

European and Hungarian regulatory approaches to online influencers

Gergely Gosztonyi

Eötvös Loránd University
Egyetem tér 1-3
Budapest 1053, Hungary
gosztonyi@ajk.elte.hu

Rita Szabó-Gödri

University of Pécs
Ifjúság útja 6
Pécs 7624, Hungary
ritagodri17@gmail.com

Abstract: The article examines the European and Hungarian legal frameworks concerning influencers. With the rise of social media and influencer marketing, clarifying the legal and ethical issues related to the activities of opinion leaders has become increasingly important. Although there is no uniform legislation on influencers in Hungary, the Hungarian Competition Authority and other regulatory bodies have issued several recommendations to ensure transparency in advertising. This article compares Hungarian regulatory solutions against the corresponding practices in other European countries. The findings show that the role of influencers is continuously expanding, which requires a dynamic development of the legal environment and a fine-tuning of the regulations to ensure transparency and consumer protection.

Keywords: *AVMS, Digital Services Act, DSA, Hungarian Competition Authority, influencer, opinion leader, regulation, social media*

1. Introduction: who are influencers and why is research on them important?

There is nothing better or more authentic than a personal recommendation, and we now take influencer endorsements just as seriously as recommendations from our friends and family. Indeed, 86% of internet users older than 15 in Hungary know the meaning of the word ‘influencer’ (IAB, 2024). But who are influencers and why have they become so important?

In 2017, the Hungarian Competition Authority (hereafter, GVH) published a Recommendation which defined influencer as:

a person who is able to influence and shape consumer opinion in the digital environment, whether as an ad hoc partner or as a dedicated brand ambassador, who publishes online content on their own website, social media page or other online platform, whether the content is their own or a guest post (GVH, 2017).

According to the definition, influencers could be, among others, opinion leaders, public figures, YouTubers, bloggers, vloggers or others who publish online content. However, in a new Recommendation, published later in 2022, the GVH broadened the definition even further, no longer limiting it to natural persons. In the new document, an influencer may now be a person, thing or virtual entity (such as an animal, a mascot, a digital character or an avatar) that can exert influence and shape consumer opinion in the digital environment (GVH, 2022). The same concept is used in Article 27 of the *Hungarian Advertising Code* of 2023. According to the IAB Hungary, which is part of the Hungarian Advertising Association, an influencer is a content creator involved in influencer marketing—that is, someone who creates media space to promote themselves and is able to influence their followers or audience. It should be noted that the 2024 summary or the European Audiovisual Observatory of European legislation shows that the definitions either vary considerably or are entirely absent (in ten countries) (Munch, 2024, p. 38).

The word ‘influencer’ comes from the English verb ‘to influence’ and is used to signify the ability to influence others’ behaviour and thinking. The activities of influencers are closely linked to Herbert A. Simon’s concept of the attention economy (Merkovity, 2017) because influencers are, in fact, among its key drivers. This theory presents attention as a limited resource for which there is a huge competition in the modern digital age. Influencers

play a central role in this competition as they monetise the audiences' attention. However, to do this successfully, they need to produce content that sustains the audience's interest. They use algorithms to help them build engagement, and later, when they have reached the desired level of activity, promote products or services, or even their own brand, through sponsorships and partnerships (Annabell *et al.*, 2025b). Influencers today heavily shape consumer behaviour, public discourse and even political opinion across borders, often blurring the line between personal expression and commercial activity. As a result, their activities pose challenges for traditional legal frameworks, particularly in areas such as advertising transparency, consumer protection, taxation, competition law and safeguards for minors.

Research on European legislation regarding influencers is crucial not only for lawyers but for non-lawyers too, as it highlights how the European Union and its Member States are attempting to balance innovation and market growth with accountability and social responsibility. The European Digital Single Market depends on (mostly) harmonised rules that can reduce the possibility of regulatory fragmentation, ensure fair competition and protect consumers in cross-border transactions (Dąbrowski and Suska, 2022). Without these, digital participants (including influencers) may exploit possible legal grey areas, leading to covert advertising, deceptive practices and breaches of privacy. Furthermore, the study of influencer legislation can have an impact on broader transformations in digital governance. As platforms increasingly dominate economic and cultural exchanges, the regulation of influencers' activities could become a testing ground for the EU's ability to regulate its online ecosystem. Rules designed for influencers also contribute to the EU's efforts to establish its—seemingly lost—digital sovereignty (Gosztonyi and Gyetván, 2025). Finally, this area of research also has practical importance. Policymakers, regulators, platforms and influencers themselves require clear guidelines and best practices to operate, and the academia can provide a critical perspective that critically evaluates the existing rules, identifies shortcomings and proposes solutions that safeguard rights while enabling creative and economic opportunities. In this way, research into influencer legislation contributes to both the scholarly understanding and the development of more effective, future-proof media regulation in Europe.

2. Methodology

The article applies a qualitative, comparative legal research method to analyse the regulation of online influencers in the European Union and Hungary. The approach combines doctrinal legal analysis, comparative examination and interdisciplinary insights. The doctrinal analysis of EU-level legal instruments, particularly the Audiovisual Media Services Directive (hereafter, AVMSD) and the *Digital Services Act* (hereafter, DSA) provide the supranational legal framework within which national regulators operate. The comparative element examines selected European jurisdictions, such as the Netherlands, Germany, France, Italy and Spain, as well as the United Kingdom. These countries were chosen because they illustrate diverse regulatory attempts from hard-law statutory regimes to soft-law guidance frameworks. Their inclusion serves not only descriptive purposes but also a normative one: to highlight potential models and cautionary lessons for countries where influencer activity is still regulated indirectly through competition and consumer protection law.

The Hungarian case study relies on the GVH's 2017 and 2022 Recommendations, statutory provisions on advertising and unfair commercial practices and recent enforcement actions. Analysing these efforts shows how regulators apply general rules to a new phenomenon in the absence of a dedicated law. This way, it is a perfect example for showing the limitations of the current framework. Finally, the article engages with interdisciplinary literature from law, media and communication studies to contextualise influencers within the attention economy and digital governance. The methodology combines descriptive analysis with critical evaluation, aiming to identify both the strengths and shortcomings of existing frameworks and to outline possible directions for future regulation.

3. Possible typologies of influencers

According to Ádám Guld (2021), there are two different discourses regarding the role of influencers. In the first, the term 'influencer' refers only to online actors who have become celebrities without any major professional achievement. The other approach, however, entails celebrities in the online space as well as content producers who have a strong impact on their followers using their ideas and advice, and whose presence is backed up by

a strong professional track record. They could be journalists, activists or businesspeople.

Beside this, several types of influencers are distinguished in the literature. Depending on the size of the tracking base, we can talk about mega-, macro-, meso-, micro-, nano- and niche-influencers (Guld, 2021). In addition to these, the literature also mentions platform-specific influencers (e.g., those active on YouTube or TikTok), brand ambassadors, celebrities, experts, bloggers, activists, relationship managers, trendsetters, inquirers, fashion dictators and government influencers (Xu, 2023; Lékó, 2024; Durmuş Şenyapar, 2024; Annabell *et al.*, 2025a). However, they can also be grouped according to the type of content they share or how they became influencers.

The legal scope of the present article does not allow for a more detailed analysis of all influencers categories, so we will only describe the categories by the size of the follower base. Mega-influencers are elite media stars who are internationally known and therefore have a following of millions. They present content on several channels at the same time but have a less intimate relationship with their audience and followers who are aware that the celebrity is promoting brands in return for a fee. Given the domestic scene of some smaller European countries (Hungary, Slovakia, Malta and others), it could be argued that it does not make sense to talk about mega-influencers, as there are actually no such persons in these countries due to language barriers, so it is more appropriate to follow the macro-, meso-, micro- and nanoinfluencer division. Macro-influencers are emerging celebrities who are typically “produced” by the online world. The size of their following is smaller than that of mega-influencers (only between 10,000 and 1 million followers), but their connection with the public is much closer. Domestically, influencers with a following of 200,000 fall into this category. In Hungary, a special category of influencers, mesoinfluencers, has emerged between the macro and micro levels, with a following of between 20,000 and 200,000. Below them are micro-influencers, whose visibility is limited because they deal with a very specific topic or are very localised. Their followers number at most in tens of thousands, but they are much more engaged because of their subject specificity. This is also due to the small number of followers, which allows for closer interpersonal relationships. This latter category includes influencers with a follower base of between 5,000 and 20,000 people. At the bottom of the range in terms of follower base size are nano-influencers, who have a follower base of between 1,000 and 5,000 people. Their role is increasingly valued because they have a specific interest, which makes it easier for advertising professionals to target consumers (Guld, 2021).

Influencers can be categorised not only by the size of their follower base, but also by the platform they are active on (so-called platform-specific influencers), whose dominant presence or career launch is linked to a specific platform (González-Díaz *et al.*, 2024). This includes YouTubers, TickTockers and Instagram influencers. In addition, we can also distinguish brand ambassadors, who perform various marketing tasks in long-term cooperation with a particular brand. In this case, the brand ambassador's personality, face and values become a commodity and give credibility to the product he or she promotes. It is important to note that an influencer can be classified in several categories at the same time.

4. Foundations of the EU regulatory framework for influencers

The explosive use of social media video-sharing platforms and on-demand audiovisual media services has made it clear that the EU cannot continue to “patch and fold” previous legislation—that is, adopt legislation that is relevant to the given situation but does not take into account technological developments (Capello, 2021). As a consequence, on-demand audiovisual media services have been moved from the scope of the 2000 Electronic Commerce Directive (‘Directive 2000/31/EC’, 2000) to the scope of the AVMSD (‘Directive 2010/13/EU’, 2010), in order to operate within a single legal framework. Finally, in November 2018, an amendment to the AVMSD (‘Directive (EU) 2018/1808’, 2018) was adopted which extended its scope to video-sharing platforms and content creators, including influencers operating on those platforms.

The AVMSD requires that commercial communications must be clearly identified and comply with consumer protection standards. The Directive has a clear objective to ensure that users are aware of advertising content and its source when consuming audiovisual content. The AVMSD also establishes child protection considerations, particularly in relation to the advertising of alcohol, tobacco and other products harmful to health (Munch, 2024, p. 56).

At the time, it seemed clear which European regulation would apply to video-sharing platforms (such as YouTube, Vimeo or streaming services and its various variants such as video on demand (VOD), catch-up TV or over-the-top (OTT) streaming). However, the legislator did not (or could not?) take into account the trend towards a greater share of moving image content

produced by traditional social media providers, which had clearly created a regulatory gap by the early 2020s. In addition, as the AVMSD is a directive, the transposition by Member States has in many cases resulted in different national rules on the same issues, leading to further difficulties.

One consequence of this was the adoption of the *Digital Services Act* ('Regulation (EU) 2022/2065', 2022) in 2022, which aims to regulate digital services, including social media platforms, with a particular focus on user protection and platform liability. The DSA requires online giants to take proactive measures against misleading information and manipulation. It also imposes transparency reporting obligations on intermediary service providers (Articles 15 and 24), which aim to reduce the misuse of user data (Senftleben, 2024; Annabell, 2025). For influencers, the new regulation also means that they must clearly identify their collaborations ('Regulation (EU) 2022/2065', 2022, Article 26(1)c). The DSA also extends transparency requirements to online advertising, requiring online platforms to create a public repository of advertisements ('Regulation (EU) 2022/2065', 2022, Article 39), in which, for example, influencers must disclose the specific terms of these collaborations (such as who they were targeting, who sponsored the ad and when the activity took place) ('Regulation (EU) 2022/2065', 2022, Article 39(2)). In addition, in 2023, the European Commission launched the Influencer Legal Hub (European Union, 2023), an initiative to provide legal guidance for influencers. The Influencer Legal Hub aims to provide influencers with clear information—both written and audiovisual—on advertising labelling obligations, consumer protection rules, liability issues and copyright and related rights regulation.

4.1 Some European regulatory experiments

In the Netherlands, since 2022, professional influencers with a certain reach are subject to the *Media Act (Netherlands)* and therefore to the supervision of the Dutch Media Authority. To qualify, they must meet the following five combined conditions:

- Active presence on YouTube, Instagram or TikTok;
- 500,000 or more followers or subscribers;
- At least 24 uploaded 24 videos in the last 12 months;
- Receiving of some benefit (in cash or free goods and/or services) and
- Operating as a company registered with the Dutch Chamber of Commerce.

On this basis, Dutch media law recognises their activities but also holds influencers accountable. At the same time, they must also comply with the

advertising labelling requirements of the Autoriteit Consument & Markt (ACM). The ACM regularly monitors the activities of influencers and fines them if their content does not meet the standards. The authority devotes particular attention to the protection of minors and obliges influencers to clearly label sponsored content. It has also launched specific campaigns to better inform influencers about the relevant legislation and has set up an online complaints channel for consumers to report suspicious advertising.

In Germany, the 2022 amendment to the *Unfair Competition Act (Germany)* (2024) requires all promotional content to be clearly labelled as advertising. The Federal Court of Justice (BGH) has ruled in several judgments that even product placement can be considered as advertising if the advertiser has received some kind of remuneration for it (see, e.g., Federal Court of Justice (Germany), 2021). German authorities regularly fine influencers who do not comply with the rules. However, no uniform guidance has been issued by the German authorities so far, and in the absence of such guidance, only the local influencer agency's brochure *Navigating influencer marketing laws in Germany: a complete guide* provides some practical guidance (Kolsquare, 2024).

In the UK, influencers are regulated by the Advertising Standards Authority (ASA) and the Competition and Markets Authority (CMA). The ASA (2024) issued guidance reminding influencers to clearly identify paid collaborations at all times, particularly on Instagram and TikTok. One of the reasons for this is the significant size of the influencer community on these platforms, and the UK's focus on avoiding misleading consumers. The UK regulation emphasises the joint responsibility of influencers and advertisers, and non-compliant influencers and platforms are publicly disclosed on a dedicated sub-site of the ASA for a maximum period of three months (ASA, no date). In addition, the CMA can also take formal action against influencers: on several occasions, the authority has launched investigations against influencers who, for example, have failed to properly label sponsored content.¹ However, it is important to underline that the state is not only punishing, as the ASA and the CMA have also launched a joint campaign to help influencers better understand their rights and obligations.

In 2023, France adopted a new law regulating the activities of influencers (*Act No. 2023-451*, 2023). The law defines influencers as any natural or legal person who

¹ For a summary of some of the more interesting cases, see CMA, 2019.

for a fee, use their reputation among their audience to transmit content to the public through electronic means with the aim of promoting, directly or indirectly, goods, services or any cause (*Act No. 2023-451*, 2023, Article 1).

The law states that all promotional content must be clearly labelled, which means that influencers must state that their communications are the result of a partnership with a brand or retailer and that they have received payment for promoting the products they feature. All promotional content must include the words “advertising” or “commercial partnership” (*Act No. 2023-451*, 2023, Article 5). This can be verbal, written or through built-in features such as links or hashtags. If disclosed verbally, the first three hashtags associated with the post should reiterate the partnership in the description. The law pays particular attention to advertising aimed at minors (*Act No. 2023-451*, 2023, Articles 10–18), enforced by the Direction Générale de la Concurrence, de la Consommation et de la Répression des Fraudes (DGCCRF).

In Italy, following a public consultation launched in mid-2023, on 16 January 2024 the Autorità Garante della Concorrenza e del Mercato (AGCOM) published its Decision 7/24/CONS, which contains guidelines on influencers and specifically addresses when and how influencers are subject to the rules of the *Audiovisual Communication Act (Italy)*. This is the case if the following three conditions apply to the influencers at the same time:

- At least one million subscribers or followers on various social media and other platforms;
- At least 24 published pieces of content in the previous year and
- An average engagement rate of at least two percent on at least one social media or other platform over the last six months.

Among other things, Italian influencers are not allowed to communicate in a way that offends human dignity, they must be non-discriminatory and respect the requirements of fair information. Influencers must present facts and events truthfully, in a way that encourages free expression of opinion (‘Legislative Decree No. 208’, 2021, Article 6(2)(a)). In addition, they must respect the rules on the protection of minors and refrain from publishing content that could be seriously harmful to the physical, psychological or moral development of minors. They must also comply with the rules on copyright (‘Legislative Decree No. 208’, 2021, Article 32) as well as other acts dealing with crucial questions of commercial communications, online shopping, sponsorship and product placement.

In Spain, the Comisión Nacional de los Mercados y la Competencia (CNMC) is responsible for ensuring that influencers behave in a compliant manner. Spanish law states that paid advertising must be clearly labelled and that misleading advertising can lead to sanctions. Already the explanatory memorandum to the *Audiovisual Communication Law (Spain)*, adopted in 2022, stated that “the category of vloggers, influencers and opinion leaders is of particular economic importance, especially among younger audiences” (*Act 13/2022 on Audiovisual Communication (Spain)*, 2022, p. 9). In relation to the eligibility for the category of key influencer in Article 94 of the law, on May 1, 2024, the Spanish Ministry of Economy and Digital Transformation officially published *Royal Decree No. 444/2024* (2024) establishing the requirements for users to be classified as key influencers:

- Income of at least 300,000 euros in the previous calendar year from video-sharing platform services;
- Reach—over the previous calendar year— of either at least one million followers on a video-sharing site or at least two million followers on all platforms managed by the influencer;
- At least 24 published videos in a given calendar year, regardless of length.

If an influencer is identified as a key influencer, they are subject to additional obligations. For example, they must register, ensure that their audiovisual content does not promote violence, hatred, discrimination, terrorism or child pornography, and comply with strict legal regulations on the disclosure of commercial communications. It is important to stress, however, that even if meeting the above criteria, educational institutions, research institutes, museums, theatres, cultural organisations, government bodies, political parties or businesses and entrepreneurs who promote their own products or services would not be considered as key influencers.

It is also legally noteworthy that at the end of 2024, the Spanish Council of Ministers approved a new draft law regulating the right of press rectification, which would replace the current Spanish law of 1984. The government would also extend the scope of the new law to influencers considered as key influencers, to allow false or inaccurate information that harms individuals to be corrected in the online space. The draft law has, however, come in for a fair amount of criticism, mainly because the procedural and implementing rules are rather vague and thus, in many people’s view, fall short of the standard of clarity.

4.2 The differences and similarities in European national regulations

As can be seen from the above overview, European countries are looking at different ways to regulate influencers (Ekinci *et al.*, 2025). The key differences and similarities in regulation are summarised in Table 1 below.

Table 1. Key differences and similarities in regulations of EU countries.

Country	Regulatory year	Regulatory authority	Regulatory addressee	Terms and conditions	Sanctions	Education
Netherlands	2022	ACM	professional influencers	5 conditions	fine	information campaign, complaint route
Germany	2022	no consolidating authority	all influencer	no threshold	fine	private guide
United Kingdom	2023	ASA, CMA	all influencer	no threshold	blacklist, investigation	common campaign
France	2023	DGCCRF	anyone who engages in advertising	1 condition	marking obligation	no data
Italy	2023	AGCOM	1M+ followers	3 conditions	content restriction	no data
Spain	2024	CNMC	key influencers	2 conditions	record keeping, strict rules	no data

5. The spread and legal regulation of influencers in Hungary

Literature dates the emergence of the international influencer market to the second half of the 2010s, a period during which it became commonplace for brands to globally exploit the potential of social media and include key players with visibility, reach and popularity on their platforms in their media campaigns. Some have argued since the late 1990s about a paradigm shift unfolding in the advertising industry, with mass communication and mass

media being pushed to the background and replaced by individual groups and personalised media. In Hungary, however, the influencer industry emerged only in 2015, when the Media Hungary Conference was held, at which the economic role of internet celebrities was discussed for the first time (Guld, 2023). It took two years for the Hungarian Competition Agency to react to the new market trends: in 2017, it published a Recommendation outlining a framework for a definition of influencers and recommendations on the transparency of their advertising activities. This was necessary because today there is no specific legislation regulating influencers in Hungary, despite the fact that an entire industry has been built around them. This, however, does not mean that there is no legislation that influencers have to comply with.

6. The legal environment related to influencers in Hungary

Although there is no dedicated act on influencers in Hungary today, there are still a number of legal norms they must comply with. These laws are found primarily in the areas of advertising and consumer protection, but in the case of underage influencers, there are also child protection laws to be taken into account. In particular, *Act 47 of 2008 on the prohibition of unfair commercial practices* and *Act 48 of 2008 on economic advertising* are important for influencers, as they define the legality of advertising, the rules on the publication of sponsored content and the prohibition of misleading consumers (Munch, 2024).

The above-mentioned GVH Recommendation states, among other things, that influencers must comply with laws regulating fair trading practices, such as clearly indicating in their published content whether it is produced in exchange for consideration. The “consideration” in this case is not necessarily money: it can also be payment in kind, such as the use of a car, free use of products or gift cards. The following hashtags have been suggested by the GVH to indicate paid collaborations: #commercial, #advertising or #sponsoredcontent. It also regulated that the fact of the sponsorship must be clearly indicated at the beginning of the content, though it cannot and must not be hidden.

The GVH also stressed that consumers must not be misled: it specifically prohibits the communication of false or exaggerated claims and states

that special attention must be paid to advertising targeted at children; for example, advertising that exploits children's credulity and challenges that may be dangerous or harmful to health must not be promoted. In addition, stricter rules must be followed when advertising certain products, such as medicines: for example, an influencer cannot claim that a product is guaranteed to cure or be effective.²

In November 2022, the GVH updated the 2017 Recommendation, providing more detailed guidance and practical examples to help influencers and the agencies they work with. This was prompted by the rise of new platforms as potential advertising places and the emergence of new influencers. In the new briefing, the GVH has already recognised the need to broaden the definition of 'influencer' and to define in concrete terms the extent of the responsibility between influencers and advertising agencies.

In creating the definition, neither the new nor the old Recommendation includes a reference to follower count or reach as a criterion for being classified as an influencer. Unlike in other European countries, the focus is on the commercial practices of the person concerned. The number of followers is only relevant in terms of which authority is responsible for the influencer: the National Authority for Trade and Consumer Protection is responsible for dealing with infringements of influencers with a smaller number of followers, while the GVH is responsible for monitoring the activities of influencers with a larger number of followers (Schönherr Hetényi, 2022).

The GVH Recommendation also presents important facts on the issue of liability. It states, for example, that influencer marketing is a multi-stakeholder market involving the influencer, the consumer and the advertiser. The relationship between them determines the degree of liability, depending on the role played by each in the advertising campaign. The influencer's liability can be of two types: if the influencer has a direct interest in the sale, interest-based liability applies, but if the influencer has no direct interest, their liability is publisher-based. That means that if the influencer has a direct interest for selling items, their liability for the infringement is primary, but if they publish the content without direct interest, their liability is secondary. According to the GVH, influencers are directly responsible for clearly indicating the fact of paid content, so as not to mislead their followers and to comply with the aforementioned legislation. It is the responsibility of the advertising agency and the advertiser to provide the influencer with content guidelines where possible. If this is done, the

² The 2022 Polish Recommendations are very similar (cf. Wiszniewska, 2025, pp. 67–68).

agency and the advertiser can be held liable in the event of an infringement. If both parties jointly develop the advertisement, they are jointly responsible for its content and legality (GVH, 2022).

The level of sanctions for infringements may vary. The GVH did not initially impose fines and its investigations ended with commitments. However, these commitments have been ignored over time and fines have been imposed on several occasions, amounting to millions of euros. In other cases, the maximum fine was set at ten percent of the company's net turnover for the financial year (Schönherr Hetényi, 2022). The GVH has kept the issue of online influencers on the agenda since the publication of its Recommendations: it publishes podcasts, holds talks and workshops and releases press materials to make stakeholders aware of the legal aspects of influencers and their marketing.

The GVH and the National Media and Infocommunications Authority may investigate the activities of influencers in cases falling within their remit. At the time of its Recommendation in 2017, the GVH had not yet imposed fines on the investigated subjects: the investigations were concluded with an acceptance of responsibility, which was subsequently verified by the GVH. Subsequently, however, competition proceedings were initiated on several occasions (Barnóczki, 2024), and these revealed that popular influencers had mostly failed to mention the fact of cooperation in their content, or had not mentioned it at all.

However, it was not only the case with Hungarian influencers. In 2024, the GVH was also involved in a joint investigation by the European Commission and the International Consumer Protection and Enforcement Network (ICPEN, 2024), consisting of the national consumer protection authorities of 22 Member States. A total of 576 influencers were investigated: 97% published commercial content, but only 20% systematically reported this and 38% did not indicate any cooperation. The number of influencers who clearly indicated to consumers, in compliance with the law, that they had published their posts for a fee was insignificant. In Hungary, the GVH investigated 28 influencers, but only 20% of them complied with the rules on advertising. In addition, a quarter of the opinion leaders never or very rarely included the required information in the content they display (GVH, 2024). The ethical dimension of influencing is also highlighted in the document as a field that should be more carefully examined in the future to protect users from unfair competition practices (Grgurić Čop, 2023). In this context, the possibility of collaboration with professional organisations is raised by some, alongside

possible ways of self-regulation: together, these two could be effective in shaping and stabilising the ethical framework of the industry.

7. Conclusion

The role of influencers in digital communication has grown exponentially over the past decade, creating new legal and ethical challenges for the European Union and its Member States. Influencers shape consumer behaviour, public discourse and even political opinion, which makes transparency, consumer protection and the regulation of commercial communications a top priority for regulators (Goanta and Ranchordás, 2020). The authors agree with Cristina González-Díaz and Natalia Quintas-Froufe (2024) who point out that there is no legislation in this area and self-regulation and policy recommendations are in their infancy.

This article has shown that while the EU has established a general framework through the Audiovisual Media Services Directive and the *Digital Services Act*, national approaches vary widely. Some countries, such as France, Spain or Italy, have moved towards comprehensive statutory regulation, while others, including Germany and the UK, rely more heavily on case-law or guidance by competition and advertising authorities. These regulatory experiments highlight different ways of addressing the same problems: how to clearly label advertising, protect minors, allocate liability and ensure fair competition.

For Hungary, where no dedicated influencer law exists, these examples are more than comparative curiosities: they provide possible models and caution. The current Hungarian framework is based on general advertising and consumer protection rules, supplemented by the GVH's Recommendations. This approach is pragmatic but leaves important questions, such as how liability is shared in multi-stakeholder influencer marketing, unresolved. The steady growth of the industry is illustrated by the ever-increasing revenues generated: for example, influencer marketing activities in Hungary already accounted for 8.1 billion Hungarian forints of the 2024 digital media budget (Papp, 2025). Moreover, the pace of change in this area is so rapid that there is now a discourse not only about influencers but also about “defluencers” (Karimi, 2023), whose aim is to draw attention to the unethical and misleading behaviour of influencers who encourage constant consumption in the online environment.

The comparative analysis suggests that Hungary (and countries without a comprehensive statutory regulation) may soon need to decide whether incremental reliance on competition law is sufficient or whether a dedicated regulatory framework is required. At the same time, the Hungarian example also illustrates the potential value of non-legislative measures, such as guidelines, education and collaborative enforcement, which are increasingly adopted across Europe. Beside these, depending on the current legislation in every country, various forms of action could be used:

- Adopting specific legislation on influencers;
- Implementing existing consumer protection legislation;
- Publishing guides and codes of conduct to establish good practices;
- Using digital control and enforcement tools;
- Providing training and certification for influencers;
- Raising awareness and supporting consumers;
- Facilitating compliance on platforms through standardised dissemination tools (Hernandez Bataller and Palmieri, 2023, p. 6).

From a practical perspective, the Hungarian legislator should take steps towards codifying clear advertising labelling requirements in binding legal provisions, rather than relying solely on soft-law recommendations. It should also clarify how liability is allocated among influencers, agencies and advertisers, in order to ensure accountability throughout the marketing chain. Clear attention should be given on protecting minors, both as a vulnerable audience and as underage influencers who may themselves be exploited. Effective enforcement will require strengthening the capacity of national competition, consumer protection or advertisement authorities (such as the GVH), equipping them with the needed legal tools and sanctioning powers to respond quickly to violations. Finally, hard law should be complemented by co-regulatory and self-regulatory mechanisms, fostering collaboration with professional associations and platforms to promote ethical standards and awareness among both influencers and consumers. Beside all these, soft-law measures (guidance, industry codes of conduct and recommendations) can complement formal legislation, promoting ethical behaviour and awareness without destroying innovation.

In short, the question is not only whether influencers are a new phenomenon, or whether gaps and differences in regulation exist, but what do these differences mean for every country. We do think and hope that the regulators can and should learn from the diverse European experiments. By adopting clear advertising standards, ensuring effective enforcement and fostering

cooperation with platforms and professional organisations, Member States can avoid regulatory fragmentation, they could better protect their citizens as consumers as well as position their countries as a valuable participant in the constantly evolving European digital ecosystem.

Gergely Gosztonyi is a full professor, a Hungarian lawyer and media researcher. He is the head of the Digital Authoritarianism Research Lab (DARL) at the Faculty of Law of Eötvös Loránd University (ELTE), Hungary. His research interests include the global regulation of social media, censorship, deepfake, alternative media and the liability of intermediaries. Since 2015, he has been the lead coach of the Hungarian team for the Monroe E. Price Media Law Moot Court Competition. He has served as an expert on various occasions for the Council of Europe, the National Media and Infocommunications Authority and the National Talent Centre. He is editor of several law journals and has published over 200 articles in Hungarian and international law journals.

Rita Szabó-Gödrö is a doctoral candidate at the Doctoral School of Demography and Sociology, Faculty of Humanities and Social Sciences, University of Pécs (PTE), Hungary. She completed her bachelor's and master's degrees at the same institution. Her doctoral research explores the impact of the digital media environment on journalism. Since 2019, she has also worked as an investigative journalist alongside her academic studies.

References

- Act 13/2022 on Audiovisual Communications (Spain)* (2022) BOE-A-2022-11311, 8.7.2022.
- Act No. 2023-451 of 9 June 2023 on the regulation of commercial influence and the fight against the abuse of influencers on social media (France)* (2003) The French Influencers Act, 9.6.2023.
- Annabell, T. (2025) 'DSA audits: how do platforms compare on influencer marketing disclosures?', *DSA Observatory*, 2 June. Available at: <https://dsa-observatory.eu/2025/06/02/dsa-audits-how-do-platforms-compare-on-influencer-marketing-disclosures> (Accessed: 25 August 2025).
- Annabell, T., Goanta, C., Kelder, T. and Pflücke, F. (2025a) 'Sponsored by the state: the private regulation of government influencers', *Journal of Consumer Policy*, 48(4), pp. 1–33. Available at: <https://doi.org/10.1007/s10603-025-09598-x>

- Annabell, T., Kelder, T., van de Kerkhof, J., Gui, H. and Goanta, C. (2025b) 'Influencer as individual and trader: exploring the boundaries of discrimination in influencer marketing from a multidisciplinary perspective', *Continuum*, 39(6), pp. 1–16. Available at: <https://doi.org/10.1080/10304312.2025.2518967>
- ASA (no date) *Non-compliant social media influencers*. Advertising Standards Authority. Available at: <https://www.asa.org.uk/codes-and-rulings/non-compliant-social-media-influencers.html> (Accessed: 25 August 2025).
- ASA (2024) *Influencers' guide to making clear that ads are ads*, 23 March. Advertising Standards Authority. Available at: <https://www.asa.org.uk/resource/influencers-guide.html> (Accessed: 25 August 2025).
- Barnóczki, B. (2024) 'Whisper Ton, Forstner Csenge és Fördös Zé is fennakadt a GVH szűrőjén' [Whisper Ton, Forstner Csenge and Fördös Zé also got caught in the GVH filter], *Telex*, 21 May. Available at: <https://telex.hu/gazdasag/2024/05/21/whisper-ton-forstner-csenge-fordos-ze-es-meg-harom-magyar-influenszerrel-szemben-inditott-eljarast-a-gvh> (Accessed: 25 August 2025).
- Capello, M. (ed) (2021) *Mapping of national rules applicable to video-sharing platforms: illegal and harmful content online*. Strasbourg: European Audiovisual Observatory.
- CMA (2019) *Social media endorsements: summary of undertakings*. Competition and Markets Authority, 23 January. Available at: https://assets.publishing.service.gov.uk/media/5c474d4840f0b6172bad845e/summary_of_undertakings_for_celeb_endorsements.pdf (Accessed: 25 August 2025).
- Dąbrowski, Ł.D. and Suska, M. (eds) (2022) *The European Union Digital Single Market: Europe's digital transformation*. Abingdon: Routledge. Available at: <https://doi.org/10.4324/9781003262534>
- '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') (2000) *Official Journal* L 178, 17.7.2000, pp. 1–16.
- 'Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)' (2010) *Official Journal* L 95, 15.4.2010, pp. 1–24.
- 'Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities, PE/33/2018/REV/1' (2018) *Official Journal* L 303, 28.11.2018, pp. 69–92.

- Durmuş Şenyapar, H.N. (2024) 'A comprehensive analysis of influencer types in digital marketing', *International Journal of Management and Administration*, 8(15), pp. 75–100. Available at: <https://doi.org/10.29064/ijma.1417291>
- Ekinci, Y., Dam, S. and Buckle, G. (2025) 'The dark side of social media influencers: a research agenda for analysing deceptive practices and regulatory challenges', *Psychology & Marketing*, 42(4), pp. 1201–1214. Available at: <https://doi.org/10.1002/mar.22173>
- European Union (2023) 'Influencer Legal Lab'. Available at: https://commission.europa.eu/live-work-travel-eu/consumer-rights-and-complaints/influencer-legal-hub_en (Accessed: 3 August 2025).
- Federal Court of Justice (Germany) (2021) Judgment of the Federal Court of Justice, Civil Chamber I of 9 September 2021. Bundesgerichtshof Urteil des I. Zivilsenats vom 9.9.2021, I ZR 90/2.
- Goanta, C. and Ranchordás, S. (2020) 'The regulation of social media influencers: an introduction', in C. Goanta and S. Ranchordás (eds) *The regulation of social media influencers*. Cheltenham: Edward Elgar, pp. 1–20. Available at: <https://doi.org/10.4337/9781788978286.00008>
- González-Díaz, C., Quiles-Soler, C. and Quintas-Froufe, N. (2024) 'The figure of the influencer under scrutiny: highly exposed, poorly regulated', *Frontiers in Communication*, 9(1), pp. 1–13. Available at: <https://doi.org/10.3389/fcomm.2024.1454543>
- González-Díaz, C. and Quintas-Froufe, N. (2024) 'Regulating influencers' commercial communication: no legislation, hardly any self-regulation and policy recommendations', *Policy & Internet*, 16(4), pp. 859–878. Available at: <https://doi.org/10.1002/poi3.411>
- Gosztonyi, G. and Gyetván, D. (2025) 'The applicability of neomedievalism, technofeudalism and sovereignty in contemporary internet governance', *Ethical Space: International Journal of Communication Ethics*, 22(1–2), pp. 31–46. Available at: <https://doi.org/10.21428/0af3f4c0.7a5fc4d8>
- Grgurić Čop, N., Culiberg, B. and First Komen, I. (2023) 'Exploring social media influencers' moral dilemmas through role theory', *Journal of Marketing Management*, 40(1–2), pp. 1–22. Available at: <https://doi.org/10.1080/0267257X.2023.2241468>
- Guld, Á. (2021) *Sztárok, celebek, influencerek* [Stars, celebrities, influencers]. Cluj-Napoca: Erdélyi Múzeum Egyesület.
- Guld, Á. (2023) 'Influencer agencies: the institutionalization of the digital attention economy', *Acta Universitatis Sapientiae, Social Analysis*, 13(1), pp. 142–157. Available at: <https://doi.org/10.2478/aussoc-2023-0010>
- GVH (2017) '#GVH#Megfeleles#Velemenyvezer', Gazdasági Versenyhivatal, 20 November. Available at: https://www.gvh.hu/data/cms1037278/aktualis_

- hitek_gvh_megfeleles_velemenyezer_2017_11_20.pdf (Accessed: 25 August 2025).
- GVH (2022) 'Tájékoztató az influencerszer marketingről' [Information about influencer marketing], Gazdasági Versenyhivatal, 10 November. Available at: https://gvh.hu/pfile/file?path=/szakmai_felhasznaloknak/tajekoztatok/Tajekoztato_az_influenszer_marketingrol.pdf (Accessed: 25 August 2025).
- GVH (2024) '#Confusion—there is chaos in the advertising of influencers across Europe' [#Zűrzavar—Európa-szerte jókora káosz van az influencerszerek reklámozásában] Gazdasági Versenyhivatal, 14 February. Available at: <https://gvh.hu/sajtoszoba/sajtokozlemenyekek/2024-es-sajtokozlemenyekek/zurzavar-europa-szerte-jokora-kaosz-van-az-influenszerek-reklamozasaban> (Accessed: 25 August 2025).
- Hernandez Bataller, B. and Palmieri, S. (2023) *Advertising through influencers and its impact on consumers*, INT/1026-EESC-2023-01658-00-01-AC-TRA. Brussels: European Economic and Social Committee. Available at: <https://dm-publicapi.eesc.europa.eu/v1/documents/EESC-2023-01658-00-01-AC-TRA-EN.docx/content> (Accessed: 25 August 2025).
- IAB (2024) 'Bemutatták az első 360 fokos kutatást a magyarországi influencerszerpiacról' [First 360-degree research on the Hungarian influencer market presented], *IAB Hungary*, 10 May. Available at: <https://iab.hu/2024/05/10/bemutattuk-az-elso-360-fokos-kutatast-a-magyarorszagi-influencerpiacrol> (Accessed: 25 August 2025).
- ICPEN (2024) 'Investigation of the Commission and consumer authorities finds that online influencers rarely disclose commercial content', *International Consumer Protection and Enforcement Network (ICPEN)*, 16 February. Available at: <https://icpen.org/news/1350> (Accessed: 25 August 2025).
- Karimi, F. (2023) 'Forget the influencers: here come the "deinfluencers"', *CNN US*, 11 June. Available at: <https://edition.cnn.com/2023/06/11/us/deinfluencing-tiktok-trend-explained-cec> (Accessed: 25 August 2025).
- Kolsquare (2024) *Navigating influencer marketing laws in Germany: the complete guide*, 30 April. Available at: <https://www.kolsquare.com/en/free-ressources/navigating-influencer-marketing-laws-in-germany-the-complete-guide#target-form> (Accessed: 25 August 2025).
- 'Legislative Decree of 8 November 2021, No. 208' (Italy) (2021) Article 6 (2) a.
- Lékó, A. (2024) 'Az influencerszerek tevékenységének jogi szabályozása' [Legal regulation of influencer activities], *Magyar Jog*, 71(3), pp. 145–157. Available at: <https://magyarjogfolyoirat.hu/mj/article/view/mj202403-3> (Accessed: 25 August 2025).
- Merkovity, N. (2018) 'Introduction to attention-based politics', *Przegląd Politologiczny*, 8(4), pp. 47–60.

- Munch, E. (2024) *National rules applicable to influencers*. Strasbourg: European Audiovisual Observatory.
- Papp, P. (2025) '8,1 milliárd forint: ennyit költöttek influenszerekre itthon 2024-ben' [HUF 8.1 billion: that's how much was spent on influencers in 2024], *Kreatív*, 28 March. Available at: <https://kreativ.hu/cikk/iab-reklamkoltes-2024-infleunszer-marketing-8-1-milliard> (Accessed: 25 August 2025).
- '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), PE/30/2022/REV/1' (2022) *Official Journal* L 277, 27.10.2022, pp. 1–102.
- Royal Decree No. 444/2024, which aims to regulate the requirements for the qualification of the key influencers of video-sharing services via platform, in accordance with the provisions of Article 94 of the Act 13/2022 on audiovisual communications (Spain)* (2024) 30.4.2024.
- Schönherr Hetényi (2022) 'Mit tehet az influenszer és mit nem? – jogszerűen működő véleményvezérek—részletes iránymutatást tesz közzé a GVH az elvárásokról!' [What can the influencer do and what not? Legitimate opinion leaders—GVH publishes detailed guidance on expectations!], *Jogi Fórum*, 11 October. Available at: <https://www.jogiforum.hu/hir/2022/10/11/jogszeruen-mukodo-velemenyevezerek-reszletes-iranymutatast-tesz-kozze-a-gvh-az-elvarasokrol> (Accessed: 25 August 2025).
- Senftleben, M. (2024) 'Protection against unfair competition in the European Union: from divergent national approaches to harmonized rules on search result rankings, influencers and greenwashing', *Journal of Intellectual Property Law & Practice*, 19(2), pp. 149–161. Available at: <https://doi.org/10.1093/jiplp/jpad123>
- Unfair Competition Act (Germany)* (2024) *Gesetz gegen den unlauteren Wettbewerb*. BGBl. 2024 I No. 149.
- Wiszniewska, J. (2025) 'Influencer marketing—do we need a new law or a new approach? Few remarks from the European and Polish perspective', *Masaryk University Journal of Law and Technology*, 19(1), pp. 57–73. Available at: <https://doi.org/10.5817/MUJLT2025-1-3>
- Xu, X. (2023) 'Influencer marketing with social platforms: increasing brand awareness and user engagement', *Journal of Education, Humanities and Social Sciences*, 19(1), pp. 228–234. Available at: <https://doi.org/10.54097/ehss.v19i.11039>