

FRENCH REPUBLIC

Ministry of Labour and Solidarity

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

NOR: TRSD2516131D

Target audience: *natural or legal persons engaged in commercial influence activities via electronic means, advertisers, agents, representatives, training organisations.*

Purpose: *the decree specifies the mandatory information to be included in the content of each promotional action, regardless of the medium, aimed at the registration for professional training actions financed by public funds and carried out by natural or legal persons engaged in commercial influence activities.*

Entry into force: *this text enters into force the day after its publication.*

Application: *this decree is issued pursuant to paragraph II of Article 5 of Law No 2023-451 of 9 June 2023, as amended by Article 1 of Ordinance No 2024-978 of 6 November 2024.*

The Prime Minister,

On the report of the Minister of Labour and Solidarity,

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015, laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, and in particular Notification No ...;

Having regard to the Labour Code, and in particular Article L. 6313-1 thereof;

Having regard to Law No 2023-451 of 9 June 2023, as amended, aimed at regulating commercial influence and combating the misconduct of influencers on social media, in particular Article 5 thereof;

Having heard the Council of State (Social Affairs Section),

Hereby decrees:

Article 1

When a natural or legal person engaged in commercial influence activities via electronic means promotes an action contributing to skills development as defined in paragraph II of Article 5 of the aforementioned Law of 9 June 2023, that person shall, for the purposes of Article 5-2 of the same Law, state the following information:

(1) The public nature of the funding for the skills development initiative, as well as the existence of commitments and eligibility rules associated with that initiative. These statements shall be accompanied, depending on the medium of communication, by a hyperlink to the applicable regulations, a reference to the website containing this information, or an informational message;

(2) The company name of the service provider mentioned in Article L. 6353-1 of the Labour Code that is responsible for this training action, and of the service provider, where applicable, that is referenced on the dematerialised service mentioned in Article L. 6323-9 of the same code as well as their number in the business register identification system. When the service provider that is mentioned in Article L. 6351-1 of the same code subcontracts this training activity, the same information relating to the subcontractor service provider shall also be included.

This information shall be presented in a legible or audible manner, depending on the medium, that is distinguishable from promotional messages and any other mandatory information.

Article 2

When the promotion is presented in the form of videos or still or animated images, the elements mentioned in Article 1 shall be displayed for at least 90% of the duration of the promotional material, and shall be included in a horizontal space reserved for this purpose that covers at least 7% of the advertising area.

When several promotions appear on the same page, these elements shall not be duplicated.

When the promotion is broadcast on the radio or offered as audio on demand, these elements shall be spoken immediately after the promotional message.

Article 3

An order of the Minister responsible for vocational training will specify the presentation methods for the elements mentioned in Article 1, by type of promotional material, as well as the hyperlink and the informational message.

Article 4

The Minister of Labour and Solidarity is responsible for the implementation of this decree, which will be published in the *Official Journal* of the French Republic.

Signed on

By the Prime Minister:

The Minister of Labour and Solidarity,

Jean-Pierre FARANDOU