

Audiovisual Media Services – Evaluation and Update of EU Rules

Context

1. The Advertising Information Group (AIG) (transparency number 11220347045-31) is an informal European grouping of national advertising tripartites – representing advertisers, advertising agencies and the media – and several Brussels-based trade bodies. AIG advocates for a genuine Single Market in commercial communications and supports responsible advertising self-regulation in the EU. AIG is also an industry member of the European Advertising Standards Alliance (EASA).
2. Advertising is a cornerstone of the European economy, contributing 4.6% of EU GDP, supporting SMEs, and driving growth in creative sectors. A Deloitte study found that every €1 spent on advertising generates €7 for the wider European economy. Advertising also fosters brand competition, supports product innovation, and enables a diverse and pluralistic media ecosystem, contributing to both cultural and democratic objectives.

Our Response

3. AIG welcomes the opportunity to contribute to this consultation. From the perspective of the advertising industry, the current framework of the Audiovisual Media Services Directive (AVMSD) remains effective, proportionate, and future-proof. Its technology-neutral design and principles-based approach continue to ensure legal certainty while accommodating new market developments, including on-demand services and influencer-driven content. Reopening the Directive would risk creating unnecessary legal uncertainty and regulatory overlap, without delivering clear added value.
4. AIG has limited its comments to aspects that are particularly relevant to the advertising industry. While certain sections of the questionnaire fall outside our core remit, we would note that, based on our members' practical experience across Member States, the existing framework under Articles 6, 6a, and 28b appears to function effectively. Our members therefore see no need for revision in these areas. Our substantive responses in the survey focus on those sections directly relevant to advertising and commercial communications; in addition, we would like to highlight the following key points.

Definitions remain fit for purpose

5. We acknowledge that the European media landscape has evolved significantly since the last revision of the AVMSD in 2018. Influencers and Video-Sharing Platforms (VSPs) have gained prominence as EU citizens consume more non-linear content. Nevertheless, we believe that the 2018 update established a robust framework to cover these relatively new market players without requiring additional obligations or a reopening of the Directive. The existing rules are clear, effective, and, together with advertising self-regulation, enhance consumer protection. Their technology-neutral character allows them to encompass evolving forms of audiovisual communication without requiring constant legislative updates. This

includes influencer activities, provided they meet the criteria of an audiovisual media service.

No regulatory gap on influencer marketing

6. The absence of a specific definition of influencers does not create a regulatory gap. Influencers are already covered under existing EU law depending on their activities — either as media service providers under the AVMSD or as traders under consumer protection law. Introducing a separate category or additional definitions could lead to fragmentation and legal complexity rather than enhancing clarity.

The current framework is comprehensive and effective

7. The current regulatory framework governing influencer marketing is already comprehensive and effective, particularly through the combined application of AVMSD transparency rules and the Unfair Commercial Practices Directive (UCPD). Influencers who promote products or services in exchange for consideration are clearly subject to transparency and disclosure obligations, as well as prohibitions on misleading or hidden advertising. These rules are well understood and increasingly enforced across Member States. Rather than introducing new legislative obligations, efforts should focus on consistent enforcement and practical guidance. Useful reference models already exist in a number of Member States, and efforts should focus on promoting awareness of these materials rather than developing new ones. The primary vehicle for this promotion should be EASA's adEthics programme, supported by the Commission facilitating coordination across Member States.

Self-regulation as a pillar of the European framework

8. Self-regulation remains a key pillar of the European advertising framework and is explicitly recognised under Article 4a AVMSD. Across Member States, SROs demonstrate how effective self-regulation can ensure high standards of responsibility, provide rapid and pragmatic complaint handling, and adapt quickly to new advertising formats, including influencer marketing. At the European level, the EASA network provides a coherent framework for cross-border enforcement and guidance. Equally important is the growing role of education and compliance tools, including influencer training programmes that translate legal requirements into practical guidance. These instruments are highly effective in improving compliance and should be further promoted across Member States.

Enforcement and Legal Certainty

9. We believe that effective enforcement of the existing AVMSD framework should be prioritised, rather than pursuing a revision of the Directive. In our view, the AVMSD is capable of addressing emerging market players, safeguarding viewers, and supporting media pluralism. The Directive remains fit for purpose provided it is applied consistently and properly enforced. While enforcement approaches have varied across Member States, perceived shortcomings in the framework stem not from regulatory gaps, but from the natural evolution of enforcing existing rules to emerging contexts.

10. National authorities and enforcement bodies have progressively developed their approaches and have successfully interpreted and applied AVMSD provisions to influencer activities. In our view, the priority now is to accelerate the sharing of these enforcement best practices across the EU, rather than displacing them with new legislative obligations that would require another cycle of transposition and interpretation.
11. Consistent enforcement, combined with collaborative working with advertising self-regulatory organisations (SROs), enhances legal clarity and ensures a high level of consumer protection is maintained across all Member States.

Conclusion

12. Overall, the AVMSD continues to provide a balanced and future-proof framework for audiovisual media and commercial communications. Its combination of principles-based regulation and strong self-regulatory structures ensures effective consumer protection while supporting innovation and economic sustainability. The priority should therefore be consistent enforcement, practical guidance, and the promotion of self-regulatory and educational tools. Reopening the Directive or introducing new obligations would risk regulatory overlap, legal uncertainty, and unnecessary burdens for the advertising industry without delivering additional benefits.

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