



CREATOR RISK INTELLIGENCE

The Signal

Monthly intelligence on Creator Risk, regulatory change, and brand safety incidents. Issue 22 · October 2025

Two years on from Pandorogate, every major European market has active AI-assisted enforcement. The grace period is over. This month we take stock of where each market stands — and what the Digital Fairness Act consultation closing in October means for what comes next.

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01 — HALFWAY: THE STATE OF EUROPEAN CREATOR COMPLIANCE

All markets · Two-year review · October 2025

In January 2024, the European influencer marketing compliance landscape consisted of: the FTC's updated Endorsement Guides in the US, the ASA's complaint-driven enforcement model in the UK, the AGCM's Pandorogate fine as an isolated regulatory action in Italy, and France's ARPP operating with limited monitoring capability. Two years later, the landscape is unrecognisable.

What changed in twenty-two months

France

ARPP deployed AI monitoring at scale. Speech-to-text analysis operational. 194,000 posts reviewed H1 2025. Enforcement shifted to brand-level in H2 2025. Joint liability actively applied.

Italy

AGCM Pandorogate enforcement. Ferragni Law enacted. AGCOM Code of Conduct in force. Criminal prosecution of a creator for fraud. Three concurrent regulatory frameworks operational.

UK

ASA Active Ad Monitoring deployed. Named non-compliers list active. DMCCA in force. CMA powers active. FCA influencer rules in force. Brand-level enforcement confirmed in gifting sweep results.



Germany

UWG private enforcement now routine. Competitor-driven cases the dominant mechanism. Hashtag-cloud disclosure definitively ruled inadequate.

EU-wide

EU AI Act in force. DSA active. UCPD trader classification confirmed across 27 member states. Digital Fairness Act legislative proposal imminent.

USA

FTC Consumer Reviews Rule enacted. Enforcement actions up 340%. Dual liability standard established. FINRA financial services creator enforcement active. Class action wave building.

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Every major market now has active enforcement infrastructure. Two years ago the enforcement probability for influencer non-compliance was genuinely low across most markets. Today it is not. The brands that made decisions in 2023 based on low enforcement probability are operating in a fundamentally different environment — one that they may not yet have updated their risk assessments to reflect.

RECOMMENDED ACTION

If your influencer marketing compliance framework was last reviewed before 2024, review it now. List the regulatory developments since January 2024 that affect your markets. Then ask whether your current process addresses each of them. The ones it doesn't address are your current exposure.



02 — THE DIGITAL FAIRNESS ACT: WHAT THE CONSULTATION SHOWS

EU · Digital Fairness Act · October 2025

The European Commission's consultation on the Digital Fairness Act closed in October 2025. The consultation received 3,341 responses — from brands, platforms, creator organisations, consumer groups, and regulatory bodies. Two-thirds of respondents supported new legislation. The Commission's impact assessment is due Q1 2026. A legislative proposal is expected Q3-Q4 2026.

The Digital Fairness Act as consulted covers a broader scope than any existing single instrument: dark patterns in digital services, influencer marketing transparency obligations, addictive design features, AI content labelling, and advertising targeting to minors. All under one legislative instrument, covering all 27 member states.

For influencer marketing specifically, the consultation documents indicate that the Act is likely to require: registration of high-reach creators as commercial communicators, minimum disclosure standards that exceed current national requirements, and platform obligations to verify compliance rather than simply respond to complaints.

WHAT THE DFA TIMELINE MEANS IN PRACTICE

Impact assessment Q1 2026. Legislative proposal Q3-Q4 2026. Parliamentary process likely 12-18 months. Full enforcement 2028 at the earliest. That timeline is long enough for brands to prepare — but preparation requires understanding what is coming. The consultation documents are public. The direction of travel is clear. Brands that wait for the final law will be managing compliance under pressure.

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The Digital Fairness Act will be the most significant influencer marketing regulatory development in Europe since the GDPR. The consultation has closed. The legislative process is beginning. The brands that are already preparing will have a structural advantage over those that are not.

RECOMMENDED ACTION

Begin mapping your influencer marketing programme against the Digital Fairness Act's likely requirements now. The consultation documents are public. The direction is clear. Brands that prepare before the legislative proposal is published will have significantly more implementation time than those that wait.



03 — REGULATORY SNAPSHOT

Six markets · October 2025

FRANCE	ARPP brand-level enforcement in H2 2025 active. Multiple formal actions against brands confirmed. Speech-to-text operational. Maximum fine €300,000. Joint liability enforcement norm.
GERMANY	UWG enforcement active. Private enforcement dominant mechanism. No new legislation expected near-term — enforcement velocity through existing framework is increasing.
ITALY	Ferragni verdict expected before year end. AGCOM Code operational. Ferragni Law active. Italy now the most comprehensively regulated market in Europe for creator marketing.
UK	DMCCA operational. ASA named non-compliers list growing. CMA active. FCA formal finfluencer enforcement actions confirmed H2 2025. Brand-level accountability firmly established.
EU-WIDE	Digital Fairness Act consultation closed — 3,341 responses, two-thirds support new legislation. Impact assessment Q1 2026. EU AI Act and DSA operational. DFA the dominant near-term legislative risk.
USA	FTC enforcement maintained. Consumer Reviews Rule active. Dual liability standard established. Class action wave continues. FINRA second enforcement action against financial services influencer programme confirmed Q4 2025.

The Digital Fairness Act consultation closing with strong support for new legislation is the most important long-term signal of the month. The Act will reshape EU influencer marketing regulation more comprehensively than any single previous instrument. The consultation is over. The legislative drafting is beginning. This is not a distant horizon.

STAY AHEAD OF THE SIGNAL

The Signal is published monthly by Signal Intelligence. Each issue covers real Creator Risk incidents, regulatory developments, and the intelligence that brand-side teams need before they need it. Subscribe at signalintelligence.consulting — and if this issue was forwarded to you, make sure you're on the list for the next one.