Consumer Protection in the Age of Influencers: The Case of Albania in the Context of EU Integration

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Received: 25 September 2025 / Accepted: 15 November 2025 / Published: 25 December 2025
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Doi: 10.56345/ijrdv12n3s101

Abstract

The rise of influencer marketing has transformed the global advertising landscape, providing brands with new ways to engage consumers. However, it has also introduced significant challenges for consumer protection, particularly in terms of transparency, false advertising, and ethical concerns. This is especially relevant for Albania, a non-EU member state in the process of EU integration, where influencer marketing practices are still evolving. While Albania has made strides in aligning its consumer protection laws with EU standards, it faces unique challenges due to its non-member status, particularly in regulating digital marketing and influencer endorsements. This abstract explores the intersection of consumer protection and influencer marketing in Albania, emphasizing the country's regulatory framework, the role of influencers in shaping consumer behavior, and the gaps in enforcement and awareness. It further examines how Albania's EU integration process presents both opportunities and challenges in strengthening consumer protection laws and aligning them with EU best practices. While influencers can play a positive role in promoting products and services, consumer protection must remain a priority to ensure that marketing practices are transparent, ethical, and truthful. Regulatory measures, such as the EU's consumer protection laws, provide a solid foundation for safeguarding consumer interests, but their effectiveness depends on proper enforcement and a shared commitment to ethical marketing practices. Ultimately, this article argues that Albania must implement more robust regulations, enhance consumer education, and align with EU standards to ensure that influencer marketing does not undermine consumer rights as the country moves closer to EU membership.

Keywords: *Influencers, Consumer Protection, EU Integration, Digital Marketing, Regulation*

1. Introduction to "Influencer Marketing"

Over the past decade, influencer marketing has rapidly emerged as one of the most powerful tools in digital advertising. Unlike traditional advertisements, influencer marketing relies on the authenticity and relatability of social media personalities to engage consumers through platforms like Instagram, TikTok, and YouTube. This strategy allows brands to build trust-based relationships with targeted audiences, often avoiding the conventional regulatory oversight applied to commercial advertising. As studies have shown, consumers—especially youth—tend to perceive influencers as peers

rather than promoters, which increases the effectiveness of endorsements and the influence on purchasing decisions (Boerman et al., 2017; Abidin, 2016).

As global e-commerce continues to grow, influencer marketing has emerged as a key pillar of contemporary advertising, generating billions of dollars in annual revenue. The influencer industry carries significant economic weight, with global revenues projected to reach $20 billion by 2025**.** The main reason behind influencer marketing's effectiveness is its ability to reshape consumer behavior – a recommendation from a trusted influencer often carries more credibility and thus greater persuasive power than traditional advertising.

Still, as influencer marketing continues to grow rapidly, it brings to light serious concerns about how consumer rights and advertising ethics are being handled. Many influencers operate in a space that's not clearly defined, where it's hard to tell the difference between a genuine recommendation and a paid promotion. When influencers don't openly share their connections with brands, it creates confusion and can mislead people into buying something they might not have chosen otherwise. This lack of clarity goes against the basic ideas of honesty and fairness that should guide all advertising.

In parallel, Albania's digital landscape is undergoing rapid transformation. With increasing access to mobile internet and growing social media usage, Albania has become a fertile ground for influencer marketing. The government's efforts to digitize services and promote e-commerce reflect its ambition to align with European Union standards, as part of the broader EU integration process. Initiatives such as the National Strategy for Consumer Protection (2023–2030) and the Digital Agenda for Albania aim to harmonize national policies with EU directives on digital markets and consumer rights.

Despite this progress, a critical regulatory gap persists in protecting consumers from potentially misleading influencer marketing practices. Currently, Albania lacks specific legislation mandating disclosure of paid partnerships, labeling of sponsored content, or accountability mechanisms for influencers promoting harmful or deceptive products. The absence of clear legal guidelines allows for unchecked commercial influence, often affecting vulnerable groups such as minors and low-income consumers, who may not recognize the persuasive intent of influencer content (BEUC, 2023; European Commission, 2024).

This article aims to examine the current legal landscape surrounding influencer advertising in Albania; to analyze the extent to which EU consumer protection laws are being adopted or transposed; to evaluate the risks posed to consumers by non-transparent or unethical influencer marketing and to offer recommendations for policy reform and institutional capacity building.

2. Literature Review

With as many as 17% of people having made a purchase from a brand after seeing someone endorsing a product on a social media, influencer marketing is big business. An influencer is a content creator with a commercial intent, who builds trust and authenticity based relationships with their audience (mainly on social media platforms) and engages online with commercial actors through different business models for monetisation purposes (Michaelsen, F., Collini, L. et. al., 2022). Social influencers have built up trust with their followers over time. Through their personal connections and perceived authenticity, influencers create a direct channel to engage with targeted audiences, providing brands with an effective alternative to traditional advertising. They are seen as trustworthy and credible people, meaning when they talk positively about a product, their followers have trust in what they are saying. Consumers may not trust big brands, but they trust the people next door who seem to share their lifestyle or values. With the influencer endorsement market being forecast to grow to $143 billion by 2030, influencers and celebrities can be a smart investment for brands. An influencer today can be anyone who creates compelling and entertaining content, whatever the size of their audience. Relatability, intelligence, and authenticity mean far more in driving trust than content which is aspirational. The changes in consumer behaviour reveal that influencer marketing is on the rise, making it one of the strongest tools in the digital age (Okonkwo, Ifeanyi & Namkoisse, Emmanuel. (2023).

According to BEUC (2023), Influencer marketing is polyforme and could be done via paid publications, affiliated contents (e.g. the influences share a code or a discount link with their audience in exchange for a commission), retweets or a mention ("tag") of the professional or the brand etc.

Although influencers are paid or receive various benefits for their promotional activities (such as free hotel stays, clothing, or beauty products), many of them do not inform consumers about these paid partnerships. Without a clear indication that the content is commercial in nature, consumers may be misled into believing that the influencer's endorsement reflects a personal and spontaneous opinion.

This raises the question: Is such a practice legal? What obligations do influencers have toward consumers in the

EU and in the Albanian context? Can an influencer be held liable if a consumer purchases a non-compliant product as a result of their recommendation?

Some of the worst practices are summarized below:

- **Insufficiently labelled advertising:** Any time there is a commercial relationship between an influencer and an advertiser, this relationship must be disclosed clearly and unambiguously at the very beginning of the post. This requirement applies whether the advertisement promotes a third-party product, service, or brand, or the influencer's own business.

The European Commission and national consumer protection authorities of 22 Member States, Norway and Iceland released the results of a screening ("sweep") of social media posts from influencers. The sweep found that nearly all (97%) of these influencers posted commercial content but only one in five (20%) systematically indicated that their content was advertising.

This lack of transparency can mislead consumers and undermine trust. (https://ec.europa.eu/commission/press corner/ detail/en/ip_24_708)

- Promotion of Harmful Products: Influencers have been found promoting products that may pose risks to consumers, including: unhealthy foods high in fats, sugars, and salts (HFSS), particularly targeting children; risky financial products and services, unregulated health and cosmetic procedures. Such promotions can have detrimental effects on public health and consumer well-being.

In November 2024, reports surfaced alleging that "S…Clinic", owned by Xh. M, a very popular Albanian singer and influencer, was utilizing counterfeit laser equipment for cosmetic procedures, which lacked FDA certification and posed potential health risks to clients. The allegations raised serious questions about the safety and transparency of procedures performed at the clinic and underscores the broader issue of influencers promoting products or services without adequate disclosure or verification, potentially leading to consumer harm.

Another case which sparked a broader conversation about the responsibilities of influencers in promoting health-related products, especially those intended for infants, was the case of a well known Albanian influencer K.T. She shared her positive experiences with an infant formula, highlighting its natural ingredients and suitability for her own child. However, following her endorsements, several Albanian mothers reported adverse reactions in their infants after using it, including digestive discomfort, excessive gas, and increased fussiness.Critics argued that her promotion lacked sufficient disclosure about potential side effects and did not adequately inform consumers about the importance of consulting healthcare professionals before introducing new formulas to their babies' diets.

According to the sweep of The European Commission and national consumer protection authorities, 119 influencers promoted harmful products. Influencers who mainly target youngsters (12-16 years old followers) often promote products which are forbidden to minors under 18 (e.g. e-cigarettes and vaping devices) or fake products. (https://www.europe-consommateurs.eu/en/shopping-internet/influencers.html)

- Dropshipping: Many influencers run their own online shops.
- Micro-influencers are not monitored or regulated.
- Some influencers try to improve their image by buying subscribers or followers.

These issues call for strict ethical standards and regulatory oversight to ensure that the practice of influencer marketing meets the principles of truthfulness and consumer protection.

3. Regulation of influencers' s activities under the EU legislation

EU consumer law requires full transparency in commercial communications. Influencers must not mislead consumers by providing false or unsutruthful information about the products or services they promote, as such conduct falls under the scope of the Unfair Commercial Practices Directive. Whenever an influencer receives revenue or any form of benefit for promoting a brand's products or services, this relationship must be clearly disclosed as advertising.

Directive 2000/31/EC on Electronic Commerce (Article 6) and Directive (EU) 2018/1808 on Audiovisual Media Services require influencers in Europe to clearly disclose any commercial partnership and to identify the company on whose behalf the communication is made. These transparency obligations apply uniformly across all EU Member States.

Moreover, influencers who sell products or services on their own behalf are subject to the same legal obligations as online retailers, including the duty to provide consumers with legal guarantees and withdrawal rights in accordance with the Consumer Rights Directive.

Since 17 February 2024, the Digital Services Act (DSA) has been fully applicable across the EU to all online

platforms. Under the DSA, influencers, as content creators must assume greater responsibility for the material they publish, ensuring that their content is neither misleading nor illegal. The DSA harmonizes obligations for online platforms to strengthen safety and transparency in the digital environment. Consequently, influencers are required to declare whether their posts contain commercial communications. In addition, influencers who qualify as traders must provide sufficient information to ensure their traceability before using an online platform to promote or offer their goods or services.

Finally, under the Audiovisual Media Services Directive, influencers who provide audiovisual content and meet the criteria to be classified as audiovisual media service providers must comply with specific rules concerning audiovisual commercial communications, incitement to violence or hatred, and content harmful to minors. For example, their commercial communications must be easily identifiable and must not endanger health or safety; their content may not exploit the inexperience or credulity of minors, nor depict minors in unjustifiably dangerous situations.

With regard to online social media platforms that host influencers' content, these platforms are required to ensure greater clarity and transparency regarding the functioning of their content algorithms. They must provide users with a mechanism to report illegal content posted by influencers and respond promptly to such reports. Additionally, platforms have a duty to proactively monitor content and, where necessary, remove unlawful material or even suspend accounts.

- Regulation of influencers' activities in France

Since 9 June 2023, France has introduced legislation specifically regulating the activities of commercial influencers. The law defines influencers as individuals or legal entities who, *"for remuneration, communicate to the public by electronic means content intended to promote, directly or indirectly, goods, services, or any cause whatsoever."* These provisions apply to all influencers targeting a French audience, regardless of where they are located. French influencers residing outside the European Union must designate a legal or natural representative within the EU to ensure compliance with French law and to facilitate responses to requests from authorities.

Under Law No. 2023-451 of 9 June 2023, aimed at regulating commercial influence, combating abuses on social networks, and transposing Directive 2005/29/EC on unfair commercial practices, influencers are required to clearly indicate when their content results from a paid partnership with a brand or trader. All promotional content must include the terms **"advertising"** or **"commercial collaboration."** This disclosure may be made orally, in writing, or through built-in platform features (e.g., tags or links). When disclosed orally in a video, the influencer must also repeat the disclosure in the post's description, within the first three hashtags. French influencers must also respect principles of human dignity: they may not offend audience sensitivities, demean individuals on physical, racial, or religious grounds, etc. When the content is directed at children or adolescents, influencers must inform viewers that parental authorization may be required. They are likewise prohibited from engaging in unfair competition, such as denigrate the products or services of a competing brand or of another influencer.

Furthermore, French law prohibits influencers from promoting certain categories of products, including:

- **Plastic surgery and aesthetic medicine**, including all related actions, interventions, procedures, techniques, and methods.
- **Products, procedures, techniques, or methods** presented as comparable, superior, or substitutable to medical therapy.
- **Financial products and services**, particularly those involving crypto-asset
- **Gambling services**, noting that advertising targeted at minors is strictly prohibited
- **Nicotine-containing products**, such as electronic cigarettes and heated tobacco devices (e.g., "IQOS") **Subscriptions to sports coaching services or sports forecasting platforms**

The French Directorate General for Competition Policy, Consumer Affairs and Fraud Control actively intervenes against influencers who promote products with an alleged health claim without any scientific proof supporting their efficiency.

4. Influencers in Albania and the Legal Framework for Consumer Protection

Albania's digital ecosystem has witnessed significant growth, with a notable increase in social media usage among its population. This surge has led to an influencer culture, where individuals with substantial online followings collaborate with brands for promotional activities. The influencer advertising market in Albania is projected to reach US$3.31 million in 2025, reflecting its growing significance in the advertising sector.

Albania's primary legislation concerning consumer protection is Law No. 9902, dated April 17, 2008, "On Consumer Protection." This law aims to safeguard consumer interests by prohibiting unfair commercial practices,

including misleading advertising . Specifically, it considers a commercial practice misleading if it contains false information or deceives consumers, potentially influencing their purchasing decisions.

While the law addresses general advertising practices, it lacks explicit provisions tailored to the nuances of influencer marketing. This absence creates a regulatory gap, leaving consumers vulnerable to undisclosed sponsored content and potential misinformation.

As Albania aspires to integrate into the European Union, aligning its legal framework with EU directives is imperative. The EU's Unfair Commercial Practices Directive (UCPD) mandates that any commercial intent in advertising must be clearly identifiable to consumers. Influencers, when promoting products or services, fall under this directive's purview and are required to disclose any commercial relationships .

Furthermore, the Digital Services Act (DSA), effective from 2022, imposes obligations on online platforms to ensure transparency in advertising and to combat illegal content and disinformation . While the DSA primarily targets large platforms, its principles underscore the importance of transparent digital advertising practices, which are relevant to influencer marketing.

Law No. 97/2013 on Audiovisual Media: Overseen by the Audiovisual Media Authority (AMA), it regulates advertisements but does not specifically address influencer content.

Law No. 18/2017 on the Rights and Protection of the Child: Relevant when influencers target or feature minors in content.

The Criminal Code of Albania: Includes provisions against fraud and deceptive practices.

While these laws provide some coverage, enforcement remains limited, and none are tailored to the digital influencer environment.

Despite existing laws, several challenges persist in regulating influencer marketing in Albania:

- Lack of Specific Guidelines: The current legal framework does not provide detailed guidelines for influencers regarding disclosure of sponsored content, leading to inconsistent practices. Influencers often fail to indicate paid content, violating transparency norms.
- Enforcement Difficulties: Monitoring and enforcing compliance among numerous influencers across various platforms pose significant challenges for regulatory bodies. Consumer Protection Commission and AMA lack the capacity to track online content.
- Consumer Awareness: Many consumers may not be aware of the commercial nature of influencer content, making them susceptible to covert advertising tactics and are less likely to report violations..
- Cross-Border Influencer Activities: Influencers often operate across borders, complicating the enforcement of national laws and necessitating international cooperation.

5. Conclusions and Recommendations

Influencer marketing has become a pervasive force in the digital landscape, offering both opportunities and challenges. A survey conducted by BEUC reveals that over 50% of consumers have purchased products recommended by influencers. Many consumers struggle to distinguish between genuine content and paid promotions. There is a strong consumer demand for clearer regulations and accountability in influencer marketing.

To comply with consumer protection regulations, influencers are expected to:

1. *Clearly disclose commercial relationships*: Every post, reel, or story containing paid or sponsored content must explicitly state the commercial relationship. Recommended disclosure methods include labels like advert, or advertisement.
2. *Prominent disclosure placement*: Disclosures should be visible at the start of caption and/or prominently displayed on the first screen of content, ensuring readability with high contrast between text and background.
3. *Avoid vague language*: Terms like gifted, partner, or ambassador do not adequately convey the commercial nature of the post. Ambiguous acknowledgement, such as “thanks” or merely tagging a brand, are also insufficient.
4. *Transparency in promotional codes and reviews*: Sharing discount codes or promoting products without clarifying the business connection, or hiding disclosures within other hashtags, fails to meet transparency standards.

The European Union has taken significant steps toward addressing the challenges posed by influencer marketing, particularly in relation to consumer protection. Although there is currently no standalone EU regulation specifically targeting influencers, a combination of existing directives and regulations provides a comprehensive legal framework that

applies to influencer activities.

Key instruments include the Unfair Commercial Practices Directive (UCPD), which mandates that all commercial content be clearly disclosed to consumers; the Consumer Rights Directive, which strengthens consumer rights in online transactions; the Audiovisual Media Services Directive (AVMSD), which covers audiovisual commercial communication; and the Digital Services Act (DSA), which enhances transparency and accountability on online platforms. Despite these efforts, enforcement remains fragmented across Member States, and there are still challenges related to hidden advertising, targeting of vulnerable audiences (especially minors), and inconsistent disclosure practices. Recognizing these issues, the EU has initiated consultations and fitness checks aimed at improving legislation to better reflect the realities of the digital marketplace.

As Albania moves forward with EU integration, it has a unique opportunity to modernize its legal and institutional frameworks to address the challenges of influencer marketing. Aligning with EU standards will not only enhance consumer protection but also foster trust and integrity in the digital advertising market. Influencers have the potential to contribute positively to the economy and culture, but their influence must be balanced by accountability and regulation.

In conclusion, strengthening enforcement mechanisms, enhancing transparency obligations, improving monitoring tools, increasing influencer accountability across the digital advertising ecosystem and supporting consumer empowerment through education and clearer complaint procedures are essential next steps for the EU and also Albania to ensure a fair, trustworthy, and consumer-safe online environment.

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