

Full title of regulation	<p>INFLUENCER ADVERTISING 2025 CODE OF CONDUCT</p> <p>From the Association of Spanish Advertisers (AEA), Autocontrol and IAB Spain. This is an unofficial and non-binding translation. As with all regulation, only the version in its original language has force: Footnotes are excluded. See original.</p> <p><a href="https://www.autocontrol.es/app/uploads/codigo-de-conducta-de-publicidad-a-traves-de-influencers-2025.pdf">https://www.autocontrol.es/app/uploads/codigo-de-conducta-de-publicidad-a-traves-de-influencers-2025.pdf</a></p>
Title of section	Introduction, Ethical Standards, Rules of Application, Annex 1
INTRODUCTION	
	Advertising via Influencers involves the promotion of specific brands, products, or services via influencers, utilising the positive impact they can have on consumer perceptions.
Influencers	<p>In general, an influencer can be defined as a natural or legal person acting alone or via a virtual entity, a content creator, with sufficient scope of influence in digital platforms (such as Facebook, Instagram, TikTok, Twitch, YouTube, or X, among others). Although they can be identified in different ways, they are sometimes also referred to as "bloggers," "vloggers," "Youtubers," "Instagrammers," "Tiktokers," and/or "streamers."</p> <p>.....</p>
Influencer advertising	<p>The boom in Influencer advertising, or influencer marketing, is not just because of the emergence of new platforms and audience engagement models; advertising investment in this discipline has also grown. In the 2024 IAB Spain Digital Media Advertising Investment Study, there was a 23.9% growth in investment in online influencer marketing compared to the previous year, reaching an outlay of €79.2 million in 2023. This growth is, in percentage terms, the highest after connected TV and digital audio, surpassing other more established growth elements such as investment in search, social media, and display. Furthermore, growth is sustained, since the same study for 2023 already noted a growth of 22.8% over 2022. The aforementioned data includes all advertising investment destined for influencer marketing in the digital environment, only taking into account online and non-physical investment, which elements belong to the 'Controlled Investment' category. (This Information is provided by the study participants, which included influencer representation agencies).</p> <p>In practice, influencers' commercial activity, when carried out in collaboration with brands for the publishing of content, involves, among other things, the mentioning of products or services, placing products in their messaging, engaging in the production of content, or disseminating content related to the product or service for the purpose of promoting same.</p> <p>The use of this advertising strategy is a priori (<i>note: meaning literally 'from what is earlier', i.e. a simple logical conclusion based on self-evident truths</i>) lawful, without prejudice to the fact that it, like any other advertising activity, is subject to legislation in force and, in particular, to what legal doctrine has termed the "principle of authenticity" or the "principle of identification of advertising," derived from the prohibition of covert advertising in the Unfair Competition Law and other sectoral regulation. To avoid covert advertising situations, consumers must be able to recognise when they are faced with promotional content, differentiating it from</p>

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other content that influencers may disseminate.

## 2020 Code

In 2020, the Spanish Association of Advertisers (AEA) and the Association for the Self-Regulation of Commercial Communication (AUTOCONTROL), aware of these circumstances and committed from the outset to promoting responsible advertising, promoted the first version of this Code of Conduct in order to establish a set of rules that would bind all members of the AEA and AUTOCONTROL, as well as any other companies in the sector (advertisers, agencies, representatives, media) or influencers who voluntarily adhere to it.

In the five years since its entry into force, the Code has proven to be a useful tool for improving the quality of influencer advertising. Evidence of this is the constant incorporation of new members, including IAB Spain and its associates. Committed to the Code's objectives, this association is now joining as a co-owner alongside the AEA and AUTOCONTROL.

Over the years that the Code has been in force, the AUTOCONTROL Advertising Jury, responsible for resolving any claims that may arise for non-compliance with the ethical standards of the Code, has developed extensive doctrine relating to its criteria for interpretation and application, which is incorporated in this second version with the aim of helping members to ensure that their advertising complies with its principles.

Furthermore, regulatory changes have occurred over the years, which made it advisable to update the Code and which have led to the present version.

## Europe

At the European level, it is worth highlighting, on the one hand, the approval of the Digital Services Act, which establishes some of the requirements for advertising on online platforms and emphasises the need for service recipients to be able to identify, clearly, concisely, unambiguously, and in real time, any advertising in content. On the other hand, the new version of the Guide on the interpretation and application of the Digital Services Act (DSA) of the Directive on unfair commercial practices dedicates a specific section to marketing through influencers.

Similarly, the European Commission has implemented various initiatives related to influencer advertising that are worth considering. For example, the Digital Fitness Check (in full, the EU Consumer Law Digital Fairness Fitness Check), whose intent was to analyse whether current EU consumer protection laws are sufficient to ensure a high level of security in the digital environment, describes the issues that need to be addressed in relation to influencer advertising. The Influencer Legal Hub is a collection of audiovisual materials and texts designed to provide basic guidelines on European consumer protection regulations. These materials are intended for influencers, as well as content creators, advertisers, and agencies, and have been developed to inform them about the obligations with which they must comply, as well as consumer rights in this area.

## National law

At the national level, the General Law on Audiovisual Communication - which came into force in 2022 - extended its scope of application to video sharing services through platforms and to users of special relevance who use said services. Accordingly, those users who meet the requirements to be considered such users, are also considered providers of an audiovisual communication service, being obliged to register in the State Registry of Providers of Audiovisual Communication Services, being subject to the control and sanction of the National Commission of Markets and Competition (CNMC), and obliged to comply with additional regulations in relation to their commercial communications. In 2024, the Royal

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<p>ICC and EASA</p>	<p>Decree that specifies the requirements to be considered a user of special relevance came into force.</p> <p>Similarly, with regard to these particularly important users, the General Law on Audiovisual Communications expressly encourages the adoption of self-regulatory codes of conduct - such as this one - in order to comply with the obligations imposed on them, particularly those relating to commercial communications that accompany or are included in their audiovisual content.</p> <p>In terms of self-regulation, it is worth noting the new edition of the Advertising and Marketing Communications Code of the International Chamber of Commerce (ICC), which includes specific provisions for advertising via influencers.</p> <p>For its part, the European Advertising Standards Alliance (EASA), a body that encompasses the European national self-regulatory bodies and the main associations representing the advertising industry and of which AUTOCONTROL is a member, has published an update of its Recommendation of good practices on influencer marketing and has launched the DiscloseMe tool to help influencers, advertisers, and agencies understand how to properly identify influencer advertising in accordance with the statutory regulations and codes of conduct in force in each country.</p>
<p>ETHICAL STANDARDS</p>	
<p>1. SCOPE</p>	<p>Companies associated/ affiliated with the AEA, AUTOCONTROL, and IAB Spain, as well as influencers, influencer agencies, advertising agencies, and other companies that adhere to this Code, undertake that in their commercial communications they will comply with the rules included herein.</p>
<p>2. REGULATORY COMPLIANCE</p>	<p>The content of advertising messages must comply with applicable statutory and ethical regulations, paying special attention to sectoral advertising regulations in categories such as alcoholic beverages, gambling, financial products and services, etc. Users of special relevance within the scope of the General Law on Audiovisual Communication must also comply with the provisions of this Law, as well as those of its implementing regulations, with respect to the audiovisual commercial communications they distribute.</p>
<p>3. PROMOTION OF THE CODE</p>	<p>Companies adhering to this Code will inform influencers of its existence and encourage them to join. The need for compliance with these ethical standards will be included in any agreements or contracts established with influencers. For these purposes, the model agreement for the provision of influencer services and transfer of image rights prepared by the AEA may be used.</p>
<p>4. IDENTIFICATION OF ADVERTISING CONTENT</p>	<p>For the purposes of this Code, advertising mentions or content shall be considered to be all those mentions or content - graphic, audio or visual - that, cumulatively:</p> <ul style="list-style-type: none"> <li>a. are aimed at promoting products or services, and</li> <li>b. are disclosed within the framework of collaborations or reciprocal commitments, with the disclosure of said content being subject to payment or other consideration, as defined in Rule Five of this Code, by the advertiser or its representatives.</li> </ul> <p>Mentions or advertising content will also be considered those that are aimed at promoting products or services marketed under distinctive signs owned by the influencer.</p>

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In the absence of conclusive evidence, the existence of advertising may be confirmed after assessing the presence of signals derived from the nature of the mention or content, or from the circumstances in which the dissemination of such content takes place. Such signals may include:

- Evidence of prior or future collaboration between the brand and the influencer.
- The existence, within the same time period, of identical or similar messages, content, or hashtags related to a particular brand, disseminated by other influencers or by the brand in its own or third-party media or networks.
- The mention of specific prices for products or services from a particular brand or advertiser, or the presence of discount codes for a particular brand's products or services.
- The direct appeal to purchase the products or services of a particular brand or advertiser.
- Repeated references in the message to the products or services of a specific advertiser or brand, omitting any reference to competitor similar products or services.
- The existence of editorial control over the disseminated content meaning, for example, when the advertiser or its agents make comments or suggestions regarding the tone, structure, or direction of the message; when a positive review or opinion is requested; when a specific number of posts on a particular digital platform is required; or when a request is made to display or mention the product or service in a post.
- Repetition of messages or content related to the products or services of a particular brand.
- The prominence or focus given to a specific advertiser or brand.
- The use of a markedly laudatory tone toward the products or services of a particular advertiser or brand and, in addition, expressing gratitude to a particular brand.
- Lack of novelty or editorial or personal interest in the content (i.e. the content contains nothing other than the promotion of a particular brand's product or service).
- The presence of affiliate links to the products or services of a particular brand or advertiser.

On the other hand, content of a purely editorial or personal nature will not be considered advertising and this Code will not apply to it.

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## 5. CONSIDERATION

For the purposes of rule 4.b of this Code, the following shall be judged to be consideration, among others: direct payment (or indirect payment through agencies), free delivery of a product, free entry to events, free provision of a service - including those that are complementary such as, for example, make-up, hairdressing, courtesy vehicle, accommodation or catering - affiliate links, gift vouchers, gift bags and trips.

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## 6. DUTY TO IDENTIFY

The mentions made by influencers that include advertising, or of their disseminated digital content that is considered to be advertising, must be identifiable as such to their recipients.

In those cases where the advertising nature of the mention is not clear and evident from the mention or content itself, an explicit, immediate and appropriate communication of the advertising nature of such mentions or content must be

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included, apposite to the medium and message.

*Note: we have included below the original Spanish as these are the terms that will need to be used, obviously, and the translations can lead to misunderstandings, e.g. the use of 'ad' and 'advertising' outlined under b and c points below*

- a) To this end, it is recommended to use the mechanisms offered by the digital platforms themselves to identify content as advertising. For example, "includes promotional content" on YouTube, "promotional content" or "paid collaboration" on TikTok, or "paid collaboration with [brand]" on Instagram. *A tal fin, se recomienda el uso preferente de los mecanismos ofrecidos por las propias plataformas digitales para identificar un contenido como publicitario. Por ejemplo, "incluye contenido promocional" en YouTube, "contenido promocional" o "colaboración de pago" en TikTok o "colaboración pagada con [marca]" en Instagram.*
- b) Clear generic terms such as "advertising," "ad" "in collaboration with," "paid collaboration," "Brand Ambassador," or "sponsored by" should be used. *Se deben usar indicaciones genéricas claras tales como: "publicidad", "publi", "en colaboración con", "colaboración pagada", "Embajador de [marca]" o "patrocinado por".*
- c) On the other hand, generic or unclear indications such as: "information", "legal", "Colab", "Sponsorship", "sp", "Thanks to [brand]", "Gift from [brand]", "Sponsored trip", etc., or indications in a language other than that of the communication such as "Ad" or "Advertising" should not be used. The mere inclusion of the brand's hashtag will not, per se, be sufficient to identify the advertising nature of the content. *Por el contrario, no se deben utilizar indicaciones genéricas o poco claras tales como: "información", "legal", "Colab", "Sponso", "sp", "Gracias a [marca]", "Regalo de [marca]", "Viaje patrocinado", etc., o indicaciones en un idioma distinto al de la comunicación tales como "Ad" o "Advertising". La simple inclusión del hashtag de la marca no será, per se, suficiente para identificar el carácter publicitario del contenido.*
- d) Communication on the advertising nature of the mention or content must be inserted at the beginning of the commercial message in an easily visible manner. Consequently, indications that appear mixed with other forms of information (for example, next to other hashtags) or that require an action from the user (for example, clicking on "see more" or "more") will not be sufficient.

Annex I provides recommendations on how to identify the advertising nature based on the digital platform.

- e) When content subject to this Code is shared or reposted on other networks, platforms, or websites, communication regarding its advertising nature must be maintained or added, as appropriate.
- f) In the case of audiovisual commercial communications distributed by users of special relevance, the provisions on the identification of commercial communications that apply depending on the type of commercial communication in question, in accordance with the General Law on Audiovisual Communication and its implementing regulations, must be observed.

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## 7. INTERPRETIVE

For the purposes of interpreting this Code, it will be taken into account that, as provided for in the second section of article 7 of Law 3/199 on Unfair Competition,

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CONSIDERATIONS	<p>when the means of communication used imposes limitations of space or time, in order to assess whether there is an omission of information, these limitations and all measures adopted by the entrepreneur or professional to convey the required information by other means will be taken into account.</p> <p>Similarly, in the absence of an objectively defined profile, the average profile of a consumer who is accustomed to following an influencer will be understood to be an active consumer who is knowledgeable about new information technologies, averagely engaged and informed, with sufficient wherewithal to access and understand digital media and the self-sufficiency to search, distinguish, and adapt online content in their browsing process, based on their tastes or interests.</p>
8. MINOR INFLUENCERS AND PROTECTION OF MINORS	<p>Commercial communications made by underage influencers must be based on a contract that provides for the explicit consent of the parents or guardian - who will be responsible - and that protects the minor from any inappropriate exploitation.</p> <p>The contract must also be signed by the minor, giving their consent, if their maturity allows it and in any event for minors between 14 and 18 years of age.</p> <p>Special respect must be given to the right to respect personal and family privacy, and the image of the minor, in accordance with the provisions of Organic Law 1/1982, of May 5, on the civil protection of the right of respect of personal and family privacy and such image.</p> <p>Content in which minors appear must be appropriate to their age:</p> <ol style="list-style-type: none"> <li>It must not include statements or visual presentations that are harmful to their physical, emotional or moral development.</li> <li>It must in all cases respect the general and sectoral legal and ethical regulations regarding minors' participation in commercial communications and commercial communications directed at minors.</li> </ol> <p>In this respect, the mechanisms offered by digital platforms should be used to protect minors from commercial communications that could harm their physical, emotional, or moral development.</p>
9. DISTINCTIVE SIGNS OF THIRD PARTIES	<p>Commercial communications must not contain, either explicitly or implicitly, references to the distinctive signs of third parties, except in cases permitted conventionally or by law, or in legitimate comparative advertising.</p> <p>Thus, reference to third-party trademarks or distinctive signs is subject to strict regulations established in statutory provisions on trademark law and unfair competition.</p>
10. ABSENCE OF BRAND CONNECTION	<p>It is considered to be misleading for influencers to claim or imply that content is sponsored or contracted by a company when there is no agreement with that company.</p>
11. ARTIFICIAL INTELLIGENCE	<p>If commercial communications are generated or modified primarily using artificial intelligence systems, the relevant legal requirements must be met. Furthermore, necessary precautions must be taken to prevent the misleading use of artificial intelligence systems.</p>
12. RESPONSIBILITY	<p>Liability for transgressions of the provisions of this Code may extend to all parties involved in the commercial communications. However, a party may be excused</p>

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from liability if they sufficiently prove that transgression is the result of a specific and manifest failure to comply with the indications or instructions given to the influencer. If it is established that the promotional mention or content was disseminated solely on the influencer's initiative, without any intervention or involvement on the part of the advertiser or their agents, liability, where applicable, may be attributed exclusively to the influencer or their agents.

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## RULES OF APPLICATION

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### A. ASSOCIATION WITH THE CODE

1. Member companies of AEA, AUTOCONTROL and IAB Spain, and other companies that voluntarily adhere to it, undertake to respect the rules set out therein when undertaking their advertising activities with influencers, as well as immediately to abide by and comply with the content of the decisions that the AUTOCONTROL Advertising Jury may issue for the resolution of submitted complaints with regard to this Code.
  2. The list of companies and influencers adhering to the Code will be made public.
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### B. INTERNAL PRIOR CONTROL AND COPY ADVICE®

1. Companies shall establish internal control measures aimed at ensuring compliance with the ethical standards contained in this Code.
  2. In cases where a company or influencer has doubts about the legal or ethical accuracy of a mention or advertising content, they may submit it to AUTOCONTROL's Technical Office for prior review through the voluntary, confidential, and non-binding prior consultation system, which will operate in accordance with its regulations.
  3. To address the particulars of influencer advertising, AUTOCONTROL offers a specific service Copy Advice® Influencer Briefing that facilitates understanding of the legal and ethical accuracy of the briefing that will be provided to them.
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### C. POST CONTROL: ADVERTISING JURY

1. In addition to the companies that have adhered to this Code, the following may file complaints for violations of its rules before the Advertising Jury: the AEA, AUTOCONTROL, IAB Spain, Public Administrations, any company or professional business association, as well as consumer associations and individual consumers, or other persons, entities or groups not included in this list.
  2. For the effective application of this Code and the processing and resolution of any claims that may arise due to the transgression of this Code against the advertising of companies that adhere to it, the AUTOCONTROL Advertising Jury shall be governed in its actions by the principles of independence, transparency, competition, effectiveness, legality, freedom of choice and the right of representation by the consumer and shall proceed in accordance with the provisions of its regulations and with the processes and rates established by AUTOCONTROL.
  3. The decisions issued by the Advertising Jury in application of this Code will be immediately communicated to the interested parties for their compliance.
  4. The decisions will be made public through their publication on the website or other media of the AEA, AUTOCONTROL, and IAB Spain.
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### D. POST CONTROL: MONITORING

1. In addition to other evaluation or monitoring actions that AUTOCONTROL may conduct for the application of this Code, with the agreement of the AEA, AUTOCONTROL, and IAB Spain, AUTOCONTROL may carry out monitoring exercises to assess the degree of compliance with the standards contained in this
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	Code by the companies and influencers adhering to it.
E. MONITORING COMMISSION	1. In order to monitor this Code, a Monitoring Committee will be established with a mixed composition, which will be made up of representatives from the AEA, AUTOCONTROL and IAB Spain and which will meet periodically.
F. ENTRY INTO FORCE	1. This Code of Conduct enters into force on 1 October 2025.

## ANNEX 1

	Remember that, according to the provisions of the Code:
	⇒ It is recommended to use the mechanisms offered by the digital platforms themselves.
	⇒ The influencer must ensure that the form of advertising identification provided by the platform is maintained when the content is shared or reposted. If not, advertising identification must be included in line with the recommendations below.
	⇒ Communicating the advertising identification mixed in with other information, including at the end of a hashtag string, or in a "see more" section, is not sufficient.

## RECOMMENDATIONS

BLOGGER	Include the identifying word or tag in the post title.
DISCORD	Include the identifying word or hashtag in the title or at the beginning of the message or post, or verbally state it before discussing the promoted product or service. Similarly, identifying the promotional nature of the product or service can be included in the channel's title or subtitle
FACEBOOK	<p>Include the identifying word or label in:</p> <ul style="list-style-type: none"> <li>• Publication or post: at the beginning of the text or above the image or video from the beginning.</li> <li>• Story: at the beginning of each story, above the image or video.</li> <li>• Video/Reel: At the beginning of the text or above the image or video from the beginning. In the case of live broadcasts, the indication must be included from the beginning of the promotional messaging.</li> </ul>
INSTAGRAM	<p>Include the identifying word or label in:</p> <ul style="list-style-type: none"> <li>• Publication or post: at the beginning of the text or above the image or video from the beginning.</li> <li>• Story: at the beginning of each story, above the image or video.</li> <li>• Video/Reel: At the beginning of the text or above the image or video from the beginning. In the case of live broadcasts, the indication must be included from the beginning of the promotional messaging.</li> </ul>
PINTEREST	Including the identifying word or tag in the post title or superimposing the identifying word or tag in the content itself.

REDDIT	Include the identifying word or tag in the title of the message, post, or community.
SNAPCHAT	Include the identifying word or tag at the beginning of the message.
SPOTIFY	<p>Include the identifying word or label in:</p> <ul style="list-style-type: none"> <li>• Exclusive audio format: In the description or cover, or by indicating it verbally before talking about the promoted product or service.</li> <li>• Video podcast or clip: from the start of the promotional action. Similarly, the promotional character can be identified in the title of the live broadcast or video or in the description so that the identifying word or tag is immediately visible before accessing the content.</li> </ul>
THREADS	Including the identifying word or hashtag at the beginning of the message or superimposing the identifying word or hashtag on the image or video content itself.
TIKTOK	<p>Include the identifying word or label in:</p> <ul style="list-style-type: none"> <li>• Publication or post: at the beginning of the text or above the image or video from the beginning.</li> <li>• Live: from the start of the promotional action.</li> <li>• Story: at the beginning of each story, above the image or video</li> </ul>
TWITCH	Superimposing the word or identifying tag on the live stream, video, or short while discussing the product or service, or saying it out loud before talking about the promoted product or service.
VLOGS	Overlaying the identifying word or label while discussing the product or service, or stating it out loud before talking about the promoted product or service.
X	Including the identifying word or hashtag at the beginning of the message or superimposing the identifying word or hashtag on the image or video content itself.
YOUTUBE	<p>Include the identifying word or label in:</p> <ul style="list-style-type: none"> <li>• Video, short film, live: This should be included from the start of the promotional campaign. It can also be included live before talking about the promoted product or service.</li> </ul> <p>The tag offered by YouTube may be included whenever the advertising message is broadcast at the same time or at times or sequences close to it.</p> <ul style="list-style-type: none"> <li>• Posts: at the beginning of the text or above the image or video from the beginning.</li> </ul>