[IT] AGCOM Approves Guidelines and Code of Conduct for Influencers

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AGCOM – Italy's Communications Authority and designated Digital Services Coordinator – has formally adopted its Guidelines and Code of Conduct for Influencers. Given the relevance and innovative scope of the matter, AGCOM established a dedicated multi-stakeholder working group, involving representatives of the industry and institutional actors, to develop a shared framework. The draft text was subsequently submitted to a public consultation process at the end of 2024 (see IRIS 2025-1:1/18 and 2024-2:1/26).

The final Guidelines revise the initial version adopted in 2024, integrating market feedback and early findings from implementation in practice. Their primary aim is to ensure influencers' compliance with the Italian Consolidated Law on Audiovisual Media Services (TUSMA)—which transposes the EU Audiovisual Media Services Directive (AVMSD).

Specifically, the provisions directly applicable to influencers—and to the content they disseminate regardless of format or medium—cover:

- general principles of information and accuracy;

- compliance with copyright law;

- protection of fundamental rights, human dignity, and minors;

- safeguarding of sports values;

- rules on commercial communications, including teleshopping, sponsorship, and product placement;

- prohibition of surreptitious advertising.

These rules also incorporate the Digital Chart Regulation of the Italian Advertising Standards Authority, which ensures the recognizability of commercial communication online.

Accordingly, influencers must refrain from disseminating content that incites or glorifies criminal conduct, violates human dignity, endangers minors, or contains expressions promoting, legitimizing, or trivializing violence, hatred, or

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discrimination against individuals or groups on grounds listed in Article 21 of the EU Charter of Fundamental Rights—with particular attention paid to minorities and vulnerable communities.

AGCOM justified this regulatory extension on the basis that influencers are now de facto professional content creators who, under their editorial responsibility, produce and disseminate audiovisual material aimed at informing, entertaining, and educating large audiences on video-sharing platforms and social networks.

For the initial phase, AGCOM focused on provisions immediately applicable to relevant influencers, while avoiding unnecessary burdens. The technical working group will continue to operate, with the mandate to refine the criteria for identifying professional influencers, develop sector-specific standards, and promote best practices while discouraging potentially harmful conduct.

The second key measure concerns the Code of Conduct for Influencers, developed with contributions from industry representatives, brands, and influencer marketing intermediaries. Its purpose is to set out principles of transparency, recognizability, and accountability. The Code applies to professional actors whose services constitute an economic activity under Articles 56 and 57 TFEU, and who maintain a stable and substantial link with the Italian economy.

In this first implementation stage, the Code specifically targets relevant influencers, defined as those with either:

- at least 500,000 followers, or

- an average of one million monthly views on at least one social media or video-sharing platform.

These influencers will be included in a public register published on AGCOM’s institutional website. They must be easily identifiable and comply with strict rules governing commercial communications, fundamental rights, the protection of minors, and intellectual property rights.

Compliance will be monitored through a dedicated supervisory mechanism. In the event of infringements, AGCOM will impose administrative fines to ensure effective enforcement of the framework.

Delibera 197/25/CONS "Modifiche alle linee guida di cui alla delibera n. 7/24/CONS e approvazione del codice di condotta rivolto agli influencer"

https://www.agcom.it/provvedimenti/delibera-197-25-cons

Resolution 197/25/CONS "Amendments to the guidelines referred to in Resolution No. 7/24/CONS and approval of the code of conduct for influencers"

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