

ARPP

autorité de  
régulation professionnelle  
de la publicité

## The French Paradigm for Responsible Influencer Marketing

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July 2024



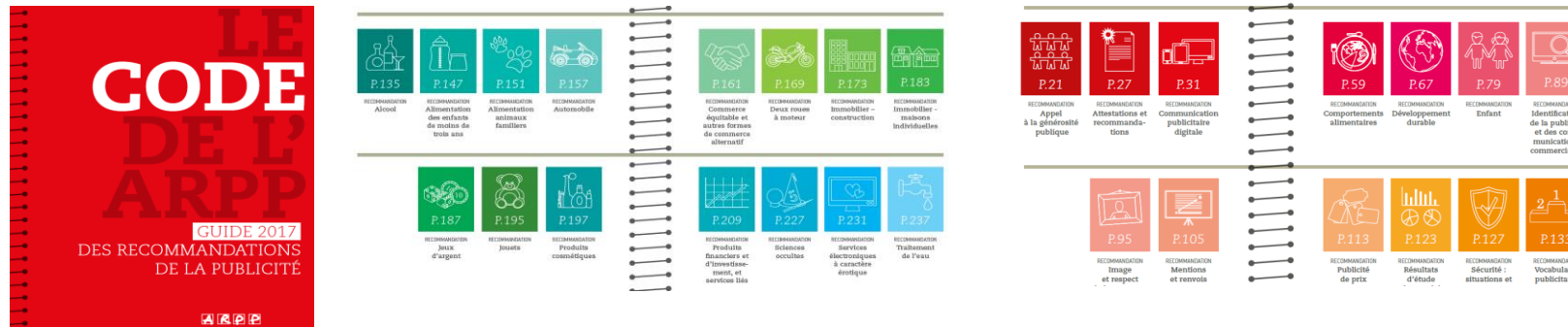
# Commercial influence: an activity now defined by law...

Legal definition of the activity of commercial influence:

*"Natural or legal persons who, for consideration, communicate to the public by electronic means content intended to promote, directly or indirectly, goods, services or any cause whatsoever exercise the activity of commercial influence by electronic means."*



# Commercial influence: an activity defined by the ARPP Recommendation



*"Commercial influence is exercised by anyone who publishes content electronically **promoting a product** (good or service) or a cause, directly or indirectly, **in exchange for a financial consideration and/or a benefit in kind**, aimed at an audience established on **French territory**, regardless of the number of people concerned."*

# Commercial influence: an activity defined by the ARPP Recommendation



*"Commercial influence is exercised by anyone who publishes content electronically **promoting a product** (good or service) or a cause, directly or indirectly, **in exchange for a financial consideration and/or a benefit in kind**, aimed at an **audience established on French territory, regardless of the number of people concerned.**"*

- specifies **the notion of consideration**, which can be "a payment, a product, a service, a percentage of sales, a holiday, etc.".
- points out that the consideration is "delivered in exchange for content disseminated by the influencer in response to **a request to promote** a product or a cause".

# Commercial influence: an activity defined by the ARPP Recommendation



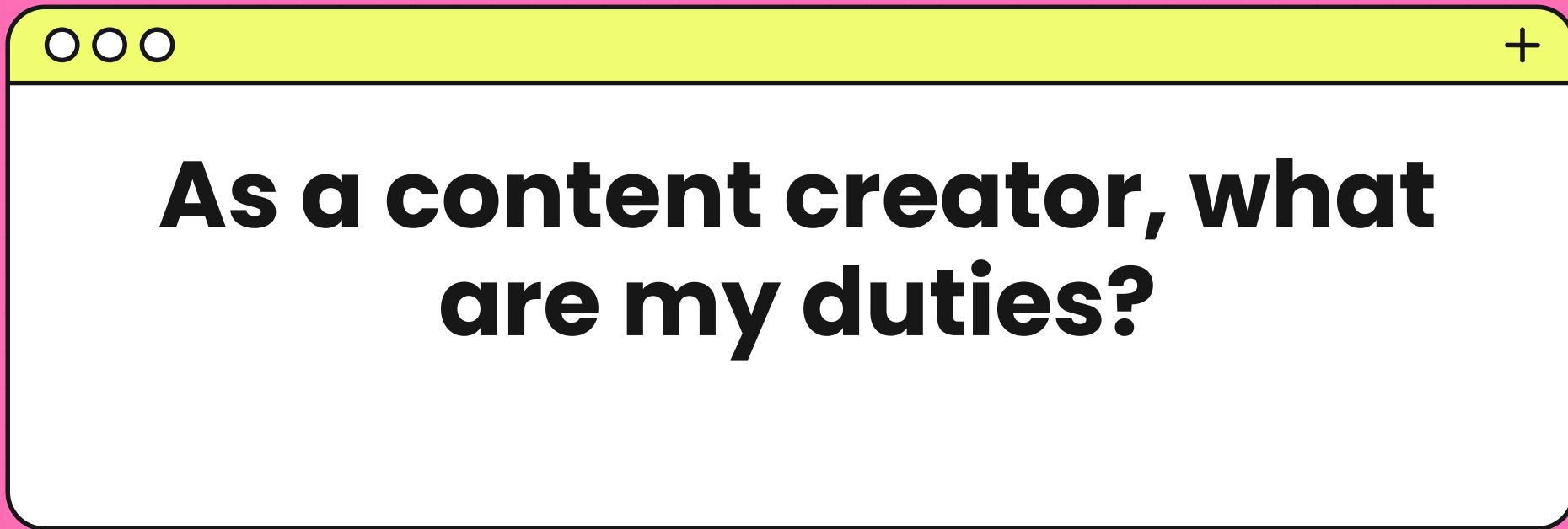
« The disclosure of the commercial nature must be instantaneous, explicit and legible. »

## DO:

- Manual integration into the video, image or description accompanying the video or image, without the need to click on "see more".
- Use of the identification tools offered by the platforms, where they exist.

## DON'T:

- At the end of a video or story
- Hidden in the middle of numerous hashtags and descriptions
- After you click on the description of the video
- After the content has been published





I exercise the activity of commercial influence within the meaning of the law **when I meet the following cumulative conditions:**

I receive financial compensation or a benefit in kind.



I promote, directly or indirectly, any good, service or cause whatsoever



I address the public digitally, regardless of the number of people composing my audience



**As soon as these conditions are met, the rules on commercial influence apply!**

If I am approached by a brand and/or an advertiser and/or an agent, I should/must ask myself whether I am involved in commercial influence:



If the advertiser/brand and/or agent pays me and/or gives me a benefit in kind **by telling me that I am to promote their brand**, the intention is clear: **this is a commercial influence activity.**



If the advertiser/brand and/or agent **remunerates me (by whatever means) and/or gives me a benefit in kind** (e.g. product, trip, etc.): **it is preferable to specify the nature of the collaboration with the advertiser/brand and/or agent** as I may fall within the scope of commercial influence..

- Even **in the absence of commercial influence, it is advisable to favour transparency.**



## Examples of situations involving commercial influence :

### Case 1:

I receive payment for making a post on my social network accounts. If I make this post.



In this case, I am exercising commercial influence.

OU

### Case 2:

When I receive a product (e.g. a free product), I am asked in exchange to promote it (publish it) on my social networks.



If I publish it, I am exercising commercial influence.



In such cases, the rules on commercial influence apply!

Please note that, as indicated in the Guide to Good Practice, there are certain cases where **I could fall within the scope of commercial influence**:

**Case 1:**

**I receive a very affordable product (e.g. product launch) because of my regular publications on new products.**

**This mailing is not accompanied by a request for publication. I'm free to say what I want, there are no particular expectations about the content I may or may not publish.**

**Nevertheless, I decided to post about this product on my social network accounts.**



**I'm probably not making a commercial influence, but it's recommended to tell my audience that I've been given a product (e.g. #GivenProduct, #Gift etc.).**

**Case 2:**

**I am invited to an event organised by a brand. This invitation, which I can choose not to attend, is not accompanied by a request to publish content.**

**Nevertheless, I decide to publish photos of the event on my social network accounts.**

OU

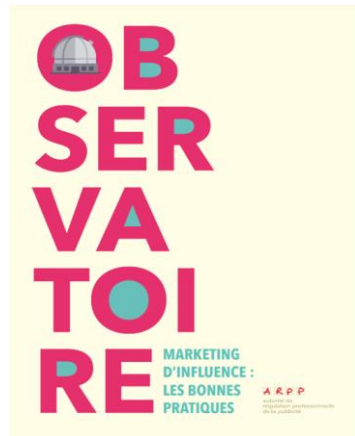


**I'm probably not making any commercial influence, but it's recommended to tell my audience that it's an invitation (e.g. #invitation).**



If you have any doubts, you can ask the ARPP.

# THE RESPONSIBLE INFLUENCE OBSERVATORY



2019



2021



2022



2023



# THE RESPONSIBLE INFLUENCE OBSERVATORY : The Monitoring Committee

## Organisations professionnelles



## Marques

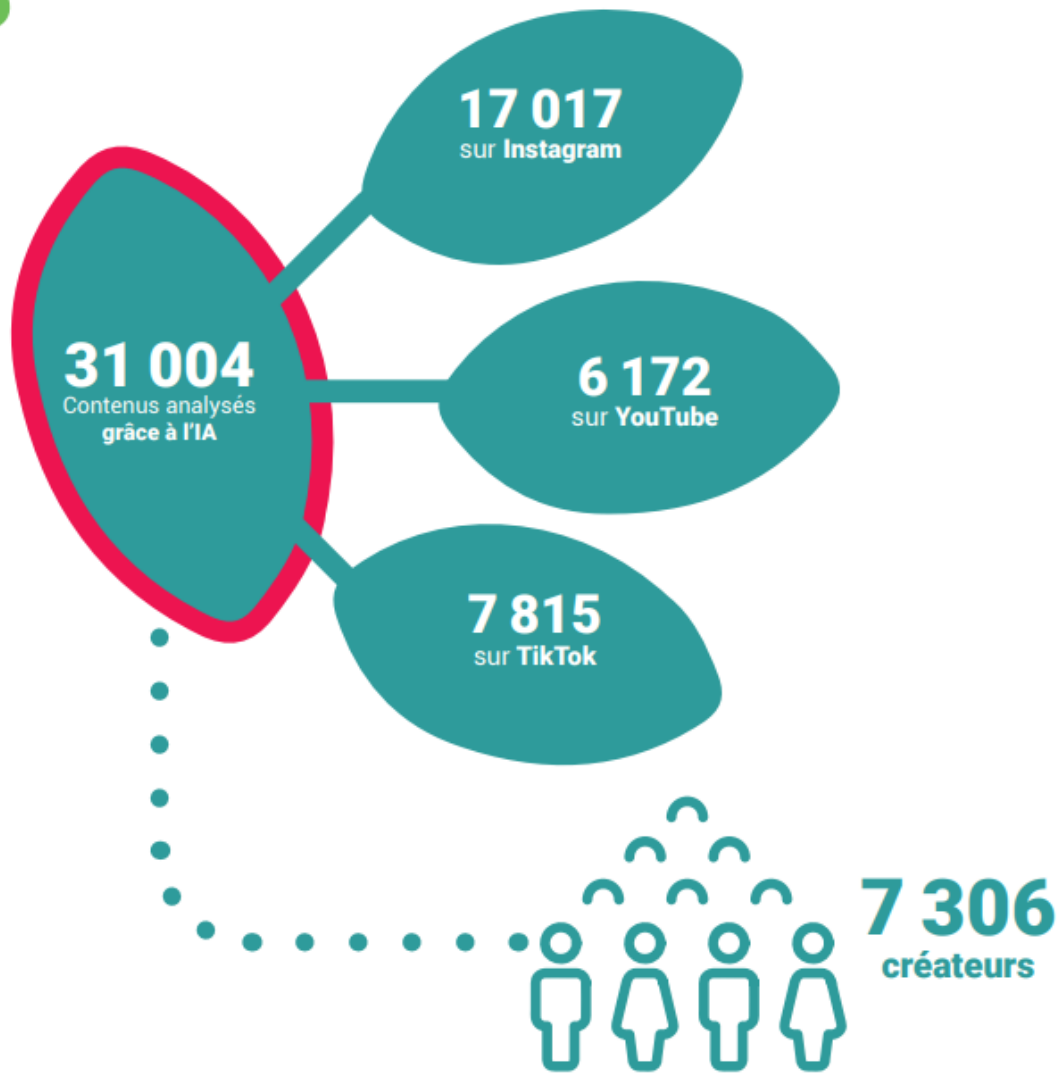


## Agences, agents, technologies et autres intermédiaires



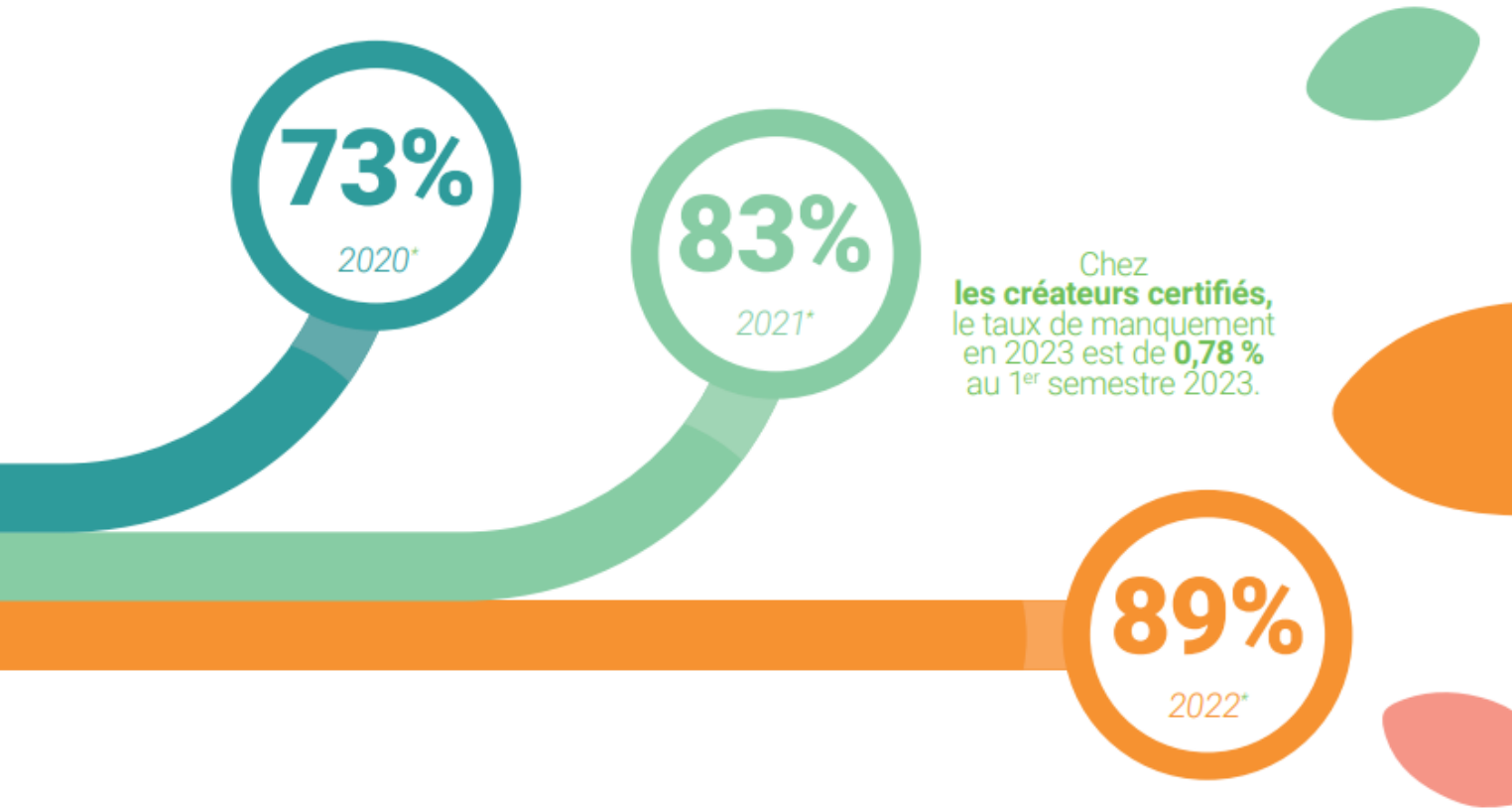
## Plateformes sociales





31 000 contents analysed with the help of AI.

ÉVOLUTION DE LA TRANSPARENCE  
CHEZ LES CRÉATEURS DE CONTENUS, SUR 3 ANNÉES.



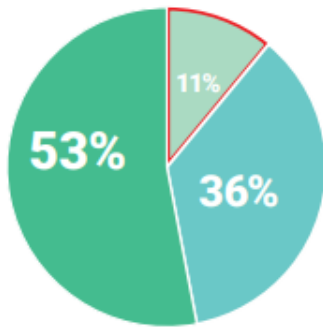
\* publications issues de collaborations commerciales qui comportent au moins un début d'identification (pleinement conformes ou améliorables).

## Results

Compliance with the disclosure rule **improves** from 73% to 89% between 2020 and 2022.

The ongoing study 2024, shows at this stage **the improvement continues in 2023** (results in September 2024).

## RÉSULTATS 2022

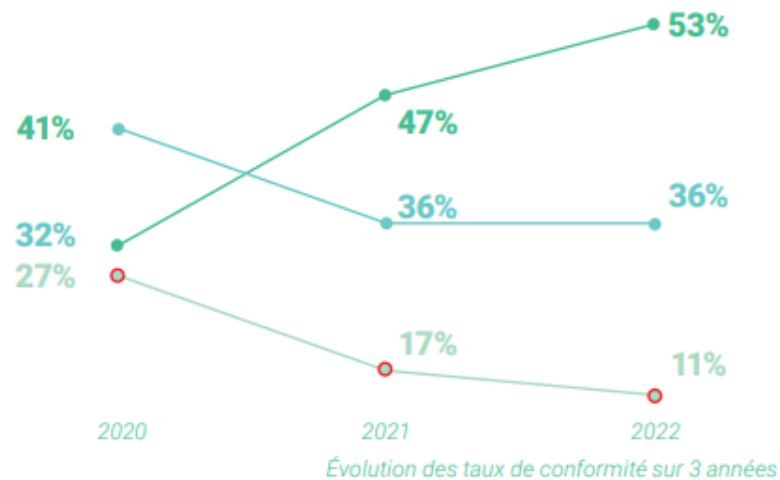


Niveau de transparence en 2022

- Conformes
- Améliorables\*
- Non identifiés

\* Partenariat mentionné mais insuffisamment explicite ou instantané.

**89%** de contenus avec au moins un début d'identification (pleinement conformes ou améliorables).



**Une amélioration sensible** des pratiques est constatée puisque l'an dernier l'étude révélait que **83 %** des contenus publiés en 2021 présentaient un début d'identification, et 73 % en 2020.

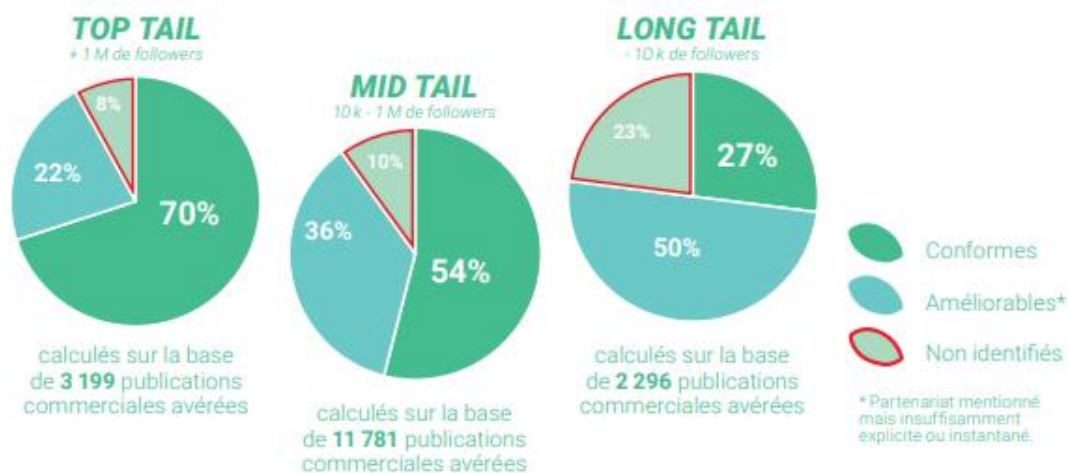
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## TRANSPARENCE DES PARTENARIATS PAR CATÉGORIES D'INFLUENCEURS

Comme les deux années précédentes, les analyses conduites dans le cadre de l'Observatoire ont révélé que le non-respect des règles était davantage **le fait des influenceurs à faible audience** ou *long tail* (taux de manquement de **23 %** pour les influenceurs de **moins de 10 000 abonnés**). À l'inverse, plus l'influenceur a une forte audience et se **professionnalise, plus il maîtrise les règles de transparence** (seuls **8 %** de contenus ne révèlent pas l'intention commerciale).



Les manquements constatés ont donné lieu à des **interventions auprès des professionnels** concernés afin de leur signaler **les non-conformités** et **leur demander d'y remédier**.

## Results

The improvement is also true for each type of influencer.

Small influencers comit more breaches



# Why did we create the Responsible Influence Certificate ?

The main goals were to:

- Offer training on the legal and ethical framework , Educate and raise awareness
- Protecting audiences
- Help Influencers differentiate themselves from other influencers
- Brand safety and compliance issues for brands

Today :

- The certificate is imposed by brands and agencies
- 1500 certified influencers



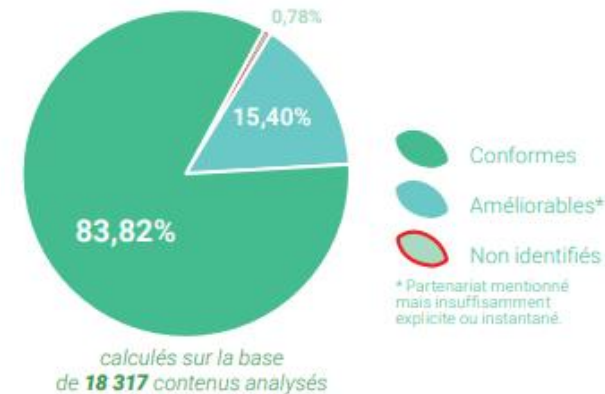
# IMPACT OF THE CERTIFICATE

- **1<sup>st</sup> semestre 2021** – percent of breaches before having the certificate : **22%**
- **1<sup>st</sup> semestre 2022** –percent of breaches after having the certificate: **9%**
- **1<sup>st</sup> semestre 2023** – percent of breaches amongst the influencers certified **0,78%**

## RÉSULTATS POUR LES CONTENUS PUBLIÉS EN 2023

### NIVEAU DE TRANSPARENCE CHEZ LES TALENTS CERTIFIÉS

Niveau de transparence  
au 1<sup>er</sup> semestre 2023



**>99%** des contenus postés par les talents certifiés au 1<sup>er</sup> semestre 2023 possèdent au moins un début d'identification.

**Impact du Certificat :** Une **amélioration sensible** des pratiques est constatée chez les créateurs certifiés puisque le taux de manquement est de **0,78 %** au 1<sup>er</sup> semestre 2023

# Positive feedback from public authorities

## Recognition by public authorities :

ANJ (gambling authority): recommendation to operators to only work with influencers who have the certificate

AMF (Financial markets authority): certificate with option

Charter with the Ministry of economy promoting the certificate

## ARPP Membership of the platforms



« C' EST CARRÉ »  
AN EDUCATION CAMPAIGN  
WITH META  
( 30 MILLION VIEWS ! Over  
2 videos )



@lenna.vivas-profile  
7,5M followers



@batzair-profile  
6,1M followers



@noholito-profile  
6,1M followers



@anttonracca-profile  
5,3M followers



@leanemarts-profile  
5,1M followers



@hugodecrypte  
4,9M followers



@rose.thr-profile  
4,7M followers



@justinemaarc-profile  
4,6M followers



@poopibih-profile  
4,2M followers



@lilouestpartoutoff-profile  
3,4M followers



@pierrecoce  
3,9M followers



@sananas  
3M followers



@theodort  
2,5M followers



@lenasituations  
2,5M followers



@denyzee  
2,5M followers



@hugodecrypte  
2M followers



@batzair-profile  
2M followers



@juniotvine  
1,9M followers



@mohamedhenny837  
1,8M followers



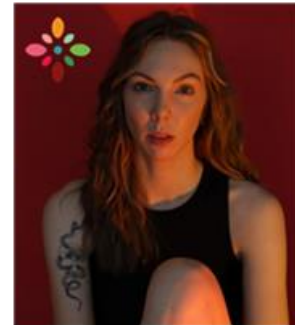
@suliwangwed  
1,6M followers

+1500 Content creators certified (may 2024)

# Podcast “let’s talk about responsible influence”



X



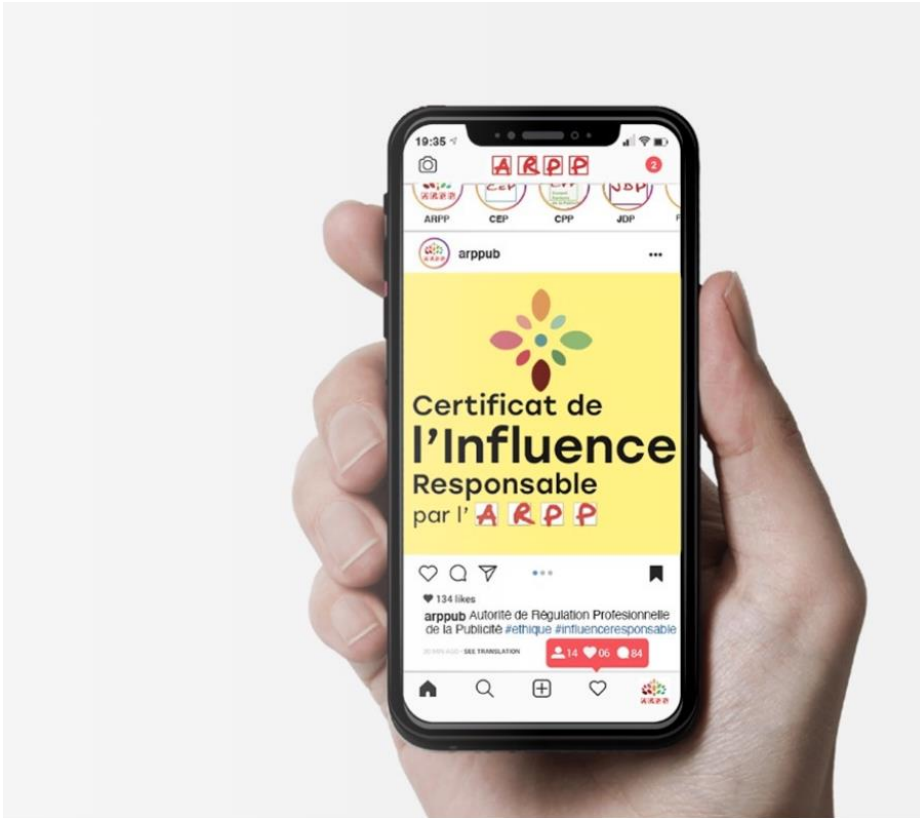
7 episodes (certified Influencers talk about their commitment)

# European perspective

- **Recognition of self regulation by the Council of the UE**
- **Creation of a european training platform with EASA**
- **12 countries involved such as the Greek SRO SEE**



Council of the  
European Union



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**Thank you !**

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