

# IMPACT SHEET

**NOR No of the text(s):** TSSD2516131D

**Title of the text(s):** Decree implementing Article 5(II) of Law No 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating abuses of influencers on social networks

**Ministry issuing the measure:** Ministry of Labour, Health, Solidarity and Families

**Impact sheet completion date:** 04/06/2025

**Text(s) falling within the scope of the double compensation rule:**  yes  no

**Text(s) submitted to the National Council for the Evaluation of Standards:**  yes  no

## I. GENERAL PRESENTATION

### Title(s)

**Decree implementing Article 5(II) of Law No 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating abuses of influencers on social networks**

### Background and objectives

Law No 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating abuses of influencers on social networks, adopted unanimously by both chambers, defines the influence activity and the activity of influencer agent and makes it possible to establish a protective framework for consumers by regulating promotions, including those relating to vocational training and, in particular, to the personal training account (*compte personnel de formation* – CPF), pursuant to Article 5.

This draft decree is issued pursuant to Article 5(II) of Law No 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating abuses of influencers on social networks.

The purpose of this draft text is to specify the content of the compulsory reference regulating promotions carried out by influencers as defined in Article 1 of the above-mentioned Law, relating to the vocational training activities referred to in Article L6313-1 of the Labour Code financed with public funds.

The timetable for application of the Law, including the Decree provided for in Article 5, could not be adhered to, notably due to promulgation of the Law of 9 June 2023 before the end of the standstill period provided for in Directive 2015/1535 (Single Market Transparency Directive – SMTD).

Law No 2024-364 of 22 April 2024 laying down various provisions for adaptation to European Union law (*diverses dispositions d'adaptation au droit de l'Union européenne* – DDADUE) authorised the Government to take measures by order to bring the provisions of the aforementioned Law of 9 June 2023 into line with European rules.

Order No 2024-978 of 6 November 2024 amending Law No 2023-451 of 9 June 2023 did not alter the meaning of Article 5, which had been adopted previously.

Article 5(II), in the field of vocational training, aims to define the compulsory references to be attached by the influencer when the promotion relates to registration for vocational training actions financed by public funds.

These references are intended to indicate to the public that this is promotional or advertising content, but also to permit identification of the training organisation (provider responsible for the training or its subcontractor in the case of CPF funding), the public nature of the funding of these training actions as well as the existence of the eligibility rules and associated commitments.

In order for this provision to be easily implemented by influencers and to be effective, Article 1 of this draft decree:

- Specifies, in Article 1(1), that the reference provided for in Article 5(II) of the Law of 9 June 2023 must be supplemented by reference to the public nature of the financing of the training action, as well as the existence of associated commitments and eligibility rules. Depending on the communication media, a hyperlink to the website of the Ministry of Labour containing this information or a hashtag must be included in the promotion.
- Aims, in Article 1(2), to permit identification of the training provider listed on MonCompteFormation in the event of funding through the personal training account (CPF).

Article 1 of the draft decree also states that the compulsory reference to be attached by the influencer must be clear, legible, comprehensible and distinguishable from the promotional message and any other compulsory reference, and that the influencer must place the banner containing the reference on all publication media.

For promotions in the form of videos, still or moving images, Article 1 of this draft specifies that these elements shall be contained within a horizontal space reserved for this purpose and cover at least 7 % of the advertising surface; and

### Background and objectives

that they shall be used within each promotion campaign in such a way as to ensure, for each type of promotion medium, that they regularly appear in equal quantity to the promotional messages, with a tolerance of more or less 10 %.

Article 1 also provides that where several promotions referred to in Article 5(II) of the above-mentioned Law of 9 June 2023 appear on the same page, the elements provided for in (1) and (2), including the reference to the website, hyperlink or hashtag, shall be mentioned only once.

This Article also provides that, in the case of promotions broadcast by radio or offered as on-demand audio, these elements shall be pronounced immediately after the promotional message.

Article 1 finally specifies that the presentation of these elements must comply with the rules and best practices regularly defined by the profession and, in particular, the rules laid down by the Professional Advertising Regulatory Authority.

Pursuant to Article 5(III) of the Law of 9 June 2023, any breach of the provisions implementing Article 5 shall be punishable by one year of imprisonment and a fine of EUR 4 500.

It is envisaged that an order of the Minister responsible for vocational training shall specify the content of the reference to be attached by influencers if they are promoting vocational training and define the address of the dedicated page on the website of the Ministry of Labour as well as the hashtag.

The provisions that are the subject of this draft form part of the regulatory measures put in place since 2022 in the field of vocational training, particularly the CPF, and also address a strong need expressed during the citizens' consultations organised by the Government in January 2023.

### Stability over time

Amended texts	x
Repealed text	X

### Details of the measures of the draft text(s)

*one measure per row*

Article No of the draft text	Envisaged provision of the draft text	Consolidated, amended or created reference  <i>(where applicable)</i>	Legal Basis	Reference of the legal basis/Objectives pursued
1	Specification of the content and methods of insertion of the compulsory reference to the vocational training activities mentioned in Article L6313-1 of the Labour Code financed by public funds, aimed at regulating promotions carried out by influencers as defined in Article 1		Text issued pursuant to laws and orders already in force	Issued pursuant to Article 5(II) of amended Law No 2023-451 of 9 June 2023 aimed at regulating commercial influence and combating abuses of influencers on social networks.

**Details of the measures of the draft text(s)**

*one measure per row*

<b>Article No</b> of the draft text	<b>Envisaged provision</b> of the draft text	<b>Consolidated, amended or created reference</b> <i>(where applicable)</i>	<b>Legal Basis</b>	<b>Reference of the legal basis/Objectives pursued</b>
	of the Law of 9 June 2023.			<u>Objectives:</u> Preventing and combating abuses of influencers on social networks, in the context of promotions relating to vocational training actions involving public funds.

## II. DIALOGUES AND CONSULTATIONS

<b>Body</b> <i>Write out acronyms in full</i>	<b>Date</b> <i>dd/mm/yyyy</i>	<b>Opinions expressed and recommendations</b>
<b>Dialogue with local and regional authorities and associations of local elected representatives</b> <i>excluding consultations with bodies on which elected representatives sit</i>		
<b>Consultation with civil society stakeholders</b> <i>enterprises, representative organisations, associations</i>		
<b>Advisory commissions</b>		
National Commission for Collective Bargaining, Employment and Vocational Training (CNNCEFP)	11/06/2025	Favourable
Supervisory Board of the Caisse des Dépôts et Consignations	19/06/2025	Favourable
<b>Other dialogues/consultations (excluding inter-ministerial services)</b> <i>independent authorities, agencies, administrative bodies, etc.</i>		
<b>Open consultations via the Internet</b> <i>Clarify the legal basis</i>		
<b>Notifications to the European Commission</b> <i>Specify the legal basis and the opinion(s) issued by the Commission and Member States</i>		

### III. ASSESSMENT METHOD

Please explain the methodology, assumptions and calculation rules used to assess the financial impact. This is an essential requirement, particularly for the National Council for the Evaluation of Standards (CNEN), which wishes to have details of the methodology used to quantify the impact of the new regulation. Failing that, it should be indicated to what extent the financial impact is zero or could not be quantified.

This draft decree should have no financial impact given that it is a matter of specifying compulsory references that should be attached by persons exercising an influence activity when they carry out promotions for vocational training actions financed by public funds.

## IV. QUANTITATIVE IMPACT ASSESSMENT

Overall financial impacts						
Annual average calculated over 3 years (or 5 years if required by the draft text)						
	Businesses	Individuals/ Associations	Local and regional authorities and local public establishments	State and national public enterprises	Decentralised State services	Total
Costs						
Benefits						
<b>Net impact</b>						

Distribution over time of overall financial impacts					
as of the provisional publication date					
	Year 1 No: 2024	Year 2 N+1: 2025	Year 3 N+2: 2026	Year 4 (where required)	Year 5 (where required)
Costs					
Benefits					
<b>Net impact</b>					

The envisaged provisions have no impact on enterprises

Distribution over time of financial impacts on enterprises					
as of the provisional publication date					
	Year 1 N+1	Year 2 N+2	Year 3 N+3	Year 4 (where required)	Year 5 (where required)
Costs					
Benefits					
<b>Net impact</b>					

The envisaged provisions do not apply to local and regional authorities

Distribution of impacts between local and regional authorities				
Annual average calculated over 3 years				
	Communes	Departments	Regions	Total
Costs				
Benefits				
<b>Net impact</b>				

<b>Distribution over time of financial impacts on local and regional authorities</b>					
as of the provisional publication date					
	Year 1 N+1	Year 2 N+2	Year 3 N+3	Year 4 <i>(where required)</i>	Year 5 <i>(where required)</i>
Costs					
Benefits					
<b>Net impact</b>					

The envisaged provisions have no impact on individuals or associations

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<b>Distribution over time of financial impacts on individuals/associations</b>					
as of the provisional publication date					
	Year 1 N+1	Year 2 N+2	Year 3 N+3	Year 4 <i>(where required)</i>	Year 5 <i>(where required)</i>
Costs					
Benefits					
<b>Net impact</b>					

The envisaged provisions have no impact on State administrations and similar bodies

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<b>Distribution over time of financial impacts on State administrations (and other similar bodies)</b>					
as of the provisional publication date					
	Year 1 No: 2024	Year 2 N+1: 2025	Year 3 N+2: 2026	Year 4 <i>(where required)</i>	Year 5 <i>(where required)</i>
Costs					
Benefits					
<b>Net impact</b>					

<b>Distribution over time of financial impacts on decentralised State services</b>					
as of the provisional publication date					
	Year 1 N+1	Year 2 N+2	Year 3 N+3	Year 4 <i>(where required)</i>	Year 5 <i>(where required)</i>
Costs					
Benefits					
<b>Net impact</b>					

## V. QUALITATIVE IMPACT ASSESSMENT

Description of impacts			
		New constraints	Alleviation and simplification
<b>Businesses</b>	Expected impacts on enterprises, in particular artisans, VSEs and SMEs	None	None
	Expected impacts on production, competitiveness and innovation	None	None
	Impacts on clients or users of enterprises	None	None
<b>Individuals/Associations</b>	Expected impacts on society	None	Preventing and combating abuses of influencers in the context of training activities funded by public funds, including the personal training account (CPF), preserving public funds relating to vocational training
	Expected impacts on private individuals	None	Securing the rights of CPF holders
<b>Local and regional authorities</b>	Expected impacts on local and regional authorities, particularly the smallest communities	None	None
	Expected impacts on users of public services	None	None
<b>State</b>	Expected impacts on central administration services <i>(see below for decentralised services)</i>	None	None
	Expected impacts on other administrative bodies	None	

## VI. ASSESSMENT OF THE IMPACTS ON DECENTRALISED STATE SERVICES

The proposed provisions have no impact on the organisation or missions of decentralised State services

### Description of the objectives pursued by the draft text regarding decentralised State services

The draft text permits sanctions to be imposed in the event of non-compliance with the draft text; in this case, one year's imprisonment and a fine of EUR 4 500.

Inter-ministerial scope of the text:

yes

no

New missions:

yes

no

Development of existing competences:

yes

no

Development of techniques and tools:

yes

no

### Types and number of decentralised State structures concerned

Structures	Types	Number
Interregional directorates		
Regional services		
Departmental services	Departmental Directorate for the Protection of Populations (DDPP)	

### Assessment of the adequacy of the objectives/means/constraints of the decentralised State services

(specify, where appropriate, additional human resources or their redeployment, additional allocations or redeployment, expected financial costs or gains, dedicated training, the chosen mode of dissemination of the new regulation, monitoring indicators envisaged, etc.)

## VII. ASSESSMENT OF THE IMPACTS ON YOUTH

The envisaged provisions have no impact on youth

Measure envisaged by the draft text(s)	Number of young people concerned	Target group (students, young working people, etc.)	Age of the young people concerned

### Measures containing age limits

Does the draft text contain age-specific limitations?

yes

no

Are the envisaged limitations justified?

Are compensatory measures envisaged?

**Measures specific to young people**

Does the draft text include specific responses to youth issues?

yes

no

Are young people under-represented in the group that the draft text concerns?

yes

no

If so, should compensation mechanisms be provided for?

yes

no

Will the situation of young people change after the entry into force of this draft text?

yes

no

What are the specific measures envisaged?

**List of impacts on young people**

Economic impacts on young people <i>Describe</i>	
Administrative impacts on young people <i>Describe</i>	
Other impacts on young people <i>Describe</i>	

## Intergenerational and forward-looking dimension

What is the long-term impact of the envisaged measures on the young people of today?

What is the impact of the envisaged measures on the young people of the future?

## VIII. NECESSITY OF THE NEW MEASURE

<p>Room for manoeuvre left by the higher standard Justifying the choice made</p>	<p>Article 5(II) of the Law of 9 June 2023 aims to define the compulsory references to be attached by the influencer when the promotion relates to registration for vocational training actions financed by public funds.</p> <p>Article 5(II) provides that the entry provided for in Article 5(2) of the above-mentioned Law shall include information relating to the financing, commitments and associated eligibility rules, identification of the provider(s) responsible for this training action, as well as of the provider referenced on the electronic service referred to in <a href="#">Article L6323-9 of the same Code</a>.</p> <p>Article 5(2) provides that 'the commercial intention of influencers may be expressly indicated by the words "advertising" or "commercial collaboration" or by an equivalent reference suited to the characteristics of the influence activity and the format of the communication medium used'.</p> <p>In order for this provision to be easily implemented by influencers and for the public to have access to complete and up-to-date information, the present draft provides for a hyperlink referring to the applicable regulations on the website of the Ministry of Labour, or a hashtag, depending on the communication media.</p> <p>As regards public transparency, accessibility, readability and</p>
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	<p>comprehension of the elements of the reference, the text provides for a reference to the public nature of the financing of the training action and the existence of commitments and eligibility rules associated with that action, as well as indication of the company name of the provider referenced on the electronic service referred to in Article L6323-9 (MonCompteFormation) and its subcontractor where applicable, as well as their identification number in the business registry system.</p> <p>The draft decree provides that these elements must be presented in a clear, legible or audible manner according to the media and must be comprehensible and distinguishable from the promotional message and any other compulsory references,</p> <p>It also provides that these elements shall be contained within a horizontal space reserved for this purpose and covering at least 7 % of the advertising surface in the case of promotions in the form of videos, still or moving images.</p> <p>For application in the context of radio broadcast or audio-on-demand media, the decree provides that the reference to the website and the hashtag are to be pronounced immediately after the promotional message.</p> <p>It also stipulates that if there are simultaneous promotions on a single page, the elements provided for in Article 1(1) and (2), including the reference of the website, the hyperlink or the hashtag, shall be mentioned only once.</p> <p>The draft decree specifies that the presentation must comply with the rules and best practices regularly defined by the profession and, in particular, the rules laid down by the Professional Advertising Regulatory Authority.</p>
<p>Alternatives to the regulation Specify other measures</p>	<p>None</p>
<p>Adaptation measures planned for certain audiences Specify the measures</p>	<p>None</p>
<p>Regulatory or individual implementation measures Specify the measures</p>	<p>An order of the Minister responsible for vocational training shall specify the wording of the reference referred to in (1) and define the hyperlink and hashtag accompanying it.</p>

Adaptation over time  
Justify the date of entry into force

The draft decree is scheduled to enter into force the day  
after its publication

## IX. PROPORTIONALITY ASSESSMENT

Grid to be completed for standards relating to access to regulated professions or the exercise thereof:

N/A

General interest objectives pursued by the new or amending provision restricting access to a profession or one of the ways in which it is exercised <sup>1</sup>	
Nature of the risks linked to the general interest objectives pursued by the measure to prevent (in particular risks to beneficiaries of services including consumers, professionals or third parties)	
Justification of the non-discriminatory nature of the proposed provisions	
Justification of the inadequacy of specific or general rules already in force (such as those laid down in product safety legislation or consumer protection legislation) to achieve the objective pursued <sup>2</sup>	
Justification of the appropriate nature of the provision in view of its ability to achieve the objective pursued (checking that the provision responds to the aim of achieving this objective in a consistent and systematic manner and therefore responds to the risks identified in a similar way for comparable activities) <sup>3</sup>	
Description of the impact on the free movement of persons and services within the Union, on consumer choice and on the quality of the service provided	

<sup>1</sup> In addition to the general interest objectives recognised by the Treaty on the Functioning of the European Union (maintenance of public order, public safety and public health), the overriding reasons of general interest recognised by the Court of Justice of the European Union include: preserving the financial balance of the social security system; protecting consumers and the recipients of services, including by guaranteeing the quality of the craft industry, and protecting workers; protecting the proper administration of justice; guaranteeing fair trading; fighting fraud and preventing tax fraud and tax evasion; safeguarding the efficiency of fiscal controls; ensuring the safety of transport; protecting the environment and the urban environment; protecting animal health; protecting intellectual property; safeguarding and preserving national historical and artistic heritage, social policy objectives and cultural policy objectives. Purely economic grounds, such as protecting the national economy, or administrative grounds such as carrying out checks or collecting statistics, cannot constitute overriding reasons of general interest justifying the restriction of access to regulated professions or the exercise thereof.

<sup>2</sup> It is up to each competent ministry to take into account the proportionality assessments carried out in advance for the same provisions.

<sup>3</sup> Where relevant to the nature and content of the measure analysed, ministries producing standards should consider the following: the correspondence between the scope of the professional activities covered by a profession and the required professional qualification, the complexity of the tasks, in particular with regard to the level, nature and duration of the training or experience required, the existence of different means of acquiring the professional qualification, the question of whether the activities reserved for certain professionals may be shared with other professionals, and the degree of autonomy in the exercise of a regulated profession, in particular where the activities relating to a regulated profession are carried out under the supervision and responsibility of a duly qualified professional.

<p>Demonstration of the impossibility of using less restrictive means to achieve the general interest objective;</p> <p>Where the provisions are justified by consumer protection alone and the risks listed are limited to the relationship between professionals and consumers and therefore do not adversely affect third parties, confirm that the objective pursued cannot be achieved by less restrictive means than by reserving activities</p>	
<p>Details of the effect of new or amended provisions combined with other provisions restricting access to or exercise of the profession (check that they contribute to the achievement of the same general interest objective and that they are necessary for the attainment of that objective) <sup>4</sup></p>	

**Grid to be completed where the elements are relevant to the nature and content of the provision added or amended:**

N/A

<p>Correspondence between the scope of the activities covered by or reserved for a profession and the required professional qualification</p>	
<p>Correspondence between the complexity of the tasks concerned and the need for those performing them to possess specific professional qualifications (particularly with regard to the level, nature and duration of the training or experience required)</p>	
<p>Possibility of acquiring the professional qualification by different means</p>	
<p>Possibility or not of sharing reserved activities with other professions and for what reason</p>	
<p>Degree of autonomy in the exercise of a regulated profession and impact of the organisation and supervision arrangements on the achievement of the objective pursued (particularly where activities relating to a regulated profession are carried out under the supervision and responsibility of a duly qualified professional)</p>	

<sup>4</sup> An in-depth assessment of the circumstances in which the measure is envisaged must be carried out, examining in particular the effect of the new or amended provisions when combined with other requirements that already limit access to the profession or exercise thereof. Therefore, when assessing the effect of the new or amended provisions, account should be taken of existing requirements, such as continuing vocational training, provisions on the organisation of the profession, compulsory membership of a professional organisation or professional body, registration or authorisation systems, quantitative restrictions, special requirements relating to the legal form or holding of capital, territorial restrictions, multidisciplinary restrictions and rules of incompatibility, requirements concerning insurance cover, requirements regarding language proficiency, requirements regarding fixed minimum/maximum tariffs and requirements regarding advertising.

Evolution of technology and scientific progress that can effectively reduce or increase the asymmetry of information between professionals and consumers

## X. SUMMARY TABLE

Provisions in force	Envisaged provisions	New obligations or simplifications
<p>First application of the Law</p>	<p>Article 1</p> <p>For the promotion by natural or legal persons exercising commercial influence activity for the vocational training activities referred to in Article L6313-1 of the Labour Code financed by one of the bodies mentioned in Article L6316-1 of the same Code, the reference provided for in Article 5(II) of the above-mentioned Law of 9 June 2023 must be supplemented by the following:</p> <p>(1) a reference to the public nature of the financing of the training action and the existence of commitments and eligibility rules associated with that action, accompanied, according to the communication medium, by a hyperlink to the applicable regulations, a reference to the website containing that information or a hashtag;</p> <p>(2) the company name of the service provider referred to in Article L 6353-1 of the Labour Code responsible for this training activity and of that, where applicable, referenced on the electronic service referred to in Article L6323-9 of that code, as well as their identification number in the business registry system. When the service provider referred to in Article L6351-1 of the same Code entrusts this training activity to a subcontractor, the same information shall also be provided regarding the subcontracting service provider.</p> <p>These elements must be presented in a clear, legible or audible manner according to the media and must be comprehensible and distinguishable from the promotional message and any other compulsory references.</p> <p>They shall be used within each promotion campaign in such a way as to ensure, for each type of promotion medium, that they regularly appear in equal quantity to the promotional messages, with a tolerance of more or less 10 %.</p> <p>For promotions in the form of videos, still or moving images, these elements shall be contained within a horizontal space reserved for this purpose and covering at least 7 % of the advertising surface.</p>	<p><u>Purpose of the measure:</u></p> <p>Clarifications aimed at preventing and combating abuses of influencers on social media, in the context of vocational training actions financed by public funds, including those covered by the personal training account (CPF).</p> <p><u>Legal basis:</u></p> <p>Article 5(II) of the Law of 9 June 2023 aimed at regulating commercial influence and combating abuses of influencers on social networks.</p> <p><u>Observations:</u></p> <p>An order shall specify the wording of the reference referred to in (1) and define the hyperlink and hashtag accompanying it.</p>

	<p>Where several promotions referred to in Article 5(II) of the above-mentioned Law of 9 June 2023 appear on the same page, the elements of (1) and (2) of this Article, including the reference to the website, hyperlink or hashtag, shall be mentioned only once.</p> <p>For promotions broadcast by radio or offered as on-demand audio by the natural or legal persons defined in Article 1 of the aforementioned Law, these elements, notably including the reference to the website and the hashtag, shall be pronounced immediately after the promotional message.</p> <p>Their presentation must comply with the rules and best practices regularly defined by the profession and, in particular, the rules laid down by the Professional Advertising Regulatory Authority.</p> <p>An order of the Minister responsible for vocational training shall specify the wording of the reference referred to in (1) and define the hyperlink and hashtag accompanying it.</p>	
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