Media.⁵³⁴ The guidance clarifies when the provisions of the MPA apply, as well as what constitutes unauthorised marketing and how to properly identify advertising so as not to mislead consumers.

Reklamombudsmannen applies the ICC code to all commercial advertising. The code is technology- and sender-neutral and is therefore applicable to influencer marketing across all media channels including different types of social media.

The ICC code⁵³⁵ has recently been updated and Article 18 pertaining to influencer marketing was added. The Swedish translation of the code was released in November 2024.

⁵³⁰ Radio and Television Act (2010:696) (*Radio- och tv-lag (2010:696)*) (in [Swedish](#) and [English](#)).

⁵³¹ Influencer Marketing Best Practice Guide 6.0 2024 (downloadable upon provision of a valid email address).

⁵³² IAB Sverige’s [Gold Standard Influencer Marketing Certification](#).

⁵³³ Influencer Conduct [website](#).

⁵³⁴ Guidance on Marketing in Social Media (*Vägledning: Marknadsföring i sociala medier*).

⁵³⁵ [ICC Advertising and Marketing Communications Code](#) (*ICC:s Regler för reklam och marknadskommunikation*).

Reklamombudsmannen will begin applying the Swedish translation of the updated code to complaints received after the first of January 2025.

7.28.5. Case law

There have been several legal cases in Sweden concerning the requirement for advertising disclosure outlined in section 9 of the MPA. Under this provision, all marketing must be presented in a way that ensures that it can be clearly identified. The most notable cases involve the influencers Alexandra Nilsson⁵³⁶ and Kenza Zouiten.⁵³⁷

In the case of Alexandra Nilsson (also known as Kissie), she had made three posts (two on her blog and one on her Instagram account), promoting a recycling company called *Mobilåtervinning*, which specialised in purchasing used mobile phones. The Consumer Ombudsman (*Konsumentombudsmannen*) considered that these posts did not meet the MPA's requirements for advertisement disclosures and initiated legal proceedings against (among others) Kissie's company. Two of the posts contained the mentions "in collaboration with" and "#collaboration", while the third post was labelled "sponsored post".

The PMÖD found that the average consumer, after a brief exposure to the posts, would not be able to determine that the post contained advertising and that the advertising was in violation of the MPA. As there was a written agreement between *Mobilåtervinning* and the influencer that she would promote *Mobilåtervinning's* service on her blog and Instagram, and as she had the control and power to decide what was published on her social media, the PMÖD found that she had substantially contributed to the unlawful advertising and that her company could be held liable.

In the case of Kenza Zouiten, the Consumer Ombudsman challenged posts that she had made on her social media accounts during a trip to Zanzibar that was paid for by Chimi, a company that sells sunglasses. The influencer had made several posts featuring sunglasses from Chimi, some of which were identified as collaborations and some of which were not. The issue in the case was whether the posts constituted marketing and if so, whether the influencer could be held liable for violating the requirement for advertisement disclosures in the MPA.

The PMÖD stated that, in order for an influencer's social media post which shows or recommends a company's product to constitute marketing, there must be an explicit or at least implied agreement between the company and the influencer in relation to the post. Generally, there must also be some kind of remuneration paid by the company to the influencer.

⁵³⁶ [Appealed Decision of the Patent and Market Court of 31 January 2018 in case No. PMT 11949-16](#) (*Överklagat avgörande patent- och marknadsdomstolens dom 2018-01-31 i mål PMT 11949-16*).

⁵³⁷ [Appealed Decision of the Patent and Market Court of 31 January 2020, in case No. PMT 798-19](#) (*Överklagat avgörande patent- och marknadsdomstolens dom 2020-01-31 i mål PMT 798-19*).



The PMÖD concluded that the paid trip constituted such remuneration and that several posts were covered by the agreement between Chimi and the influencer.

7.28.6. Training programmes and certification

Reklamombudsmannen and IAB Sweden are planning to hold a digital training session for influencers, as part of the Influencer Marketing Standards Training initiative of the European Advertising Standards Alliance.

7.28.7. Recent developments

N/A.

7.29.SI – Slovenia⁵³⁸

7.29.1. Key facts

- There is no definition of the concept of “influencer” in Slovenian legislation or in any other document.
- The 2023 draft Media Act⁵³⁹ is expected to bring changes in that regard as it intends to introduce basic content regulation for influencers. However, the proposed definition of influencers does not include specific criteria, such as the number of followers or the frequency of posting, and remains general.
- An influencer meeting the criteria laid down in Article 3(1) and (2) of the Audiovisual Media Services Act⁵⁴⁰ may be considered as an audiovisual media service (AVMS) provider. At the time of writing, there has been no decision by the national media regulatory authority nor any case law in this respect.

Definition	Existence
Existence of a definition of the concept of “influencer”	No ⁵⁴¹
Definition in legislation	N/A
Definition in other documents	N/A
Definition	N/A
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes ⁵⁴²
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No

⁵³⁸ The factsheet on Slovenia incorporates feedback received from Igor Žabjek, head of the Department for Electronic Media at AKOS during the checking round with the national regulatory authorities.

⁵³⁹ [Draft Media Act \(Zakon o medijih – ZMed-1\)](#).

⁵⁴⁰ [Audiovisual Media Services Act \(Zakon o avdiovizualnih medijskih storitvah – ZAvMS\)](#).

⁵⁴¹ A draft Media Act is expected to introduce basic content regulation for influencers and include a definition of the concept.

⁵⁴² An influencer meeting the criteria laid down in Article 3(1) and (2) may be considered as an AVMS provider. At the time of writing, there has been no decision by the national media regulatory authority nor any case law confirming this interpretation in practice.



Do influencers considered as AVMS providers have to register with the national media regulatory authority?	No
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7.29.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in Slovenian legislation or in any other document.

The draft Media Act⁵⁴³ (*Zakon o medijih – ZMed-1, 2023*), which was being discussed at the government level at the time of writing, proposes the introduction of a definition. It defines “influencers” as online content creators who post on social networks and video-sharing platforms and whose posts aim to influence society, public opinion or the personal opinion of individuals and the public, and whose posts may also have an economic interest in order to monetise the content.

The proposed definition of an “influencer” does not include specific criteria, such as the number of followers or the frequency of posting.

7.29.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

Article 3(1) and (2) of the Audiovisual Media Services Act⁵⁴⁴ (*Zakon o avdiovizualnih medijskih storitvah – ZAvMS*) does not explicitly refer to influencers as being AVMS providers, but they are not excluded either. An influencer meeting the criteria laid down in Article 3(1) and (2) may be considered as an AVMS provider.

At the time of writing, there has been no decision by the national media regulatory authority, the Agency for Communication Networks and Services of the Republic of Slovenia (*Agencija za komunikacijska omrežja in storitve republike Slovenije – AKOS*) in this sense, and influencers have no obligation towards the AKOS.

The draft Media Act is expected to bring changes in that regard as it intends to introduce basic content regulation for influencers.

7.29.4. Rules and/or guidelines specific to influencers

The AKOS is considering addressing influencers in its regulations in the future and the Ministry of Culture has proposed both a definition of influencers and some obligations for

⁵⁴³ [Draft Media Act](#) (*Zakon o medijih, ZMed-1*).

⁵⁴⁴ [Audiovisual Media Services Act](#) (*Zakon o avdiovizualnih medijskih storitvah, ZAvMS*).

them (regarding the protection of minors, advertising and incitement to hatred) in the draft Media Act.

In 2019, the Slovenian Advertising Chamber (*Slovenska Oglaševalska Zbornica*) published Recommendations on Influencer Marketing⁵⁴⁵ (*Priporočila k marketingu vplivnežev*) emphasising the importance of distinguishing commercial content from editorial content to protect consumers. The document outlines what constitutes advertising on social media, the responsibilities of influencers when engaging in affiliate marketing or sponsored posts, and the types of compensation considered as payment. It also details the necessary disclosures influencers must make to ensure transparency, the need for clear labelling of paid content, and the ethical standards influencers should adhere to. The recommendations draw from best practices in self-regulation and relevant EU legislation to ensure responsible advertising and consumer protection.

The Marketing Association of Slovenia (*Društvo za marketing Slovenije*), the largest national association of stakeholders in the field of marketing, published 12 golden rules of influence marketing⁵⁴⁶ (*12 zlatih pravil vplivnostnega marketinga*) in 2023. These rules are almost exclusively business oriented. There is one reference to the ethical dimensions of influence marketing, but it only contains the recommendation that influencers should “immediately terminate cooperation with those who would like to publish any inappropriate content”. “Inappropriate content” is not defined in the document.

7.29.5. Case law

A notable case related to the infringement of an influencer's personal rights, where one of the questions considered by the courts was whether an online influencer, who builds their public image by consciously exposing their private life to the public, should be considered an absolute public figure. The Supreme Court's decision⁵⁴⁷ hinged on whether the plaintiff, an online influencer, should be regarded as a relative public figure rather than an absolute public figure, which was determined in accordance with substantive law.

In another case, the Maribor Higher Court had to weigh whether the harm caused by the unlawful interference in a plaintiff's personal rights was greater than the harm the so-called “influencer” would suffer from the removal of the illegal posts.⁵⁴⁸

Since the latest Consumer Protection Act⁵⁴⁹ (*Zakon o varstvu potrošnikov – ZVPot-1*, 2022) introducing greater transparency to influencers' commercial activity, is relatively new, there are no completed court proceedings targeting influencers due to undisclosed commercial partnerships in their content that could be extracted from the public databases of case law of the Slovenian courts. Since the end of last year, however, influencers'

⁵⁴⁵ [Recommendations on Influencer Marketing](#) (*Priporočila k marketingu vplivnežev*).

⁵⁴⁶ [12 golden rules of influence marketing](#) (*12 zlatih pravil vplivnostnega marketinga*).

⁵⁴⁷ [Slovenian Supreme Court Decision II DoR 302/2022](#).

⁵⁴⁸ [Maribor Higher Court Decision I Ip 942/2020](#).

⁵⁴⁹ [Consumer Protection Act](#) (*Zakon o varstvu potrošnikov*, ZVPot-1, 2022).



compliance with the Consumer Protection Act has been monitored. The Market Inspectorate (*Tržni inšpektorat*) does not disclose how many fines have been issued against influencers.

7.29.6. Training programmes and certification

Several training programmes for influencers exist, although they mostly focus on developing an influencer's activity or teaching entrepreneurs about the possibility of advertising with influencers, with little to no focus on legislation.

7.29.7. Recent developments

N/A.

7.30.SK – Slovakia⁵⁵⁰

7.30.1. Key facts

- There is no definition of the concept of “influencer” in Slovak legislation.
- The Influencer Marketing Code of Conduct from the national branch of the Interactive Advertising Bureau, IAB Slovakia, and the Association of Digital Marketing Agencies provides a definition of an “influencer”.
- Influencers are considered as audiovisual media service (AVMS) providers under Slovak legislation, if they fit the criteria laid down in the Media Act⁵⁵¹ and have a commercial purpose. As such, they must register with the national media regulatory authority, the Council for Media Services.
- The Council for Media Services has been active in informing both influencers and the public about the rules applying to influencers.

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	Influencer Marketing Code of Conduct (IAB Slovakia) ⁵⁵²
Definition	<p>An entity or person who, by virtue of their popularity, is a bearer of a social function with the ability to influence their audience and motivate them to take certain actions or hold certain opinions.</p> <p>In most cases, an influencer is a publicly known, real or fictitious digital personality who operates mainly on social networks and is able to influence the purchasing decisions of their audience through their identity and appearance. The influencer communicates</p>

⁵⁵⁰ The factsheet on Slovakia incorporates feedback received from Michal Hradický, policy analyst at the CMS during the checking round with the national regulatory authorities.

⁵⁵¹ [Law of 22 June 2022 on media services and on amending and supplementing certain laws \(Zakon z 22. júna 2022 o mediálnych službách a o zmene a doplnení niektorých zákonov \(zákon o mediálnych službách\)](#), the Media Act).

⁵⁵² IAB Slovakia’s [Influencer Marketing Code of Conduct \(Kódex influencer marketingu\)](#).



Definition	Existence
	mainly by publishing posts, blogs, videos or stories, and their audience consists of their followers (persons who subscribe to the influencer's posts from accounts created on their social networks), fans, as well as any other Internet users who may view their content. In influencer marketing, the influencer acts as an intermediary (communication channel) between the advertiser and the consumer, who, in return for cooperation, communicates the desired advertising message towards their audience (potential customers, consumers). The number of followers does not determine who is and who is not an influencer.
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	Yes
By extension or directly envisaged in law?	By extension
Are influencers explicitly mentioned as being AVMS providers in law?	No
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	Yes

7.30.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in the national legislation in Slovakia.

The Influencer Marketing Code of Conduct⁵⁵³ (*Kódex influencer marketingu*) from IAB Slovakia and the Association of Digital Marketing Agencies provides a definition of an “influencer” as an entity or person who, by virtue of their popularity, is a bearer of a social function with the ability to influence his/her audience and motivate them to take certain actions or hold certain opinions.

The code adds:

In most cases, an influencer is a publicly known, real or fictitious digital personality who operates mainly on social networks and is able to influence the purchasing decisions of their audience through their identity and appearance. The influencer communicates mainly by publishing posts, blogs, videos or stories, and their audience consists of their followers (persons who subscribe to the influencer's posts from accounts created on their social networks), fans, as well as any other Internet users who may view their content. In influencer marketing, the influencer acts as an intermediary (communication channel) between the advertiser and the consumer, who, in return for cooperation, communicates

⁵⁵³ [Influencer Marketing Code of Conduct](#) (*Kódex influencer marketingu*).



*the desired advertising message towards their audience (potential customers, consumers).
The number of followers does not determine who is and who is not an influencer.*

The European Consumer Centre in the Slovak Republic also provides on their website the definition of an “influencer” as a person who influences people through social networks and is able to influence their behaviour and thinking.⁵⁵⁴

7.30.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

Although there is no definition by law of the term in Slovakia, influencers are considered as AVMS providers under Slovak legislation, if they fit the criteria laid down in the Law of 22 June 2022 on media services and on amending and supplementing certain laws⁵⁵⁵ (*Zákon z 22. júna 2022 o mediálnych službách a o zmene a doplnení niektorých zákonov (zákon o mediálnych službách – the Media Act)*).

This interpretation is confirmed by information provided by the national media regulatory authority, the Council for Media Services (*Rada pre mediálne služby*), which indicates, in a FAQ⁵⁵⁶ on their website that on-demand audiovisual media services include channels on video-sharing platforms, when they have a commercial purpose and meet the criteria of an audiovisual media service as laid down in the Media Act.

Influencers providing audiovisual content as natural persons exclusively through a video-sharing platform are required to notify the Council for Media Services on the day when they first post audiovisual content. In these cases, no authorisation is required.

A legal entity considered as an AVMS provider must request authorisation from the Council for Media Services prior to providing content on a video-sharing platform. In the case of a legal entity or a natural person providing audiovisual media services through their own website or application, authorisation from the Council for Media Services must also be requested. In both cases, the Council for Media Services has 90 days to approve the request.⁵⁵⁷

7.30.4. Rules and/or guidelines specific to influencers

There are no rules specific to influencers in Slovakia. The only instrument specifically designed for them is IAB Slovakia’s Influencer Marketing Code of Conduct, a self-regulatory initiative to support influencers and advertisers in their commercial cooperation with each

⁵⁵⁴ European Consumer Centre in the Slovak Republic’s [website](#).

⁵⁵⁵ [Law of 22 June 2022 on media services and on amending and supplementing certain laws](#) (*Zákon z 22. júna 2022 o mediálnych službách a o zmene a doplnení niektorých zákonov (zákon o mediálnych službách – the Media Act)*).

⁵⁵⁶ Website of the Council for Media Services: [AVMS on video-sharing platforms FAQ](#).

⁵⁵⁷ *Ibid.*



other. The goal of this code is to establish basic ethical rules for influencers' activities in the context of commercial marketing activities and advertising carried out via the Internet.

But this does not rule out the possibility of establishing and/or recognising existing and new self-regulatory codes that would be officially recognised as self-regulatory codes in this area by the Council for Media Services in line with Articles 127 to 131 of the Media Act.

The Slovak self-regulation organisation *Rada Pre Reklamu's* Code of Ethical Principles of Advertising Practice⁵⁵⁸ applies to advertising in all forms and across all communication mediums, as per Article 3(2) and Article 22(1) of the code, therefore also to influencer marketing.

While the code does not include a definition of the concept of “influencer”, it is derived from the ICC Advertising and Marketing Communications Code,⁵⁵⁹ which defines both “influencers” and “influencer marketing communications”.

7.30.5. Case law

N/A.

7.30.6. Training programmes and certification

N/A.

7.30.7. Recent developments

During 2023, the Media Services Council published a series of videos in the context of an awareness-raising campaign⁵⁶⁰ on its YouTube channel, which explains in a clear way to influencers and other creative professionals on the Internet the new legislative obligations that apply to them.

The short videos provide information related to:

- the provision of videos on online platforms, such as the purpose of the new rules, who they apply to and how to comply with the registration obligation;

⁵⁵⁸ [Code of Ethical Principles of Advertising Practice \(Etický kódex\)](#).

⁵⁵⁹ [ICC Advertising and Marketing Communications Code](#) (in English).

⁵⁶⁰ Media Services Council Awareness campaign:

[The Council advises \(Part 1\): Videos on online platforms – 6 most frequent questions:](#)

[The Council advises \(Part 2\): Videos on online platforms – Primarily economic nature of AVMS:](#)

[The Council advises \(Part 3\): Videos on online platforms – Frequently asked questions of AVMS providers:](#)

[The Council advises \(Part 4\): Videos on online platforms – What to remember when providing AVMS I:](#)

[The Council advises \(Part 5\): Videos on online platforms – What not to forget when providing AVMS II.](#)



- the basic AVMS criterion: the primarily economic nature of the service which determines who must register with the Media Services Council;
- the new legal obligations for AVMS providers.

The Gambling Regulatory Authority (*Úrad pre reguláciu hazardných hier* – URHH) has published a press release warning influencers who promote illegal gambling.⁵⁶¹ It states that influencers promoting illegal gambling, whether in the form of bonus codes, links to illegal online casinos or live streaming should be aware that they face fines of up to EUR 50 000 for natural persons and EUR 250 000 for legal entities.

They also risk having their profiles or channels blocked by the platform on which they publish their content.

If approached for cooperation by a company whose business is the operation of gambling, the URHH recommends that influencers check the subsection "Legal websites" on the URHH website to see whether the company has been granted a valid licence to operate gambling, and thus avoid the risks of illegal promotion.

The Influencer Marketing Code of Conduct, as a self-regulatory body, monitors the proper labelling of influencer advertising.⁵⁶²

⁵⁶¹ [Press release by the Gambling Regulatory Authority \(*Úrad pre reguláciu hazardných hier*\)](#), 29 April 2024.

⁵⁶² [Influencer Marketing Code of Conduct website](#).

7.31.UK – United Kingdom⁵⁶³

7.31.1. Key facts

- There is no definition of the concept of “influencer” in UK legislation.
- Two soft law definitions exist, in a report by the Digital, Culture, Media and Sport Committee of the House and Commons and in a guide by the Advertising Standards Authority (ASA), the Committee of Advertising Practice (CAP) and the Competition and Markets Authority (CMA).
- Influencers are not considered as audiovisual media service (AVMS) providers in the UK and are not within the scope of the legislative framework operated by the national media regulatory authority, Ofcom.
- Several guidance documents applying specifically to influencers have been published by a variety of actors: the ASA, the CAP, the CMA, the Incorporated Society of British Advertisers (ISBA) and the Financial Conduct Authority (FCA), all with a focus on advertising and working in a complementary way to ensure fair practices with regard to influencer marketing and advertising.
- Following investigations over breaches of the rules on advertising, the self-regulatory body for advertising, the ASA, has rendered several rulings with regards to influencers.

Definition	Existence
Existence of a definition of the concept of “influencer”	Yes
Definition in legislation	No
Definition in other documents	Twelfth Report of Session 2021-22, ⁵⁶⁴ the Digital, Culture, Media and Sport Committee of the House of Commons Influencers’ guide to making clear that ads are ads, by the ASA, the CAP and the CMA ⁵⁶⁵
Definition by the Digital, Culture, Media and Sport Committee of the House of Commons	An “influencer” is an individual content creator who builds trusting relationships with

⁵⁶³ The factsheet on the United Kingdom incorporates feedback received from Ofcom regarding matters falling under their remit.

⁵⁶⁴ [Influencer culture: Lights, camera, inaction?](#), Twelfth Report of Session 2021-22, House of Commons, Digital, Culture, Media and Sport Committee, 9 May 2022.

⁵⁶⁵ [Influencers’ guide to making clear that ads are ads](#), by the Advertising Standards Authority (ASA), the Committee of Advertising Practice (CAP) and the Competition and Markets Authority (CMA).



Definition	Existence
	audiences and creates both commercial and non-commercial social media content across topics and genres.
Definition from the “Influencers’ guide to making clear that ads are ads” by the ASA, the CAP and the CMA	For the purposes of this guide, the concept of an “influencer” includes any human, animal or virtually produced persona that is active on any online social media platform, such as Facebook, Instagram, Snapchat, TikTok, Twitch, YouTube, and others. Though they may be named differently on certain platforms or in regulatory frameworks, e.g., “bloggers”, “streamers”, “celebrities” or “content creators”, they are all within scope of this guidance.
Influencers considered as AVMS providers	Applicability
Can influencers be considered as AVMS providers?	No
By extension or directly envisaged in law?	N/A
Are influencers explicitly mentioned as being AVMS providers in law?	N/A
Do influencers considered as AVMS providers have to register with the national media regulatory authority?	N/A

7.31.2. Definition of the concept of “influencer”

There is no definition of the concept of “influencer” in UK legislation.

In its Twelfth Report of Session 2021-22,⁵⁶⁶ the Digital, Culture, Media and Sport (DCMS) Committee of the House of Commons has proposed a working definition of an “influencer” as an individual content creator who builds trusting relationships with audiences and creates both commercial and non-commercial social media content across topics and genres.

In 2023, the ASA, the CAP and the CMA published their “Influencers’ guide to making clear that ads are ads”. It includes the following definition:

for the purposes of this guide, the concept of an “influencer” includes any human, animal or virtually produced persona that is active on any online social media platform, such as Facebook, Instagram, Snapchat, TikTok, Twitch, YouTube, and others. Though they may be named differently on certain platforms or in regulatory frameworks, e.g., “bloggers”, “streamers”, “celebrities” or “content creators”, they are all within scope of this guidance.

⁵⁶⁶ [Influencer culture: Lights, camera, inaction?](#), Twelfth Report of Session 2021-22, House of Commons, Digital, Culture, Media and Sport Committee, 9 May 2022.

7.31.3. Influencers considered as AVMS providers and their obligations towards the national media regulator

At the time of writing, influencers are not considered as AVMS providers in the United Kingdom and have no obligations towards the national media regulatory authority, Ofcom.

According to the DCMS Committee report, influencers can be considered as traders under the Consumer Protection from Unfair Trading Regulations 2008.⁵⁶⁷

On 7 December 2021, Ofcom published its Guidance for providers on control of advertising,⁵⁶⁸ which mentions influencer marketing, but influencers are used as an example and are not the target of the guidance, which is directed at video-sharing platform providers.

7.31.4. Rules and/or guidelines specific to influencers

There are certain guidelines and codes of conduct applying specifically to influencers, all with a focus on advertising and working in a complementary way to ensure fair practices with regard to influencer marketing and advertising.

On 3 November 2022, the CMA, the competition regulator, published guidance⁵⁶⁹ focusing on the proper labelling of advertising by influencers.

In 2023, the self-regulatory bodies for advertising, the ASA, the CAP and the CMA published their “Influencers’ guide to making clear that ads are ads”.⁵⁷⁰ In addition to providing a definition of an “influencer”, the guide clarifies that any incentive from a brand to post a particular piece of content counts as payment, even if it is in kind. For people to immediately recognise that a piece of content is advertising, the guidance indicates that the influencer “should, as an absolute minimum, include a prominent label at the beginning”.

The trade body representing brand advertisers, the ISBA, has also released an Influencer Marketing Code of Conduct,⁵⁷¹ which references both the CMA and ASA guidance documents.

The financial regulatory body, the FCA, released guidance⁵⁷² specific to finance influencers, with the aim of reminding influencers that the promotion of financial services must be fair, clear and not misleading.

⁵⁶⁷ [The Consumer Protection from Unfair Trading Regulations 2008](#).

⁵⁶⁸ [Ofcom’s Video-sharing platform guidance – Guidance for providers on control of advertising](#).

⁵⁶⁹ [CMA Guidance – Hidden ads: Being clear with your audience](#).

⁵⁷⁰ [Influencers’ guide to making clear that ads are ads](#) by the ASA, CAP and CMA.

⁵⁷¹ [ISBA Influencer Marketing Code of Conduct](#).

⁵⁷² [FCA Finalised guidance on financial promotions on social media](#).



7.31.5. Case law

N/A.

7.31.6. Training programmes and certification

N/A.

7.31.7. Recent developments

Following investigations over breaches of the rules regarding advertising, the ASA has rendered several rulings with regards to influencers.

A British influencer has been at the centre of several rulings⁵⁷³ by the ASA over repeated failures to properly disclose advertising in Instagram posts and for promoting a prize draw. The draw was found to break the CAP code, in the absence of evidence that the prize was awarded in accordance with the laws of chance or under the supervision of an independent person.⁵⁷⁴

⁵⁷³ [ASA rulings involving British influencer Molly-Mae Hague.](#)

⁵⁷⁴ [ASA Ruling on Molly-Mae Hague t/a mollymaehague – Complaint Ref: G20-1078674 Molly-Mae Hague.](#)

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