



# The new AGCOM Guidelines and the Code of Conduct for influencers

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 MEDIA AND ENTERTAINMENT, ELECTRONIC COMMUNICATIONS, PERSPECTIVES

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**O**n 23 July 2025, the Italian Communications Authority (*Autorità per le garanzie nelle comunicazioni*, AGCOM) updated<sup>1</sup> its Guidelines for influencers and approved a Code of Conduct which, drafted in cooperation with the stakeholders of the so-called “influencer marketing”<sup>2</sup>, establishes criteria for transparency and responsibility.

The rules find their rationale, on the one hand, in the exponential growth of influencer marketing in Italy, which generates employment opportunities and value for both influencers and companies, and, on the other hand, in the increasing weight content creators exercise on consumers’ choices. When influencers present a company’s product

or service, indeed, they do not simply describe it, but also express their personal opinions, experiences and recommendations, which followers tend to perceive as a spontaneous advice from a role model. The AGCOM, therefore, deemed it necessary to protect the latter by making influencers expressly responsible for the audiovisual contents they create, produce and share on social media.

The Guidelines and the Code are addressed chiefly to influencers, i.e. those persons who carry out a professional activity individually, as a company or as part of an association, similar or comparable to that of audiovisual media service providers. The new rules, however, will not apply to all influencers, but only to the “significant” ones, i.e. those who have a minimum of 500.000 followers on at least one of the

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<sup>1</sup> For the previous Guidelines please see our article, available at the following [LINK](#).

<sup>2</sup> Influencer marketing is the strategy of promoting brands, products or services with selected individuals who are most likely to exercise a significant influence on purchase decisions within a particular target market.

social media or video-sharing platforms used or an average monthly viewership of one million. If they reach either threshold on one platform, influencers will have to follow the Guidelines and Code of Conduct on all social media or video-sharing platforms where they have a profile, no matter how many followers they have or how many views they obtain. These individuals will be included in a special list drawn up, administered and updated every six months by an impartial third party appointed by the AGCOM, and will have to show the wording “influencer listed by AGCOM” on their social media profile. Influencers who are not significant according to the Guidelines may still request to be included in the list by registering with the platform managed by the above-mentioned third party and will then be required to comply with the Code of Conduct.

The Code imposes various obligations on influencers.

In the first place, their contents must comply with the provisions of the Consolidated Law on Audiovisual Media Services (*Testo Unico dei servizi media audiovisivi*, TUSMA)<sup>3</sup> on objectivity, completeness, fairness and impartiality of information, as well as combating disinformation strategies and infringement of intellectual property rights. Second, influencers must respect human dignity and, therefore, not publish content or expressions that are likely to spread, incite, justify, minimise or otherwise legitimize violence, hatred or discrimination. Influencers must moreover comply, on the one hand, with the TUSMA rules on commercial communications, teleshopping, sponsorship and product placement<sup>4</sup> as well as the prohibition of surreptitious

advertising, and, on the other hand, with the provisions of the “Digital Chart Regulation”<sup>5</sup> on the recognizability of commercial communications spread via the internet. Finally, influencers must comply with the rules on minors’ protection by not publishing contents that are seriously harmful to their physical, mental or moral development.

Influencers will be fined up to EUR 250.000 if they violate the Code’s general rules and up to EUR 600.000 if they violate those on minors. In determining the amount, the AGCOM will consider the seriousness of the violation, the influencer’s efforts to eliminate or mitigate its consequences as well as his personality and his economic situation.

By qualifying influencers as communication professionals, AGCOM has officially recognised all the changes that have taken place in recent years in the so-called “Creator Economy”<sup>6</sup>. Although the Code has been welcomed by the majority of stakeholders, however, the Italian Customers Association (*Coordinamento delle associazioni per la difesa dell’ambiente e dei diritti degli utenti e dei consumatori*, Codacons) pointed out that the new rules might not be able to limit the excessive power influencers enjoy, as they do not address the changes brought about by the artificial intelligence and, above all, only apply to influencers operating from Italy, thus allowing those established abroad to remain exempt. The Code, therefore, should not be seen as a final step on the regulation of influencers, but rather as a work in progress that, in the coming years, might avert the occurrence of situations like the so-called “Ferragni case”<sup>7</sup> and grant consumers a stronger protection while ensuring content creators’ liability.

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<sup>3</sup> Legislative Decree 8 November 2021, No. 208.

<sup>4</sup> See Articles 43-48.

<sup>5</sup> Available at the following [LINK](#).

<sup>6</sup> The creator economy is a software-driven economy built around individuals producing and distributing content, products or services directly to their audience.


<sup>7</sup> The “Ferragni case” refers to a major legal scandal involving Italian fashion influencer Chiara Ferragni and allegations of aggravated fraud tied to misleading charity-linked marketing campaigns concerning the “Pink Christmas” pandoro and the “I Bambini delle Fate” Easter Eggs.



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