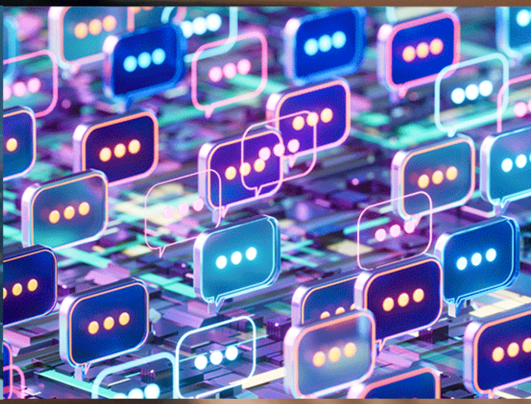
Autorité de la concurrence

OPINION 26-A-02

Opinion on competition in the online video content creation sector in France

18 February 2026



RÉPUBLIQUE FRANÇAISE

Only the French version is authentic. In the event of any discrepancy, the French version will prevail over the translation.

Opinion 26-A-02 of 18 February 2026 on competition in the online video content creation sector in France

The *Autorité de la concurrence* (section IA),

Having regard to Decision 24-SOA-03 of 13 May 2024 registered under number 24/0041 A, by which the *Autorité de la concurrence* decided to start inquiries *ex officio* into competition in the online video content creation sector in France, with a view to issuing an opinion;

Having regard to the Treaty on the Functioning of the European Union;

Having regard to Book IV of the French Commercial Code (*Code de commerce*);

Having regard to the public consultation document published by the *Autorité de la concurrence* on 10 July 2024;

Having regard to the contributions received up to 15 September 2024;

Having regard to the questionnaires sent by the *Autorité de la concurrence*;

Having regard to the other documents in the case file;

Representatives of the French Union of Influencers and Content Creators (*Union des métiers de l'influence et des créateurs de contenu* – UMICC) and Twitch, as well as the content creators known as Dr Nozman, Gaspard G, Maghla, McFly, Carlito and Squeezie, having been heard at the hearings on 18 November 2025;

Representatives of Instagram, OpenAI, TikTok and YouTube, as well as the content creators known as EnjoyPhoenix, HugoDécrypte, Inoxtag and ZeratoR, having been heard on the basis of the provisions of Article L. 463-7, paragraph 2 of the French Commercial Code;

The case officers (*rapporteurs*), the Deputy General Rapporteur, the General Rapporteur and the representative of the French Ministry of the Economy (*commissaire du Gouvernement*) having been heard at the hearing of the *Autorité de la concurrence* on 10 December 2025;

Adopts the following opinion:

Summary[1]

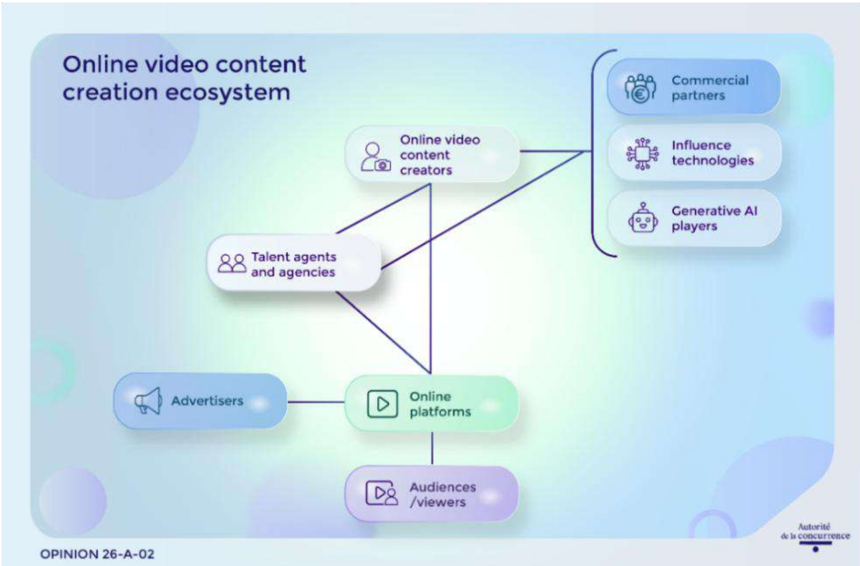
On 13 May 2024, the *Autorité de la concurrence* (hereinafter the "*Autorité*") decided to start inquiries *ex officio* to analyse the competitive functioning of the online video content creation sector in France, with a view to issuing an opinion.

Online video content creation involves the production of video material and its distribution to the public, usually through an online platform that hosts the content and acts as an intermediary between content creators, audiences and, where relevant, advertisers.

The sector has grown rapidly over the past 15 years and is now an integral part of the French audiovisual industry. Creators have become more professionalised, while the video format has expanded significantly, both in terms of platform offering and audience consumption. The sector's value chain has become more structured, as has the applicable legal framework, notably through the adoption of the European Digital Markets Act[2] (DMA), the European Digital Services Act[3] (DSA) and the French Influencers Act (*Loi influenceurs*)[4], in addition to the general body of law governing audiovisual production.

<u>Stakeholders in the online video content creation sector in France</u>

The sector's value chain can be shown as follows:



[1] The summary is for information purposes only and provides an overview of the following numbered reasons for the opinion. Only the French version of the opinion is authentic. In the event of any discrepancy, the French version will prevail over the translation.

[2] Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair contracts in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act).

[3] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act).

[4] French law 2023-451 of 9 June 2023 to regulate commercial influence and combat abuses by influencers on social media, Official Journal of the French Republic (*Journal Officiel de la République Française*), no. 0133 of 10 June 2023, text no. 1.

The number of **content creators** has grown considerably over the past 15 years, from a handful of passionate amateurs to more than 150,000 professional content creators in France in 2024. For an increasing proportion of those creators, content creation now constitutes their main economic activity, while many others generate no revenue. The sector is highly heterogeneous, with the vast majority of creators operating on a very small scale and coexisting with a smaller number of high-profile creators.

Creators primarily derive revenue from **collaborations with commercial partners** (promotional campaigns whereby a creator partners with a brand and promotes a product within their video content shared with the public) or from the **sharing of advertising revenue** generated by platforms selling advertising space to advertisers.

In some cases, content creators are represented by **talent agencies or independent agents**, whose business model is based mainly on commissions on the value of the paid commercial collaborations managed on behalf of their creators.

Online platforms provide content creators with hosting services, thereby enabling access to audiences and revenue (through video monetisation or commercial partnerships). The platforms most commonly used by content creators are YouTube, TikTok, Instagram and Twitch. Additional platforms that may also be used include Snapchat, Dailymotion, LinkedIn and Facebook.

Lastly, the adoption of **generative artificial intelligence** (hereinafter "AI") in the sector remains at an early stage, taking two main forms: assistance with video content creation (scripting, video thumbnails, editing support, automatic subtitling, etc.) and end-to-end video content creation.

The competitive analysis of the sector, summarised below, focuses on content creators and their interactions with other sector players, including advertisers, generative AI system operators, agencies and online platforms.

<u>A multisided market</u>

Online video content creation is a **multisided market**, bringing together several groups of economic agents, each with an interest in engaging with each other: video content creators, audiences and advertisers ("three-sided" platforms).

This structure has major implications for the way the sector operates, in particular due to the **existence of direct[5] and, mostly, indirect network effects[6]**, which can potentially be very significant.

The **three sides of the market are thus interdependent**: to increase revenue, a platform must maximise its audience by attracting the most engaging content. To attract this content, a platform must offer creators the largest possible audience and the best possible monetisation of their content. Consequently, an analysis of one side of the sector must also take into account the other two sides.

Competition between content creators

- ***Competition for audiences***

Video content creators compete to maximise their audience and build community loyalty. This competition primarily takes place on non-price parameters (content quality, publication regularity and frequency, video editing, etc.), as the content offered to viewers is generally free of charge. **Accordingly, competition centres on capturing viewers' attention: firstly, by attracting viewers to select a creator's video content and, secondly, by retaining their attention in order to maximise watch time.**

Certain parameters may limit or increase the degree of competition for audience attention between creators' content and, consequently, between the creators themselves.

Firstly, **competition between video content primarily occurs when the content is shared on the same platform**. Content shared on different platforms is not necessarily in direct competition as, before selecting content, a viewer will first choose which platform to use. That choice is determined by several parameters, including the way the platforms operate, their specific features and differences in audience usage.

Secondly, within a given platform, **recommendation algorithms (and, to a lesser extent, moderation measures) play a crucial role in competition between content**. In particular, algorithms determine the visibility of content, with such visibility being a prerequisite to competition between different videos. Algorithms therefore structure the range of content from which users choose. However, the investigation found that the functioning of such algorithms is particularly opaque.

Thirdly, the **theme addressed** is an important factor in the substitutability of content, since the degree of competition between content intensifies significantly within the same thematic focus. Content on different themes may also compete directly, however, insofar as such content is selected and suggested to the user by the recommendation algorithm.

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[5] I.e. within a single group of users: the attractiveness of a platform for a given user group increases as more users from the same group use that platform. Such network effects mainly concern platforms offering social networking services (Facebook, Instagram, etc.). Accordingly, the attractiveness of a social network for an individual user increases as the number of users grows.

[6] I.e. between different groups of users: the attractiveness of a platform for a given user group increases as more users from other groups use that platform. For example, the attractiveness of a platform for a video content creator increases as more viewers and advertisers use that platform. Likewise, the attractiveness of a platform for an advertiser increases as more content creators and viewers use that platform.

Lastly, a **creator's personality and reputation** are key factors in the attractiveness of their content, given the bond that can develop between creators and their audience. The *Autorité* notes that, as a result of recommendation algorithms, creators with an established reputation and a large following can reach a wider audience more easily than less well-known creators. Moreover, attracting a high number of views and, thus, generating substantial revenue enables high-profile creators to finance more ambitious, audience-generating content, placing them in an "audience spiral" that reinforces their market position and sets them apart from other creators.

- ***Competition for commercial partnerships***

Video content creators also compete to secure the **most attractive commercial partnerships**, in terms of both image and remuneration. In such partnerships, the product in question is promoted by the creator in their content, which becomes the channel through which the advertiser reaches its commercial target. Consequently, from a commercial partner's perspective, a content creator's attractiveness primarily depends on the size of their audience (number of followers, views, etc.), the quality of that audience (level of engagement) and the creator's ability to address the brand's commercial target in particular (alignment between the theme addressed and the products in question). This competition therefore encourages creators to maximise their audience, build their community and address themes that may, sometimes, be highly specialised.

- ***The impact of generative AI development***

Although the adoption of generative AI in the video content creation sector remains at an early stage in France, such tools are **likely to significantly alter competition** between content creators and raises a number of questions for the future.

On the one hand, generative AI-assisted content creation tools could enable smaller creators to compete with those with substantial production resources (editing, colour-grading, etc.) and foster competition between creators producing content in different original languages through automatic subtitling, dubbing and similar functionalities. However, such tools could disrupt the current economy of content production services, such as video editing and subtitling.

On the other hand, the development of end-to-end generative AI video content creation tools warrants close attention. Insofar as content creation via generative AI requires less time and fewer resources than traditional methods, generative AI-generated content could, over time, be produced and shared on platforms at scale, potentially altering the sector's competitive balance substantially.

The *Autorité* emphasises the **need for generative AI-created content to be clearly identified as such on platforms**, in particular if the fact that a video has (or has not) been created by generative AI becomes a parameter in audience choice.

<u>The relationship between content creators and commercial partners</u>

Content creators' bargaining power vis-à-vis commercial partners increases as their audience and community grow. In practice, with the exception of very high-profile content creators, most content creators may face demands reflecting a significant imbalance of bargaining power in favour of commercial partners, such as requests for unpaid partnerships, non-negotiable pricing schedules, clauses transferring rights without compensation, long payment delays and similar conditions.

This **imbalance** may be exacerbated by the information asymmetry between content creators and commercial partners and is particularly pronounced for inexperienced creators, especially with regard to the legal framework governing commercial contracts. Accordingly, **the *Autorité* encourages content creators to assert their rights under the applicable legal framework when negotiating with commercial partners**.

Conversely, commercial partners' bargaining power vis-à-vis content creators depends on their position within their sector. In particular, large groups with a strong presence **across different sectors of the economy may enjoy significant bargaining power** vis-à-vis creators active in the associated thematic focus.

<u>The relationship between content creators and talent agencies</u>

Being represented by an agency **may constitute a competitive advantage** for content creators, as agencies can assist with career strategy and the day-to-day management of commercial partnerships, maintain smooth relations with online platforms and facilitate responses to technical issues. However, only a minority of creators are represented by talent agencies (around 20%). Furthermore, high-profile content creators are represented more frequently than other creators, which may further widen the gap between such high-profile creators and their lesser-known competitors.

The **talent agency market is currently fragmented**, with large generalist agencies coexisting alongside smaller specialist ones. The latter may specialise in particular thematic focuses, platforms or levels of creator recognition. Competition between agencies is intense and is currently reinforced by several factors. On the one hand, some major creators prefer not to join an agency and instead establish their own dedicated teams. On the other hand, agencies face competition not only from certain platforms, which are developing in-house tools, but also from advertisers that approach creators directly.

First and foremost, talent agencies **compete with each other to attract and retain the best content creators**; in general, creators' bargaining power vis-à-vis agencies increases as their audience grows. Talent agencies also **compete with each other for advertisers**, in order to secure the most advantageous partnerships and advertising budgets. Lastly, talent agencies **compete with each other for platforms**, although to a lesser extent, mainly insofar as maintaining a privileged relationship with platforms constitutes an important asset in attracting content creators.

<u>The relationship between content creators and online platforms</u>

- ***Substantial market power of major platforms vis-à-vis content creators***

Online platforms provide content creators with a threefold service: (i) video hosting, (ii) connection with audiences and (iii) monetisation opportunities for their content. From a purely technical perspective, creators cannot perform these services themselves, making the **use of an online platform essential for their activity**.

While platforms are essential for content creators, not all are of equal importance. The online video content creation sector is currently concentrated around **a small number of key platforms, namely YouTube, TikTok, Instagram and, to a certain extent, Twitch**. However, it cannot be ruled out that, in the short to medium term, other platforms, such as Snapchat, may become more important for creators.

The market power of the main platforms is reinforced by the **existence of barriers to entry and expansion for their competitors.** In particular, the network effects inherent to the multisided nature of their activity are likely to encourage platform concentration and make market access more difficult for new competitors through cumulative growth dynamics[7]. This effect may be further amplified by the fact that all video content accumulated over time contributes to the depth of a platform's catalogue and its attractiveness. Furthermore, online platforms are generally characterised by relatively high fixed costs compared with variable costs[8]. Lastly, smaller platforms may lack the financial resources required to compete with larger platforms in attracting creators capable of providing attractive content. Experience nevertheless shows that the **emergence and growth of an innovative new entrant are not impossible and can significantly alter the structure and functioning of the market**, as illustrated by TikTok and the rise of short-form video formats.

In addition, from the perspective of video content creators, the **substitutability of different platforms is subject to significant limitations**, arising in particular from differences in format, theme, culture and expertise, as well as the imperfect overlap between their respective audiences. Broadly speaking, long-form video content that is scripted in advance and requires substantial production effort is more commonly published on YouTube; long-form live content is typically broadcast on Twitch; short-form content with a strong aesthetic dimension tends to be published on Instagram; and short, more spontaneous content is commonly published on TikTok.

The limitations to the substitutability of the main platforms – TikTok, YouTube, Instagram and Twitch – suggest that, from the perspective of content creators, the platforms may not belong to the same product market. These limitations may also reinforce the platforms' market power vis-à-vis content creators, whose ability to transfer their entire activity from one platform to another is restricted.

Since content creators typically use one main platform that concentrates the majority of their audience, their ability to switch from one major platform to another is constrained by the fact that such a move would mean rebuilding their audience on the new platform. This **"lock-in"** of the audience and, consequently, of creators, represents an additional factor that reinforces the market power of platforms vis-à-vis content creators.

Lastly, while the specific features of each platform encourage content creators to use multiple platforms simultaneously ("multihoming"), without precluding the use of a single platform as their main platform, the *Autorité* notes that the **widespread practice of multihoming reflects, from the perspective of content creators, a relationship of complementarity between the different platforms rather than one of competition**.

[7] Expansion on the "audience" side of the market leads not only to further growth on that same side, but also to growth on the "content creator" and "advertiser" sides; this induced growth on the "content creator" side, for example, in turn generates additional growth both on that side and on the "audience" and "advertiser" sides, and so forth.

[8] Recent developments in the sector, such as the growth of cloud computing, which can now host the entirety of a platform's IT infrastructure, tend to qualify this observation by providing greater flexibility in data storage costs in particular.

- ***Unilateral setting of the terms of their relationship with content creators and the associated competition risks***

In the French online video content creation sector, a large number of creators therefore face a limited number of platforms. Creators' **structural dependence** on the main platforms creates a significant imbalance between the respective bargaining powers of platforms and content creators, to the advantage of the former.

This asymmetry is particularly evident in **platforms' ability to unilaterally set the terms of their commercial dealings with content creators**, both in relation to remuneration and content visibility (recommendation algorithms and moderation measures).

Unilateral setting of advertising revenue-sharing rules

The asymmetry in bargaining power between creators and platforms enables the latter to **unilaterally set the terms for sharing revenue from the sale of online advertising space**, in terms of both the very existence of such revenue sharing and, where applicable, the modalities and implementation of the mechanism and the distribution rules.

Accordingly, the *Autorité* calls on platforms to ensure that their commercial dealings with content creators comply with competition law, in particular Article 102 of the Treaty on the Functioning of the European Union (hereinafter "TFEU") and Article L. 420-2 of the French Commercial Code (*Code de commerce*), which prohibit both abuse of a dominant position and abuse of economic dependence. In particular, **where contractual conditions are not subject to negotiation, such provisions must not be unfair to content creators, either in their wording or in their implementation.** In this regard, the *Autorité* encourages platforms to demonstrate **greater transparency in the implementation of revenue-sharing rules**.

Unilateral setting of content visibility conditions

Platforms have **full control over their recommendation algorithms and moderation measures and unilaterally determine their rules and implementation**. While user-content matching lies at the core of platforms' activity and attractiveness, platforms may also use **algorithms to maximise their profits, potentially to the detriment of free competition between content**.

In this regard, the *Autorité* reminds platforms that **any unfair implementation of algorithmic recommendation rules or moderation measures would raise serious competition concerns under Article 102 TFEU and Article L. 420-2 of the French Commercial Code**. For example, a platform strategy that prioritises the visibility of certain content that is particularly profitable or advantageous for the platform – and potentially, in the longer term, proprietary content entirely created by generative AI – could distort competition between content and be detrimental to the diversity of content available to consumers.

Furthermore, given the importance of content visibility for their activity, creators must be better able to understand the factors that may affect visibility and to anticipate the performance of their content. **In this regard, the *Autorité* calls on platforms to demonstrate greater transparency in the implementation of their recommendation algorithms and moderation measures.** Such transparency should also extend to changes and updates in the functioning of algorithms. It is also important that creators, whatever their profile, can reach platform representatives capable of explaining a drop in content visibility or a moderation action sanctioning their content. **The *Autorité* encourages platforms to allocate sufficient human and material resources for this purpose.**

CONTENTS

Introduction

1. Online video content creation forms part of the broader content creation economy, which includes photo, audio and text content in addition to video content. It involves the production of video material and its distribution to the public, usually through an online platform that hosts the content and acts as an intermediary between content creators, audiences and, where relevant, advertisers.

2. Over the past 15 years, the online video content creation sector in France has grown rapidly and is now an integral part of the French audiovisual industry. To analyse the competitive functioning of the sector, the *Autorité de la concurrence* (hereinafter the "*Autorité*") started inquiries *ex officio* on 13 May 2024, in application of Article L. 462-4 of the French Commercial Code (*Code de commerce*).

3. On 10 July 2024, the *Autorité* launched a public consultation to inform its analysis of how the sector operates, in particular in relation to changes in the sector, its competitive dynamics and the relationship between video content creators and talent agencies, on the one hand, and online platforms, on the other. The respondents to the public consultation included content creators, press and audiovisual groups, online platforms, talent agencies, and professional organisations and associations.

4. Given the limited data available on the online video content creation sector in France and the sector's highly fragmented nature, the *Autorité* conducted a survey of a sample of the most popular content creators on five platforms between 2 December 2024 and 9 January 2025 (hereinafter the "Survey"). A total of 201 content creators completed the Survey. The respondents, who are relatively well known, have varied profiles in terms of themes covered, platforms used and revenue, so the results of the Survey are likely to provide useful insights into the functioning of the sector.

5. The investigation was supplemented by hearings and questionnaires with various public and private stakeholders in the sector. The Board also heard a number of players.

6. On a preliminary basis, several general observations may be made.

7. Firstly, video content creation is distinct from commercial influence. The latter was given a legal definition by French law 2023-451 of 9 June 2023 to regulate commercial influence and combat abuses by influencers on social media[9] (hereinafter the "French Influencers Act" [*Loi influenceurs*]), unlike video content creation. Article 1 of said Act defines influencers as "*individuals or legal entities who, for a fee, leverage their reputation with their audience to communicate to the public, by electronic means, content intended to promote, directly or indirectly, goods, services or any cause whatsoever, thereby engaging in an activity of commercial influence by electronic means*". Accordingly, a video content creator who promotes a good, service or cause of any kind may be regarded as an influencer. Conversely, a content creator who does not engage in such promotion does not qualify as an influencer. Likewise, a commercial influencer who does not produce video content cannot be considered a video content creator.

[9] French law 2023-451 of 9 June 2023 to regulate commercial influence and combat abuses by influencers on social media, Official Journal of the French Republic (*Journal Officiel de la République Française*), no. 0133 of 10 June 2023, text no. 1.

8. Secondly, this opinion focuses on the creation of video content on free online platforms (such as YouTube, Instagram, TikTok and Twitch). Paid online platforms operate according to very different competitive dynamics and are not, therefore, considered within the scope of this opinion.

9. Thirdly, the analysis presented herein by the *Autorité* should be understood as reflecting the sector as it currently exists. Where the *Autorité* includes forward-looking elements in its analysis, such elements remain based on data available at the date hereof and relating to a sector whose players and functioning may evolve particularly rapidly.

10. Lastly, the *Autorité* recalls that, when acting under Article L. 462-4 of the French Commercial Code, it may address only competition issues of a general nature. It does not have the authority, in such context, to determine whether a particular practice is or would be contrary to competition law. Only a formal complaint and the implementation of the procedure provided for in Articles L. 463-1 *et seq.* of the French Commercial Code allow for such an assessment. Consequently, the points presented in an opinion cannot in any way prejudice the assessment that may be made by the *Autorité* of identical or comparable facts in any future enforcement case.

11. This opinion will first describe the online video content creation sector in France (**I.**), before analysing its competitive functioning (**II.**).

I. THE ONLINE VIDEO CONTENT CREATION SECTOR IN FRANCE

A. THE RAPID GROWTH OF THE SECTOR

1. THE PROFESSIONALISATION OF ONLINE VIDEO CONTENT CREATORS

12. The online video content creation sector in France has grown significantly over the past 15 years. What began as an amateur activity carried out by a small number of creators has professionalised and ultimately become an integral part of the French audiovisual industry. According to the French National Centre of Cinema (*Centre national du cinéma et de l'image animée* – CNC), "*the professional ecosystem has undergone a profound transformation, evolving from a scene of mostly amateur videographers to an organised industry. Videographers are increasingly organising themselves as legal entities, with commercial companies (SAS, SARL) becoming the dominant entrepreneurial form*"[10].

13. The production and consumption of video content have been facilitated by the spread of several technologies. Firstly, the development of smartphones with increasingly advanced cameras has enabled a large number of content creators to engage in content creation, lowering the barrier to entry that acquiring costly equipment could represent. Similarly, the widespread availability of video editing tools has enabled creators to manage the entire production of their content themselves. Secondly, smartphones have enabled the public to consume video content more intensively, a trend reinforced by the ever-increasing volume of content available to watch[11]. Lastly, the expansion of high-speed internet has facilitated access to online platforms for audiences and creators alike.

14. Furthermore, the ability of content creators to monetise their activity has been a key driver of the sector's professionalisation, primarily through two main forms of monetisation.

15. The first form of monetisation involves platforms paying content creators a share of the revenue generated from the sale of advertising space. YouTube pioneered this model with the launch of the YouTube Partner Program[12] in 2007 and the integration of Google AdSense. Other platforms have since adopted this approach[13], which has evolved to incorporate a variety of monetisation methods, such as donations and paid subscriptions.

16. The second form of monetisation involves commercial collaborations between brands and content creators, thereby turning such creators into influencers. For video content creators, such collaborations typically entail the promotion of a product, service or brand directly within the content of the video produced.

[10] See CNC response to Investigation Services questionnaire, page 5.

[11] See TikTok response to public consultation, page 6.

[12] See YouTube website.

[13] Such as TikTok or Twitch.

17. The ability to monetise has had several implications for competition. On the one hand, it has intensified competition among content creators, as their revenue depends on the size of the audience they attract. On the other hand, access to monetisation can bring a content creator within the scope of competition law, which defines an undertaking as "*any entity engaged in an economic activity, regardless of the legal status of the entity or how the entity is financed*"[14].

18. Today's most popular content creators enjoy considerable prominence, based on very large audiences, which enable them to develop large-scale projects, in particular in terms of budget. For example, video artist Squeezie, with almost 20 million subscribers[15] on YouTube, 8.9 million followers on Instagram, 5.8 million followers on Twitch and 5.4 million followers on TikTok[16], was behind the organisation of a car race, the "GP Explorer 3", which set a record audience on Twitch in France, attracting 1.37 million viewers[17]. Another notable example is the "Z Event", a charity event co-founded by video artist ZeratoR, which raised more than €16 million in three days during its 2025 edition[18].

19. Lastly, there is an increasing overlap between the video content creation sector and the traditional audiovisual ecosystem. In efforts to attract younger audiences, TV channels may collaborate with content creators, as was the case during the 2021 edition of the show "Danse avec les stars" on TF1, which featured video artist Michou. Similarly, TF1 broadcast the documentary "Kaizen" by video artist Inoxtag in 2024, which had also been shown in cinemas the day before its online release on YouTube[19], where it has received more than 47 million views[20]. As noted by the CNC, "*there is a certain 'opening up' of social platforms: creators are becoming more professional, moving between media; TV is increasing its presence on such distribution channels; and cinemas are adopting content created for such media, as illustrated by the broadcast of Kaizen or Terminal*"[21]. During the hearings held as part of the investigation, several high-profile content creators explained how they are regularly approached by TV channels or subscription video-on-demand (hereinafter "SVoD") platforms for joint projects.

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[14] Court of Justice of the European Communities, 23 April 1991, Höfner, Case C-41/90, ECLI:EU:C:1991:161, point 21.

[15] Translator's note: In French, the term "abonné" (meaning "follower" or "subscriber"), along with related forms such as "abonnement" ("following" or "subscription") and "abonner" ("to follow" or "to subscribe"), is used broadly across platforms. In English, however, different terms are used depending on the platform and context, notably "follower" for Instagram, TikTok and Twitch, and "subscriber" for YouTube. For the purposes of this opinion, the term "follower" is used throughout, except where reference is made specifically to YouTube, in which case "subscriber" is retained.

[16] Data for January 2026.

[17] See TwitchTracker website. Data for January 2026.

[18] See ZEvent website (French only).

[19] See TF1 website (French only).

[20] Inoxtag, KAIZEN: 1 an pour gravir l'Everest (*KAIZEN: 1 year to climb Everest!*). Data for January 2026.

[21] See CNC response to Investigation Services questionnaire, page 2. Prior to its launch on YouTube on 7 September, the first episode of Michou's *Terminal* was previewed on 5 and 6 September 2025 in nearly 500 cinemas in France, Belgium, Switzerland, Spain, Morocco and Tunisia. See the "YouTube Ciné-Club par mk2" press release (French only).

2. The widespread consumption of online video content

20. Online video content consumption in France is now widespread and forms an integral part of audiovisual consumption habits, alongside TV and SVoD services in particular, facilitated by the wide range of terminals and devices used to access such content: smartphones, tablets, computers, connected TVs, games consoles and even video projectors[22].

21. In 2024, 70% of French people over the age of 15 consumed videos on social media or video-sharing platforms[23]. With regard to social media (Instagram, TikTok, Snapchat, etc.), 62% of French people over 15 said they watch videos on social media, with 42% doing so regularly (at least three times a week). With regard to video-sharing platforms (YouTube, Twitch, etc.), 57% of French people over 15 said they watch videos on video-sharing platforms, with 28% doing so regularly (at least three times a week)[24].

22. As developed below, the consumption of online video content, via social media or video-sharing platforms, therefore represents a growing share of total video consumption in France, mainly at the expense of linear TV viewing.

3. The rise of the video format on online platforms

23. Video has become an increasingly important format within the offerings of online platforms. Alongside platforms such as YouTube and Dailymotion, whose core activity has been video sharing since their inception, other platforms have given growing prominence to video content. This is particularly the case for social media platforms such as Facebook and Instagram, which introduced the "Reels" short-form video format in 2020. This trend is consistent with statements made by Mark Zuckerberg, Chairman and Chief Executive Officer of Meta, who stated in 2017 that "*I see video as a mega trend, same order as mobile*"[25]. Other social media platforms have since been built around the video format, notably TikTok, which has enjoyed significant success among the French public since its launch in 2018[26].

24. Beyond their growing capacity to host video content, the ways in which platforms handle such content demonstrate the strategies employed to increase content visibility. For example, Instagram developed the "Explore" page in response to TikTok's "For You" page, providing users with a feed of videos from creators they do not necessarily follow. Similar features have since been introduced on platforms such as Snapchat[27], LinkedIn[28] and Reddit[29].

25. The growth of video is also reflected in the diversification of formats, driven by competition between platforms to capture the largest audience. Alongside long-form videos viewed horizontally (i.e. on horizontal devices such as TVs and computers, or using the horizontal orientation of mobile devices), new formats have emerged, such as short-form videos (or

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[22] Arcom, Tendances audio-vidéo 2025, page 15 (English translation also available: Audio-video trends 2025).

[23] *Ibid.*, page 21.

[24] *Ibid.*, page 16.

[25] CNBC, Mark Zuckerberg sees video as 'mega trend' and is gunning for YouTube, 1 February 2017.

[26] See TikTok response to public consultation, page 6.

[27] See paragraph 123 below.

[28] See paragraph 125 below.

[29] See announcement on Reddit.com.

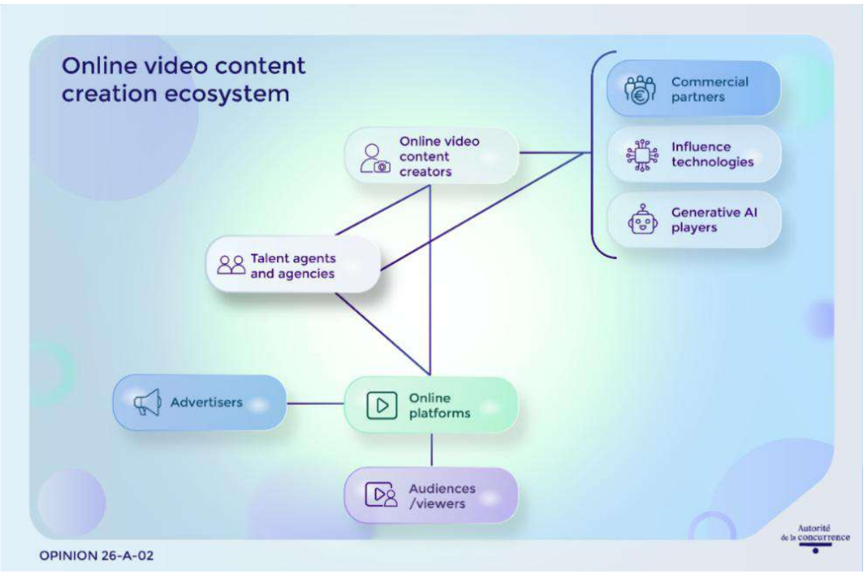
"Shorts"), primarily viewed vertically (i.e. using the default vertical orientation of mobile devices), and live-streamed content. As noted by the French Union of Influencers and Content Creators (*Union des métiers de l'influence et des créateurs de contenu* – UMICC)[30] in its response to the public consultation, "*over the past 15 years, the online video content creation sector in France has undergone rapid transformation. Initially dominated by platforms such as YouTube, the sector has gradually diversified with the emergence of new players, such as Twitch, TikTok, Snapchat and Instagram, each introducing innovative formats and attracting varied audiences*"[31].

26. The online video content sharing ecosystem now includes a significant number of platforms, such as TikTok, Instagram, YouTube, Twitch, Snapchat, Facebook, X (formerly Twitter), Reddit, Dailymotion, Vimeo and Kick. However, as explained below, in France, a limited number of platforms account for the majority of online video content creation.

4. STRUCTURE OF THE SECTOR IN FRANCE

27. In France, the video content creation value chain has become more structured in recent years and can be summarised as follows.

Figure 1 – The structure of the online video content creation sector in France



Source: Autorité de la concurrence.

[30] The UMICC, established in January 2023, is the first professional organisation dedicated to representing stakeholders across the influencer sector. It represents content creators, as well as their agents and agencies, influencer agencies and influencer technologies. The UMICC has a dual purpose: (i) to defend the interests of these stakeholders and to present a unified voice, in particular in dealings with public authorities; and (ii) to promote a more responsible and ethical influencer ecosystem by disseminating best practices (responsible influence charters, codes of ethics, etc.). See minutes of UMICC hearing before the Investigation Services, page 2.

[31] See UMICC response to public consultation, page 1.

28. Total turnover in the content creation economy in France is estimated at approximately €6.8 billion in 2025 and is expected to reach €31.3 billion in 2032, representing an average annual growth rate of 24.2%[32]. This figure encompasses the entire content creation ecosystem, not just video content creation. Nevertheless, it highlights the significance of this ecosystem at the national level.

29. The structuring of the sector is also evident at the legal level, with the strengthening of the framework applicable to both platforms and content creators. With regard to platforms, the most notable examples are the adoption of European regulations on digital markets[33] (the "Digital Markets Act" or "DMA") and digital services[34] (the "Digital Services Act" or "DSA"). On the content supply side, in 2023, the French Influencers Act clarified the framework applicable to commercial influence. These provisions complement the legal framework generally applicable to the production of audiovisual content (see paragraphs 156 *et seq.* below).

B. STAKEHOLDERS IN THE ONLINE VIDEO CONTENT CREATION SECTOR IN FRANCE

30. This opinion will present the main stakeholders in the online video content creation sector in France, namely:

- video content creators (1.);
- talent agencies and agents (2.);
- platforms (3.);
- commercial partners and advertisers (4.);
- influencer technologies and technological solutions (5.);
- generative AI sector players (6.); and
- audiences (7.).

1. ONLINE VIDEO CONTENT CREATORS

31. The concept of video content creator remains relatively vague, as it has not been legally defined, unlike that of influencer. The sector encompasses content produced by professional creators whose main activity is content creation, content produced by amateurs or individuals, and content produced by well-known personalities who, although popular on platforms, do not engage in content creation as their principal activity (athletes, artists, etc.).

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[32] Coherent Market Insights, France creator economy market size and share analysis – Growth trends and Forecasts (2025-2032).

[33] Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair contracts in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act).

[34] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act).

32. For the purposes of this opinion, the concept of video content creator will essentially refer to creators for whom the production and publication of content constitute their main activity (or are intended to become their main activity) and from which they derive revenue (or aspire to do so).

a) An increasing number of small-scale players

33. The content creation sector in France encompasses a very large and diverse range of players. Their number, which has been increasing rapidly, has expanded over the past 15 years from a handful of enthusiastic amateurs to more than 150,000 professional content creators in France as of 2024[35].

34. In addition to the increasing number of creators, the *Autorité* notes that, for a growing proportion, content creation constitutes their main economic activity. According to a 2024 study by Reech entitled "*Les influenceurs & les marques*" (Influencers & Brands; hereinafter the "2024 Reech study"), 24% of content creators are full-time (versus 15% in 2021), while the proportion of student and school-age content creators fell from 15% to 5% between 2021 and 2024[36]. Moreover, an increasing number of content creators make a living from content creation, which is the main source of revenue for 28% of them (versus 15% in 2021)[37].

35. Of the sample of creators who responded to the Survey, the proportion for whom online video content creation constitutes their primary professional activity was higher (54% of content creators)[38].

36. With regard to content creators' revenue, the 2024 Reech study found that total annual revenue remains below €5,000 for the majority of creators (66%). However, the data reveals an upward trend: while only 11% of content creators reported annual revenue of more than €10,000 in 2021, this proportion rose to 25% in 2024 (see figure below).

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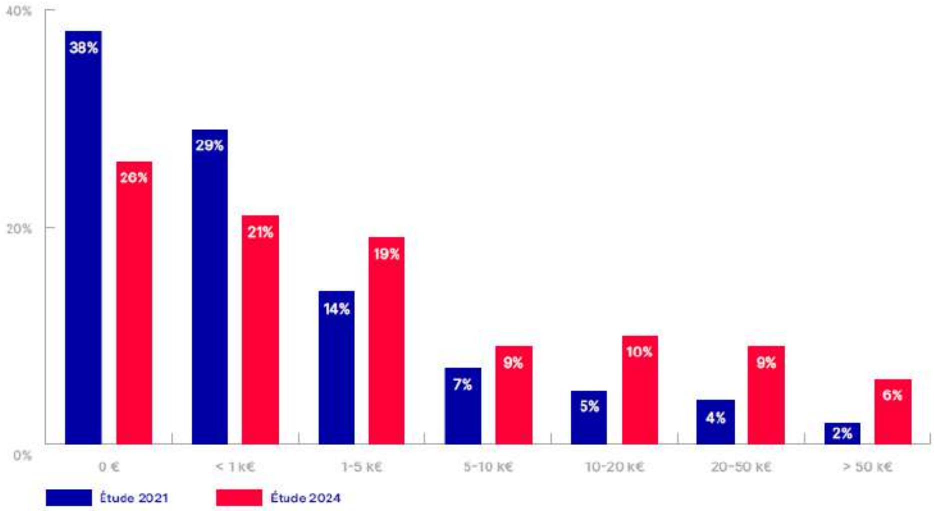
[35] See minutes of UMICC hearing before the Investigation Services, page 2.

[36] 2024 Reech study, Les influenceurs & les marques (*Influencers & Brands*), page 9 (French only).

[37] *Ibid.*, page 35.

[38] Differences in the construction of the respondent samples used in the two surveys may explain this discrepancy. On the one hand, unlike the 2024 Reech study, the sample of content creators to whom the *Autorité* addressed its Survey targeted the main content creators on the main platforms: by design, the *Autorité*'s Survey sample therefore includes a higher proportion of content creators who make their living from this activity than the 2024 Reech study. On the other hand, the scope of the *Autorité*'s Survey is broader than that of the 2024 Reech study, which focuses in particular on commercial influence (rather than video content creation). The *Autorité*'s Survey sample is thus likely to include a higher proportion of creators active on platforms such as Twitch, for example.

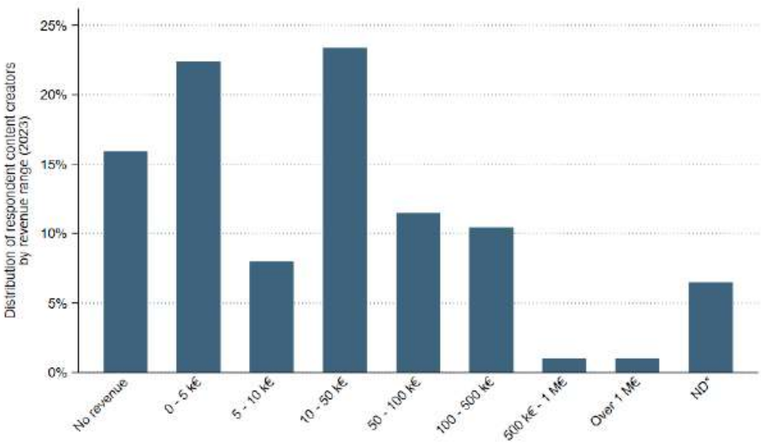
Figure 2 – Content creators' revenue (gross annual amount)



Source: 2024 Reech study, page 33[39].

37. These figures differ slightly from the results of the Survey, whose sample, by design, includes a higher proportion of large-scale content creators (see above). Annual revenue from video content creation (video monetisation, commercial partnerships, etc.) exceeds €10,000 for 47% of Survey respondents and €50,000 for 24% of respondents (see figure below). It is nevertheless interesting to note, as in the aforementioned Reech study, that a substantial proportion of content creators reported revenue of less than €5,000 in 2023 (38% of Survey respondents), despite the Survey specifically targeting the main creators on the platforms concerned.

Figure 33 – Respondent content creators' revenue (2023)



Source: Survey. Note: 13 respondents declined to answer the question (ND).*

38. This data highlights the considerable heterogeneity of this part of the sector, in which the vast majority of players are very small-scale, coexisting alongside high-profile creators.

[39] Translator's note: Figure reproduced from the original French-language source and retained in its original form. The figure shows respondents' gross annual revenue, as reported in the 2021 and 2024 studies, broken down into the following bands: €0 (38%, 26%); < €1,000 (29%, 21%); €1,000-€5,000 (14%, 19%); €5,000-€10,000 (7%, 9%); €10,000-€20,000 (5%, 10%); €20,000-€50,000 (4%, 9%); and > €50,000 (2%, 6%).

b) A limited number of high-profile video content creators

39. While the video content creation sector is, overall, highly fragmented, a limited number of creators appear to attract large audiences and generate substantial revenue. As noted by the CNC, "*the sector remains highly fragmented and heterogeneous, with a large majority of creators in precarious situations: 78% have fewer than 10,000 followers. Conversely, a small number of 'star' creators capture the majority of audiences and revenue. For example, 85% of creators earn less than the minimum wage, while 1% earn more than €500,000 per year*"[40].

40. As noted above, according to the 2024 Reech study, only 6% of content creators in France report annual revenue exceeding €50,000 (see Figure 2). Moreover, the content creators who responded to the Survey whose annual revenue exceeds €500,000 represent a very small proportion of the sample (3%; see Figure 3).

41. Furthermore, the *Autorité* notes that, while influencers have an average following of 69,000 on Instagram, 90,000 on TikTok and 132,000 on YouTube[41], the activity of the most popular content creators is based on follower bases that may reach several million, or even several tens of millions, of people.

42. The following table presents, for each of YouTube, TikTok, Twitch and Instagram, ten creator accounts or channels among the most popular in France, together with their number of followers (in millions).

Table 1 – Follower bases of the most popular content creators in France on YouTube, TikTok, Twitch and Instagram (in millions)

YouTube		TikTok		Twitch		Instagram	
Tibo InShape	26.9	Nicocapone Comedy	29.4	Squeezie	5.8	Tiboinshape	17.6
Squeezie	20.0	Akamz	24.8	Gotaga	4.6	Nicocapone Comedy	13.7
Cyprien	14.5	Latiktokeuse869	24.4	Aminematue	3.4	Léa Elui	10.6
Mayamystic	11.8	Van Toan	19.7	Locklear	2.4	Sarah Lezito	9.6
Norman fait des vidéos	11.3	Tibo InShape	19.3	Anyme023	2.4	Squeezie	8.9
Michou	10.8	Léa Elui	18.2	Michou	2.3	Mathilde Tantot	8.4
Tuvok	10.0	Déborah Yowa	18.0	Kameto	2.1	Tony Czech	7.7
Lama Fâché	9.8	Tuvok12	17.3	Lebouseuh	2.1	Inoxtag	5.9
Inoxtag	9.4	Berywam	17.1	Rebeudeter	2.1	Cyprien	5.7
Amixem	9.2	Tony Czech	15.3	Domingo	2.0	Norman Thavaud	5.4

Source: content creators' accounts and channels on the different platforms indicated. Data for January 2026.

43. This data gives rise to several observations.

[40] See CNC response to Investigation Services questionnaire, page 5.

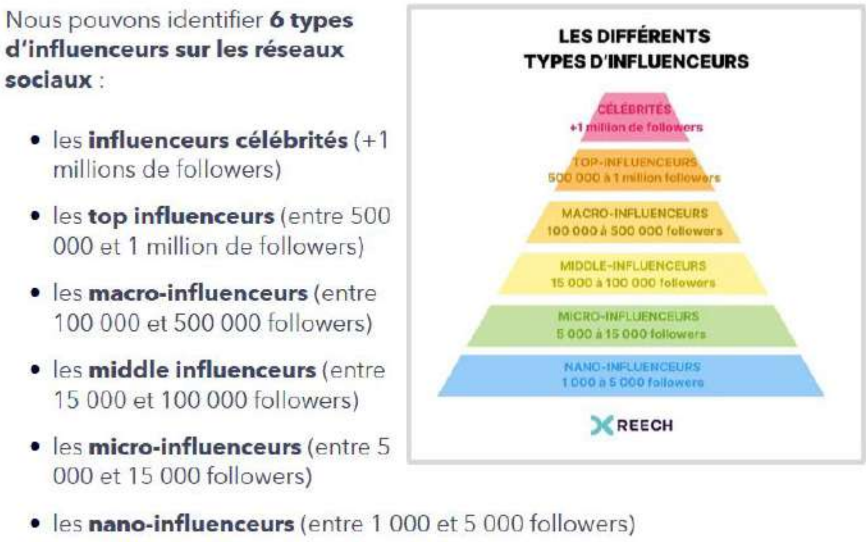
[41] 2024 Reech study, page 13.

44. Firstly, the most popular content creators have a significantly higher number of followers than the average number of followers of the influencers surveyed in the 2024 Reech study.

45. Secondly, in addition to the very large number of followers on individual platforms, the *Autorité* notes that some creators enjoy substantial audiences across multiple platforms simultaneously. For example, video artist TiboInShape has 26.9 million followers on YouTube, while his Instagram and TikTok accounts have 17.6 million and 19.3 million followers, respectively. Similarly, creator Léa Elui has 18.2 million followers on TikTok and 10.6 million on Instagram[42].

46. Thirdly, the *Autorité* notes that, among the top ten content creators on each platform, the most-followed creators have substantially more followers than the others on the list, by a ratio of up to two or even three times.

47. It follows from the above that video content creators can be categorised according to the size of their community. In this regard, the *Autorité* refers in particular to the typology of influencers[43] established by Reech and confirmed by several stakeholders during the investigation[44]:



Source: Reech[45].

[42] Data for January 2026.

[43] As indicated in paragraph 7 above, the notion of influencer does not correspond perfectly with that of video content creator.

[44] See French Trademark Union (*Union des Marques*) response to public consultation, page 3.

[45] See Reech website, Quels sont les différents types d'influenceurs ? (What are the different types of influencers?) (French only).

Translator's note: Figure reproduced from the original French-language source and retained in its original form. The figure categorises social media influencers into six types based on follower count, arranged in a pyramid format: Celebrities (over 1 million followers), Top influencers (500,000 to 1 million followers), Macro-influencers (100,000 to 500,000 followers), Mid-tier influencers (15,000 to 100,000 followers), Micro-influencers (5,000 to 15,000 followers) and Nano-influencers (1,000 to 5,000 followers).

48. However, the *Autorité* notes that the above categories are fluid, with creators able to move from one category to another depending on the success of their content[46]. The *Autorité* also observes that such rises in popularity can occur suddenly, reflecting the "virality" phenomenon characteristic of the sector. For example, video artist Anyme saw a clip from a live Twitch broadcast, shared on TikTok, achieve considerable success at the beginning of 2024, boosted by the platform's algorithm[47]. The TikTok account Anyme023, which had 100,000 followers at the start of 2024, now has more than 3.3 million[48].

c) Differentiation by video theme

49. With regard to the video content itself, the *Autorité* notes that the principal factor distinguishing one piece of content from another is the theme addressed.

50. The range of themes covered by video content is now extremely broad, encompassing general categories such as entertainment, lifestyle and humour, as well as niche subjects such as building renovation[49]. While some themes are inherently linked to the digital environment (for example, gaming), others appear to stem more from traditional media (including news, talk shows, current affairs and culture).

51. As noted by the UMICC during its hearing, theme lies at the heart of video content creation and is the starting point of the editorial process: "*At the beginning, a* [content creator] *has a preferred area; they have developed expertise and passion for a subject. They share that passion and reach an audience that engages with their content, which then grows, and they become known. At that point, the* [content creator] *realises they have become an influencer, and from then on, trends,* [platforms] *and algorithms guide the* [content creator] *in what they produce*"[50]. Consequently, the themes addressed by online video content are extremely diverse: "[Content creators] *talk about their passion, so they specialise in a field:* [there are] *as many interests and subjects as there are passionate experts, and each finds their audience and niche community*"[51].

52. The Survey highlights several themes that are particularly prominent within the content market (see figure below).

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[46] Olivier Alexandre, Bilel Benbouzid, Arnaud Lelièvre and Bertrand Roudier, "Au marché de YouTube – Organisation, revenus et topologie" (*The YouTube marketplace – Organisation, revenue and topology*), Réseaux, 2024/4, nos. 246-247, La création de contenus. Un marché comme un autre ? (*Content Creation. A market like any other?*), 2024, pages 70-75 (French only).

[47] Le Figaro, L'ascension fulgurante d'Anyme, le créateur de contenus qui a gagné le plus d'abonnés sur YouTube en 2025 (*The meteoric rise of Anyme, the content creator who gained the most followers on YouTube in 2025*), 3 December 2025 (French only).

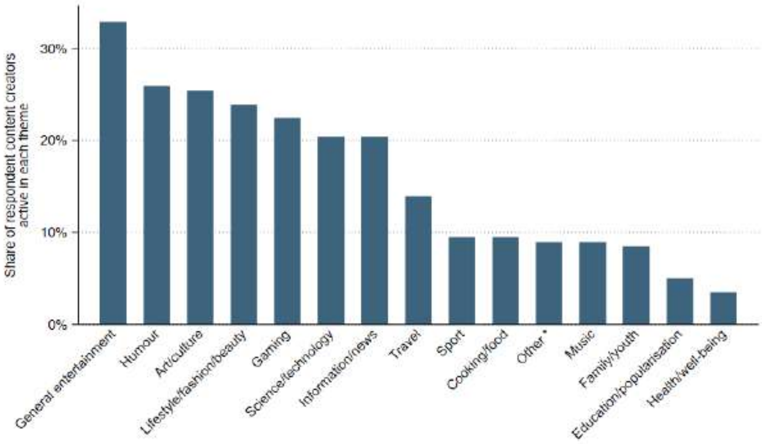
[48] See Anyme023 on TikTok. Data for January 2026.

[49] See, for example, "French Rénovation" on YouTube.

[50] See minutes of UMICC hearing before the Investigation Services, pages 3-4.

[51] *Ibid.*, page 5.

Figure 4 – Share of respondent content creators active in each theme



Source: Survey. Note: the "Other" category includes various themes, such as Dance, Social engagement, Escape games and Creative leisure.

53. Apart from the "General entertainment" category (33% of respondents), the four themes most commonly addressed by the content creators who responded to the Survey are "Humour" (26%), "Art and culture" (25%), "Lifestyle/fashion/beauty" (24%) and "Gaming" (22%).

54. The themes addressed by content creators are closely linked to their gender. The 2024 Reech study highlights that female creators focus predominantly on lifestyle (95% of the female content creators surveyed said they cover lifestyle; in the study, lifestyle included themes such as beauty/cosmetics, fashion, food, family and travel), whereas male creators primarily focus on leisure (68% of the male content creators surveyed said they cover leisure; in the study, leisure included themes such as art/creation, sports, humour, high-tech and video games)[52].

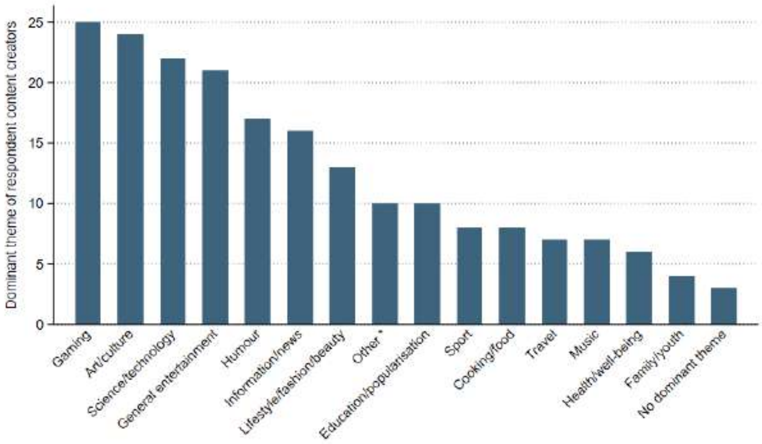
55. Furthermore, industry stakeholders observe an increasing trend towards the specialisation of online video content. According to the UMICC, the sharp rise in the number of content creators in the post-Covid-19 period, coupled with the expansion of video content offerings, has led to both fragmentation and over-specialisation as creators seek to attract audiences: "*At the beginning, the approach was mostly generalist; today, with the proliferation of content, the incentive is to produce specific content based on a passion, and once a specialist community has been established, a creator can generalise with less risk*"[53].

56. In this regard, the vast majority of video content creators who responded to the Survey said they specialise in a dominant theme. Only three of the 201 respondents said they did not have a dominant theme in their activity, and 88% of respondents said they have a dominant theme other than "General entertainment". As shown in the figure below, aside from the "General entertainment" category, the four main areas for the content creators who responded to the Survey are "Gaming" (25 respondents, or 12% of the sample), "Art and culture" (24 respondents, or 12%), "Science and technology" (22 respondents, or 11%) and "Humour" (17 respondents, or 8%).

[52] 2024 Reech study, page 10.

[53] See minutes of UMICC hearing before the Investigation Services, page 5.

Figure 5 – Dominant theme of respondent content creators



Source: Survey. Note: the "Other" category includes various themes, such as Dance, Social engagement, Escape games and Creative leisure.

57. However, content creators often cover multiple themes simultaneously (some of which may be related). On average, the content creators who responded to the Survey address two to three different themes, depending on the platforms they use most (see table below). A study conducted in 2025 by the UMICC and Ipsos BVA (hereinafter the "UMICC/Ipsos study") confirms this finding, with the content creators surveyed each posting content across an average of 2.7 different themes[54].

Table 2 – Average number of themes covered by content creators, in total and according to their main platform

Main platform	Number of respondents	Average number of themes covered per respondent
Instagram	18	2.9
TikTok	28	2.3
Twitch	15	2.4
YouTube	39	2.0
No main platform	101	2.5
Total	**201**	**2.4**

Source: Survey.

[54] UMICC – Ipsos BVA, Impact des créateurs de contenus sur les économies culturelles et informatives (*Impact of content creators on cultural and inormation economies*), September 2025, page 13 (French only).

d) A wide range of video content formats

58. Online video content also varies in format. There are three main types of video content format: short-form, long-form and live content.

59. Content creators generally have a dominant video format in their activity. Only 5% of Survey respondents said they do not have a dominant format. Of the respondents with a dominant format, the most common is short-form (61%), followed by long-form (26%) and live content (8%).

Table 3 – Dominant format of respondent content creators

Dominant format of content creators	Number of respondents	Share of respondents
Short-form (shorts, reels, etc.)	122	61%
Long-form (more than 10 minutes)	53	26%
Live content	16	8%
No dominant format	10	5%
Total	**201**	**100%**

Source: Survey.

60. To maximise their audience, content creators are nevertheless incentivised to diversify their formats, as noted by the UMICC: "*No, it is not risky to change formats. On the contrary, it is riskier to always use the same format and never surprise your audience. It simply requires some time and resources to move, for example, from short- to long-form content. If you find something that works, you want to take it further: short first, then long. The formats are quite complementary*"[55].

61. As discussed below, the choice of format is closely linked to the platform used. Although the major platforms now offer a wide range of formats, each platform retains a preferred format that accounts for the majority of content consumption.

62. The question of format is also linked to the device on which the content is viewed. For example, videos shared on platforms such as Instagram, TikTok and Snapchat are more frequently viewed on smartphones than on computer screens[56]; on these platforms, the short, vertical video format, which users can quickly scroll through, is particularly well suited to smartphone consumption.

e) The use of platforms

63. Based on Survey responses, the *Autorité* notes that content creation in France is primarily concentrated on three platforms: Instagram, TikTok and YouTube, which are used by more than 80% of the content creators who responded to the Survey (see table below). Twitch is a special case: while its usage rate in the overall sample is lower than that of other platforms such as Facebook or Dailymotion, this rate increases significantly when considering only respondents who primarily use the live format (69% of the 16 respondents concerned) or those who primarily address gaming (68% of the 25 respondents concerned).

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[55] See minutes of UMICC hearing before the Investigation Services, page 8.

[56] Arcom, Tendances audio-vidéo 2025, page 29 (English translation also available: Audio-video trends 2025).

Table 4 – Usage rate of different platforms by content creators

Platform	Number of respondents	Share of respondents
Instagram	173	86%
TikTok	172	86%
YouTube	162	81%
Facebook	77	38%
Dailymotion	55	27%
Twitch	53	26%
Snapchat	35	17%
LinkedIn	15	7%
Twitter	11	5%
Bluesky	3	1%
Pinterest	3	1%

Source: Survey. Note: the usage rate for each platform is calculated as the proportion of the 201 Survey respondents who report using the platform in question for their online video content creation.

64. Furthermore, among respondents who reported using a main platform for their activity, the four most frequently mentioned platforms are YouTube, TikTok, Instagram and Twitch (see table below).

Table 5 – Content creators' main platforms

Main platform	Number of respondents	Share of respondents
Instagram	18	9%
TikTok	28	14%
Twitch	15	7%
YouTube	39	19%
No main platform	101	50%
Total	**201**	**100%**

Source: Survey.

65. The *Autorité* also notes that the simultaneous use of multiple platforms by content creators ("multihoming") is widespread in the sector. According to the Survey results, the proportion of content creators using only a single platform for their activity is very small (4% of respondents). Conversely, 50% of respondents said they use multiple platforms simultaneously, all of equal importance to their activity, while the remaining 46% said they use one primary platform alongside other platforms on a secondary basis.

66. Multihoming offers several advantages for content creators. Firstly, it enables them to maximise and optimise both their audience and revenue, as well as to capitalise on the work invested in creating content, since the same video content can be adapted across different platforms (for example, a long video can be converted into short-form content by editing its highlights). As noted by the CNC, "*video creators are developing across multiple platforms in order to duplicate their content and multiply their sources of revenue, whether through advertising, commercial partnerships or product sales*"[57]. Secondly, according to 74% of the content creators who responded to the Survey, multihoming enables them to use one or more platforms to promote their page or account on their main platform. Lastly, multihoming can help to mitigate risks (in the event of a platform losing its public appeal, or a creator being banned from a platform[58]) by diversifying both audience and revenue sources.

67. The practice of multihoming by content creators is facilitated by the low cost of accessing platforms, as well as by creators' ability to channel their audience from one platform to another (clickable links on their channels/profiles, cross-promotion, etc.).

68. According to Survey data, video content creators use an average of 3.8 different platforms for their activity (see table below). This figure ranges from 2.6 to 4.2, depending on whether creators have a main platform and, if so, which one. This finding is confirmed by the UMICC/Ipsos study, which found that the content creators surveyed publish, on average, across three platforms[59].

Table 6 – Average number of platforms on which content creators are active, in total and according to their main platform

Main platform	Number of respondents	Average number of platforms per respondent
Instagram	18	3.2
TikTok	28	2.6
Twitch	15	3.5
YouTube	39	3.8
No main platform	101	4.2
Total	**201**	**3.8**

Source: Survey.

f) Sources of revenue and financing

69. Unlike in the "traditional" audiovisual sector, in particular the common practice between audiovisual programme producers and TV channels, content creators do not transfer the rights to their content to platforms in return for payment.

70. Content creators have diverse sources of revenue, as detailed below. The breakdown of revenue between the different sources varies according to the individual creator, their business model and the monetisation features offered by different platforms. Nevertheless, it is clear from the investigation, in particular from the statements made by various content creators during the

[57] See CNC response to Investigation Services questionnaire, page 6.

[58] See minutes of UMICC hearing before the Investigation Services, page 7.

[59] UMICC – Ipsos BVA, Impact des créateurs de contenus sur les économies culturelles et informatives (*Impact of content creators on cultural and information economies*), September 2025, page 14 (French only).

hearings, that the main share of content creators' revenue derives from commercial partnerships. According to the UMICC/Ipsos study, the two principal sources of revenue for the content creators surveyed were, firstly, sponsored content and posts and, secondly, the sharing of promotional codes and brand affiliations. Revenue generated from platform-based advertising was only the third source[60].

Commercial partnerships

71. Commercial partnerships are promotional arrangements whereby a creator, in association with a commercial partner, promotes a product within their video content.

72. Such partnerships may take many forms: product placement, producing content for a brand, sharing a promotional code, organising a competition, participating in an event, sharing a link to a brand's site, co-creating with a brand, relaying information, etc. Content creators may also enter into "ambassador" partnerships, which involve, for example, an ongoing collaboration between a content creator and a brand throughout the year, or a creator acting as the "face" of a brand[61]. However, as several content creators indicated during the hearings, commercial partnerships are most commonly one-off arrangements, negotiated on a campaign-by-campaign basis by the content creator or their agent.

73. Commercial partnerships are governed by the French Influencers Act (see below).

Platform revenue

74. Platforms may offer content creators, generally subject to eligibility conditions, a share of the revenue generated from the sale of advertising space associated with their video content. In such cases, the amount earned by the creator depends on the revenue generated from the sale of advertising space on the platforms, which is itself largely determined by the number of views of the video content in question[62].

75. Platforms may also provide subscription or donation mechanisms, enabling a creator's audience to offer financial support, from which the platforms may deduct fees or a commission[63].

Other sources of revenue and financing

76. In addition to commercial partnerships and revenue generated from platforms, content creators may also be funded directly by their audience, in particular through crowdfunding platforms such as Tipeee or Donorbox.

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[60] UMICC – Ipsos BVA, Impact des créateurs de contenus sur les économies culturelles et informatives (*Impact of content creators on cultural and information economies*), September 2025, page 42 (French only). See also the Delaporte-Vojetta Report submitted to the French government in January 2026, Influence et réseaux sociaux : face aux nouveaux défis, structurer la filière de la création, outiller l'État et mieux protéger (*Influence and social networks: addressing new challenges, structuring the creator economy, equipping the State and providing better protection*), page 56 (French only).

[61] See, for example, content creator Inoxtag with online bank Revolut.

[62] See paragraphs 99 *et seq.* below.

[63] See paragraphs 99 *et seq.* below.

77. Certain institutions also provide support schemes for video content creators, such as the Social Platform Creation Fund administered by the CNC (formerly known as the CNC Talent Fund)[64]. Since 2017, the CNC has allocated €16 million to more than 700 creators, aiming to "*support the professionalisation of video content creators, who have direct access to the public, and to promote increasingly ambitious works*"[65].

78. Lastly, a portion of content creators' revenue may derive from activities ancillary to content creation, such as the sale of merchandise or diversification into other ventures (the sale of dietary supplements[66], the opening of restaurants[67], etc.).

2. Talent agents and agencies

79. Some video content creators are represented by talent agencies. However, this applies to only a minority of creators: just 20% of the creators who responded to the Survey are affiliated with an agency. This proportion varies according to the creator's success and audience size. According to the 2024 Reech study, 25% of creators with more than 100,000 followers are represented by an agent, compared with only 1% of those with fewer than 5,000 followers[68]. Of the creators who responded to the Survey whose annual revenue exceeded €100,000 in 2023, 32% were affiliated with an agency.

a) Recent developments in the sector: growth and diversification of players

80. Several sector stakeholders report growth in the number of talent agencies and independent agents, as well as increased professionalisation and structuring of the sector over the past five years. For example, as noted by an agency consulted during the investigation, "*the market for video content creator talent agencies has become more professional with the rise of platforms such as TikTok and YouTube. Agencies play a key role in facilitating collaborations between brands and creators. Over the past five years, there has been greater structuring, diversification of revenue streams and tighter regulation. Competition is intensifying with the emergence of new players and strategic consolidations*"[69].

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[64] See CNC website, Fonds d'aide à la création pour les plateformes sociales (*Social Platform Creation Fund*) (French only).

The annual budget allocated to the fund increased, as of 1 January 2026, from €2 million to €3 million. See Influencia, Créateurs de contenu : le CNC muscle son fonds avec l'UMICC… mais le modèle reste fragile (*Content creators: the CNC increases the fund with the UMICC… but the model remains fragile*), 15 January 2026 (French only).

[65] See CNC response to Investigation Services questionnaire, page 1.

[66] For example, the "*InShape Nutrition*" brand from video artist Tibo InShape.

[67] Such as video artist Michou's "*Mealy*" and video artist Valouzz's "*Burgouzz*" restaurants.

[68] 2024 Reech study, page 57.

[69] See agency responses to Investigation Services questionnaire. See also:

- "*The market has become more professional, with the rise of integrated agencies and niche segmentation. The expectations of brands and platforms have raised standards. This professionalisation of the sector has accelerated since the enactment of French law 2023-451 of 9 June 2023*".

81. Furthermore, talent agencies have gradually expanded the scope of their activity. Initially, their role was primarily to bring content creators together under a single point of contact, or "network", for their dealings with platforms (mainly YouTube). Then, as content creators grew and professionalised, their need for support functions increased, especially in managing commercial partnerships. This led, around 15 years ago, to the emergence of the first marketing and influencer agencies, whose role was to facilitate relationships and collaborations between creators and brands. Over the past five years, the role of agencies has again extended, to encompass talent career management and content production support. In response to a strong desire for independence among creators, who seek to develop their own monetisation ecosystems directly with brands, agencies have shifted from acting as intermediaries vis-à-vis brands to providing more comprehensive, long-term support for creators, including co-production and even co-creation of content (creative input, ongoing guidance, editorial choices, video financing, video production, content distribution, etc.).

82. As a result, the talent agency sector now comprises a large number of players. According to the UMICC, "*there are two main types of talent agency in France. On the one hand, small agencies, often represented by independent agents, offer closer relationships and personalised support, generally at more affordable rates. On the other hand, larger agencies, which charge higher fees, provide complementary services such as concierge support, content production or the organisation of private events for creators. This wide range of offerings means that each creator can chose the support that best suits their needs and ambitions*"[70]. Distinctions can also be drawn between[71]:

- creator talent agencies, which support creators throughout their careers over the long term; influencer agencies, which manage advertisers' influencer campaigns; and hybrid agencies, which both represent creators and provide consulting services to brands;
- large groups or their subsidiaries and traditional media; agencies affiliated with a production company; agencies founded by former influencer agents; agencies founded by one or more content creators, or established through a friendship or opportunity with one or more content creators; and independent agents; and
- large groups, generally focused on creators targeting the "Gen X" audience on YouTube; and start-ups, generally organised around creators targeting the "Gen Z" audience on Instagram and TikTok.

- "*The market has become significantly more structured over the past five years. It has shifted from a highly fragmented landscape to a professionalised environment dominated by a small number of structured players (agencies, labels, multi-platform networks), while still remaining highly fragmented with many independent players. The rise of TikTok has also led to the emergence of new specialised agencies*".

[70] See UMICC response to public consultation, page 5.

[71] See minutes of UMICC hearing before the Investigation Services, page 12. See agency responses to Investigation Services questionnaire.

b) Structure of the talent agent and agency market

83. Generally speaking, the agency market is structured as follows:

- three large agencies, namely Bump, Foll-ow and Webedia Talents;
- mid-sized agencies, such as Point d'Orgue, Spoutnik and InFlux;
- numerous smaller agencies, including Twenty, Soeurette Productions, AD Crew, Social Cut, Quarks, Gizele Paris, eIdols, BTS Agency, Share Fraiche, Intello, Agently and Loopin; and
- a number of independent agents.

84. In any case, the *Autorité* notes that the agency market today appears significantly more fragmented than in 2019, when it was examined by the *Autorité* in Decision 19-DCC-94 of 24 May 2019 on the acquisition of sole control of Groupe Elephant by Webedia. In that decision, the *Autorité* observed the presence of integrated agencies such as Studio71 (TF1group), Studio Bagel (then partly owned by the Canal Plus group) and Golden Moustache (M6 group). With the notable exception of Webedia, these integrated agencies have been replaced by new entrants, such as Bump and Foll-ow. In this regard, an agency consulted during the investigation said: "*The agency market was fairly consolidated before Covid-19 and exploded during and after that period*"[72].

c) Affiliation with a group

85. Some agencies are part of a group. Foll-ow belongs to the European Digital Group[73], while Webedia Talents is part of the Webedia group, which is owned by Fimalac[74]. The Digital Brand Makers (DBM) group includes Quarks, Anekdote and Baci, each operating independently with dedicated teams: Quarks represents talent, Anekdote provides influencer marketing consulting to advertisers, and Baci offers event support[75].

86. Other talent agencies, such as Bump, Point d'Orgue, Intello and Agently, are independent[76].

87. During the investigation, it was found that being affiliated with a large group can enhance an agency's added value in providing comprehensive support to creators, through potential synergies and interactions between the group's various activities (production studios, sales teams, data units, etc.)[77]. Agencies also facilitate connections between content creation and traditional audiovisual players (TV, cinema, etc.).

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[72] See agency responses to Investigation Services questionnaire.

[73] https://www.e-marketing.fr/Thematique/social-media-1096/Breves/Follow-EDG-European-Digital-Group-associent-devenir-leader-influence-356910.htm (French only)

[74] See agency responses to Investigation Services questionnaire.

[75] See agency responses to Investigation Services questionnaire.

[76] See agency responses to Investigation Services questionnaire.

[77] See agency responses to Investigation Services questionnaire.

d) Remuneration models

88. Talent agencies' business model is primarily based on commissions on the value of the commercial collaborations and paid partnerships managed on behalf of their talent[78]. On average, commission rates range between 20% and 30%. The rate varies according to the level of service provided to content creators. It may also be lower, especially for collaborations offered directly by a brand to a creator (without agency intermediation), or higher, notably for content creators who are not exclusively managed by the agency.

89. Agencies may receive other ancillary remuneration, linked, for example, to the organisation of events or in return for content production services.

90. Lastly, some independent agents charge a fixed monthly fee or operate under a hybrid arrangement combining a fixed fee with commission on commercial collaborations, especially for their most prominent talent.

e) Internal organisation and varying degrees of specialisation

91. The internal organisation of agencies varies[79].

92. Firstly, in some agencies, teams are organised around talent, based on affinities between agents and content creators, irrespective of platform or thematic focus. In such cases, each content creator is managed by one or more "talent managers", irrespective of platform or thematic focus. Agents may provide comprehensive support to their creators or, alternatively, operate within specialised functions, dividing responsibilities between, for example, an "image" talent manager responsible for a creator's image, development and creative direction, and a "business" talent manager focused on commercial activities. In other agencies, teams are organised by thematic focus, audience and/or platform. For example, agents may be grouped into teams dedicated to representing gaming, lifestyle or mainstream talent, or structured more granularly according to segments such as "fashion and luxury", "millennial lifestyle" and "Gen Z lifestyle".

93. Secondly, in terms of thematic focus, certain talent agencies, such as Webedia or Bump, adopt a generalist positioning. Others specialise in specific themes. For example[80]:

- Foll-ow, focused on lifestyle, fashion, beauty and food-related content[81];
- Point d'Orgue, focused on lifestyle and, more specifically, on cosmetics, fashion, luxury and "art de vivre" in general;
- Share Fraiche, specialising in wellness-related content;
- Intello, specialising in educational ("knowledge and impact") content, alongside Loopin and Inpresario for "knowledge" content and Quarks for "impact" content.

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[78] See minutes of UMICC hearing before the Investigation Services, page 12. See agency responses to Investigation Services questionnaire.

[79] See minutes of UMICC hearing with the Investigation Services, page 2. See agency responses to Investigation Services questionnaire.

[80] See agency responses to Investigation Services questionnaire.

[81] See Foll-ow website.

94. Lastly, some agencies specialise by platform. For example, Bump's activity is centred on content creators primarily from YouTube or Twitch, whereas Agently's activity is mainly focused on Instagram and TikTok[82].

3. ONLINE PLATFORMS

95. Platforms provide video content creators with hosting services for their content. In doing so, they act as intermediaries, connecting creators with their audiences and enabling them to generate revenue, either through video monetisation or commercial partnerships.

96. Access to platforms is generally free for both the public and content creators. Platforms' main business model is based on the sale of advertising space to advertisers. However, on certain platforms, in-app purchase mechanisms account for a significant, or even majority, share of revenue.

97. While the role of all platforms in video content creation is broadly similar (namely, hosting and sharing videos with the public), each platform may differ in how they operate or how creators are remunerated. As the specific features of each platform have a tangible impact on how creators conduct their activity, it is useful to present each platform individually.

98. As indicated in paragraphs 63 *et seq.* above, the platforms most commonly used by creators in the course of their activity are YouTube **(a)**, Twitch **(b)**, TikTok **(c)** and Instagram **(d)**. Other platforms complete this list **(e)**.

a) YouTube

99. YouTube is a video-sharing platform launched in 2005 and operated by Google (Alphabet group)[83], enabling (i) content creators to make video content available to users and (ii) users to view[84], comment on and share this content.

100. YouTube hosts a variety of video formats:

- long-form videos[85], available since the platform's launch in 2005;
- live videos, available since 2011;
- short-form videos ("Shorts")[86], available since 2021; and
- video on demand (VoD).

[82] See agency responses to Investigation Services questionnaire.

[83] The platform was acquired by Google in 2006.

[84] See Google response to Investigation Services questionnaire, page 1.

[85] More than three minutes long.

[86] Less than three minutes long.

101. YouTube's business model is primarily based on the sale of online advertising space[87]. The platform also generates revenue from monthly subscriptions, such as YouTube Premium (launched in France in 2018), which allows users, among other benefits, to watch videos without adverts. In addition, YouTube offers monetisation features, including Super Chat, Super Stickers[88], Super Thanks[89], subscriptions to specific YouTube channels[90], and YouTube Shopping[91].

102. Users can use find videos by using the YouTube search bar, for example by entering keywords or video titles, or by visiting a specific creator's channel. YouTube also employs a recommendation algorithm to suggest content, which appears on the home page and in the "Up Next" panel while a video is playing[92]. The placement and ranking of videos in the feed are primarily determined by the following variables, which measure the user's interest in a particular type of video: clicks, watch time, feedback to surveys measuring "meaningful watch time"[93], video shares and likes.

103. Revenue is shared with content creators primarily through the YouTube Partner Program, which enables creators to monetise their content by displaying adverts on their videos[94]. To be eligible, creators must meet several conditions: at least 1,000 subscribers and 4,000 watch hours on their channel over the past 12 months, or 10 million "Shorts" views on their channel over the past 90 days[95]. Eligible creators can choose between different monetisation options: (i) "Watch Page Ads", for long-form and live videos, under which creators receive 55% of the net advertising revenue generated from the adverts displayed or broadcast on their videos[96], or (ii) "Shorts Feed Ads", for short-form videos, under which creators receive 45% of the advertising revenue allocated to their content, with the amount allocated determined by the share of views generated by this content[97]. Lastly, creators who activate community monetisation features[98] can receive 70% of the net revenue generated.

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[87] See Google response to Investigation Services questionnaire, pages 6-8.

[88] A feature that content creators can activate to allow users to pay to have their messages and stickers highlighted in the chat feed during a live stream.

[89] A feature enabling users to pay to post an animation and have their message highlighted in the comments on a video or Short.

[90] A feature enabling users to access exclusive content, create custom emojis, etc.

[91] A tool enabling content creators to sell merchandise to their community.

[92] See Google response to Investigation Services questionnaire, pages 13-15.

[93] *Ibid.*

[94] Content creators participating in the YouTube Partner Program may choose whether or not to enable adverts on their video content (see YouTube website). For videos longer than eight minutes, creators may choose whether to enable mid-roll adverts and, if so, may either manually specify the points within the video at which such adverts may be shown, or allow YouTube to determine this automatically (see YouTube website). The actual delivery of adverts remains the responsibility of YouTube (see YouTube website).

[95] See Google response to Investigation Services questionnaire, pages 6-8. See also YouTube website, "The Partner Program".

[96] *Ibid.*

[97] *Ibid.*

[98] Community monetisation features include paid channel memberships, "Super Chats" (a message is highlighted in live chat during livestreams), "Super Stickers" (users purchase and send animated stickers in live chat) and "Super Thanks" (viewers make payments to creators).

104. According to the French audiovisual and digital communication regulator (*Autorité de régulation de la communication audiovisuelle et numérique* – Arcom), the total YouTube watch time of the French population (aged 2 and over) was 4.5 billion hours in 2024, with an average of around 7 hours and 40 minutes per visitor per month[99].

b) Twitch

105. Twitch is an online platform, founded in 2011, for the streaming of live video content. It has been owned by the Amazon group since 2014[100].

106. On the platform, content creators (known as "streamers") broadcast live video feeds (known as "Streams"), which viewers watch in real time. Viewers can interact with the creator via a chat function[101]. In addition to its core live streaming activity, Twitch also offers other video formats, including non-linear replays of streamed sessions (VoDs), highlights from streams ("Highlights"), non-linear long-form videos ("Uploads"), and short-form videos ("Clips").

107. Twitch generates revenue from commissions on the sale of paid subscriptions (known as "Subs")[102] and on the sale of "Bits" (a virtual currency that viewers can use to support streamers)[103], as well as from the sale of advertising space. Revenue sharing with streamers is subject to certain conditions relating to activity levels and audience size. Depending on these criteria, streamers may qualify for Affiliate or Partner status. Partner status has higher requirements but also offers greater potential revenue. Affiliates and Partners receive USD 0.01 for each Bit used by viewers to support them. They may also receive between 50% and 70% of subscription revenue (depending on the volume of subscriptions to their channel), and up to 55% of the net advertising revenue generated by their channels[104].

108. In addition to the channels already followed, viewers can access live streams via the search bar or by selecting a category on the "Browse" page[105]. Twitch may also recommend content through a recommendation system, the algorithm of which takes into account, among other indicators, viewers' watch preferences[106].

109. Among the French population (aged 2 and over), total Twitch watch time was 188 million hours in 2024, with an average of around 2 hours and 50 minutes per visitor per month[107].

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[99] Arcom, based on Médiamétrie data. The Internet Global measurement reflects only YouTube audience figures for the YouTube website and YouTube applications (excluding all other websites and applications in which the YouTube player is embedded).

[100] See Twitch response to Investigation Services questionnaire, page 2.

[101] The term "chat" refers to any form of online communication enabling the real-time transmission of text messages from the sender to the recipient.

[102] Subscriptions ("Subs") allow users to subscribe to their favourite streamer's channel and receive benefits set by the streamer, such as loyalty badges, exclusive emoticons and ad-free viewing. There are several tiers of Subs, offering different levels of functionality to users and generating varying levels of revenue for the streamer, with prices ranging from approximately €5 to €25 per month.

[103] Bits can be purchased in batches of 100 (for €1.59) or 500 (for €7.85).

[104] See Twitch response to Investigation Services questionnaire, page 5.

[105] See Twitch website, Browse.

[106] See Twitch website.

[107] Arcom, based on Médiamétrie data.

c) TikTok

110. TikTok is an online platform owned by the Chinese group ByteDance, launched in France in 2018.

111. On TikTok, users share videos that can be viewed by other users. While users can follow specific creators of their choice, videos are primarily watched via the "For You" page, a personalised feed curated by TikTok's recommendation algorithm[108]. This feed also includes content from creators the user does not follow.

112. The range of video formats that users can share on TikTok has evolved since its launch. Initially, the platform only allowed videos up to 15 seconds long. In 2020, TikTok introduced live streaming and increased the maximum video length to 1 minute, then to 3 minutes in 2021, 10 minutes in 2022, and finally up to 60 minutes in 2024[109]. TikTok also introduced "Stories" (content viewable for 24 hours) in 2022.

113. The recommendation system of the "For You" page is based on an algorithm fed by metrics reflecting the users' preferences, such as their subscriptions, interactions with content (likes, shares or comments) and video watch time. The algorithm also considers information related to the content consumed, including captions, music, hashtags[110], view counts and the country of publication. In addition, user-specific information – such as settings and device type, time zone and language preferences – is taken into account. Lastly, the behaviour of other users with similar interests influences recommendations. The weighting of each metric is not fixed and can vary, adapting to individual users based on their behaviour[111].

114. TikTok's primary source of revenue is the sale of advertising space, displayed on app launch ("TopView"), between videos ("In-Feed") or at the top of the feed ("Top Feed")[112]. The platform also generates revenue from in-app purchases, notably the sale of "Coins," which users can buy to send "Gifts" to other users during a live stream or in a video's comment section[113].

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[108] See TikTok response to Investigation Services questionnaire, page 12.

[109] *Ibid.*, page 2.

[110] Hashtags can be used to tag content with a keyword to facilitate the sharing and indexing of that content, or to group together all discussions relating to the same theme.

[111] *Ibid.*, page 13.

[112] *Ibid.*, page 5.

[113] *Ibid.*, page 6.

115. TikTok offers several monetisation options for content creators[114]. On the one hand, through the "Creator Rewards Program", creators who meet certain quantitative (10,000 followers, 100,000 verified views in the last 30 days, etc.) and qualitative (original content that complies with the platform's terms of use) eligibility criteria can receive payments from TikTok, the amount of which varies according to performance indicators[115]. On the other hand, creators may, subject to certain eligibility conditions, receive "Gifts" from other users (see previous paragraph), as well as revenue from paid subscriptions to their content and the sale of exclusive video content ("Series")[116].

116. Among the French population (aged 2 and over), total TikTok watch time was 4.4 billion hours in 2024, with an average of around 14 hours and 15 minutes per visitor per month[117].

d) Instagram

117. Instagram is an online platform created in 2010 and belonging to the Meta group (formerly Facebook) since 2011.

118. Instagram is a social network where users share photos and videos and follow other accounts to see their posts. The platform also includes a messaging service. Content is primarily viewed in a feed showing posts by followed accounts, as well as through the "Explore" page, a personalised feed of posts recommended by Instagram.

119. In 2016, Instagram added the "Stories" feature: short, 60-second videos that disappear after 24 hours[118]. In 2020, Instagram launched the short-form video format "Reels", initially limited to 15 seconds, which was extended to 90 seconds in 2022 and then to 3 minutes in 2025. Furthermore, following the removal of "Instagram TV" in 2021, videos published by users on their accounts can now be up to 60 minutes long[119]. Lastly, Instagram has offered a live streaming feature since 2016[120].

120. Instagram's business model is based on the sale of advertising space[121]. Creators with at least 10,000 followers may, subject to certain conditions, monetise their content through paid subscriptions purchased by other users (which, notably, grant access to exclusive content) and receive "badges" during live streams. Creators can also receive gifts from users on their "Reels", provided they have at least 500 followers.

121. Instagram's recommendation system is powered by an algorithm that uses a combination of variables to rank content in two ways: firstly, the "connected reach" ranking includes posts from accounts that users follow[122]; and the "unconnected reach" ranking features content from

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[114] On the conditions under which TikTok remunerates its creators, see the report of the French parliamentary inquiry of 4 September 2025 into the psychological effects of TikTok on minors, pages 49 *et seq*.

[115] See TikTok response to Investigation Services questionnaire, pages 27-29.

[116] *Ibid.*, pages 28-29.

[117] Arcom, based on Médiamétrie data. The measurement of time spent on TikTok was incomplete in the iOS environment until May 2024.

[118] See Meta response to Investigation Services questionnaire, page 11.

[119] *Ibid.* If posted from instagram.com. From the app, the maximum length of a posted video is 15 minutes.

[120] *Ibid.*

[121] *Ibid.*, page 9.

[122] *Ibid.*, page 16.

accounts that users do not follow[123]. The variables influencing recommendations include watch time, likes, comments and content shares[124], with the weighting of each factor varying depending on the ranking type (connected or unconnected)[125]. As explained by Meta, "*the content that users see on Instagram is selected and ranked by an artificial intelligence (AI) system composed of multiple machine learning models working together and dynamically improving*"[126].

122. Among the French population (aged 2 and over), total Instagram consumption was 3.6 billion hours in 2024, with an average of around 7 hours and 20 minutes per visitor per month[127].

e) The other platforms

123. **Snapchat** is a platform launched in 2011 and owned by the Snap group. It enables users to communicate via messaging and share temporary photo or video content. Users can also post "Stories" (photo or video content accessible for 24 hours, which can be shared publicly). In 2020, Snapchat introduced the "Spotlight" feature[128], comprising a feed in which users can view video content published by other users outside their contacts list, with a maximum duration of 60 seconds. Content on the "Spotlight" feed is selected according to a recommendation system based on individual user preferences[129]. Since 2015, Snapchat has also offered the "Discover" page, featuring content from verified media partners and popular creators selected by the platform[130]. Since 2022, subject to eligibility criteria, Snapchat has offered revenue-sharing opportunities to creators of public "Stories" or "Spotlight" content[131]. Snapchat generates most of its revenue from the sale of advertising space.

124. **Dailymotion** is a video hosting platform founded in France in 2005, which enables users to upload, share and view video content[132]. Since the end of 2024, Dailymotion has been owned by the Canal+ group[133]. During the investigation, Dailymotion stated: "*In 2023, Dailymotion adopted a new strategic positioning emphasising authentic and creative content. In addition to its traditional media division, the platform has renewed its efforts to acquire content creators offering unique added value*"[134]. In addition to pre-recorded video content, Dailymotion has offered live streaming since 2009[135].

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[123] *Ibid.*

[124] *Ibid.*

[125] *Ibid.*

[126] *Ibid.*

[127] Arcom, based on Médiamétrie data.

[128] See Snap response to Investigation Services questionnaire, page 1.

[129] *Ibid.*, page 7.

[130] *Ibid.*, page 6.

[131] See Snap website.

[132] See Dailymotion response to Investigation Services questionnaire, page 1.

[133] *Ibid*.

[134] *Ibid*.

[135] *Ibid.*, page 5.

125. **LinkedIn** is an online platform with more than 34 million users in France[136]. Launched in 2003[137] and acquired by Microsoft in 2016, the platform is designed to facilitate professional networking and the sharing of video content within that network. LinkedIn is currently experimenting with a video-only feed.

126. **Facebook** is an online platform launched in 2006 and owned by the Meta group. It enables users to connect and exchange content, including video. Facebook incorporates the "Messenger" messaging system. The platform features a video feed where users can view "Reels", similar to those available on Instagram. Its business model is based on the sale of online advertising space.

127. Other platforms that may be referenced include X (formerly Twitter), Reddit, Kick and Mastodon.

4. COMMERCIAL PARTNERS AND ADVERTISERS

128. Advertising arrangements may be entered into at the video content creation stage, through a partnership between a content creator and a brand **(a)**, or at the video hosting stage, through the purchase of advertising space on online platforms **(b)**.

a) Commercial partners

129. Influencer marketing has become an essential lever for brands. In a 2022 study by Reech entitled "*Le marketing d'influence*" (Influencer Marketing; hereinafter the "2022 Reech study")[138], 74% of the brands surveyed said they had carried out at least one influencer marketing campaign in the last two years[139]. What the brands particularly value about influencer marketing is the relationship of trust formed between the content creator and their audience, content creators' creativity, and the ability to reach a broad audience while targeting a specific one[140].

130. In the 2024 Reech study[141], 83% of the content creators surveyed said they had entered into at least one partnership (whether paid or unpaid) in 2023. The number of collaboration requests received, as well as the number of partnerships entered into, increases in line with the size of a creator's follower base, with a significant jump from 5,000 followers. However, unpaid partnerships remain common, especially for content creators with smaller communities: 88% of creators with fewer than 5,000 followers reported that unpaid partnerships account for the majority of partnership requests they receive.

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136 See LinkedIn website.

137 See LinkedIn website.

138 See Reech website.

139 2022 Reech study, page 9.

140 *Ibid.*, page 11.

141 2024 Reech study, pages 21-26 and 31.

131. The performance of commercial partnerships may be assessed using various indicators:

- indicators that are directly observable on the online platform, such as the number of video views, audience engagement (measured by the number of video likes, comments or shares), the number of users reached by the advertising campaign ("reach"), changes in the number of followers to the brand following the campaign, etc.; and
- indicators calculated by the brand, such as the number of sales or orders generated following the advertising campaign, or the equivalent earned media value (EMV), which estimates the traditional advertising spend that would have been required to achieve comparable exposure.

132. According to Kolsquare[142], based on data from Statista, advertising spend on influencer marketing in France reached €418.8 million in 2023[143].

b) Advertisers purchasing advertising space on platforms

133. Advertisers purchase online advertising space sold by platforms and displayed within the video content shared by creators. Unlike commercial partnerships, this form of advertising does not involve a commercial relationship between content creators and advertisers, as the transaction occurs between the advertisers and the platforms.

134. The *Autorité*[144] and the European Commission (hereinafter the "Commission")[145] have examined the markets for the sale of online advertising space on several occasions.

135. Broadly speaking, platforms enable advertisers to target a specific audience[146] based, for example, on its characteristics or interests. Some platforms also offer advertisers the possibility to target the content with which they wish their adverts to be associated. On YouTube, for example, an advertiser may target video themes, channels (or even specific videos from those channels) or a particular audience[147].

[142] Kolsquare is an influencer technology providing a platform that aggregates quantitative data relating to thousands of content creators across various platforms (see below).

[143] See Kolsquare website, *Le marketing d'influence en France en 2024: vers une croissance durable, éthique et soutenue* (English translation available: Influencer marketing in France in 2024: rationalization to deliver a sustainable, ethical, and growing market).

[144] See, in particular, Decisions 19-D-26 of 19 December 2019 regarding practices implemented in the online search advertising sector, 21-D-11 of 7 June 2021 regarding practices implemented in the online advertising sector, 22-D-12 of 16 June 2022 regarding practices implemented in the online advertising sector, 23-MC-01 of 4 May 2023 on the request by Adloox for interim measures and 18-A-03 of 6 March 2018 on data processing in the online advertising sector.

[145] See, in particular, Decisions M.4731 of 11 March 2008, Google/DoubleClick, M.7217 of 3 October 2014, Facebook/WhatsApp, M.8124 of 6 December 2016, Microsoft/LinkedIn, M.8788 of 6 September 2018, Apple/Shazam, M.9660 of 17 December 2020, Google/Fitbit, M. 10262 of 27 January 2022, Meta/Kustomer and AT.40684 of 14 November 2024, Facebook Marketplace.

[146] See Meta response to Investigation Services questionnaire, page 19.

[147] See Google response to Investigation Services questionnaire, page 17.

136. According to data from the French internet regulators union (*Syndicat des régies internet* – SRI), in-stream video advertising (i.e. displayed during video playback) represented €1.133 billion in France in 2024, while advertising on social media was estimated at €3.39 billion in the same year[148].

5. Influencer technologies

137. Influencer technologies are software or technological solutions used by professionals in the sector, in particular creator talent agencies and advertisers, to support a range of activities, including: cataloguing content creators, collecting their audience data across different platforms, identifying their audiences, measuring their performance and optimising the targeting of commercial partnerships.

138. During the preparation of this opinion, the main influencer technology cited by stakeholders was Kolsquare[149], a Software as a Service (SaaS) platform that functions as a database containing quantitative information on thousands of content creators across multiple platforms (Instagram, TikTok, YouTube, Facebook and X). The platform operates on a subscription basis, enabling agencies and advertisers to identify content creator profiles that align with their objectives and to have clear visibility of their data across key influencer metrics. Kolsquare also offers a tool for managing marketing campaigns directly from the platform, as well as monitoring and reporting functionalities.

139. Other technological solutions cited included Favikon, Reech, Shikenzo, SocialBlade and Tubular[150].

140. Lastly, some agencies said they have developed in-house technological tools, for example to manage their micro- and nano-influencer talent base[151].

6. Generative AI sector players

141. In the online video content creation sector in France, the adoption of generative AI remains at an early stage[152], taking two main forms: assistance with video content creation and end-to-end video content creation.

142. Firstly, the primary form of generative AI adoption is creators' use of generative AI tools to assist with video production. Many generative AI tools, generally provided by international companies, enable task automation or support the initial stages of production. Such tools may include:

   - script and idea generation (general-purpose conversational agents such as ChatGPT, Claude, Gemini and Le Chat; specialised tools for short-form content such a Jasper AI and Copy.ai);

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[148] SRI, Observatoire de l'e-pub – Bilan 2024 (*E-advertising observatory – 2024 review*), 33rd edition, 2025, pages 7 and 15 (French only).

[149] See agency responses to Investigation Services questionnaire.

[150] See agency responses to Investigation Services questionnaire.

[151] See agency responses to Investigation Services questionnaire.

[152] See agency responses to Investigation Services questionnaire.

- video thumbnail creation using specialised tools (Adobe Photoshop Firefly, Thumbly.AI, Thumbmaker.ai, Canva, Kapwing AI Thumbnail Generator, Pikzels, etc.) or image-generation tools that can produce video thumbnails (DALL-E 3, Midjourney, Leonardo.Ai and Ideaogram);
- video editing assistance via automated editing wizards (specialised wizards such as Opus-Clip, Gling, Pictory, Vizard.ai, Wisecut and Descript; AI features integrated into professional software such as Adobe Premiere Pro and DaVinci Resolve);
- automatic video subtitling (specialised tools such as Captions, Veed.io and Submagic; transcription functions integrated into editing software such as Adobe Premiere Pro and DaVinci Resolve);
- automatic voice or voice-over generation (Open AI Voice Over Generator, CapCut, ElevenLabs, LOVO.ai, WellSaid Labs, etc.); and
- avatar creation with automatic lip-syncing (Synthesia.io, Elai.io, HeyGen, etc.).

143. The *Autorité* notes that some platforms already incorporate generative AI-assisted content creation tools. For example, TikTok offers video editing tools such as filters[153] and "TikTok Symphony Assistant", a virtual generative AI-powered assistant that supports creators and advertisers in the content creation process, notably by suggesting content ideas inspired by trends and generating advertising scripts[154]. YouTube is experimenting with automatic dubbing and video summary generation[155]. The Meta group has developed a conversational agent (Meta AI) that can, for example, produce video scripts, generate captions and assist creators in identifying content ideas[156]. Meta has also launched the Instagram "Edits" app, which supports video content creation and offers editing, publishing and animation tools powered by generative AI[157].

144. Secondly, beyond supporting content creation, generative AI tools can also be used to produce video content entirely from scratch, which can then be shared across platforms.

[153] See TikTok response to Investigation Services questionnaire, page 18

[154] *Ibid.*

[155] See Google response to Investigation Services questionnaire, pages 6-7.

[156] See Meta response to Investigation Services questionnaire, page 21.

[157] See Instagram website.

145. Several generative AI services, most of which belong to large international operators, offer video creation from text or image: Seedance AI (Bytedance group)[158], Hailuo (MiniMax)[159], Kling[160], Sora (OpenAI)[161], Runway[162], Veo (Google DeepMind)[163], Luma Dream Machine (Luma Labs)[164] and Meta Movie Gen (Meta)[165]. The Veo 3 service was integrated into YouTube in 2025, allowing users to generate "Shorts" from a prompt[166]. TikTok also offers "Symphony Creative Studio", a video creation tool for advertisers that enables the production of videos optimised for the platform by converting product information or a URL into video content[167].

146. In this regard, the *Autorité* noted in Opinion 24-A-05 of 28 June 2024 on the competitive functioning of the generative AI sector that a number of key digital companies enjoy significant advantages as regards the collection of the data required for training and fine-tuning models[168]. With regard to the Alphabet group, the *Autorité* noted that, in addition to being one of the only fully vertically integrated companies in the sector, with access to both an infrastructure developed in-house and a self-developed large language model (Gemini), Alphabet also has "*access to a considerable wealth of data, thanks in particular to data from its Google Search index, the use of Google Chrome, Google Ads and Google Maps, as well as YouTube and Google Books. For example, YouTube is said to host 10 billion videos, offering Alphabet a major source of training data for AI models (videos or language with text transcriptions of videos)*"[169]. As regards Meta, the *Autorité* noted that the group benefits from large datasets thanks to its Facebook, Instagram and WhatsApp platforms, adding that "*Mark Zuckerberg recently stated that Facebook and Instagram have 'hundreds of billions of publicly shared images and tens of billions of public videos, which we estimate is greater than the Common Crawl dataset'*"[170].

147. The legal framework now requires that content whose production involved generative AI processes be identified as such[171]. For example, Meta said that it requires creators to label "*photorealistic video or realistic audio that have been created or altered with AI*"[172]. In addition, content created or altered using Meta or third-party generative AI tools and shared

[158] See Seedance AI website.

[159] See Hailuo website.

[160] See Kling website.

[161] See OpenAI website.

[162] See Runway website.

[163] See Deepmind website.

[164] See Luma Labs website.

[165] See Meta website.

[166] See YouTube website.

[167] See TikTok response to Investigation Services questionnaire, page 18.

[168] Opinion 24-A-05 of 28 June 2024 on the competitive functioning of the generative artificial intelligence sector, paragraph 195.

[169] *Ibid*., paragraph 197.

[170] *Ibid.*

[171] See paragraph 161 below.

[172] See Meta response to Investigation Services questionnaire, page 23.

on Instagram may be automatically labelled as such[173]. Similarly, TikTok said that, on the one hand, it labels content generated with its integrated AI tools and, on the other hand, it requires creators to label their generative AI-created content[174]. For its part, YouTube asks creators to report content in which: "*(i) a real person says or does something they did not actually say or do; (ii) images of a real event or location are altered; or (iii) a realistically appearing scene is generated despite never having occurred. This may include content that is fully or partially generated or altered using audio, video or image creation or editing tools*"[175]. YouTube also said that it uses an evolving system to identify content created or altered with generative AI so that such content can be labelled as such[176].

148. Lastly, the *Autorité* notes the recent launch of services featuring a dedicated feed for generative AI-created content. Examples include the integration of the Vibes service into the Meta AI app[177] and the launch of a video feed in the Sora app published by OpenAI[178].

7. AUDIENCE

149. In the largely free video content creation ecosystem, audience is the resource that enables platforms to create value, notably through the sale of advertising space[179], and creators to access revenue, via advertising revenue sharing and/or commercial partnerships. Audience is therefore the foundation on which the online video content creation sector develops.

150. As a preliminary observation, the *Autorité* notes that the boundary between content creators and their audience is not rigid: users can produce content, while content creators may also be part of other creators' audiences. On certain platforms that focus primarily on video sharing (such as YouTube or Twitch), the distinction between these two categories is more pronounced. On other platforms, in particular those that include messaging services, such as Facebook or Snapchat, the separation between creators and audience is less clear. A French parliamentary inquiry into the psychological effects of TikTok on minors noted: "*Whereas the social media of the 2010s relied mainly on content produced and shared by close friends and family, and thus on widespread user participation in content creation, the model has evolved significantly*

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[173] *Ibid*. Meta noted: "*Content created (i) using third-party AI tools or (ii) using Meta's AI tools, downloaded to a device and subsequently posted on Instagram (as opposed to direct posting) may include industry-standard signals, which are read by Meta's systems, indicating that the content was created using AI. These signals may include Meta data or invisible watermarks applied by AI tool providers to content generated using their tools*".

[174] See TikTok response to Investigation Services questionnaire, pages 19-20.

[175] See Google response to Investigation Services questionnaire, pages 7-8.

[176] See Google response to Investigation Services questionnaire, pages 7-8. Google noted: "*Moreover, YouTube uses a scalable system to identify AI-generated content in order to enforce its policies and may take measures to reduce the risk of harm to viewers by proactively applying a label that creators will not be able to remove. For example, if a video contains AI-generated or altered content that could potentially mislead people about real events or issues, YouTube adds a clear label to warn them. This is particularly important for sensitive topics, such as elections or health-related content* [footnote not reproduced]. *In addition, creators who repeatedly fail to disclose that their content is altered or synthetic may be penalised by YouTube (for example, removal of their content or temporary suspension from the YouTube Partner Programme)*".

[177] See Meta website

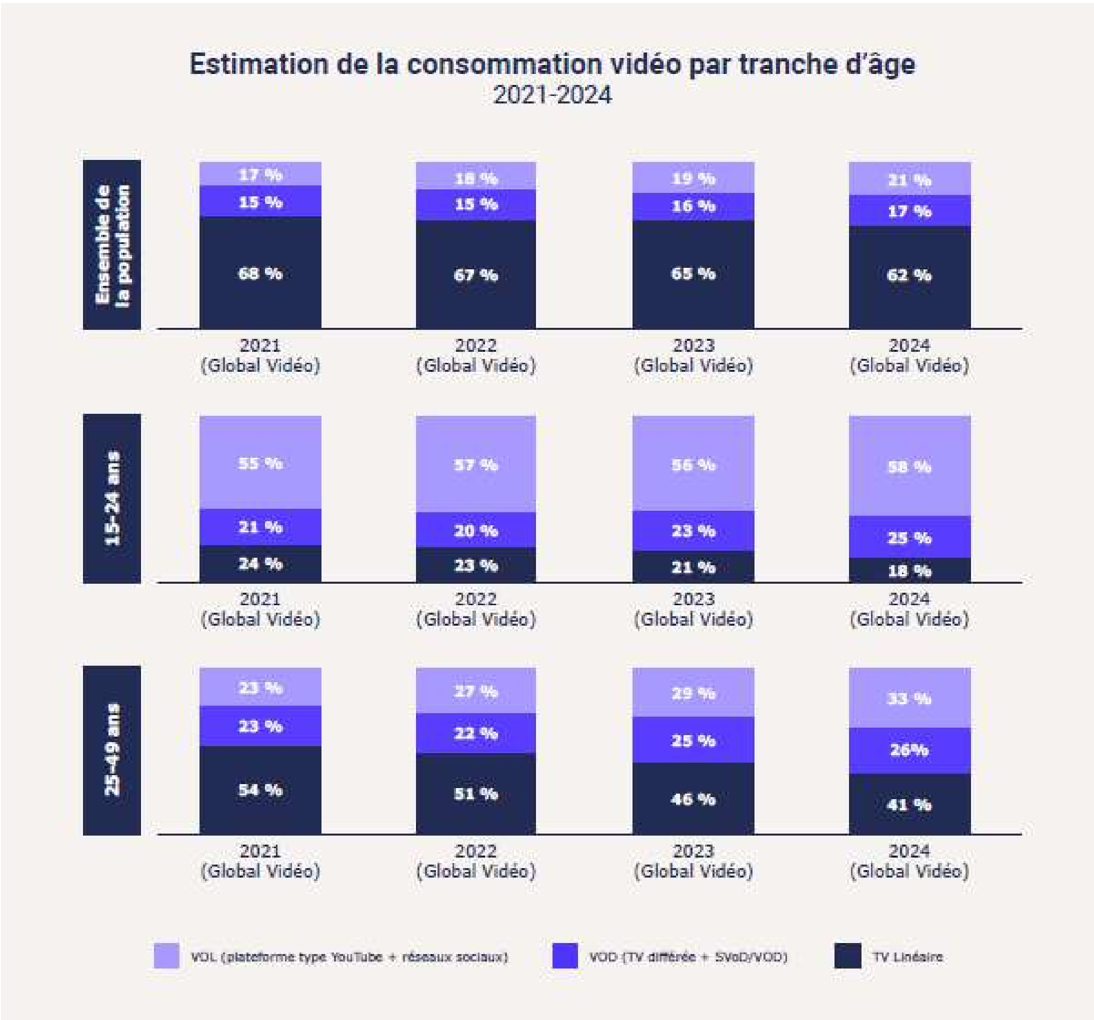
[178] Le Monde, Qu'est-ce que Sora, le réseau social d'OpenAI qui veut concurrencer TikTok ? (*What is Sora, the OpenAI social network that wants to compete with TikTok?*), 1 October 2025 (French only).

[179] See, for example, French Digital Council (*Conseil national du numérique*), Votre attention, s'il vous plaît ! Quels leviers face à l'économie de l'attention (*Attention Please! What levers can be used to tackle the attention economy?*), January 2022 (French only).

in recent years. On most social media (with some exceptions, such as Snapchat), there is now a clearer distinction between users who publish content on platforms, content creators, and those who view such content, who now constitute the majority of users”[180].

151. As noted above, the consumption of online video content in France represents a significant and growing share of overall audiovisual use. As shown in the figure below, online video consumption, measured by viewing time, increased from 17% of total video consumption among the French population aged 4 and over in 2021 to 21% in 2024. This increase is particularly marked in the 25-49 age group, where online video consumption rose from 23% to 33% between 2021 and 2024, behind TV (41% in 2024) and ahead of VoD (26% in 2024). The *Autorité* also notes that, among younger audiences (15-24 age group), online video has accounted for the majority of total video consumption since at least 2021, reaching 58% in 2024.

Figure 6 – Changes in video consumption patterns in France by type of service, 2021-2024



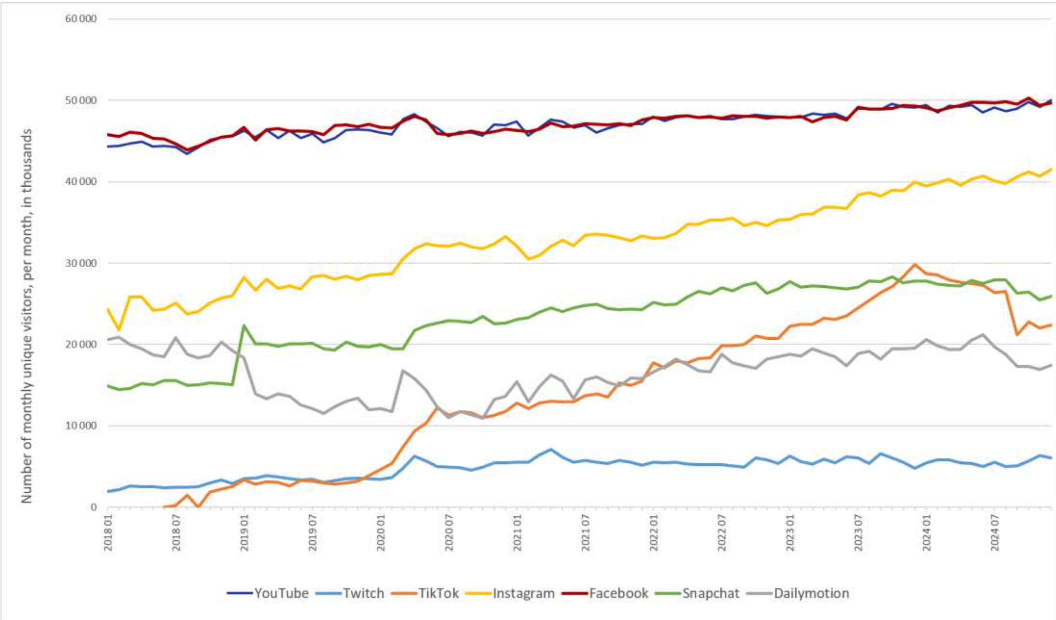
Source: LaFA, White Paper 2025, page 74[181].

[180] French parliamentary inquiry of 4 September 2025 into the psychological effects of TikTok on minors, page 61.

[181] Translator's note: Figure reproduced from the original French-language source and retained in its original form. The figure presents an estimation of video consumption by age group from 2021 to 2024, divided into three

152. The main platforms therefore attract a large and growing number of visitors. In December 2024, for example, monthly unique visitors in France reached 50 million on YouTube, 41.5 million on Instagram, 25.9 million on Snapchat and 22.4 million on TikTok (see figure below)[182]. In terms of usage, this corresponds, in December 2024, to an average monthly time spent per user of approximately 20 hours and 30 minutes on Snapchat, 16 hours and 30 minutes on TikTok, 9 hours on Instagram and 8 hours and 30 minutes on YouTube[183].

Figure 7 – Changes in the number of monthly unique visitors to the main platforms in France, 2018-2024



Source: Arcom, based on Médiamétrie data. Note: the figures show the number of monthly unique visitors to each platform (i.e. the number of individuals who visited the site at least once during the month). For YouTube and Dailymotion, the Internet Global measurement reflects only audience figures for their respective websites and applications (excluding all other websites and applications in which YouTube or Dailymotion players are embedded).

153. According to a 2025 study by Reech entitled "*Les consommateurs & les créateurs de contenu*" (Consumers & Content Creators; hereinafter the "2025 Reech study"), social media are now regarded by the study respondents as the most essential medium (55% say they could not live without), just ahead of TV (54% say they could not live without) and far ahead of other media such as radio (22%), news websites (19%), press (9%) or podcasts (9%)[184].

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categories: Overall population, 15-24 year olds and 25-49 year olds. For each category, the percentage of video consumption across three formats is shown: Online videos (platforms like YouTube and social networks), VoD (catch-up + SVoD/VoD) and Linear TV.

[182] Arcom, based on Médiamétrie data. The Internet Global measurement reflects only YouTube audience figures for the YouTube website and YouTube applications (excluding all other websites and applications in which the YouTube player is embedded).

[183] Arcom, based on Médiamétrie data. The measurement of time spent on TikTok was incomplete in the iOS environment until May 2024.

[184] 2025 Reech study, [Les consommateurs & les créateurs de contenu]() (*Consumers & Content Creators*), page 20 (French only).

154. This trend is even more pronounced in the 18-34 age group, with 77% stating they could not live without social media[185]. As noted by the UMICC with regard to the 15-35 age group, "*social media are used for information and entertainment. Young people use social media as a search engine, instead of Google. YouTube is the primary medium consumed by young people, ahead of TV*"[186].

155. The vast majority (81%) of the content creators who responded to the Survey believe the age groups most represented in their audience are 18-34 year olds (see table below). As discussed below, however, the age structure of audiences may vary by platform.

Table 7 – Main age group of content creators' audiences, according to respondents

Main age group of content creators' audiences	Number of respondents	Share of respondents
Under 18 years old	8	4%
18-24 years old	73	36%
25-34 years old	90	45%
Over 35 years old	14	7%
ND*	16	8%
Total	**201**	**100%**

Source: Survey. Note: 16 respondents indicated they do not have a main age group or did not know (ND).*

C. THE LEGISLATIVE AND REGULATORY CONTEXT

156. The legal framework governing the video content creation sector in France has gradually evolved, both with regard to content creators **(1.)** and to platforms **(2.)**. The main texts governing the content creation sector in France are presented below.

1. THE LEGAL FRAMEWORK APPLICABLE TO CONTENT CREATORS

157. In France, online video content creation is primarily governed by the French Influencers Act, as amended by ordinance 2024-978 of 6 November 2024.

158. Prior to its adoption, the content creation sector was already subject to general law. Advertising, for example, was already regulated, in particular with regard to the promotion of tobacco products[187] and firearms[188]. The French Influencers Act clarifies and strengthens the legal framework applicable to commercial influence.

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185 *Ibid.*

186 See minutes of UMICC hearing before the Investigation Services, page 2.

187 Article L. 3511-3 of the French Public Health Code (*Code de la santé publique*).

188 French law 85-706 of 12 July 1985 on the advertising of firearms and ammunition.

159. Firstly, the Act provides a legal definition of commercial influence: "*Individuals or legal entities who, for a fee, leverage their reputation with their audience to communicate to the public, by electronic means, content intended to promote, directly or indirectly, goods, services or any cause whatsoever, thereby engaging in an activity of commercial influence by electronic means*" (Article 1). Under Article 2 of the Act, employers must obtain administrative authorisation to distribute audiovisual recordings on an online platform service for commercial purposes where the primary subject is a minor under 16 years of age.

160. Secondly, the French Influencers Act specifies the categories of goods and services whose promotion is prohibited or subject to conditions, in accordance with general advertising law. This includes, for example, a ban on the promotion of prescription drugs[189] and restrictions on the promotion of alcoholic beverages[190]. The Act also establishes an additional framework specific to commercial influence, specifying the categories of products that influencers may not promote[191].

161. Thirdly, the French Influencers Act imposes disclosure obligations regarding the promotion of certain goods and services. In particular, when promoting a good, service or cause, influencers must include the label "Advertising" or "Commercial collaboration", which must be "*clear, legible and identifiable on the image or video, in all formats, for the entire duration of the promotion*"[192]. In addition, content containing images that have been "*altered by any image-processing method to slim or thicken the body or modify the appearance of the face must be accompanied by the label 'Retouched image'*"[193]. Images produced using any AI process representing a face or body must be labelled "Virtual image"[194]. Furthermore, where a promotion is limited solely to the sale of goods and the influencer does not handle delivery of those goods, with delivery carried out by the supplier ("drop shipping"), Article 6 of the French Influencers Act specifies that the influencer is fully liable to the buyer.

162. Fourthly, the French Influencers Act defines the activity of influencer agent, which consists of representing, for a fee, individuals or legal entities engaged in the activity of commercial influence with the aim of promoting, for a fee, goods, services or any cause whatsoever[195]. Under Article 8 of the French Influencers Act, the contract between an influencer and their agent must be drawn up in writing and include certain information.

163. Lastly, the French Influencers Act requires online platform providers to have mechanisms in place to identify illegal content on their services[196] and to take appropriate action to deal with any alerts of such content[197].

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[189] Article L. 5122-6 of the French Public Health Code.

[190] Articles L. 3323-2 to L. 3323-4 of the French Public Health Code.

[191] This includes, in particular, cosmetic surgery procedures (Article 4, I), nicotine products (Article 4, III), certain financial services (Article 4, V), including crypto-assets, and certain services related to sports betting (Article 4, VI). With regard to sports betting, promotion is permitted "*only on online platforms that provide the technical means to exclude persons under the age of 18 from the audience of such content, provided that such exclusion mechanism is effectively activated by those persons*" and subject to further conditions (Article 5, I).

[192] Article 5, I.

[193] Article 5, II.

[194] Article 5, II, 2.

[195] Article 7.

[196] Article 10.

[197] Article 11.

164. Compliance with the provisions of the French Influencers Act falls under the supervision of the Directorate General for Competition Policy, Consumer Affairs and Fraud Control (hereinafter the "DGCCRF").

2. The legal framework applicable to platforms

165. The activity of online platforms in France is primarily governed by three texts of European Union law (hereinafter the "Union"): the Audiovisual Media Services Directive **(a)**, the Digital Markets Act **(b)** and the Digital Services Act **(c)**.

a) The Audiovisual Media Services Directive

166. Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (hereinafter the "AVMSD"), as amended by Directive 2018/1808/EU[198], includes provisions aimed at video-sharing platforms.

167. The AVMSD defines a video-sharing platform service as follows: "*A service* […] *where the principal purpose of the service or of a dissociable section thereof or an essential functionality of the service is devoted to providing programmes, user-generated videos, or both, to the general public, for which the video-sharing platform provider does not have editorial responsibility, in order to inform, entertain or educate, by means of electronic communications networks* […]*, and the organisation of which is determined by the video-sharing platform provider, including by automatic means or algorithms in particular by displaying, tagging and sequencing*" (Article 1(1)(aa)).

168. Under the AVMSD, Member States must ensure that video-sharing platforms take appropriate measures to protect minors (Article 28*b*) and the general public from content containing incitement to violence or hatred or constituting a criminal offence (Article 28*b*). The AVMSD also imposes advertising-related obligations on video-sharing platforms, such as the requirement to clearly identify commercial communications (Article 9(1)) and the prohibition or restriction of commercial communications for certain products, such as tobacco and alcohol (Article 9(1)).

169. The above provisions have been transposed into French law by ordinance 2020-1642 of 21 December 2020[199] and law 2021-1382 of 25 October 2021 on the regulation and protection of access to cultural works in the digital age.

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[198] Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities.

[199] Ordinance 2020-1642 of 21 December 2020 transposing Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services in view of changes in market realities, and amending the French law of 30 September 1986 on freedom of communication, the French Cinema and Moving Image Code (*Code du cinéma et de l'image animée*) and time limits applicable to the exploitation of cinematographic works, Official Journal of the French Republic (*Journal Officiel de la République Française*), no. 0310 of 23 December 2020, text no. 45.

b) The Digital Markets Act

170. Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector (Digital Markets Act) (hereinafter the "DMA") imposes a number of obligations and prohibitions on certain platforms, aimed at ensuring contestable and fair markets in the digital sector generally, and for business users and end-users of platform services.

171. The platforms subject to the DMA are those designated as "gatekeepers" within the meaning of Article 3 thereof. Alphabet, Amazon, Apple, Booking, ByteDance, Meta and Microsoft have been designated as gatekeepers by the Commission. Accordingly, the platforms YouTube, TikTok, Instagram, Facebook and LinkedIn are subject to the provisions of the DMA in their capacity as core platform services[200].

172. The obligations imposed under the DMA relate, in particular, to the processing of users' personal data (Article 5), the interoperability of messaging services (Article 7) and the ability to easily unsubscribe from and uninstall services, software or applications (Article 6(3)). Under the DMA, gatekeepers may not promote their own products or services on their platforms (Article 6(5)) and must ensure the interoperability of their services with third-party services (Article 6(7)). The DMA also imposes transparency obligations on gatekeepers regarding advertising pricing (Article 5(9)) and advertising performance (Article 6(8)).

173. Compliance with the DMA by gatekeepers is monitored and enforced by the Commission[201].

c) The Digital Services Act

174. Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services (Digital Services Act) (hereinafter the "DSA") supplements the provisions of the DMA.

175. The DSA establishes a set of common obligations for platforms, as well as specific and enhanced provisions applicable to platforms designated as "very large online platforms" (hereinafter "VLOPs").

176. The DSA sets out obligations applicable to providers of intermediary services, a category that includes hosting services (Article 3), which encompass online platforms defined by the DSA as "*a hosting service that, at the request of a recipient of the service, stores and disseminates information to the public*"[202].

177. With regard to hosting services (a category that includes online platforms), the DSA notably requires the implementation of reporting tools (Article 16) and imposes an obligation to provide reasons for content moderation decisions taken against service users (Article 17).

178. The DSA further sets out obligations specific to online platforms, including: the establishment of an internal system for handling reports and complaints (Article 20); the provision of

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[200] See Commission website.

[201] Articles 20 *et seq.*

[202] These obligations concern, in particular, the processing of administrative and judicial orders to act against illegal content or to provide information (Articles 9 and 10), as well as the designation of points of contact (Articles 11 and 12) and a legal representative for service providers established outside the EU (Article 13). The DSA also requires intermediary services to establish clear and intelligible terms and conditions of use (Article 14) and to publish annual transparency reports on their content moderation policies (Article 15).

information to users on out-of-court dispute settlement bodies and the conditions for using such bodies (Article 21); measures to prevent and protect against misuse, including the dissemination of manifestly illegal content (Article 23); the prohibition of deceptive interfaces, or "dark patterns" (Article 25); regulation of the presentation of online advertising (Article 26); transparency of recommender systems (Article 27); and the protection of minors online (Article 28).

179. With regard more specifically to recommendation systems, Article 27 of the DSA stipulates that "*providers of online platforms that use recommender systems shall set out in their terms and conditions, in plain and intelligible language, the main parameters used in their recommender systems, as well as any options for the recipients of the service to modify or influence those main parameters*". These main parameters must explain "*why certain information is suggested to the recipient of the service*" and include, at least, "*the criteria which are most significant in determining the information suggested to the recipient of the service*" as well as "*the reasons for the relative importance of those parameters*". Article 27 of the DSA also specifies that, where several recommender options are available, providers of online platforms must also make available an "*easily accessible*" functionality that allows the recipient to modify the recommender system chosen at any time (paragraph 3).

180. VLOPs, i.e. online platforms with a number of average monthly active recipients in the Union equal to or higher than 45 million, and which are designated as such by the Commission[203], are subject to additional obligations, such as the establishment of an assessment of systemic risks within the Union stemming from the design or functioning of their service (including algorithmic systems) or from the use made of their services (Article 34), the implementation of measures to mitigate identified systemic risks (Article 35) or enhanced transparency measures for online advertising (Article 39).

181. To date, the Commission has designated 24 VLOPs, including YouTube, LinkedIn, Facebook, Snapchat, TikTok and Instagram[204].

182. In France, Article 7 of law 2004-575 of 21 June 2004 on confidence in the digital economy[205] designates Arcom as the coordinator for digital services[206].

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[203] Article 33.

[204] See Commission website.

[205] French law 2004-575 of 21 June 2004 on confidence in the digital economy, Official Journal of the French Republic (*Journal Officiel de la République Française*), no. 0143 of 22 June 2004, text no. 2.

[206] See Arcom website, Règlement sur les services numériques ou DSA : obligations et services concernés (English version available: Digital Services Regulation or DSA: obligations and services concerned).

II. COMPETITIVE ANALYSIS

183. The online video content creation sector operates as a multisided market **(A.)**, within which competitive interactions occur among video content creators **(B.)**, as well as between creators and agencies **(C.)** and between creators and platforms **(D.)**.

A. A MULTISIDED MARKET

184. The online video content creation sector is a multisided market, i.e. one that brings together several groups of economic agents with potential gains from interacting, via platforms or intermediaries that enable or facilitate their interactions.

1. THE DIFFERENT SIDES OF THE MARKET

185. Online platforms act as intermediaries, bringing together three different groups of users and facilitating their interactions ("three-sided" platforms):

- **video content creators**, who are users of the video hosting services offered by platforms. Through video hosting, platforms connect content creators with viewers (the "audience" side) and advertisers (the "advertiser" side);
- **audiences**, who are users of the video streaming services offered by platforms[207]. Through video streaming, platforms connect viewers with content creators (the "content creator" side) and advertisers (the "advertiser" side); and
- **advertisers**, who purchase online advertising space on platforms. Through online advertising, platforms connect advertisers with viewers (the "audience" side) by displaying adverts within content published by creators (the "content creator" side).

[207] The term "streaming" refers to the online and continuous broadcasting and playback of multimedia content, without the need to download the content, thereby enabling live or near-live broadcasting.

Figure 8 – A multisided market: the role of online platforms

Source: Autorité de la concurrence.

186. To a lesser extent, talent agents and agencies can also act as intermediaries in certain cases, facilitating interactions between video content creators, on the one hand, and advertisers and online platforms, on the other.

Figure 9 – A multisided market: the role of talent agents and agencies

Source: Autorité de la concurrence.

2. Specific competitive dynamics

187. The multisided structure of the market has major implications for the way the sector operates.

188. Firstly, multisided markets are characterised by an asymmetric pricing structure[208], with several pricing models possible: different groups of customers may be charged under different terms or, conversely, only one group may be charged. The choice depends on the characteristics of each group; generally, the approach is to charge the side of the market with the highest propensity to pay, which then subsidises the other side. In the case of online platforms, broadly speaking, the "advertiser" side subsidises the other two sides of the market, enabling viewers to access certain features of digital platforms "free of charge" and content creators, under certain conditions and for those who attract a sufficient audience, to receive remuneration from the platform.

189. Secondly, multisided markets are characterised by the existence of direct and indirect network effects[209]. Online platforms, in particular, can benefit from potentially very significant positive network effects, which must be taken into account in the competitive analysis. Network effects can be:

- **direct (i.e. intragroup)**, meaning within the same group of users (on the same side of the market): the attractiveness of a platform for a given group increases as more users from that group join the platform. Such network effects mainly concern platforms offering social networking services (Facebook, Instagram, etc.); or
- **indirect (i.e. intergroup)**, meaning between different groups of users (on different sides of the market): the attractiveness of a platform for a given group increases as more users from the other groups join the platform. For example, a platform is more attractive to both video content creators and advertisers if it is used by a large audience.

190. Network effects create a feedback loop between the different sides of the market. In order to maximise revenue from the sale of advertising space (and other forms of monetisation, such as commissions on donations), platforms are incentivised to attract and retain the largest possible audience. To do so, they must offer users a large volume of engaging and well-targeted video content, which constitutes a key input, by attracting content creators. A content creator's incentive to use a particular platform depends, in particular, on their ability to reach an audience and earn revenue on that platform (through advertising, commercial partnerships or donations). Thus, in order to maximise advertising revenue, a platform must maximise its audience; to maximise its audience, it must attract a significant volume of engaging content; and to attract such content, it must offer creators access to the largest possible audience and the best possible monetisation opportunities for their content.

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[208] OECD Competition Policy Roundtable, Two-Sided Markets, Directorate for Financial and Enterprise Affairs of the OECD Competition Committee, DAF/COMP(2009)20, 2009, pages 56-57 and 59-60; Jean-Charles Rochet and Jean Tirole, "Platform Competition in Two-Sided Market", Journal of the European Economic Association, 1(4), 990-1029, 2003; Jean-Charles Rochet and Jean Tirole, "Two-Sided Markets: A Progress Report", RAND Journal of Economics, 37(3), 645-667, 2006.

[209] OECD Competition Policy Roundtable, Two-Sided Markets, Directorate for Financial and Enterprise Affairs of the OECD Competition Committee, DAF/COMP(2009)20, 2009, page 56; Joseph Farrell and Paul Klemperer, "Coordination and Lock-In: Competition with Switching Costs and Network Effects", Handbook of Industrial Organization, Vol. 3, 2007.

191. It follows from the above that the different sides of a multisided market must be analysed together. In this regard, the *Autorité* notes in its Merger Control Guidelines that "*in the case of two-sided markets, the economic equilibrium on one side of the market cannot be assessed independently of the prevailing conditions on the other side. Though separate, both sides operate interdependently, which is a specific feature that can be taken into account either at the market delineation stage or during the analysis of the effects of the transaction on competition and of the efficiency gains*"[210]. The analysis of the relationship between content creators and platforms, for example, must take into account the multisided nature of platforms' activities, as well as their relationship with viewers, on the one hand, and advertisers, on the other.

192. Lastly, the central role of advertisers in the multisided dynamics of the content creation sector arises from the fact that content is generally offered free of charge and primarily financed through advertising and commercial partnerships. By contrast, on paid platforms, the "advertiser" side is considerably less significant, and commercial partnerships between creators and brands are less common. The competitive dynamics of paid platforms therefore differ, which is why they are not considered within the scope of this opinion. Moreover, content consumption on paid platforms is generally smaller in scale compared with free platforms and tends to focus more on specific themes (such as adult content on OnlyFans or MYM, and artistic content on Patreon).

B. COMPETITION BETWEEN VIDEO CONTENT CREATORS

193. Competition between content creators is mainly based on two parameters: competition for audiences **(1.)** and competition for advertisers **(2.)**. In the multisided context described above, the *Autorité* notes that the competitive dynamics of the two parameters are interdependent.

1. COMPETITION FOR AUDIENCES

a) Strong competition to maximise audiences

194. Audiences and views are two key competitive parameters in content creation, determining creators' ability to generate revenue. Of the creators who responded to the Survey, 79% indicated that competition between creators primarily involves building a large follower base, and 81% reported that it centres on securing views for their videos.

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[210] *Autorité de la concurrence* Merger Control Guidelines, paragraph 665. See also paragraph 600: "*In Decision 18-DCC-18, the* Autorité *noted, at the stage of definition of the relevant market, that the online property classifieds market had an upstream side, which brings together advertisers and their portals, and a downstream side, which brings together portals and advertisers. After examining the need to analyse the effects of the transaction on a single market or on two separate markets, each of which corresponds to one of the sides of this market, the* Autorité *conducted its analysis on the basis of a single market. During its analysis of the effects of the transaction, it took account of the specific characteristics of the market, in particular the cross-side network effects. It noted that advertisers have a preference for portals with large audiences and visitors have a preference for portals that display a large number of advertisements, which can change the incentives of the parties to bring in price increases, since a price increase on one side of the market can modify the attractiveness of the other side of the market*".

195. On platforms, video content is brought into competition by users, who decide which videos to watch. Competition for audiences therefore fundamentally consists in securing that choice: first, by capturing viewers' attention to encourage them to watch the video, and second, by retaining their attention to maximise watch time.

196. How users decide which content to watch varies depending on the platform and the content format. For example, on TikTok, where formats are short, content selection is rapid and frequent, with viewers consuming a large number of videos during a single session. On YouTube, by contrast, viewers engage with longer, and therefore fewer, videos per session, while still retaining the option to watch other content later. On Twitch, viewers select a live stream to watch and, in doing so, cannot simultaneously watch other live content being streamed at the same time. As one content creator noted during the hearings, this characteristic of live streaming tends to increase the degree of competition between content available at the same time and encourages creators to maximise their presence on the Twitch platform.

197. As content is offered free of charge, competition focuses on non-price aspects, such as quality, defined as the ability to meet audience expectations. This competition can take several forms.

198. Firstly, content creators are incentivised to improve the quality of their content, in order to attract and retain audiences. The competitive pressure between creators also encourages them to innovate, in order to offer their audience new and original content that can differentiate them from their competitors. In responding to this competitive pressure, creators often engage in competitive monitoring, whereby they track and analyse the performance of competing content, especially content with similar themes or formats to their own[211].

199. Secondly, creators are incentivised not only to improve content quality but also to "editorialise" their videos, in order to maximise the potential to capture viewers' attention rapidly. On platforms, viewers make quick choices, for example based on a thumbnail or within the first few seconds of a video. As platforms present content differently, capturing viewers' attention may also require platform-specific knowledge and skills[212]. On YouTube, for example, a video's thumbnail and title play a critical role in attracting viewers and encouraging selection. Content creators heard during the hearings emphasised that colourful, visually appealing thumbnails are vital for capturing attention on YouTube. On TikTok, content is mainly consumed via the "For You" video feed, where users scroll continuously without actively selecting videos; consequently, a video must capture viewers' attention within the first few seconds, so they do not skip immediately to the next video.

200. Thirdly, content creators are incentivised to build a community around their content, i.e. a loyal audience attached to their personality. Audience loyalty was cited by several content creators heard during the hearings as a key aspect of their activity, in particular for those with large followings. Firstly, building a loyal community enables creators to secure the audience for their content more effectively and to strengthen engagement, both of which are important parameters for monetising content on platforms. In particular, in addition to the revenue generated from the number of views, building a loyal and engaged community supports the generation of revenue from donations, paid subscriptions and the sale of exclusive content[213]. Secondly, such a community constitutes a competitive advantage insofar as audience quality is a key consideration in relationships between creators and commercial partners in the context of commercial collaborations. Lastly, an engaged community that interacts with the creator

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[211] See minutes of UMICC hearing before the Investigation Services, page 3.

[212] See paragraphs 357 *et seq.* below.

[213] See paragraphs 99 *et seq.* above.

enhances the visibility of their content, as platform recommendation systems take such interactions into account when ranking the videos suggested to users (see paragraphs 215 *et seq.* below).

201. Fourthly, in order to expand their audience and build loyalty, content creators are incentivised to publish content regularly and across several platforms simultaneously. Several content creators heard during the hearings stressed the importance of frequent, or even very frequent, posting to maintain a close relationship with their audience. It was also noted that maintaining a presence across multiple platforms can strengthen audience relationships, as the distinct features of each platform enable creators to engage viewers in different and complementary ways.

202. In its response to the public consultation, TikTok noted that creators are engaged in "*fierce competition for audiences and monetisation opportunities across different video content-sharing platforms*"[214]. Creators seek to attract large audiences and build communities. To do so, "*they frequently publish their content across multiple platforms to maximise their audience. They also compete on the quality of their interaction with users by regularly publishing new content and engaging more closely with their audience through, for example, one-to-one interactions, interactive challenges and events. The number of followers a content creator has and the level of interaction with the audience (including the number of views) may have an impact on the creator's ability to monetise their content (whether through platform monetisation or brand partnerships)*"[215]. However, TikTok clarified that insofar as the platform's recommendation system enables creators to reach a wider audience than just their followers, the number of followers "*is not in itself a sufficient criterion*"[216].

203. Fifthly, in order to expand their audience, content creators may also be incentivised to engage in "collaborations", i.e. to appear in a video produced and shared by another creator. Collaborations between creators, which can enhance their mutual visibility, are common (53% of the creators who responded to the Survey said they collaborate with other creators) and can contribute to a channel's identity. For example, video artists McFly and Carlito, who have more than 7.6 million subscribers on YouTube and more than 2.9 billion cumulative views[217], have produced numerous videos featuring personalities from both the content creation sector and other sectors[218]. On Twitch, "Raids" allow content creators to redirect their viewers to another channel at the end of a stream. The platform describes this feature as "*an excellent way to build connections and network with other streamers by sharing your viewers and expanding your communities*"[219]. Lastly, the *Autorité* notes that 9 of the 10 most viewed videos produced by creators on YouTube in 2024 were collaborations between creators[220].

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[214] See TikTok response to public consultation, page 10.

[215] *Ibid.*

[216] *Ibid.*

[217] Data for January 2026.

[218] https://www.youtube.com/@LeFatShow/videos

[219] See Twitch website.

[220] Source: valueyournetwork.com.

Key points

Competition among video content creators primarily focuses on maximising audiences and building a loyal community, both of which determine a creator's ability to generate revenue.

The objective of this competition is to win the viewer's choice: firstly, by attracting their attention so they select a creator's video; and secondly, by retaining their attention to maximise watch time.

This competition is based on non-price parameters of the offering (content quality, publication regularity and frequency, video editing, etc.), as the content is generally offered free of charge.

b) Parameters affecting competition for audiences between content creators

204. Certain parameters may limit or increase the degree of competition between the content shared by creators on platforms and, consequently, between the creators themselves. The following elements will be analysed in turn: competition between video content shared on different platforms, the impact of recommendation algorithms on competition between video content on the same platform, the limited substitutability of video content with different themes and, lastly, the personality and reputation of the creator.

Competition between video content shared on different platforms

205. Whether there is competition between content on different platforms raises the broader issue of how viewers decide which platform to use to consume content.

206. As set out in paragraphs 190 *et seq.* above, the various platforms compete for audience, with the aim of attracting and retaining as many users as possible, in order to maximise their revenue, in particular from the sale of advertising space.

207. However, this does not necessarily mean that all the content on each platform is systematically in competition. For this to be the case, users would need to choose between all the content hosted across the platforms, irrespective of the platform on which the content appears.

208. Certain information gathered during the investigation suggests that user choice is based on parameters extending beyond the quality of the content alone.

209. Firstly, the Survey found that viewers exhibit a degree of attachment to one or more platforms, rather than consulting them indiscriminately. The vast majority of creators who responded to the Survey consider that viewers tend to favour several preferred platforms (54%) or even a single primary platform (43%). Conversely, only a marginal number of respondents believe that the choice of platform is largely irrelevant to viewers (three creators, i.e. less than 2% of the sample).

210. Secondly, as discussed above, the use of different platforms is not identical and is largely determined by the platforms' dominant formats and the functioning of their algorithms. In this regard, 73% of the creators who responded to the Survey consider that a viewer's attachment to a particular video format is an important, if not primary, parameter in their decision to watch one video over another. The Survey also found that viewers approach the main platforms differently, as illustrated by the following comments from content creators:

– “*On TikTok, content is faster, spontaneous and immediate. The platform encourages rapid and repeated consumption, with trends evolving very quickly. The algorithm also frequently recommends videos from creators that users do not necessarily follow, creating sudden and short-lived virality. On YouTube, users look for more in-depth content. Audiences are more willing to invest time, and the relationship between creators and viewers is also more loyal. Subscribers often specifically look for videos from creators they already follow*”.

– “*Each platform has its own ‘culture*’ *and approach to content consumption, as well as its own algorithmic rules. The ecosystem therefore differs significantly across platforms, and users do not consume content in the same way from one platform to another, due to the differences in environment and algorithmic recommendations*”.

– “*Each platform offers something different, so users tend to seek what they enjoy. The amount of time they have available to consume content online also plays a role: ‘short’ content on TikTok and Instagram, ‘medium-length’ content on YouTube, and ‘long’ content on Twitch*”.

– “*Content consumption on Instagram differs from TikTok or YouTube. TikTok encourages very rapid content consumption, and users form weaker attachments to creators, as there is an abundance of content available very quickly*”.

– Specifically concerning Twitch: “*Each platform has its own intrinsic use, depending on viewers’ lifestyles. Twitch, for example, is used for 45 minutes or* [more] *while remote working, as users seek something or someone to occupy them during the day. Twitch is also increasingly becoming the TV of the Internet. Users tend to return to the platform in the evening, switching between different channels until they find something of interest*”.

211. Thirdly, a number of respondents indicated that not all platforms are necessarily used on the same device. While YouTube is particularly suited to consumption on a TV or computer screen, TikTok and Instagram are more commonly accessed on a smartphone[221]:

– “*On TikTok, a video typically lasts between 30 seconds and one minute within a user’s scrolling session[222]. Over a 30-minute session, a user may view several dozen videos and is unlikely to retain the content of any individual video. On YouTube, it’s different: the audience settles down to watch, is more attentive to what is being said, more focused, and also more likely to consume content on a TV. A YouTube video can prompt greater reflection, as well as a higher likelihood of taking action*”.

– “*Viewers do not consume content in the same way across platforms: often on a TV for YouTube and on a smartphone for TikTok and Instagram, where content is consumed quickly through scrolling*”.

– “*TikTok users generally have the app on their phones and spend a lot of time on the platform. YouTube users often have the app installed on games consoles (such as the Nintendo Switch, but also the PS5, PS4, Xbox One, etc.), on TVs, or access videos via the website on a computer*”.

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[221] Arcom, Tendances audio-vidéo 2025, page 29 (English translation also available: Audio-video trends 2025).

[222] The term “scrolling” refers to the act of moving content vertically or horizontally on a digital screen (on a computer, mobile phone, tablet, etc.).

212. Fourthly, depending on the platform, video content can be included in a broader set of services, which may include social networking or messaging, for example. As the Commission noted in its *Facebook Marketplace*[223] decision, YouTube and Twitch are video entertainment platforms that "*lack the core functionalities of a personal social network (i.e. the profile page, the social graph and the shared social space), and the purpose for which users employ this type of platforms is not driven by users' willingness to connect with family and friends and thus get interpersonal connections, but rather by the intention of passively enjoying the consumption of videos uploaded by other users*"[224]. The Commission described TikTok, Instagram and Snapchat as hybrid social media platforms: "*Instagram combines elements of a content discovery platform, a video entertainment platform and a personal social network. Snap unites elements of messaging services and personal social networking services. Finally, TikTok is a social video platform focused on intra-personal content discovery, which unites elements of content discovery platforms, video entertainment platforms and personal social networking services*"[225].

213. The choice of platform is therefore determined, at least in part, by factors other than the quality of the content itself. It appears primarily to be driven by the characteristics of each platform and its capacity to meet viewers' needs at the time of selection. Viewers initially select a platform that best aligns with their interests at that time. Once a platform has been chosen, they then decide which content to view. In other words, users choose a platform before selecting content.

214. A very large majority of the content creators who responded to the Survey share this view, with 88% considering that competition between creators is stronger when they are on the same platform, and 69% not regarding themselves to be in competition with creators whose primary platform differs from their own.

Key points

Competition between video content occurs primarily when the content is shared on the same platform.

Content shared across different platforms does not compete directly: before selecting a video, viewers first decide which platform to access. Their choice is determined by a number of parameters, including how each platform operates, their specific characteristics and differences in audience usage.

[223] Commission Decision AT.40684, 14 November 2024, *Facebook Marketplace.*

[224] *Ibid.*, paragraph 231.

[225] *Ibid.,* paragraph 319.

Competition between video content on the same platform: the impact of recommendation algorithms and moderation measures on content visibility

215. Content recommendation systems play a key role in creators' activity, determining the visibility of content and, consequently, the ability of that content to reach audiences.

216. For content to compete, it must first and foremost be visible to the public. Competition for audiences therefore begins with competition for content visibility on platforms. Content visibility is largely determined by platforms' recommendation systems, which use algorithms to organise the content offered to users. Consequently, the range of content from which consumers can choose is largely determined by each platform's internal recommendation system. In this regard, the French Digital Council (*Conseil national du numérique*) notes that "*faced with the exponential volume of content offered on platforms, platforms have also acquired a role in ordering: they influence, and in some cases determine, how content is prioritised and presented to users through algorithmic tools*"[226].

217. This point was largely confirmed by the various operators interviewed during the investigation[227]. Nearly 90% of the creators who responded to the Survey considered that a video being recommended by the platform was important or essential in explaining why a viewer chooses to watch one video over another. As noted, for example, by one agency, the recommendation system "*is critical, across all platforms. The algorithm determines visibility, virality and performance. Each platform has its own amplification logic*"[228].

218. The degree of understanding of how algorithms work is a key parameter in competition between creators: for more than 90% of the creators who responded to the Survey, the way their videos are ranked on platforms constitutes a parameter of competition between content creators.

219. For example, a content creator can boost the visibility and consumption of their content by participating in a trend, i.e. "*a theme that stands out at a specific moment and generates significant engagement within a short period of time*"[229]. Regarding this phenomenon, YouTube commented: "*Trends can emerge from various sources and develop through a combination of factors. A video or a specific element within that video – such as a catchy sound, a humorous moment or a unique concept – can spontaneously attract the attention of a large audience and go 'viral', leading to rapid sharing, imitation and/or discussion.* […] *Trends that develop on other platforms can spread to YouTube, and vice versa, inspiring additional content*"[230]. Engaging with a trend offers two main advantages for creators. Firstly, the content is more likely to meet the expectations of a broad audience. Secondly, it is more likely to be visible on the platform, whether via a dedicated page, such as YouTube's "Trends" page, or through the

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[226] French Digital Council (*Conseil national du numérique*), Votre attention, s'il vous plaît ! Quels leviers face à l'économie de l'attention (*Attention Please! What levers can be used to tackle the attention economy?*), January 2022, page 17 (French only).

[227] See agency responses to Investigation Services questionnaire.

[228] See agency responses to Investigation Services questionnaire. See also:

- "*The algorithm is the key factor in content visibility. Understanding how it works (what it values, penalises, favours) is fundamental*".
- "*Algorithms are central to the success of videos and creators, as they determine their visibility.* [...] *Each platform has its own rules, but today they are all based on algorithmic performance*".

[229] See Meta response to Investigation Services questionnaire, page 18.

[230] See Google response to Investigation Services questionnaire no. 2, page 4.

recommendation algorithm. On this point, Meta noted: "*There is no specific recommendation process for trends. However, it is reasonable to assume that 'trending' content is more likely to be recommended to a given user, insofar as trends reflect a high level of user engagement, and engagement is an important element of the content ranking system (although this is, of course, personalised for each user)*"[231].

220. Recommendation algorithms therefore have a direct influence on competition between creators and between content; they can affect competition between content of equivalent quality and theme, depending on how each is promoted by the recommendation system.

221. However, although the metrics and variables used by the main platforms' algorithms are public[232], the investigation found that, for content creators, their functioning remains particularly opaque. Creators must largely rely on their own experience in attempting to interpret how their content is handled by recommendation algorithms. In this regard, the UMICC stated: "*The value of a content creator to an advertiser lies in their statistics – audience, engagement, content reach, etc. –, which stem from the visibility afforded to their content by an algorithm in relation to a given audience. Algorithms are opaque, a trade secret. We try to infer how they are triggered, but we remain dependent on this parameter, which is beyond our control and determines a creator's remuneration*"[233]. The CNC also commented: "*There are many challenges associated with this change* [in video consumption habits], *including: a new form of curation, based largely on platforms' recommendation algorithms, the functioning of which remains opaque and does not promote diversity in the content displayed*"[234].

222. Several of the content creators heard during the hearings stressed the above point. One, for example, noted that the algorithms were highly opaque, that one hears "*everything and its opposite*", and that this creates considerable frustration among content creators. Another creator commented that, in their view, no one fully understands how the algorithms work, but that experience suggests that they tend to favour content achieving high audience retention in the first few seconds of a video. A third creator said that the factor most likely to influence the algorithm is publishing content as frequently as possible.

223. As discussed in Section II.D.3.b below, the *Autorité* regrets the opacity of platforms' recommendation algorithms, which undermines predictability in how content is distributed by the platforms, keeps creators in a state of uncertainty, and introduces a significant element of chance in the way competition operates between video content shared by creators.

224. Furthermore, platform moderation measures can significantly affect the visibility of content shared by creators, without the creators being able to clearly understand the reasons for, or the functioning of, such measures. In this regard, the UMICC stated: "*The moderation measures applied by platforms are often opaque and penalise creators. Content may be removed and accounts sanctioned without clear explanation, creating a sense of unfairness among creators. The available avenues to challenge moderation decisions are frequently ineffective, with requests going unanswered or processed only after excessive delays. This imbalance is exacerbated by the fact that platforms prioritise handling requests from creators with the*

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[231] See Meta response to Investigation Services questionnaire, page 18.

[232] See paragraphs 99 *et seq.* above.

[233] See minutes of UMICC hearing before the Investigation Services, page 9.

[234] See CNC response to Investigation Services questionnaire, page 6.

largest audiences, neglecting emerging or lesser-known creators"[235]. As one content creator noted during the hearings, popular science content addressing "sensitive" subjects, such as the effects of drugs or issues of sexuality, in a preventive approach, is not only demonetised but may also be deleted or banned on certain platforms.

225. In addition, during the hearings, representatives of the UMICC and the DGCCRF drew the attention of the *Autorité* to the phenomenon of "raids", which are malicious campaigns of mass reporting by platform users who coordinate to target a creator's content. Such "raids" can result in the removal of reported content, or even the suspension of the creator's account, as a consequence of automated moderation measures, thereby causing harm to their activity.

Key points

Platforms' recommendation algorithms and, to a lesser extent, moderation measures are key factors in competition between content.

They largely determine the visibility of content for viewers, with such visibility being a prerequisite for competition between different videos. Algorithms, in particular, structure the range of content from which each user chooses.

However, the investigation found that the functioning of algorithms remains highly opaque. The *Autorité* regrets this lack of transparency, especially given that algorithms have a decisive impact on competition between video content on the same platform.

Limited substitutability of video content with different themes

226. The theme addressed by video content affects the substitutability of such content on both the demand and supply sides.

227. On the demand side, the theme of video content is a key parameter in consumer choice. Consequently, the degree of competition between content depends on whether or not the content addresses the same or similar themes.

228. 96% of the content creators who responded to the Survey consider the theme addressed to be an important selection criterion for viewers when choosing between content, with 61% of respondents regarding it as being of primary importance. However, viewers' choices are not confined to a single video theme; rather, they span a range of themes of interest, within which viewers decide which content to watch. In this regard, 70% of the creators who responded to the Survey indicated that viewers generally follow several "favourite" video themes.

229. The *Autorité* also notes that video recommendation systems based on users' consumption habits may tend to suggest more content related to themes with which users have already engaged, rather than content from other themes. In addition, systems for following channels, accounts, etc. can make content on certain themes, where users have expressed an interest through their follows, particularly visible for those users. Consequently, recommendation and follow systems have the effect of creating a user-specific scope of competition, which may include content from different themes, which is nonetheless in competition, provided it aligns with the interests of the user concerned.

[235] See UMICC response to public consultation, page 11.

230. In any case, the investigation found that the degree of competition between creators is greater when they address the same theme, with 73% of the creators who responded to the Survey considering that they are not in competition with creators whose dominant theme is different from their own, and 86% believing that competition between creators is greater when they address the same themes.

231. The *Autorité* also notes that the degree of competition between content within the same theme varies depending on the theme itself. In particular, according to the statements made by content creators during the hearings, competition is particularly intense in the lifestyle/fashion/beauty, gaming and general entertainment themes, compared with other themes with a more limited offering, such as popular science or current affairs.

232. Lastly, without ruling out the possibility of competition between all themes, the *Autorité* notes that, from the viewer's perspective, the degree of competition is higher between content (i) addressing the same theme and (ii) addressing several themes in which a viewer has expressed interest.

233. Creators addressing the same themes are therefore in greater competition to reach audiences, whereas creators covering different themes may, from a given user's perspective, be in competition when those themes fall within the user's existing interests.

234. On the supply side, the *Autorité* notes, as indicated in paragraph 56 above, that almost all creators who responded to the Survey specialise in a dominant theme. While this does not preclude a creator from diversifying and expanding into other themes (on average, content creators report that their content covers 2.4 different themes), this tendency towards specialisation reflects the limited substitutability of content themes from a supply perspective.

235. In this regard, the UMICC stated: "*In 2024, video content fragmented into specialised niches, enabling creators to target specific audiences and monetise their work more effectively*"[236]. Specialisation in one or more themes can make a content creator's commercial partnerships more attractive to advertisers, as one creator with a loyal audience in a theme for which they are perceived as credible by the public can more effectively monetise their work with advertisers seeking to reach that specific audience (see Section II.B.2.a below).

236. Furthermore, in addition to the fact that addressing a new theme requires specific knowledge, changing the main theme can present a risk for the creator of losing part of their audience; based on Survey data, 67% of creators consider that changing the main theme of their videos presents a high risk of audience loss. This risk of audience loss is likely to discourage creators from changing their main theme.

237. Nevertheless, specialising in a particular theme may subsequently enable a content creator to build an audience around a broader offering: after establishing a loyal audience base around a clearly identified theme, the content creator may more easily diversify the themes of their content in order to reach an additional audience. That, in essence, is what the UMICC indicated during the investigation: "*At first, the approach was largely generalist; today, now that so much content is available, the trend is to create niche content based on a passion and then, once you've built up a specialist community, to branch out into broader themes with less risk. This applies to all* [platforms]*, with the exception of Twitch, which has remained focused on gaming*"[237].

[236] See UMICC response to public consultation, page 2.

[237] See minutes of UMICC hearing before the Investigation Services, page 5.

Key points

The theme addressed is a key factor in the analysis of the substitutability of video content, as the degree of competition between content intensifies significantly within the same theme.

Moreover, the intensity of competition varies across themes, as the substantial volume of content available for certain themes increases the degree of competition within those themes.

Nevertheless, content addressing different themes may compete directly where such content is selected and suggested to the user by a recommendation algorithm.

The creator's personality and reputation

238. A creator's personality is a key factor in the attractiveness of their content. Insofar as creators put themselves on display, their image may constitute an integral component of the video content they offer to the public.

239. A specific relationship may therefore exist between a creator and their audience, extending beyond the video content itself. That, in essence, is what the UMICC noted: "*It is also interesting to observe that audiences often focus more on the creator's personality than on the theme. Even if the initial community forms around a particular format or subject, the bond that develops between creator and audience becomes primarily parasocial and emotional. Posting frequency and increased visibility on a platform reinforce this bond; the more regularly a creator is seen, the more their audience feels connected to them. This highlights the importance of a consistent presence in maintaining and strengthening audience attachment*"[238].

240. According to Survey data, 87% of content creators consider a viewer's attachment to a creator's personality to be an important, if not decisive, factor in the decision to watch a piece of content. Moreover, this effect becomes more pronounced as the creator's level of recognition increases. When asked whether a creator's personality takes precedence over the content of the video itself, 63 respondents (31% of the sample) indicated that this is the case irrespective of the creator's level of recognition, while a further 98 respondents (49% of the sample) stated that this applies where the creator has a high level of recognition.

241. The *Autorité* thus notes that a high level of recognition constitutes a significant competitive advantage for a content creator over other creators, due to their ability to mobilise a large and loyal audience, which in turn enhances the visibility of their content and increases the revenue generated from such content.

[238] See UMICC response to public consultation, page 4.

242. Firstly, a creator with a large community can mobilise that community around their content, thereby securing a substantial audience. A creator's level of recognition may also facilitate access to a broader audience, drawn to content within a theme they would not usually, or only rarely, consume, but which they choose on account of the creator's personality and reputation. This ability to attract viewers may explain the very high audience figures achieved by content from high-profile creators, in some cases generating view counts that significantly exceed their follower base. One example is the video "*QUI EST L'IMPOSTEUR ? (ft Eric & Ramzy)*" by video artist Squeezie[239], which has attracted 42 million views, while the creator's channel has 20 million subscribers[240].

243. Secondly, insofar as content produced by high-profile creators attracts a large audience, it is more likely to be recommended to users by platforms and thereby to benefit from increased visibility, reflecting a critical mass effect. This enhanced visibility, in turn, further increases the audience reached by such creators' content. In addition, the visibility of content produced by creators with a large audience is reinforced by their number of followers, who can be immediately notified of the release of new content. On YouTube, for example, subscribers to a channel receive a notification when new content is published.

244. Thirdly, content creators with a large audience base and high volumes of views mechanically generate higher revenue. This revenue provides them with greater capacity to invest in the production of more ambitious content (such as the feature-length film "Kaizen" by Inoxtag or "GP Explorer"), which may attract a wider audience, increase their community and visibility on platforms, and generate even more views and revenue. These network effects, similar to the "audience spiral" already analysed by the *Autorité* in the free-to-air TV sector[241], may contribute to widening the gap between the most popular creators (who, as indicated in paragraphs 39 *et seq.* above, represent a very small minority of the sector) and the rest of the content creator market. During the hearings, several high-profile content creators also explained that they are able to finance ambitious projects with significant production costs (which revenue from platforms or associated commercial partnerships alone would not cover) through revenue generated from other, more profitable content.

245. In this regard, the *Autorité* notes that the online video content creation economy may be regarded as a "superstar" economy, similar to other entertainment sectors (music, TV, sport, cinema, etc.)[242]. Such economies are characterised by two phenomena that underpin the "star system": on the one hand, a small number of individuals manage to capture the majority of demand and remuneration; and on the other hand, such large differences in remuneration arise from small differences in talent between artists (within a theoretical framework in which talent is assumed to be measurable and objectively quantifiable).

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[239] Video artist Squeezie's YouTube channel, QUI EST L'IMPOSTEUR? (ft Eric & Ramzy).

[240] Data for January 2026.

[241] Decision 10-DCC-11 of 26 January 2010 on the acquisition of sole control by the TF1 group of NT1 and Monte-Carlo Participations (AB group), paragraphs 555 *et seq*.

[242] Sherwin Rosen, "The Economics of Superstars", American Economic Review, vol. 71, no. 5, 645-667, 1981.

246. In this regard, several high-profile content creators stated during the hearings that, in essence, they perceive little competition in the content market. This perception may be explained by the strong level of recognition they enjoy and the existence of a loyal community that supports and amplifies the success of their content. Another content creator heard during the hearings indicated that longevity and an established reputation favour the success of published content, in contrast to content produced by newcomer creators, who are starting out on platforms that have become highly competitive.

247. The *Autorité* stresses, however, that the impact of a creator's high level of recognition on the success of content may be nuanced in relation to certain platforms, in particular TikTok, given its content-driven rather than creator-driven operating model. As stated by Tiktok, "*although TikTok also offers a 'Following' feed that suggests videos from accounts a user has chosen to follow, this represents only a small share of the total videos consumed on TikTok. Content recommendations are based on users' preferences expressed through interactions with TikTok, such as following an account or liking a post*"[243]. As one content creator explained during the hearing, the arrival and growth of TikTok in France, as well as the subsequent evolution of platform algorithms (with less emphasis on followings), has facilitated the emergence of new creators.

248. Furthermore, with regard to Twitch, another content creator noted during the hearings that viewers who use Twitch to watch streamers play and interact are less attached to a specific individual personality than to a broader set of creators. This is further reinforced by the live format; as viewers choose from among streamers who are live on the platform at a given time, they are unable to watch their usual creators if those creators are not live at that moment and therefore turn to other creators. Community dynamics are thus likely to be more fluid and less centred on the personality of a given creator on Twitch than on other platforms.

Key points

In the online video content creation sector, creators' personalities are a key factor of attractiveness, given the bond that can develop between creators and their audience.

As a result of recommendation algorithms, creators with an established reputation and a large following can more easily reach a wider audience than less well-known creators.

Moreover, attracting a high number of views and, thus, generating significant revenue enables high-profile creators to finance more ambitious, audience-generating content, thereby placing them in an "audience spiral" that reinforces their position in the content market and sets them apart from other creators.

[243] See TikTok response to public consultation, page 12.

2. COMPETITION FOR ADVERTISERS

a) Commercial partnerships

Parameters of competition between content creators and commercial partners

249. In the case of commercial partnerships, the commercial relationship is established directly between the advertiser and the content creator[244] or, where applicable, through the creator's agency.

250. The development of commercial partnerships is a key issue for content creators. In the short term, such partnerships provide remuneration; in the longer term, they may also enhance creators' legitimacy in the eyes of the public (for example, where a "beauty" content creator partners with a prestigious cosmetics brand) and of prospective advertisers. The UMICC identifies "*the ability to partner with prestigious brands, thereby reinforcing their credibility and attractiveness*" as one of the parameters of competition between content creators[245]. Of the creators who responded to the Survey, 77% consider that competition between creators is reflected, in particular, in the ability to secure the most advantageous commercial partnerships.

251. As set out above, in a commercial partnership, creators promote the product in question within their content, which constitutes the channel through which the advertiser reaches its commercial target. Consequently, from a commercial partner's perspective, a content creator's attractiveness primarily depends on (i) the audience that content can reach and the quality of that audience (in particular, its level of engagement) and (ii) the creator's ability to address the brand's commercial target in particular.

252. As set out below, audience size and thematic focus appear to constitute two particularly important parameters for competition between creators vis-à-vis advertisers. According to the 2022 Reech study, the main criteria used by brands to select content creators are the level of engagement and size of their community, their positioning and creativity, and the authenticity of their audience (no fake accounts, etc.)[246]. Price also constitutes a parameter of competition between creators, which explains why unpaid partnerships are relatively common[247].

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[244] The TikTok platform operates a marketplace ("TikTok Creator Marketplace"), designed to connect creators with brands.

[245] See TikTok response to public consultation, page 5.

[246] 2022 Reech study, page 20.

[247] See paragraphs 71 *et seq.* above.

253. On the one hand, a content creator's attractiveness from a commercial partner's perspective increases with the size of their audience. The *Autorité* notes that creators (or their agencies) place particular emphasis on community size in their presentations, as illustrated, for example, by the website of the talent agency Bump[248]:

254. In its response to the public consultation, TikTok stated: "*Content creators compete for brand contracts on the quality of their interactions with users – for example, through the size of their audience (including, but not limited to, the number of followers) and the quality of their relationship with their community. TikTok notes that content creators often seek to expand their audience and public image in order to be perceived as compatible with as many brands as possible*"[249].

255. Competition between content creators vis-à-vis commercial partners is therefore closely linked to competition for audiences. The 2024 Reech study highlights the link between audience size and demand for commercial partnerships. On the one hand, the more followers a creator has, the more often potential partners ask for commercial collaborations[250]. On the other hand, the study notes that, year-on-year, the increase in demand for partnerships is strongest among creators with communities of more than 100,000 followers[251].

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[248] See Bump website.

Translator's note: Figure reproduced from the original French-language source and retained in its original form. The figure displays 12 exclusive creators associated with the agency Bump, each accompanied by their follower counts on social media platforms.

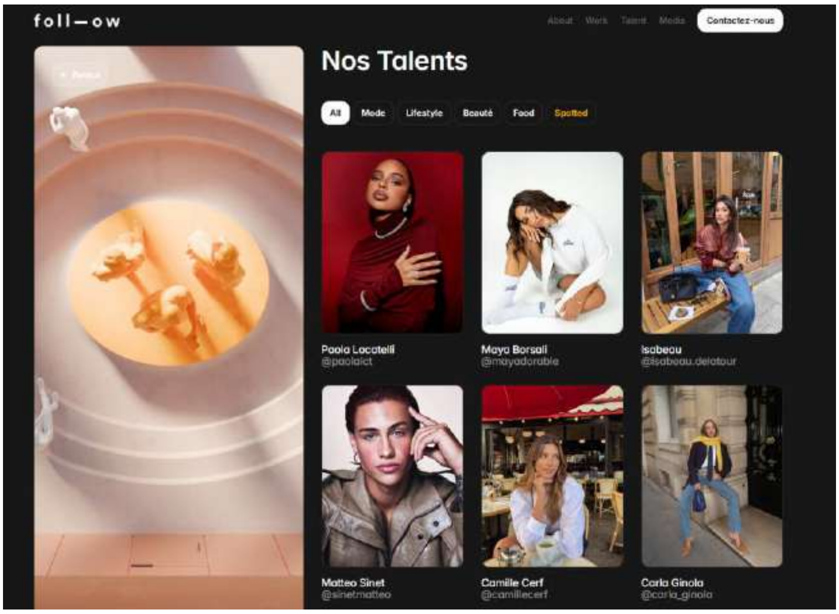
[249] See TikTok response to public consultation, page 11.

[250] 2024 Reech study, page 22.

[251] *Ibid.*, page 24.

256. Moreover, insofar as the service provided by content creators to commercial partners depends on their audience, the characteristics of that service vary according to the nature of the audience. As a result, content creators with audiences that share similar characteristics compete more strongly with each other than content creators with completely different audiences, whether in qualitative or quantitative terms. The *Autorité* refers in particular to the typology of influencers established by Reech, presented in paragraph 47 above. As noted by Reech, "*from the local nano-influencer to the global mega-influencer, **each type of influencer serves specific marketing objectives***"[252].

257. On the other hand, alongside creators with large audiences, commercial partners may also seek to partner with creators specialising in a theme aligned with their products[253]. In such cases, competition between creators may be more strongly based on qualitative factors, reflecting their ability to showcase brands' products to a targeted audience. In this regard, the *Autorité* notes that creators' thematic focus is a factor particularly emphasised by the Foll-ow agency in the presentation of its talent roster[254]:



258. Insofar as advertisers seek to reach a specific audience corresponding to the promoted product, creators' thematic focus is also a relevant segmentation parameter. From the perspective of a commercial partnership, creators' promotional offerings do not necessarily constitute a homogeneous set of perfectly substitutable services.

259. When examining the market for talent and influencer agencies, the *Autorité* has already observed the trend towards specialisation among content creators: "*Ultimately, it cannot be ruled out that this market could be segmented according to the specialisation of 'talents and*

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[252] See Reech website, Les différents types d'influenceurs ? (*What are the different types of influencers?*) (French only).

[253] The UMICC noted,: "*For advertisers, this competition translates into a search for creators capable of reaching targeted audiences and producing authentic content aligned with their brand image*". See UMICC response to public consultation, page 3.

[254] See Foll-ow website.

Translator's note: Figure reproduced from the original French-language source and retained in its original form. The figure displays a selection of six creators managed by the Foll-ow agency, categorised under different thematic focuses: Fashion, Lifestyle, Beauty, Food and Spotted.

influencers'. *This could be the case for 'talents and influencers' who offer content related to sport, gaming or beauty products, insofar as, given their specialisation, which attracts a specific audience, they may position themselves as key partners for the advertising of certain products (sports equipment or cosmetics brands)*"[255].

Often imbalanced bargaining powers

260. As set out above, audience size and thematic focus appear to constitute two particularly important parameters for competition between creators vis-à-vis advertisers. A creators' bargaining power vis-à-vis commercial partners therefore depends primarily on those two parameters. In particular, creators' bargaining power is reflected in their ability to enhance the value of their partnership services and secure long-term relationships with commercial partners.

261. On the one hand, the ability to attract a large, relevant audience is a source of bargaining power for creators in their dealings with commercial partners. Accordingly, creators' bargaining power increases with the size of their audience. Several well-known content creators indicated during the hearings that they considered their bargaining position vis-à-vis commercial partners to be balanced. As creators with a large audience are more frequently represented by an agency, this may also contribute to a more balanced distribution of bargaining power between the parties.

262. Conversely, smaller content creators may face requests from advertisers that reflect a significant imbalance in their respective bargaining powers. This imbalance explains why creators with a limited following have greater difficulty in obtaining remuneration for partnership services: 88% of creators with fewer than 5,000 followers report that unpaid partnerships account for the majority of the partnership requests they receive.

263. Representatives of the UMICC and the DGCCRF, heard during the hearings, also reported that certain advertisers include unpaid rights transfer clauses, as well as exclusivity and non-compete provisions, and impose lengthy payment terms that may adversely affect the financing capacity of the creators concerned. A content creator heard during the hearings, despite enjoying a high level of recognition, also highlighted the ability of large advertisers to impose the terms of commercial partnerships on creators, in particular with regard to rates.

264. The *Autorité* also notes that content creators' bargaining power vis-à-vis commercial partners may be weakened by the information asymmetry between the two categories of operators. Such asymmetry is particularly pronounced in the case of less experienced content creators, notably with regard to the legal framework governing commercial contracts and agreements. In this regard, the *Autorité* draws content creators' attention to the opportunity, when negotiating with advertisers, to assert their rights under the applicable legal framework. In this regard, the *Autorité* encourages professional organisations, such as the UMICC, to continue their work in training creators and providing useful resources (legal assistance, contract templates, factsheets, etc.).

265. On the other hand, creators' bargaining power in their dealings with commercial partners varies according to the thematic focus of their content. From the perspective of commercial partners, the limited substitutability of content across different themes has several implications for creators' market power. First, it may intensify competition between creators operating within the same theme, who must address a more limited pool of advertiser demand. Second, this limited substitutability may strengthen the market power of the largest commercial partners

[255] See Decision 19-DCC-94, cited above, paragraph 34.

vis-à-vis creators operating within a given theme (one operator consulted during the investigation referred, in this regard, to L'Oréal in the beauty sector). Lastly, a creator who is particularly successful within a given thematic focus may see their bargaining power increase, given the lack of alternatives, at a comparable level of recognition, to their partnership offering within that theme.

266. Accordingly, commercial partners' bargaining power vis-à-vis content creators conversely depends on their position within their sector. In this regard, according to statements made by content creators during the hearings, bargaining power between creators and commercial partners appears more balanced in popular science, for example, where advertisers are numerous and creators relatively fewer, than in other themes such as lifestyle, fashion and beauty, where advertisers are more concentrated and creators are very numerous.

Recommendation 1: the *Autorité* draws content creators' attention to the opportunity, in their commercial dealings with commercial partners, to assert their rights under the applicable legal framework. In this regard, the *Autorité* encourages professional organisations, such as the UMICC, to continue their work in training creators and providing useful resources (legal assistance, contract templates, factsheets, etc.).

Key points

Content creators' bargaining power vis-à-vis commercial partners increases as their audience and community grow.

Conversely, commercial partners' bargaining power vis-à-vis content creators depends on their position within their sector, in particular where that sector is linked to the theme addressed by the creator.

In practice, the *Autorité* notes a significant imbalance in bargaining power between the majority of content creators and the largest commercial partners, to the advantage of the latter.

b) Advertisers buying advertising space

267. Unlike in commercial partnerships, content creators do not typically choose the advertisers whose adverts appear alongside their content. Instead, advertisers purchase advertising space directly from platforms through online advertising sales mechanisms.

268. In addition, not all platforms share the revenue generated from the sale of advertising space. For example, while YouTube and Twitch offer revenue sharing under certain conditions, Instagram does not (see paragraphs99 *et seq.* above).

269. In the case of platforms that share the revenue generated from the sale of advertising space, strong demand from advertisers for advertising space associated with a specific piece of content or creator may, insofar as such sales are conducted through auctions, increase the revenue received by the creator. In such circumstances, creators are incentivised either to maximise their audience and community or, alternatively, to specialise in a niche theme in order to concentrate demand from advertisers seeking to target a very specific audience.

270. Moreover, insofar as advertiser demand may target specific creators, competition between content creators consists in incentivising advertisers to direct their spending to their content, in order to increase the price of advertising space and, consequently, the amounts received from the sharing of such revenue.

3. THE IMPACT OF THE DEVELOPMENT OF GENERATIVE AI

271. As noted above, the adoption of generative AI tools in the video content creation sector remains at an early stage in France. Nonetheless, generative AI raises a number of questions for the future. As one agency noted, "*in the future, generative AI could profoundly transform the sector by enabling the creation of fully autonomous content, the proliferation of virtual creators and the advanced automation of influencer campaigns. This could redefine business models by making content production more accessible, while also raising ethical and regulatory issues, notably concerning content transparency and authenticity*"[256]. In a forward-looking analysis, the *Autorité* highlights the following points.

272. On the one hand, generative AI-assisted content creation tools could enable creators with limited production capabilities to produce more ambitious video content without incurring substantial production costs, thereby strengthening their ability to compete with creators with greater production resources. As one agency noted, "*today, generative AI is still marginal in mainstream content production, but it is beginning to emerge, with script creation, AI-optimised thumbnails, or even automated editing assistants.* […] *In the future, it could profoundly transform the production chain, with creators able to produce demanding formats more quickly, more efficiently and sometimes on their own*"[257]. For example, some of the content creators heard during the hearings indicated that certain generative AI tools could help creators or their technical teams (editors, graphic designers, etc.) to save time, with tools that automatically remove "dead air" from videos, reduce background noise, improve voice recordings, etc.

273. In addition, generative AI tools for automatic translation, subtitling and dubbing of content could help to expand the audience of French-speaking creators to non-French-speaking audiences (and vice versa) and, as a result, increase the degree of competition between creators with different original languages of expression.

274. However, generative AI tools could also disrupt the current economy of content production services, such as video editing and subtitling, a point emphasised in particular by several content creators heard during the hearings, who expressed concerns that generative AI could replace the work of the technicians and other professionals with whom they collaborate, including sound engineers, editors, colourists and graphic designers.

275. On the other hand, the *Autorité* notes that content or creators generated entirely by generative AI automatically compete with other creators and their content in the market for platform-based user content, whether on generalist platforms (such as Google's Veo 3 for creating "Shorts" on YouTube) or on platforms dedicated to generative AI-generated content, such as Sora (OpenAI) or Vibes (Meta AI).

276. The *Autorité* considers that the development of generative AI-generated content should be closely monitored, in particular in light of the competitive pressure that such content places on non-AI-generated content and the volume of content that can be produced using generative AI. Insofar as content creation via generative AI requires less time and fewer resources than traditional methods, generative AI-generated content could, over time, be produced and shared on platforms at scale, potentially altering the sector's competitive balance substantially by diverting part of audience engagement and revenue towards generative AI-generated content.

[256] See agency responses to Investigation Services questionnaire.

[257] *Ibid*.

277. In addition, the large-scale dissemination of generative AI-generated content would amplify the issues already identified in relation to generative AI and raised by several sector stakeholders during the hearings[258]: copyright and image rights, misinformation, deepfakes, fraud (including impersonation of creators), etc.

278. However, several operators interviewed during the investigation indicated that generative AI-generated content creators could, in the near future, face a specific challenge relating to community building, which constitutes an important competitive parameter between creators. It follows from the above that the concept of community is central to a creator's success, and that building such a community depends primarily on the relationship between the creator and their audience, as well as on their interactions. On this point, one agency stated: "*Another trend is emerging: 100% AI content creators. For now, the 'strength' of a content creator is defined in particular by the quality of their relationship with their community. Communities develop a 'parasocial' relationship with the talent and are therefore attached to their humanity*"[259]. In addition, the vast majority of content creators heard during the hearings expressed scepticism about the ability of fully generative AI-generated content to replace their own content, given the value placed by their communities on the human connection with the creator.

279. However, as noted above, the notion of community does not carry the same weight across all platforms. In particular, TikTok's model is more content-based than creator-centric. The penetration of generative AI-generated content on Tiktok could therefore be more visible, as highlighted by one agency interviewed during the investigation: "*TikTok's strategy, which seeks to reduce the importance of the notion of community, could reshuffle the cards. The Chinese platform does not offer audiences content produced primarily by creators they have chosen to follow, but rather content selected by the platform; in this sense, it is no longer as important to be followed by a large number of followers, but rather to produce content that will be viewed and promoted in order to be seen. TikTok is therefore shifting the paradigm that currently defines the value of a creator. If we take it a step further, this creator could become virtual*"[260].

280. Conversely, it was highlighted during the hearings that belonging to a community of individuals is particularly important on Twitch, which could hinder the growth of creators and content entirely generated by generative AI on this platform. A content creator heard during the hearings said that viewers use Twitch primarily to watch several content creators together and interacting with one another.

281. In any event, the *Autorité* emphasises that, as the sharing of such content increases, whether or not a video has been created using generative AI may constitute an important competitive parameter in viewer choices[261]. As such, it is important that content created using generative AI is clearly identified as such on platforms.

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[258] See also agency responses to Investigation Services questionnaire.

[259] See agency responses to Investigation Services questionnaire.

[260] See agency responses to Investigation Services questionnaire.

[261] See, for example, Le Monde, Une pub d'Intermarché, créée par un studio d'animation, cartonne sur les réseaux au moment où celles des multinationales, faites avec IA, sont critiques (*An Intermarché advert, created by an animation studio, is going viral on social media at a time when adverts by multinationals, produced using AI, are coming under fire*), 10 December 2025 (French only).

<u>Recommendation 2</u>: insofar as the fact that video content has, or has not, been created by generative AI may constitute a parameter of competition between different content, operators of generative AI systems and online platforms must ensure that video content created by generative AI can be clearly identified.

Key points

To date, the growth of generative AI in the online video content creation sector has mainly involved content creation assistance (automated dubbing, editing, subtitling, etc.) and end-to-end video content creation.

The recent rapid development of end-to-end generative AI video content creation tools should be closely monitored, in particular in view of the competition that such content exerts on other content not created using generative AI and the volume of content that can be produced.

The *Autorité* also stresses the importance of ensuring that generative AI-generated content is clearly identified as such on platforms, in particular where the fact that video content has, or has not, been created using generative AI may become a parameter in viewer choice, given the increased sharing of such content.

C. THE RELATIONSHIP BETWEEN CONTENT CREATORS AND TALENT AGENCIES

282. While, from the perspective of content creators, being represented by a talent agency may, in some respects, constitute a competitive advantage **(1.)**, the *Autorité* observes that competition between talent agencies is relatively strong **(2.)**.

1. THE POTENTIAL COMPETITIVE ADVANTAGE FOR CONTENT CREATORS OF BEING REPRESENTED BY AN AGENCY

283. Being represented by an agency may constitute a competitive advantage for content creators, as agencies can assist with both career strategy and image, as well as with the day-to-day management of commercial partnerships and dealings with the press, for example[262]. According to the UMICC, "*the relationship between video content creators and creator agencies in France is often strategic for the development of creators' careers. Agencies provide invaluable expertise in career management, contract negotiation and personal brand optimisation. They also play a key role in facilitating dealings with advertisers, by ensuring greater visibility and negotiating lucrative collaborations*"[263].

284. According to the Survey, the range of services offered by talent agencies is relatively broad and varied, with a clear preponderance of partnership and commercial relationship management and, to a lesser extent, support in day-to-day administration and career management (see table below).

[262] See agency responses to Investigation Services questionnaire.

[263] See UMICC response to public consultation, page 5.

Table 8 – Role of talent agencies according to respondent content creators

Content creators who are part of a talent agency consider that their agency assists them in:	Yes	No
Partnership and commercial relationship management	95%	5%
Day-to-day administration (contracts, etc.)	68%	33%
Career management (strategy, development, etc.)	53%	48%
Content production (sets, filming, equipment, etc.)	23%	78%
Relationships with platforms	15%	85%

Source: Survey.

285. The benefits of being represented by a talent agency can therefore be manifold, as evidenced by content creators' responses to the Survey (see table below).

Table 9 – Benefits of being represented by a talent agency according to respondent content creators

According to content creators who are part of a talent agency, the benefits of being part of an agency are:	Yes	No
Partnership and commercial relationship management	75%	25%
Professionalisation of their activities	73%	28%
Administrative management	55%	45%
Meetings with other content creators	53%	48%
Training and advice	53%	48%
Image management	40%	60%
Negotiation with platforms	40%	60%
Sharing a community of followers	5%	95%

Source: Survey.

286. This table gives rise to several observations.

287. Firstly, according to content creators, the two main advantages of being represented by an agency relate to the management of commercial partnerships and the professionalisation of their activity. In this regard, some of the content creators heard during the hearings highlighted that having their agencies manage commercial partnerships gave them more time to focus on the design and production of content.

288. Secondly, a majority of content creators consider that being represented by an agency can help to facilitate meetings and collaborations between content creators. The *Autorité* also notes that, in some cases, being represented by an agency can enable some creators to benefit from the popularity of others. As one content creator explained, "*the most emblematic case is Bump, with the GP Explorer event, which brings together several social media stars to increase their mutual visibility, with each influencer contributing to the exposure of the others*"[264].

289. Lastly, a majority of content creators consider that being represented by an agency does not provide any particular advantage in terms of bargaining power vis-à-vis platforms. However, representation by an agency may help to simplify dealings with platforms and, in particular, help creators to obtain responses more easily in the event of issues. Unlike individual content creators, agencies are more likely to have access to dedicated contacts within platforms, enabling potential issues (including technical problems, account-related matters, certification issues, and misunderstandings regarding content moderation measures) to be resolved more

[264] See video artist Pog's response to public consultation, page 2.

rapidly than would be the case for an individual user (see below). For example, certain agencies have access, with Meta, to a creator account management portal for handling such issues. Others have access, on Snapchat, to a video format available only to specific agencies, known as "Snapshows"[265].

290. However, the competitive advantage of being represented by a talent agency should be qualified, as only half of the creators who responded to the Survey and are represented by an agency consider such representation to be essential to their success.

291. The *Autorité* also notes that only a minority of content creators are represented by talent agencies: just 20% of the video content creators who responded to the Survey are represented by a content creator agency. This figure varies depending on the creator's success and audience size. According to the 2024 Reech study, 25% of content creators with more than 100,000 followers work with an agent, whereas only 1% of content creators with fewer than 5,000 followers do so[266]. In addition, of the content creators who responded to the Survey and generated revenue exceeding €100,000 in 2023, 32% are represented by an agency.

292. In practice, creators may be recruited into an agency in one of two ways: either at the initiative of the agency, where the creator's content is of interest to the agency, or at the initiative of the creator, often based on the agency's reputation. The *Autorité* also notes the importance of word of mouth, reputation and recommendations in this process[267].

293. In all cases, with a view to optimising commercial partnerships, the criteria used by agencies to select content creators include development potential, the ability to engage an audience and build a strong community, content quality, and compatibility with the agency's editorial line and values[268]. According to the 2022 Reech study, the principal criteria used by agencies to select content creators are, ahead of follower numbers, the creator's positioning and creativity, the level of engagement of their community, the authenticity of their audience, the demographics and interests of that audience, and the quality of interactions between the creator and their community[269]. The challenge for agencies is to identify talent that reflects a degree of "intersectionality", i.e. the overlap between a socio-demographic target audience and a particular theme, while remaining credible when addressing a highly targeted community.

2. COMPETITION BETWEEN TALENT AGENCIES

294. The investigation found that competition between talent agencies is relatively strong. According to the UMICC, "*competition between creator agencies in France is intense. The agencies compete to attract the most promising talent and to secure contracts with leading advertisers*"[270].

[265] See minutes of UMICC hearing before the Investigation Services, page 13.

[266] 2024 Reech study, page 57.

[267] See agency responses to Investigation Services questionnaire.

[268] *Ibid.*

[269] 2022 Reech study, page 20.

[270] See UMICC response to public consultation, page 3.

295. However, this competition is not uniform and may vary in intensity depending on the specialisation of certain agencies (see above), in particular by platform, theme or audience size (nano, micro, macro, celebrity)[271]. For example, an agency specialising in lifestyle content on Instagram is not, at least in the short term, in direct competition with an agency specialising in gaming on Twitch. As one talent agency interviewed during the investigation said, "*agencies compete in general, but the degree of competition varies depending on the segments or verticals. The closer the thematic focus, the more pronounced the competition becomes*"[272]. According to another agency, "*the creator agency market is segmented rather than fully competitive. Some agencies specialise by theme (luxury, gaming, food, beauty), by audience (young people, B2B, specific niches) or by platform (YouTube, TikTok, Twitch). Others adopt a generalist approach but with differentiated areas of expertise (influencer strategy, content production, talent management). Accordingly, competition exists but varies across segments, with, in some cases, complementarities between agencies*"[273].

296. Competition is intensified by the fact that, as noted above, the talent agency market is currently relatively fragmented, with the number of small agencies and independent agents having multiplied over the past five years. While the sector is structured around a few large agencies (including, in particular, Bump, Foll-ow and Webedia Talents), the remainder of activity is distributed across numerous mid-sized and smaller agencies, as well as a number of independent agents.

297. Competition is also heightened by the fact that, more recently, some major content creators have chosen not to join an agency, but instead to assemble their own dedicated teams[274]. In addition, creator agencies may be in direct competition, when bidding for brand advertisers, with media and communications agencies that have developed influencer marketing offerings (such as Havas, Publicis and Jin)[275]. Agencies also face competition from certain platforms, such as TikTok and YouTube, which are developing in-house tools (such as YouTube BrandConnect and TikTok Creator Marketplace) that compete with agencies' intermediary role between creators and advertisers[276]. Lastly, agencies also compete with brands that engage creators directly.

298. As set out below, talent agencies compete with each other primarily vis-à-vis content creators **(a)** and advertisers **(b)** and, to a lesser extent, platforms **(c)**. As agencies act as intermediaries between these three types of players, as in a multisided market, an agency's position in one side of the market depends on its position in the other two sides.

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[271] See agency responses to Investigation Services questionnaire.

[272] See agency responses to Investigation Services questionnaire.

[273] *Ibid*.

[274] See agency responses to Investigation Services questionnaire.

[275] See agency responses to Investigation Services questionnaire.

[276] *Ibid.*

299. With regard to audiences, the investigation found that, insofar as audiences do not identify the agencies behind content creators, as such agencies operate mainly behind the scenes, competition between video content creator agencies vis-à-vis audiences is very limited. However, one stakeholder noted: "*However, some agencies are developing a strong brand image through labels or creator collectives, thereby seeking to create a recognisable identity and attract a loyal audience. This strategy enables them to offer added value to both brands and the talent they represent. Nevertheless, the majority of agencies remain intermediaries whose reputation is primarily important within the professional sphere, and not directly among the general public*"[277].

a) Competition for talent

300. With regard to competition for content creators, talent agencies primarily compete to attract and retain the best talent [278]. According to one agency interviewed, competition for content creators is "*the core issue and therefore the most competitive aspect*"[279]. Another agency similarly stated: "*For a creator agency, the main challenge is to attract talent; all available means must be mobilised*"[280].

301. This competition is based on several factors[281]: fee structures and commission rates, promises of visibility or commercial development, the ability to provide personalised support, the capacity to organise image-enhancing events, infrastructure for content production (studios, offices, etc.), the advertiser network, sector-specific and regulatory expertise, etc.

302. Having strong relationships with platforms is also a significant competitive advantage for agencies, notably by giving creators confidence in their ability to resolve potential issues. According to the UMICC, "*another competitive advantage of agencies is their privileged links with digital platforms such as YouTube, Instagram and TikTok. Agencies that have established relationships with these platforms are particularly sought after by creators, as they can facilitate partnerships, algorithmic promotion or access to new creative tools. This privileged access channel often constitutes a decisive advantage for creators seeking visibility and additional opportunities*"[282].

303. In any case, the degree of competition varies according to creators' reputation. For content creators with large audiences, there is significant competition between agencies to attract and retain their viewers. As summarised by one agency interviewed: "*Creators seek agencies that offer partnership opportunities, strategic support and favourable terms. To stand out, some agencies offer exclusive services, a network of prestigious brands or personalised career management support. Competition is particularly strong for the most influential creators, who are able to negotiate more favourable terms, while agencies must constantly demonstrate their added value in order to prevent talent attrition*"[283].

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[277] *Ibid.*

[278] See agency responses to Investigation Services questionnaire.

[279] See agency responses to Investigation Services questionnaire.

[280] *Ibid.*

[281] See agency responses to Investigation Services questionnaire.

[282] See UMICC response to public consultation, pages 4-5.

[283] See agency responses to Investigation Services questionnaire.

304. For less well-known content creators with small audiences, competition is less pronounced and may even operate in the opposite direction, with some relatively unknown creators waiting to be identified and approached by an agency. In this regard, several content creators who responded to the Survey said they would like to join an agency but did not know whom to contact.

305. With regard to contractual terms, the *Autorité* notes that, in the vast majority of cases, creators are subject to commercial exclusivity agreements[284], whereby the agency acts as their exclusive representative for any paid collaborations with brands. In certain cases, however, creators retain the possibility of working directly with advertisers[285]. Some agencies also engage external creators who are not bound by exclusivity agreements for certain video content productions[286].

306. Nevertheless, the flexibility of content creators and the ease with which a creator can leave an agency were highlighted during the investigation. For example, of the content creators who responded to the Survey and are represented by a talent agency, 52% feel they could easily change agency if they wished and 45% have already changed agency in the past. In addition, talent scouting appears to be a relatively common practice, as among all surveyed creators (whether or not they are already represented by an agency), half report being approached by agencies several times a year.

b) Competition for advertisers

307. Talent agencies also compete for advertisers, in order to secure the best partnerships and advertising budgets[287]. According to one agency interviewed, competition for advertisers is where "*the heart of the competition*" lies[288].

308. This competition is based on several factors[289], most notably the ability to identify and represent creators best suited to advertising campaigns and target audiences, as well as the ability to propose creative and innovative campaigns, sector-specific or data-driven expertise, relationships with brands, performance or reach guarantees, the ability to identify and resolve issues that may arise during content production, and the provision of strategic and regulatory support.

[284] 73% of the content creators who responded to the Survey and are represented by a talent agency have an exclusivity clause in their contract. See also agency responses to Investigation Services questionnaire.

[285] See agency responses to Investigation Services questionnaire.

[286] *Ibid.*

[287] See agency responses to Investigation Services questionnaire.

[288] See agency responses to Investigation Services questionnaire.

[289] See agency responses to Investigation Services questionnaire.

309. As agencies act as intermediaries, their position vis-à-vis advertisers largely depends on their position vis-à-vis content creators, and vice versa. Indeed, "*with regard to advertisers, differentiation is primarily achieved through the expertise demonstrated in selecting creators capable of producing authentic and impactful content aligned with brands' objectives. Such collaborations are often based on the ability to match creators who generate strong engagement with brands seeking visibility and credibility. For creators, the choice of agency can be key, not only from a creative perspective but also financially, as a strong partnership can increase their potential while consolidating their presence in the market*"[290].

c) Competition for platforms

310. Lastly, agencies compete for platforms, albeit to a lesser extent, and primarily insofar as having a privileged relationship with platforms constitutes a significant advantage in attracting the best talent[291].

311. Here again, as the different sides of the market are interdependent, talent agencies' position vis-à-vis platforms depends on their position vis-à-vis content creators, and vice versa. Agencies that represent a large portfolio of influential creators are better positioned to exert greater leverage in discussions with platforms. Conversely, agencies that maintain privileged relationships with platforms gain a competitive edge and are able to secure more favourable terms and conditions for their talent[292].

312. The findings show that some agencies have contacts within platforms, facilitating communication and expediting the resolution of technical problems. Some larger agencies may even have dedicated platform contacts, with their influence over the platforms primarily derived from the weight of the creators they represent. However, agency-platform interactions are generally confined to addressing technical issues and exchanging updates or project details pertaining to the represented talent. As further developed below, agencies have little (or very little) bargaining power over contractual terms, monetisation or platform algorithms[293].

Key points

The talent agency market is currently fragmented, consisting of large, generalist agencies alongside smaller agencies, some of which specialise in particular themes, platforms or levels of creator recognition. Competition is intense, with agencies primarily competing to secure talent and establish commercial partnerships.

Creators' bargaining power vis-à-vis agencies tends to increase in proportion to their audience size. In addition, high-profile content creators are more often represented by agencies than other creators. As agencies provide creators with services to optimise their commercial partnerships and production capabilities, this dynamic can contribute to widening the existing gap between high-profile creators and their less well-known competitors.

[290] See UMICC response to public consultation, page 5.

[291] See agency responses to Investigation Services questionnaire.

[292] See UMICC response to public consultation, pages 7 and 8.

[293] See agency responses to Investigation Services questionnaire.

D. THE RELATIONSHIP BETWEEN VIDEO CONTENT CREATORS AND PLATFORMS

313. While platforms compete to acquire and retain content creators **(1.)**, the *Autorité* notes that a limited number of platforms hold significant market power **(2.)**, the effects of which on their dealings with content creators should be examined **(3.)**.

1. COMPETITION BETWEEN PLATFORMS TO ACQUIRE AND RETAIN CONTENT CREATORS

314. In the multisided environment described in Section II.A above, online platforms compete to attract and retain content creators. Creators' video content constitutes an essential input for platforms, enabling them to attract viewers and, in turn, generate revenue through various forms of monetisation (advertising, commissions on donations and paid subscriptions, etc.).

315. The platforms interviewed during the investigation highlighted the competition for content creators. For example, Twitch said: "*Video content sharing services also compete with each other to attract and retain content creators, as creators are essential for attracting both viewers and advertisers. To attract creators, video content sharing services may offer various engagement features, as well as remuneration and access to monetisation tools*"[294]. Representatives of TikTok, heard during the hearings, also emphasised that competition between platforms to attract the best content and creators is strong.

316. The competition between platforms to attract and retain content creators is based on a number of factors.

317. Firstly, in a multisided environment, a platform's attractiveness to creators depends on its ability to provide them with an audience. As audience size also determines platforms' advertising revenue and ability to attract advertisers and monetise creators' content, competition between platforms for audiences is therefore key.

318. This competition is based on several factors: "*From users' perspective, competition is primarily driven by user experience, the diversity of available content and the quality of interactions with creators. Platforms' ability to offer seamless navigation, relevant recommendations and interactive features (such as comments and sharing options) is essential to capturing and retaining audience attention*"[295].

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[294] See Twitch response to Investigation Services questionnaire, page 16. See also:

- Instagram: "*It is necessary to attract diverse, high-quality content creators in order to provide attractive services to users, which is essential for the survival and growth of ad-funded platforms, services and content providers. Users' presence on a service (and the time they spend there) provides value to advertisers, which in turn enables the service to attract advertising revenue. Consequently, regardless of how a service (or content provider) attracts users, it is a competitor of Instagram insofar as it seeks to capture users' limited time and attention*" (Meta response to Investigation Services questionnaire, page 25).
- TikTok: "*Attracting the highest quality content and creators capable of producing such content is essential to the success of platforms that include video-sharing functionalities*" (TikTok response to Investigation Services questionnaire, page 22).

[295] See UMICC response to public consultation, page 6.

319. In particular, the *Autorité* notes that, in an effort to capture and retain audiences, platforms have in recent years adopted a strategy of diversifying their video formats. YouTube, historically focused on long-form video, introduced live streaming in 2011 and "Shorts" in 2021. Similarly, TikTok, primarily oriented towards short-form video, introduced a live feature in 2020 and extended the maximum duration of its videos to 60 minutes in 2024. Twitch, mainly focused on long-form live video, now allows creators to upload full VoD recordings of their streams, as well as Clips, short videos compiling highlights from those streams. Lastly, Instagram introduced "Stories", followed by "Reels", and subsequently added a live feature in 2020.

320. Furthermore, the *Autorité* highlights the incentive for platforms to develop recommendation algorithms capable of maximising user retention within their ecosystem[296]. In this regard, one agency, asked how competition between platforms manifests vis-à-vis users, identified the following factors: "*Attention time, user experience, immersive formats: each platform optimises its algorithm to retain its audiences*"[297].

321. Secondly, platforms are incentivised to offer creators attractive monetisation conditions for their content, in order to encourage them to upload content to the platform. As noted by the UMICC, "*to attract creators, platforms compete by offering increasingly attractive conditions: a variety of monetisation options, effective creation tools, and access to a large potential audience. Content creators generally choose the platform that enables them to optimise both their creativity and their revenue, while benefiting from maximum visibility. The opportunities offered, such as live donations on Twitch or Reels on Instagram, play a crucial role in this competition*"[298].

322. To attract new creators, certain platforms may offer financial incentives. For example, Twitch may provide immediate access to its "Partner" programmes or to the "Plus" programme for certain creators joining the platform[299]. YouTube, for its part, "*offers **incentive programmes** that may be subject to negotiation with creators. Under such agreements, creators undertake to upload a certain number of videos (over which they retain editorial control) in exchange for payment*"[300]. Some platforms may also attract high-profile personalities by offering enhanced visibility conditions.

323. Smaller platforms may offer particularly favourable revenue-sharing arrangements in order to encourage creators to use their services. For example, the live-streaming platform Kick, a competitor to Twitch, offers creators 95% of the revenue generated[301].

324. Thirdly, in respect of their service offering, platforms are incentivised to improve the quality of their hosting services by providing, *inter alia*, integrated video production tools and assistance in tracking content performance. Examples include TikTok with TikTok Studio and YouTube with YouTube Studio.

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[296] French Digital Council (*Conseil national du numérique*), Votre attention, s'il vous plaît ! Quels leviers face à l'économie de l'attention (*Attention Please! What levers can be used to tackle the attention economy?*), January 2022, pages 17 *et seq*. (French only)

[297] See agency responses to Investigation Services questionnaire.

[298] See UMICC response to public consultation, page 6.

[299] See Twitch response to Investigation Services questionnaire, page 21.

[300] See Google response to Investigation Services questionnaire no. 2, page 3

[301] See Kick website, KICK Streamer – Unleash your streaming potential with KICK.

325. However, despite this competition, the *Autorité* notes a significant imbalance between the respective market power of content creators and platforms, in particular the major platforms.

2. MARKET POWER OF MAJOR PLATFORMS VIS-À-VIS CONTENT CREATORS

326. Online platforms provide content creators with a threefold service: (i) video hosting, (ii) access to audiences and (iii) monetisation opportunities for their video content. As a preliminary observation, it should be noted, from a purely technical perspective, in particular with regard to access to audiences, that creators cannot perform these services themselves, making the use of an online platform essential for their activity.

327. While platforms are essential for content creators, not all are of equal importance. In this regard, the *Autorité* notes that the online video content creation sector is concentrated around key platforms **(a)** and that the market power of those platforms may be reinforced by the existence of barriers to market entry **(b)**, the limited substitutability of platforms from the perspective of content creators **(c)** and, lastly, by a degree of creator lock-in linked to audience lock-in **(d)**.

a) A sector concentrated around key platforms

328. The online video content creation sector is highly concentrated around key platforms, in particular YouTube, TikTok, Instagram and, to a certain extent, Twitch.

329. Firstly, from the perspective of creators, content creation in France is mainly concentrated around Instagram, TikTok and YouTube. Of the content creators who responded to the Survey, 86%, 86% and 81%, respectively, use Instagram, TikTok and YouTube for their activity (see Table 4 above). Facebook ranks fourth, but with a significantly lower usage rate (38% of respondents). Instagram, TikTok and YouTube thus constitute generalist platforms and are used by the vast majority of content creators[302].

330. Twitch appears to be a specific case: while its usage rate within the overall sample (26%) is lower than that of more generalist platforms such as Facebook (38%) and Dailymotion (27%), this rate increases significantly when considering specific sub-samples. In particular, usage rises to 68% among respondents primarily active in the gaming category (17 out of 25 respondents) and to 69% among those primarily engaged in live-streaming formats (11 out of 16 respondents). Twitch therefore appears to be more specialised, but equally essential within its segment.

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[302] This finding is confirmed by the UMICC/Ipsos study, with Instagram the platform most frequently used to post content by the creators surveyed (90%), followed by TikTok (63%) and YouTube (48%). Facebook was cited by 36% of creators, but was not the main platform for any of them.

See UMICC – Ipsos BVA, Impact des créateurs de contenus sur les économies culturelles et informatives (*Impact of content creators on cultural and information economies*), September 2025, page 14 (French only).

331. Furthermore, among respondents who reported using a main platform for their activity, YouTube, TikTok, Instagram and Twitch are the most frequently cited as primary platforms, with 39%, 28%, 18% and 15% of respondents, respectively, identifying them as their main platform.

332. Lastly, the *Autorité* notes that, among these four platforms, Twitch is the platform for which the ratio between primary users and total users is the highest (see table below): while the number of content creators using Twitch is relatively limited (53 Survey respondents out of 201), a significant proportion of them identify it as their main platform (15 Survey respondents, i.e. 28%).

Table 10 – Ratio between total users and primary users of platforms

Platform	Number of respondents		Ratio
	total users	primery users	
Instagram	173	18	10%
TikTok	172	28	16%
YouTube	162	39	24%
Twitch	53	15	28%

Source: Survey.

333. Secondly, from the perspective of advertisers, according to the 2022 Reech study, Instagram is cited among the preferred social networks by 95% of surveyed brands, well ahead of YouTube (41% of surveyed brands), Facebook (29%) and TikTok (27%; this figure should be interpreted with caution given TikTok's strong growth since 2022)[303]. From the perspective of influencer agencies managing advertisers' marketing campaigns, Instagram also remains in a strong position, although agencies appear to diversify the platforms used in campaigns to a greater extent than brands: Instagram is among the preferred platforms of 93% of surveyed agencies, ahead of YouTube (42%), Facebook (39%) and TikTok (39%; this figure should be interpreted with caution given TikTok's strong growth since 2022)[304]. It should be noted that the 2022 Reech study focused on the use of social networks in influencer marketing, which does not correspond exactly to the scope of online video content creation. This may explain the very strong presence of Instagram and the relatively strong presence of Facebook in these results, compared with the other data collected.

[303] 2022 Reech study, page 18.

[304] 2022 Reech study, page 18.

334. Thirdly, from an audience perspective, YouTube and Instagram are key platforms, with penetration rates of 88% and 72%, respectively, in 2024 (see table below). TikTok has grown rapidly since 2018, reaching 46% penetration among French internet users (aged 2 and over) in 2024. By contrast, Twitch has a relatively low penetration rate (10%), likely reflecting its high degree of specialisation. These audience figures do not provide insight into users' consumption patterns on the respective platforms. Accordingly, the high penetration rates of Facebook (88%) and Snapchat (48%) should be interpreted in light of the fact that both platforms also function as social networking and messaging services, where video consumption may remain relatively secondary.

Table 11 – Audience figures for the main platforms in France in 2024

Platform	Number of visitors (thousands)	Penetration rate (%)
Facebook	49 515	88%
YouTube	49 172	88%
Instagram	40 340	72%
Snapchat	27 079	48%
TikTok	25 738	46%
Dailymotion	19 039	34%
X/Twitter	18 895	34%
LinkedIn	18 141	32%
Twitch	5 549	10%

Source: Arcom, based on Médiamétrie data. Note: the figures show the average number of monthly unique visitors to each platform in France in 2024 (i.e. the number of individuals who visited the site at least once during the month) and the associated penetration rate, within the French internet user population (aged 2 and over). For YouTube and Dailymotion, the Internet Global measurement reflects only audience figures for their respective websites and applications (excluding all other websites and applications in which YouTube or Dailymotion players are embedded).

335. According to the 2025 Reech study, from an audience perspective, the main platforms are Facebook (used at least once per week by 77% of surveyed users), Instagram (64%), YouTube (61%), TikTok (43%) and Snapchat (42%)[305]. As noted above, the fact that the 2025 Reech study focused on the use of social networks rather than the consumption of online video content is likely to explain the relatively strong presence of Facebook in these results, compared with the other data collected.

336. All in all, the data shows that the online video content creation sector is highly concentrated around a small number of key platforms. Almost all (98%) the creators who responded to the Survey consider that the major platforms are essential to their activity.

[305] 2025 Reech study, page 8.

337. At this stage, the *Autorité* notes the specific case of Snapchat. As shown by the data presented above, this platform is highly popular, particularly among younger audiences. However, this popularity does not necessarily make Snapchat an essential platform for online video content creators. During the investigation, the Snap group stated: "*Snap does not operate a specific online video content-sharing platform. Snap is a communication platform, and any video content-sharing is incidental to its communication platform*"[306]. As noted by the Commission, whereas TikTok and Instagram increasingly integrate video entertainment and content discovery functionalities into their services, Snapchat combines features of social networking and communication services[307]. It should nevertheless be noted that Snapchat launched the "Spotlight" video feed in 2020 and introduced advertising revenue sharing in 2022[308], measures which may form part of a strategy to attract content creators and strengthen its competitiveness vis-à-vis other platforms operating in the market. It may also be noted that, although Snapchat's status as an essential platform appears less clear-cut than that of other platforms, certain creators derive particularly significant benefits from using it[309].

Key points

The online video content creation sector in France is concentrated around four key platforms: YouTube, Instagram, TikTok and Twitch.

However, it cannot be ruled out that, in the short to medium term, other platforms, such as Snapchat, may become more important for creators.

b) Barriers to entry that limit the contestability of the market

338. The high degree of concentration in the sector around key online platforms may be reinforced by the existence of barriers to entry and expansion for competitors. Such barriers may be seen in the online video content creation sector in France.

339. On the one hand, the network effects described in Section II.A.2 are likely to favour concentration in the platform market and to make entry more difficult for new competitors. Network effects may give rise to a cumulative growth dynamic, whereby expansion on the "audience" side of the market leads not only to further growth on that same side, but also to growth on the "content creator" and "advertiser" sides; this induced growth on the "content creator" side, for example, in turn generates additional growth both on that side and on the "audience" and "advertiser" sides, and so forth. Accordingly, such network effects are liable to strengthen the positions of the main players. In its Merger Control Guidelines, the *Autorité* notes that "*in such a context* [of a two-sided market]*, the strengthening of a market participant following a horizontal merger on one of the sides of the market is likely to be transmitted to the other side, thereby initiating a dynamic process that could lead to the exclusion of its competitors*"[310]. Similarly, the French Digital Council observes that "*platforms derive their value from network effects, i.e. each new user adds value for all other users. These network*

[306] See Snap response to Investigation Services questionnaire, page 2.

[307] See Commission Decision, *Facebook Marketplace*, cited above, paragraph 319.

[308] See paragraphs 123 *et seq.* above.

[309] See the case of the influencer Nadas, French parliamentary inquiry of 4 September 2025 into the psychological effects of TikTok on minors, page 62.

[310] *Autorité de la concurrence* Merger Control Guidelines, paragraph 665.

effects tend to concentrate the markets in which such players operate, with a small number of very large companies controlling a huge proportion of global attention and converting that attention into profit"[311].

340. The *Autorité* further notes that such dynamics may be amplified by an accumulation effect relating to platforms' content catalogues: all past video content contributes to the current breadth of a platform's catalogue and to its attractiveness. All else being equal, a more established platform with a more extensive content catalogue is likely to be more attractive than its competitors.

341. On the other hand, online platforms are generally characterised by a cost structure in which fixed costs (platform development, IT infrastructure set-up, server maintenance, marketing and advertising, etc.) are relatively high compared to variable costs (which vary, for example, with the volume of videos hosted). Such a cost structure may constitute a significant barrier to entry, both by requiring substantial upfront investment from new entrants and by enabling economies of scale for established operators. To a certain extent, the costs associated with the collection, processing, storage and transfer of data are fixed for digital platforms, which are therefore able to scale significantly without requiring substantial additional investment (i.e. low marginal costs). However, it should be noted that recent developments in the sector, such as the expansion of cloud computing, which can now support the entirety of a platform's IT infrastructure, tend to qualify this observation by providing greater flexibility, in particular in relation to data storage costs.

342. The OECD, in its Roundtable on Two-sided Markets, considers that high fixed costs, insofar as they may give rise to economies of scale, are one of the two main factors driving concentration in such markets (alongside indirect network effects)[312]. Similarly, the French Economic Analysis Council (*Conseil d'analyse économique*), in a note published in October 2020, notes that "*digital technology creates a natural tendency towards concentration. This is primarily the result of economies of scale in the production of digital products or services, an activity generally considered to have high fixed costs*"[313].

343. This may be further reinforced by the fact that large digital platforms are also likely to benefit from economies of scope, which may also constitute a source of market power. As noted by the French Directorate General of the Treasury (*Direction générale du Trésor*), "*investments made in digital infrastructure, data collection and processing and* [the development of] *modular service*[s] […] *yield greater opportunities to offer a broader array of services that leverage the same resources*"[314].

344. Lastly, the *Autorité* notes that smaller platforms, compared with major platforms such as YouTube, Instagram or TikTok, may lack the financial resources necessary to compete effectively in attracting content creators. In this regard, Dailymotion observed that "*the market*

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[311] French Digital Council (*Conseil national du numérique*), Votre attention, s'il vous plaît ! Quels leviers face à l'économie de l'attention (*Attention Please! What levers can be used to tackle the attention economy?*), January 2022 (French only), page 17.

[312] OECD Competition Policy Roundtable, Two-Sided Markets, Directorate for Financial and Enterprise Affairs of the OECD Competition Committee, DAF/COMP(2009)20, 2009, page 33.

[313] Marc Bourreau and Anne Perrot, Plateformes numériques: réguler avant qu'il ne soit trop tard, French Council of Economic Analysis (*Conseil d'analyse économique*), 60(6), 1-12, 2020. (English version available: Digital Platforms: Regulate Before it's Too Late).

[314] French Directorate General of the Treasury (*Direction générale du Trésor*), Plateformes numériques et concurrence, Trésor-Eco study, no. 250, November 2019, page 3. (English version available: Digital platforms and competition).

is dominated by a handful of players, and it is very difficult for platforms that want, or would like, to enter the video content creation market to emerge as a credible alternative in this sector. The huge audiences generated by other platforms and users' ingrained habits constitute a significant barrier to acquiring new talent for other platforms. The major platform providers continue, due to their market dominance, to retain their content creators, leaving little room for other market players"[315]. Dailymotion further stated: "*Many creators approached to join the Dailymotion platform have requested financial terms, in particular minimum guarantees (MGs), which are not feasible for a company like ours*"[316].

345. However, the *Autorité* emphasises that entry into the market is not precluded, in particular in a digital sector where competitive positions may be volatile and subject to frequent change. The rapid success of TikTok in France, both among users and content creators, is a telling example. Moreover, the growth in the creation and consumption of video content by generative AI may lead to the rapid development of dedicated platforms, such as Sora (OpenAI)[317].

Key points

At platform level, the online video content creation sector is characterised by the existence of high barriers to entry and expansion for competitors, to the advantage of established platforms.

Experience shows, however, that the emergence and growth of innovative new entrants is not impossible and may substantially alter the structure and functioning of the market, as illustrated by TikTok and the rise of short-form video content formats.

c) Limitations to platform substitutability from the perspective of video content creators

346. The limited substitutability of platforms from the perspective of content creators is likely to strengthen the platforms' respective bargaining powers. A reduced ability for content creators to switch between platforms mechanically weakens their bargaining power, which is typically underpinned by the existence of credible alternative options to any given platform.

347. As discussed above, the video content creation sector is concentrated around major platforms such as YouTube, Instagram, TikTok and Twitch. However, even within this set of platforms, substitutability from the perspective of content creators is, at the very least, limited.

348. Among the factors that may limit substitutability, as developed below, the *Autorité* notes the thematic focus of video content, differences in content formats, platform-specific cultures and expertise, and, lastly, the imperfect overlap of platforms' respective audiences.

349. These limitations to platform substitutability, from the perspective of video content creators, suggest that, for content creators, the main platforms – TikTok, YouTube, Instagram and Twitch – may not belong to the same product market.

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[315] See Dailymotion response to public consultation, page 4.

[316] *Ibid.*

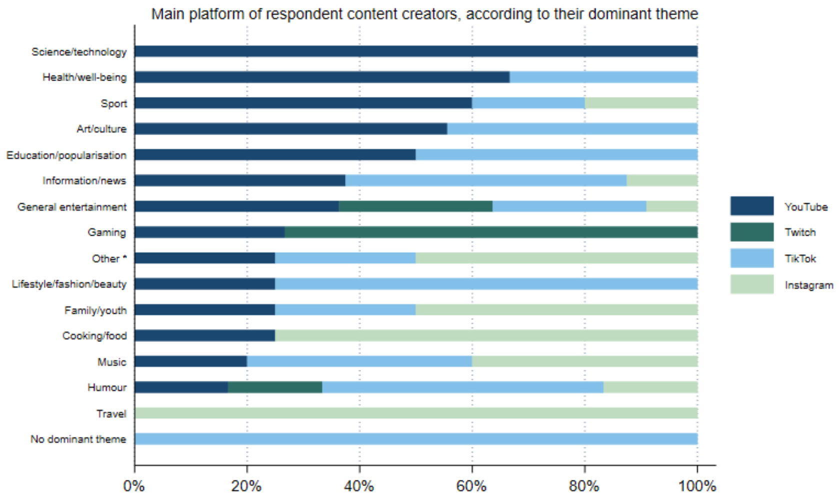
[317] See Le Figaro, « Ce qui change, c'est le niveau de qualité attaint » : le service de vidéos générées par l'IA Sora chamboule les réseaux sociaux (*What's changing is the level of quality achieved: the Sora AI-generated video service is shaking up social media*), 16 October 2025 (French only).

A limited number of platforms for some themes

350. The *Autorité* notes that a content creator's thematic focus may constitute an initial limit to platform substitutability from their perspective.

351. Based on Survey responses, certain platforms appear to be better suited to specific themes, such that creators focusing on a given theme may find it more difficult to substitute one platform for another. The figure below shows that, depending on a creator's dominant theme, the main platform used varies and that, with few exceptions, platforms are not used uniformly across all dominant themes.

Figure 10 – Main platform of respondent content creators, according to their dominant theme



Source: Survey.

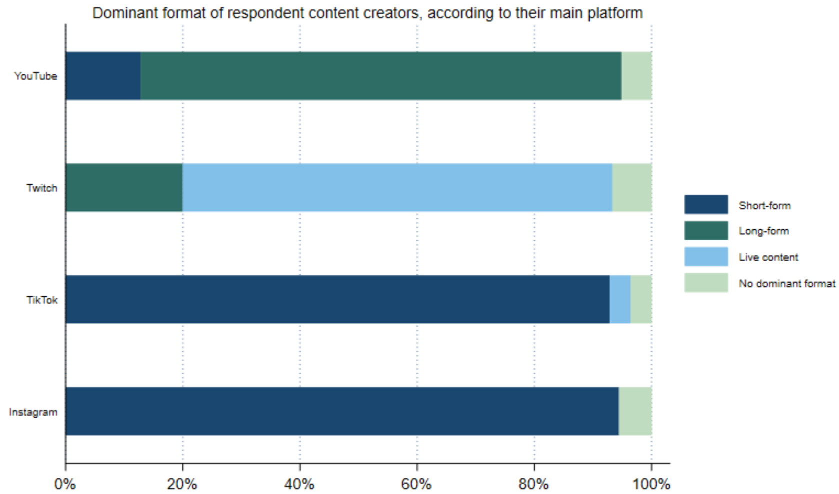
352. Therefore, while certain themes, such as humour or general entertainment, appear to be well suited to all four platforms, others offer only one or two alternative platforms. For example, science and technology content is particularly well suited to YouTube, while travel content is especially prevalent on Instagram. Gaming has a strong presence on Twitch and, to a lesser extent, YouTube, whereas lifestyle/fashion/beauty content creators predominantly use TikTok. Content creators addressing these themes therefore have limited alternatives and may face greater difficulties in switching their primary platform.

A dominant format for each platform

353. Video format may constitute a second limit to platform substitutability from the perspective of content creators.

354. While the main platforms are now able to offer a full range of formats (short-form, long-form, live streaming, etc.), each may nevertheless be characterised by a historically dominant format that remains prevalent within its ecosystem. The figure below illustrates this correspondence between video format and platform: long-form video is the dominant format on YouTube; live streaming is the principal format on Twitch; and short-form video is the most prevalent format on TikTok and Instagram.

Figure 11 – Dominant format of respondent content creators, according to their main platform



Source: Survey.

355. The investigation found that format is a key parameter in a content creator's choice of platform. For 90% of the creators who responded to the Survey, the availability of a video format aligned with their activity is an important (37%) or even essential (53%) factor in the decision to use a platform. Moreover, the *Autorité* notes a tendency among content creators to favour a dominant video format in their activity, with only 10 respondents to the Survey, i.e. 5% of the sample, indicating that they do not have a dominant format in their content creation activity.

356. Thus, content creators' propensity to favour a dominant video format, combined with the fact that each of the main platforms is itself associated with a dominant format, may naturally lead creators to prefer one platform over another, depending on the format most suited to their activity and content.

Platform-specific cultures and expertise

357. The investigation found that each of the main platforms has a distinct "culture", arising from various factors such as their operating model, their dominant format and the characteristics of their audience. This culture induces specific expertise in content creation.

358. More than 90% of the creators who responded to the Survey indicated that video content creation required different know-how depending on the platform, given the need to adapt content (90% of respondents), audience expectations and habits (87%), differences in audience socio-demographic profiles (84%), and differences in how algorithms operate (84%). As noted by one agency, "*each platform is unique and develops its own codes, which content creators must master, while anticipating their evolution in order to continuously engage both their*

audience and that of the platform"[318]. All the content creators heard during the hearings confirmed this observation, indicating that each platform corresponds to a specific type of video content.

359. On each platform, content creators must therefore develop and apply specific expertise in order to be successful. For example, long-form formats require substantial writing and production work. Live streaming requires the ability to host content in real time while interacting with viewers. Short-form formats, by contrast, must be immediately impactful and capture viewers' attention within the first few seconds. This platform-specific know-how is likely to limit platform substitutability from the perspective of content creators.

360. The sections below, which summarise the information gathered during the investigation regarding the distinct cultures and expertise associated with each of the four main platforms, further elaborate on this observation.

YouTube: long-form video content requiring more extensive production work

361. On YouTube, video content is predominantly long-form and, compared with other platforms, requires more editing, editorial structuring and pre-production writing[319]. Such content may require greater production resources and the involvement of individuals other than the content creator (filming, production and post-production teams, etc.). Content is identified through the creator's persona and follows a "scheduled release"[320] (regular video publication) and audience retention model[321]. In long-form videos, creators must maintain the viewer's attention for as long as possible[322], with the algorithm placing a premium on watch time. A content creator heard during the hearings also noted the trend towards longer videos published on YouTube, in particular in view of consumption on a TV screen. With regard to YouTube, the UMICC said: "*Most content creators aim to develop on YouTube, at the top of the hierarchy. It is a factor of credibility*"[323].

TikTok: short, impactful, spontaneous content

362. On TikTok, formats are short, vertical and must immediately capture the viewer's attention, to prevent them from scrolling to the next video. Although such content is generally less polished and produced than, for example, content on YouTube[324], it must be designed and edited to be dynamic and impactful[325]. On TikTok, authenticity (as opposed to scripted content) and the concept of trends play an important role[326]. The challenge for creators is therefore to retain viewer attention on their content, which is consumed in a passive manner before and after content from other creators. Video content on TikTok is primarily consumed via the "For You"

[318] See agency responses to Investigation Services questionnaire.

[319] See, in particular, minutes of UMICC hearing before the Investigation Services, page 6.

[320] *Ibid.*

[321] See, in particular, agency responses to Investigation Services questionnaire.

[322] *Ibid.*

[323] See minutes of UMICC hearing before the Investigation Services, page 7.

[324] *Ibid.*

[325] See, in particular, agency responses to Investigation Services questionnaire.

[326] *Ibid.*

page[327], which presents viewers with content selected by the recommendation algorithm and produced by creators whom they do not necessarily follow. As stated by TikTok, "*the TikTok platform was primarily designed for users to create and share videos on any theme and does not focus on creating and maintaining personal relationships*"[328]. On TikTok, the algorithm favours content volume, encouraging creators to post several times per day[329].

Instagram: more visual content and closer proximity to the creator

363. Instagram is a social network that also offers photo sharing; video content ("Stories", "Reels") published by creators, in a vertical format, is part of a broader range of content. Content posted on Instagram is closely linked to the persona of the content creator, who builds a community with which they must maintain a connection[330] in order to foster engagement[331]. A content creator heard during the hearings described Instagram as a "*business card*". Interactions between the creator and their audience are more personal and visual, with the aesthetic quality of content being a valued parameter: "*Creating visually appealing, authentic content, demonstrating a sense of aesthetics, maintaining a connection with their audience, sharing their life in moderation*"[332]. Content creators are incentivised to post several times a day[333].

364. Instagram and TikTok share certain similarities in terms of format (short-form) and content consumption (a succession of content within a feed). However, there is a key difference between the platforms, namely the notion of community. As noted above, TikTok operates less through the persona of the creator than through the content itself, which is often consumed by viewers who do not follow the creator. Instagram places greater emphasis on community-building, which forms the basis of a creator's audience. As stated by the UMICC during its hearing, "*in a sense, audiences are less connected on TikTok, as the focus is on content rather than the individual. On TikTok, virality is more random, whereas you can broadly anticipate the success rate on Instagram in advance. That said, it is not entirely unstable on TikTok, as with trends and fashions, you can identify content likely to perform well. However, it remains less predictable*"[334]. These operational differences encourage content creators to adopt distinct approaches across the two platforms. While this observation was largely confirmed during the investigation, the *Autorité* notes that Instagram's "Explore" feature, which presents users with a stream of content not necessarily produced by accounts they follow, may bring Instagram's usage closer to that of TikTok.

Twitch: live content and audience interaction

365. Video content streamed on Twitch is live, with sessions that may extend over several hours. Content creators must be able to sustain audience interest over extended periods while

[327] See TikTok response to Investigation Services questionnaire, page 12.

[328] *Ibid.*, page 7.

[329] See minutes of UMICC hearing before the Investigation Services, page 6.

[330] *Ibid.*

[331] See, in particular, agency responses to Investigation Services questionnaire.

[332] See minutes of UMICC hearing before the Investigation Services, page 6.

[333] *Ibid.*

[334] *Ibid.*

interacting with their viewers, who can respond via chat or through donations[335]. The notions of community and regular engagement are key factors[336], encouraging creators to stream on a regular basis. According to the UMICC, "*it's about production, and the ability to interact live while reading comments in real time. It's a specific skill*"[337]. In addition, the majority of content streamed is gaming-related. Content creators in the gaming sector are therefore particularly incentivised to work on this platform.

The imperfect overlap of audiences on different platforms

366. The imperfect overlap of audiences across different platforms is another factor that may limit the substitutability of platforms from the perspective of content creators, in particular where they seek to reach a specific target audience.

367. Firstly, although widely used among the general population, platforms retain specific characteristics in terms of the socio-demographic profile of their audience.

368. In this regard, the most determining factor appears to be user age. In its response to the public consultation, the UMICC stated: "*Furthermore, there is a significant generational impact on the choice of platforms, both for creators and their audiences. Each generation tends to favour specific platforms: younger users, notably Gen Z, prefer TikTok and Instagram for their immediacy and visual appeal, whereas older generations often use YouTube or Facebook. Creators generally address an audience that resembles them in terms of age, which often restricts the choice of platform depending on the targeted age group*"[338].

369. Platform audience data for France indicate that user distribution by age group is not uniform. YouTube and Instagram attract an older audience than Twitch and, to a lesser extent, TikTok (see table below).

Table 12 – Audience distribution by age group in 2024: Instagram, TikTok, Twitch and YouTube

	Instagram	TikTok	Twitch	YouTube
Under 15 years old	5%	8%	11%	8%
15-24 years old	17%	**23%**	**36%**	14%
25-34 years old	16%	14%	**23%**	14%
35-49 years old	**24%**	**23%**	19%	**22%**
50-64 years old	**21%**	19%	7%	**21%**
Over 65 years old	17%	13%	5%	20%
Total	100%	100%	100%	100%

Source: Arcom, based on Médiamétrie data. Note: the figures show the average monthly distribution of unique visitors in 2024 in France (number of individuals who visited the site at least once during the month) for each target audience, within the French internet population (aged 2 and over). For YouTube, the Internet Global measurement reflects only audience figures for the YouTube site and applications (excluding all other websites and applications in which the YouTube player is embedded).

[335] See, in particular, agency responses to Investigation Services questionnaire.

[336] See minutes of UMICC hearing before the Investigation Services, page 7.

[337] *Ibid.*, page 6.

[338] *Ibid.*

370. User gender is also an important factor for Twitch, whose audience is predominantly male (see table below). By contrast, the distribution between male and female audiences is relatively balanced across YouTube, Instagram, and TikTok.

Table 13 – Audience distribution by gender in 2024: Instagram, TikTok, Twitch and YouTube

	Instagram	TikTok	Twitch	YouTube
Men	45%	45%	**71%**	48%
Women	**55%**	**55%**	29%	**52%**
Total	100%	100%	100%	100%

Source: Arcom, based on Médiamétrie data. Note: the figures show the average monthly distribution of unique visitors in 2024 in France (number of individuals who visited the site at least once during the month) for each target audience, within the French internet population (aged 2 and over). For YouTube, the Internet Global measurement reflects only audience figures for the YouTube site and applications (excluding all other websites and applications in which the YouTube player is embedded).

371. Secondly, analysis of audience overlap across online platforms also shows that platform substitutability is limited from the perspective of content creators.

372. The table below shows, for each platform under review (in columns), the average monthly visitor overlap rates across platforms in France in 2024. For example, among YouTube users, 77% also visit Instagram, 50% also visit TikTok and 11% also visit Twitch. These partial overlaps indicate that, for a content creator active on YouTube, a share of the audience reachable on that platform would not necessarily be reachable on other platforms, in particular Instagram, TikTok or Twitch.

Table 14 – Audience overlap rates across different platforms in 2024

	YouTube	Twitch	TikTok	Instagram	Facebook	Snapchat	Dailymotion	LinkedIn	X/Twitter
YouTube	100%	99%	95%	94%	92%	95%	96%	95%	96%
Twitch	11%	100%	15%	12%	10%	15%	10%	11%	18%
TikTok	50%	68%	100%	56%	50%	68%	47%	53%	55%
Instagram	77%	89%	88%	100%	79%	89%	81%	86%	86%
Facebook	93%	94%	96%	97%	100%	95%	98%	98%	97%
Snapchat	52%	74%	71%	60%	52%	100%	46%	53%	52%
Dailymotion	37%	33%	35%	38%	38%	32%	100%	45%	50%
LinkedIn	35%	36%	37%	39%	36%	36%	43%	100%	47%
X/Twitter	37%	61%	40%	40%	37%	36%	49%	49%	100%

Source: Arcom, based on Médiamétrie data. Note: the figures show the proportion of users visiting multiple platforms, on average per month in 2024 in France, within the French internet user population (aged 2 and over). Reading guide: 99% of Twitch users also visit YouTube; 11% of YouTube users also visit Twitch. For YouTube and Dailymotion, the Internet Global measurement reflects only audience figures for the YouTube and Dailymotion sites and applications (excluding all other websites and applications in which the YouTube and Dailymotion players are embedded).

373. This data also confirms that YouTube and Instagram are essential for audiences: regardless of the platform considered, the proportion of its users who also visit YouTube systematically exceeds 90%, and the proportion of its users who also visit Instagram systematically exceeds 75%.

374. The *Autorité* notes that this data does not provide insight into consumer usage patterns and that, consequently, the consistently high importance of Facebook and, to a lesser extent, Snapchat should be interpreted in light of the fact that these two platforms are also used as social networks and messaging services.

375. This imperfect overlap in the audiences of different platforms is reflected in a clear tendency for content creators to engage in multihoming. In this regard, 97% of the creators who responded to the Survey consider that publishing videos on multiple platforms enables them to reach different audiences on each platform.

Key points

From the perspective of content creators, the substitutability of platforms is subject to significant limitations, due in particular to their formats, preferred themes, specific cultures and expertise and, lastly, the imperfect overlap of their audiences.

The limitations to the substitutability of the main platforms are likely to strengthen the respective bargaining powers of the said platforms vis-à-vis content creators, whose ability to switch from one platform to another is constrained.

Moreover, the limitations suggest that, from the perspective of content creators, the main platforms may not belong to the same product market.

d) A degree of content creator lock-in linked to audience lock-in

376. Moving from one platform to another would require content creators to rebuild their audience. As noted by the UMICC, "*often*, [content creators], *on a new platform, will start from scratch and rebuild a new community*"[339]. The Survey also found that a majority of responding content creators (56%) consider that only a small proportion of their audience follows them across all the platforms on which they are active. In addition, 59% of respondents consider that, if they were no longer satisfied with a platform's services, they would not be able easily to rebuild their audience and re-establish their community on another platform.

377. This difficulty in transferring an audience from one platform to another results in a degree of content creator lock-in vis-à-vis a given platform. In this regard, Dailymotion stated: "*Since Dailymotion's decision to refocus its activity on a platform strategy, it has effectively focused on acquiring creators. Our content team has contacted numerous prospects, and although several hundred content creators have joined us, some reluctance is evident. Among the arguments put forward, we often hear about the difficulty of building a new community on another platform*"[340].

378. This phenomenon of lock-in is likely to increase the bargaining power of platforms vis-à-vis content creators, whose ability to rebuild their audience on another platform, and therefore their incentive to leave the original platform to migrate to another, is limited. For the same reasons, such lock-in may also limit the substitutability of platforms from the perspective of content creators.

379. In this regard, the UMICC stated: "*Once* [content creators] *have developed a loyal audience on a specific channel, it becomes practically impossible to leave* [that channel] *without losing a significant share of their revenue stream. This captive situation enables platforms to dictate their own rules without real opposition, making creators vulnerable to sudden changes in policies or algorithms*"[341].

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[339] See minutes of UMICC hearing before the Investigation Services, page 8.

[340] See Dailymotion response to public consultation, page 4.

[341] See UMICC response to public consultation, page 6.

380. This lock-in also encourages multihoming by content creators, who seek to diversify their risk by simultaneously developing an audience on another platform, insofar as that platform is relevant to the type of content they wish to produce (short-form, long-form or live). The incentive is all the greater given that the cost of entering a new platform is low for video content creators. Rather than leaving one platform to migrate to another, content creators are therefore incentivised to use multiple platforms simultaneously.

Key points

Audience lock-in on a given platform is an additional factor limiting the substitutability of platforms from the perspective of content creators.

This lock-in increases the market power of platforms vis-à-vis the content creators concerned. Conversely, it encourages creators to use multiple platforms simultaneously rather than relying on a single platform.

e) Widespread multihoming by creators, reflecting the complementary nature of platforms

381. The *Autorité* notes that, in a multisided market, multihoming is a feature of market functioning that must be taken into account for the purposes of competitive assessment[342].

382. The simultaneous use of several platforms by a single content creator may facilitate competition between the services provided by each platform. However, the *Autorité* finds that, from the perspective of content creators, the widespread practice of multihoming reflects a relationship of complementarity between platforms rather than one of direct competition.

383. Firstly, as indicated in paragraphs 65 *et seq.* above, the practice of multihoming by content creators does not preclude the use of a primary platform in their activity. According to Survey data, the 92 creators who report using a primary platform in their activity use, on average, 3.5 different platforms.

384. Secondly, being active on multiple platforms enables content creators to leverage the specific features of each platform in order to optimise their audience and revenue. For example, a creator specialising in long-form videos on YouTube may also use Instagram or TikTok to maintain regular contact, and interact, with their community, and to promote their content. Moreover, by adapting, for example, the editing of content already produced to suit each platform, a creator can capitalise on their work and maximise the revenue derived from that content. As representatives of Twitch indicated during the hearings, it is not uncommon for a stream initially broadcasted live on Twitch to be subsequently shared as a replay on YouTube and edited into a compilation for distribution on Instagram and TikTok in a shorter format.

385. Several content creators heard during the hearings highlighted this point. For example, several creators active primarily in long-form content on YouTube and Twitch indicated that they use Instagram and TikTok for event promotion or content redistribution, by reposting excerpts of their long-form content. Another stated that the use of TikTok was "*essential*" for promoting their long-form content shared on YouTube. Yet another creator considered that it was

[342] See *Autorité de la concurrence* Merger Control Guidelines, paragraph 665, on the cumulative growth mechanism that can lead to the exclusion of competitors: "*The existence and extent of this effect depend on the characteristics of the functioning of the market, such as, for example, the use of multi-homing by users or the portability and interoperability of the services*".

necessary to be present on all platforms in order to communicate about and promote their projects. A further creator indicated that the different platforms enabled them to reach their audiences in different ways, through distinct modes of interaction and types of content.

386. Thirdly, multihoming enables creators to diversify both their revenue sources and their audiences. This diversification reduces their exposure to risks arising from changes in the way platforms operate, in particular those affecting content recommendation algorithms. A content creator stated during the hearings that presence across multiple platforms has become "*an asset, or even a necessity, in order to reach different audiences and not depend on a single distributor*".

387. These elements reflect a degree of complementarity in creators' use of platforms, which together constitute a catalogue of services enabling them to optimise and diversify both their audiences and revenue sources.

388. In this regard, the *Autorité* notes that exclusivity clauses preventing a creator from simultaneously using multiple platforms, or from publishing the same content across several platforms, would be likely to restrict their ability to engage in multihoming. Of the 201 creators who responded to the Survey, 22 indicated that they had entered into an exclusivity agreement with a platform (i.e. 11% of respondents). However, this practice appears to be in decline, with only two such agreements reported as still in force by the creators concerned.

Key points

The widespread practice of multihoming by content creators reflects a relationship of complementarity between platforms rather than one of direct competition.

The investigation did not find any practice in this sector involving exclusivity clauses imposed by platforms on content creators that would restrict multihoming or result in market partitioning.

3. THE MARKET POWER OF THE MAIN PLATFORMS IN THEIR DEALINGS WITH CONTENT CREATORS AND THE COMPETITION RISKS IDENTIFIED

389. The market power held by the principal platforms confers upon them, in their dealings with content creators, a disproportionate degree of bargaining power **(a)**, enabling them to unilaterally determine the terms of their commercial relationships **(b)**.

a) Extremely imbalanced bargaining power arising from content creators' dependence on platforms

390. From the perspective of content creators, platforms are essential to their online video content creation activity, as they provide (i) video hosting and sharing services, (ii) access to audiences and (iii) opportunities to monetise their content and generate revenue. Conversely, from the perspective of online platforms, creators – considered collectively and as a whole – are an essential input for attracting audiences and advertisers.

391. However, as noted above, the online video content creation sector in France is characterised by a high degree of fragmentation among content creators (with more than 150,000 professional creators in France in 2024) operating across a limited number of platforms. Accordingly, bargaining power is significantly skewed when assessed from the perspective of an individual content creator negotiating with a platform.

392. This imbalance is further exacerbated by the fact that, for content creators, switching their activity from a primary platform to another platform may be constrained by the limited substitutability of platforms from their perspective, as well as by the difficulties associated with migrating their audience and data (including their content catalogue, viewing history, audience interactions, etc.). Accordingly, a content creator has significantly more to lose than the platform if a commercial relationship comes to an end.

393. Commercial dealings between video content creators in France and the main platforms are therefore characterised by a significant asymmetry in bargaining power. In this regard, a very large majority of the content creators who responded to the Survey described their bargaining power vis-à-vis platforms as low (111 respondents, or 55%) or very low (50 respondents, or 25%).

394. This observation was also widely shared by the operators interviewed during the investigation, several of whom also indicated that the degree of imbalance may vary depending on individual creators' reputation. However, several content creators stated during the hearings that, despite their very high profile, they felt they had no bargaining power whatsoever vis-à-vis the main platforms.

395. Thus, the UMICC considers that dealings between platforms and creators show a clear imbalance, with platforms unilaterally setting monetisation rules, recommendation algorithms and terms of use. Only a small number of the most influential creators are able to negotiate specific arrangements, while – for the vast majority – conditions are imposed without any possibility of adaptation. The UMICC added: "*Creators' bargaining power largely depends on their popularity and their ability to mobilise an engaged audience. Platforms seek to retain the most successful creators by offering financial incentives, increasing their visibility through promotional placement on their interfaces and providing them with exclusive tools. However, these advantages are far from universal and mainly concern an elite group of high-audience creators*"[343].

396. A similar observation was made by an agency interviewed during the investigation, which stated that "*video content creators' bargaining power vis-à-vis platforms remains overall very limited, but depends on their influence and their ability to attract an engaged audience*"[344]. The same agency further noted that platforms exercise close control over distribution mechanisms and remuneration models, thereby rendering the relationship structurally asymmetrical.

397. According to the Les Échos-Le Parisien group, video content creators are in an unprecedented position of dependence on platforms: "*The steady growth of video makes publishers dependent on this format. Yet the economics of content creation are determined by the platforms that distribute the content. Dominance by a limited number of players, such as YouTube, Instagram and TikTok, creates an ecosystem in which the rules of the game are defined by these few players*"[345]. The group further notes that recommendation algorithms can have a significant impact "*on what is seen or ignored, strongly influencing a creator's visibility and therefore*

[343] See UMICC response to public consultation, page 6. One agency also noted: "*Creators' bargaining power vis-à-vis platforms remains weak and imbalanced, as the platforms set the rules, monetisation conditions and distribution. On YouTube, creators have a more structured status through the YouTube Partner Program, which gives them a degree of stability. On TikTok and Instagram, they depend heavily on the algorithm and imposed formats, with little transparency or dialogue. Twitch offers a direct link with the audience and more flexible monetisation, but remains demanding in terms of performance. Overall, only very large creators or well-organised collectives have real influence*" (agency response to Investigation Services' questionnaire).

[344] See agency responses to Investigation Services questionnaire.

[345] See Les Echos-Le Parisien group response to public consultation, page 4.

their ability to generate revenue; above all, these platforms have the power to impose their own standards in terms of formats, intellectual property rights and monetisation"[346].

398. This imbalance between the respective bargaining powers of content creators and platforms may also vary depending on the size and influence of the platforms. In this regard, Dailymotion stated: "*Platforms that are established in the market and generate revenue for creators have, in practice, stronger bargaining power than platforms seeking to emerge in the content creation market, which will, in practice, have more balanced bargaining power with content creators*"[347].

399. The *Autorité* also notes that, while being represented by a talent agency may help content creators in their dealings with platforms, it does not restore balance in bargaining power. As set out in paragraph 289 above, agencies may help to resolve technical issues, but their leverage with respect to contractual terms, monetisation or platform algorithms remains weak or even very weak[348]. Several agencies stated, for example: "*We have the ability to engage in dialogue and to resolve technical issues (such as accounts no longer functioning, hacked accounts, etc.), but we have no influence over anything else (remuneration, algorithms, etc.)*"[349].

Key points

In the relationship between platforms and content creators, the balance of power is very significantly in favour of the former.

For content creators, platforms are essential to their activity, and a small number of platforms often account for a significant share of their revenue. Conversely, for platforms, an individual content creator represents only a marginal share of revenue, in particular where that creator has a relatively modest audience.

The online video content creation sector is therefore characterised by a structural dependence of content creators on platforms.

b) Platforms unilaterally set the terms of their relationship with content creators

400. The asymmetry in the relationship between content creators and platforms is particularly evident in platforms' ability to unilaterally set the terms of their commercial dealings with content creators, whether in respect of terms of use, remuneration or content visibility.

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[346] *Ibid.*

[347] See Dailymotion response to public consultation, page 4.

[348] See agency responses to Investigation Services questionnaire.

[349] See agency responses to Investigation Services questionnaire. See also:

- "*As an agency, our direct bargaining power with platforms remains limited overall, as they control the rules, monetisation and the algorithm. On YouTube and Twitch, some dialogue may exist through partner programmes. On TikTok and Instagram, the relationship is more one-sided, although some very powerful creators or collectives have greater influence. Our main leverage remains the collective strength of the talent represented. This power increases with audience size and influence over trends*".
- "*Video content creator agencies' bargaining power vis-à-vis platforms is generally limited, but varies depending on several factors, including the influence of the creators represented by the agency and mutual dependence with the platform. Overall, platforms continue to dominate, but agencies may influence certain opportunities depending on the weight of their talent*".

Platforms unilaterally set remuneration conditions for creators

401. The legal framework does not impose any obligation on platforms to remunerate content creators through revenue sharing, with any such arrangements therefore remaining a matter solely for negotiation between the parties. In this regard, the video content creation sector differs, for example, from the music streaming platform sector, where copyright provides the basis for the remuneration of artists by platforms[350], or from the press sector, with its system of neighbouring or related rights[351].

402. However, the asymmetry in bargaining power between content creators and platforms gives the latter considerable discretion to determine, unilaterally and in line with their economic incentives (with revenue sharing potentially encouraging creators to share more content on the platform), both the existence of any remuneration mechanism for creators and, where applicable, its terms. Platforms are thus the sole decision-makers as regards the existence of revenue-sharing arrangements, the conditions for access to monetisation and the level of remuneration.

403. The *Autorité* notes that Instagram, a key platform for content creators, has still not introduced a system for sharing revenue from the sale of online advertising space.

404. As regards Twitch, the platform stated that its "Monetized Streaming Agreement" applies uniformly to all eligible content creators and is not subject to negotiation or adaptation. Revenue sharing between Twitch and French content creators is therefore standardised and depends on the programme to which the creator belongs (Affiliate, Partner or Plus): "*In other words, revenue sharing is not subject to individual negotiation*"[352].

405. TikTok said: "*TikTok does not negotiate the terms of its revenue-sharing programmes on an individual basis with creators. Instead, TikTok maintains general rules that apply equally to all eligible content creators*"[353]. TikTok further specified that no payments are offered to content creators to join the platform and indicated that it was not aware of any cases in which specific remuneration terms would have been offered to a creator[354].

406. Lastly, YouTube stated: "*The remuneration offered by YouTube to video content creators in the form of revenue sharing under the YouTube Partner Programme (YPP) does not generally vary from one content creator to another* [...]. *YouTube sometimes offers specific remuneration to certain content creators, on an ad hoc basis, to encourage them to create content for YouTube, and may, in such cases, offer a payment in exchange for the upload of an agreed number of videos*"[355].

407. These observations give rise to several comments.

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[350] See, for example, Spotify website. On music streaming platforms, see Competition and Markets Authority, Music and streaming market study – Final report, 29 November 2022.

[351] See Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC.

[352] See Twitch response to Investigation Services questionnaire no. 2, pages 1-2.

[353] See TikTok response to Investigation Services questionnaire no. 2, page 1.

[354] See TikTok response to Investigation Services questionnaire no. 2, page 1.

[355] See Google response to Investigation Services questionnaire no. 2, page 1

408. Firstly, the *Autorité* notes that access to content monetisation mechanisms on the main platforms is generally subject to minimum audience (number of followers and/or views) or activity (volume of content) thresholds, which effectively excludes a proportion of video content creators in France, despite these smaller-scale creators generating revenue for the platforms. In this regard, the *Autorité* highlights that, as set out in paragraphs 36 *et seq.* above, a relatively significant share of content creators currently derives no revenue from this activity.

409. Secondly, as set out in Section II.D.1 above, competition between online platforms may, in certain circumstances, lead platforms to adjust their contractual terms from time to time in order to attract additional creators and content. However, the investigation found that, in France, the scope for individual negotiation by creators in relation to the monetisation of their content remains very limited, if not non-existent, with creators unable to secure personalised terms. The lack of bargaining power on the part of creators in respect of revenue sharing was consistently highlighted during the investigation and, in particular, by all the content creators heard during the hearings, notwithstanding their substantial audiences and high profiles.

410. Thirdly, the *Autorité* notes that French content creators' bargaining power vis-à-vis the main online platforms may be further weakened by the fact that platforms' commercial policy decisions are centralised outside France. In this regard, one agency stated: "*The platforms' French subsidiaries have no power over their foreign parent companies*"[356].

411. Fourthly, the *Autorité* stresses that, beyond the revenue-sharing rules themselves, platforms retain sole control over their implementation; content creators have limited visibility over, and influence on, their application and the underlying data, including, for example, how content views are counted or the definition of the advertising revenue base used for revenue sharing. In this regard, some creators also indicated during the hearings that the price of advertising space associated with their content could vary significantly from one month to the next (for example, prices generally rise in December and fall sharply in January), without them always understanding the reasons or being able to anticipate such fluctuations. Several content creators heard during the hearings thus highlighted the difficulty of forecasting their revenue from one month to the next and in spreading their revenue over time. It should be noted that this lack of revenue predictability may vary depending on the platform. For example, a content creator indicated during the hearings that YouTube's remuneration system was more transparent and stable than that of other platforms, thereby allowing for greater revenue predictability.

412. In any event, the *Autorité* reiterates that, in order to comply with Article 102 TFEU and Article L. 420-2 of the French Commercial Code, the transaction conditions imposed by an undertaking in a dominant position must not be unfair. Platforms must therefore ensure that the conditions governing their commercial dealings with content creators comply with competition law, in particular the aforementioned provisions. It is essential, in particular, that contractual terms unilaterally set by platforms are not unfair to content creators, both in their wording and in their implementation. In this regard, the *Autorité* encourages platforms to demonstrate greater transparency in the implementation of revenue-sharing rules.

Recommendation 3: insofar as the terms governing revenue sharing between content creators and platforms are set unilaterally by platforms, the *Autorité* calls on platforms to ensure that such terms – and their implementation – are fair. In this regard, the *Autorité* urges platforms to increase transparency in the implementation of revenue-sharing rules.

[356] See agency responses to Investigation Services questionnaire.

Key points

In view of their market power, the main platforms are able to unilaterally set the commercial terms for sharing revenue from the sale of online advertising space, in terms of both the very existence of such revenue sharing and, where applicable, the modalities and implementation of the mechanism and the distribution rules.

Accordingly, platforms must ensure that the terms governing their commercial dealings with content creators comply with competition law, in particular Article 102 TFEU and Article L. 420-2 of the French Commercial Code. Where contractual terms are not subject to negotiation, such provisions must not be unfair to content creators, either in their wording or in their implementation.

In this regard, the *Autorité* encourages platforms to demonstrate greater transparency in the implementation of revenue-sharing rules.

Platforms unilaterally set content visibility conditions

The need for greater transparency in the functioning of recommendation algorithms and moderation measures

413. As set out in paragraphs 215 *et seq.* above, content visibility is a key factor in creators' ability to reach audiences and, consequently, to generate remuneration. Such visibility is largely dependent on platforms' recommendation algorithms and, to a lesser extent, moderation measures. These parameters are unilaterally set by platforms, without consultation or negotiation with creators. As a result, creators ultimately have no real control over how their content is distributed or promoted on platforms. Accordingly, it is important that content creators are able, at a minimum, to understand the parameters that may affect the visibility of their content.

414. However, as set out in paragraphs 221 *et seq.* above, while the metrics and variables feeding recommendation algorithms may be made public by platforms in accordance with the obligation set out in Article 27 of the DSA, the investigation found that content creators have no meaningful visibility over the functioning of these systems. In the UMICC/Ipsos study, the lack of transparency in algorithms was the most frequently reported difficulty among surveyed content creators[357].

415. In particular, content creators have no meaningful ability to respond to changes in algorithms, even though such changes may be frequent and may significantly affect the visibility of their content. The UMICC stated: "*Algorithm changes by* [platforms] *are not announced and can have a major impact on the audience of content. It is random. A change may disadvantage one creator and benefit another, even where the theme is similar*"[358].

416. The *Autorité* regrets the lack of transparency in platforms' recommendation algorithms, which does not promote the predictability of content distribution and introduces a significant degree of randomness into competition between content creators.

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[357] UMICC – Ipsos BVA, Impact des créateurs de contenus sur les économies culturelles et informatives (*Impact of content creators on cultural and information economies*), September 2025, page 40 (French only).

[358] See minutes of UMICC hearing before the Investigation Services, page 10.

417. In this regard, the *Autorité* calls on platforms to demonstrate greater transparency in the implementation of their recommendation algorithms. Given the importance of content visibility for creators' activity, creators must be better able to understand the factors that may affect visibility and to anticipate the performance of their content. Such transparency should also extend to changes and updates in the functioning of algorithms.

418. Furthermore, the visibility of content shared by creators may also be affected by platforms' moderation measures, without creators being able to clearly understand the reasons for, or the manner in which, such measures are applied. This point is discussed in paragraphs 224 *et seq.* above. While it is important for platforms to ensure the moderation of hosted content, in accordance with the applicable legal framework, such moderation must be sufficiently transparent to ensure that competition between content can function effectively.

419. Lastly, insofar as the visibility of video content constitutes a key competitive parameter, it is important that creators, whatever their profile, can reach platform representatives capable of explaining, for instance, a drop in content visibility, a moderation action sanctioning their content or a ban. The *Autorité* encourages platforms to allocate sufficient human and material resources for this purpose.

Recommendation 4: the *Autorité* recommends that platforms demonstrate greater transparency in the implementation of their recommendation algorithms, so that creators can better understand and anticipate the visibility of their content on platforms. Such transparency should also extend to changes and updates in the functioning of algorithms.

Recommendation 5: the *Autorité* calls for platforms to exercise vigilance in ensuring transparency in the moderation of hosted content.

Recommendation 6: the *Autorité* urges platforms to allocate sufficient human and material resources so that creators, whatever their profile, can reach platform representatives capable of explaining a drop in content visibility or a moderation action sanctioning their content.

Control of recommendation algorithms and moderation measures by platforms and associated competition risks

420. Platforms have full control over their recommendation algorithms and moderation measures and unilaterally determine their rules and implementation. While user-content matching lies at the core of platforms' activity and attractiveness, platforms may also use algorithms to maximise their profits, potentially to the detriment of free competition between content.

421. The range of behaviours that may be implemented by platforms through recommendation algorithms, and even through moderation measures, is broad. Such behaviours are difficult to detect, given the complexity and opacity of recommendation algorithms and moderation measures.

422. The *Autorité* notes, however, that platforms may, in particular, be incentivised to give greater prominence to certain types of content that are especially likely to generate revenue through the sale of online advertising space, given their strong appeal to advertisers. Such a strategy would confer a significant competitive advantage on such content and could undermine the diversity of content available to consumers.

423. Platforms may also be incentivised to give particular prominence to content produced using creation-support tools integrated within the platform environment (e.g. built-in editing or subtitling software, integrated generative AI tools, etc.) or, in the longer term, to proprietary

content created entirely by generative AI. Such a strategy would confer a significant competitive advantage on such content and could undermine the diversity of content available to consumers. It would also make it more difficult for creation-support tools not affiliated with platforms to enter, expand or remain in the market.

424. Furthermore, certain features now enable content creators or commercial partners to enhance a video's visibility (or ranking) in exchange for payment (so-called "promoted" content). In these circumstances, platforms may be incentivised to widen the gap in visibility between promoted content and other content, in order to maximise revenue by increasing demand from creators or partners seeking to maintain or improve their visibility.

425. Lastly, platforms may be incentivised to give less prominence to content featuring a commercial partnership between a creator and an advertiser, in order to encourage advertisers to maximise their spending on online advertising space to the detriment of such partnerships. In this regard, the *Autorité* notes that content involving a commercial partnership is readily identifiable by platforms, as it must be flagged as such in accordance with the French Influencers Act.

Recommendation 7: in the absence of negotiations on the terms of content visibility, the *Autorité* reminds platforms that unfair implementation of algorithmic recommendation rules or moderation measures may raise serious competition concerns under Article 102 TFEU and Article L. 420-2 of the French Commercial Code. In particular, any strategy whereby platforms seek to promote the visibility of certain content that is especially lucrative or otherwise beneficial for them – and, potentially in the longer term, proprietary content entirely created by generative AI – could disrupt competition between content and be highly detrimental to the diversity of content available to consumers.

Key points

Given the importance of content visibility for their activity, creators must be better able to understand the factors that may affect visibility and to anticipate the performance of their content.

In the absence of negotiations on the terms of content visibility, the *Autorité* calls on platforms to demonstrate greater transparency in the implementation of their recommendation algorithms and moderation measures. Such transparency should also extend to changes and updates in the functioning of algorithms.

It is important that creators, whatever their profile, can reach platform representatives capable of explaining, for instance, a drop in content visibility, a moderation action sanctioning their content or a ban. The *Autorité* encourages platforms to allocate sufficient human and material resources for this purpose.

User-content matching lies at the core of platforms' activity and attractiveness.

However, the *Autorité* stresses that, insofar as the rules governing algorithmic recommendation and moderation measures are unilaterally determined by platforms, any unfair implementation would give rise to significant competition concerns.

In particular, any strategy whereby platforms seek to promote the visibility of certain content that is especially lucrative or otherwise beneficial for them – and, potentially in the longer term, proprietary content entirely created by generative AI – could disrupt competition between content and be highly detrimental to the diversity of content available to consumers.

Conclusion

426. This opinion has examined the online video content creation sector in France, focusing on content creators and their interactions with other operators in the sector, notably advertisers, generative AI system operators, talent agencies and platforms.

427. In addition to analysing competition between content creators, it has identified a number of areas of concern from a competition perspective, in particular with regard to the relationship between creators and advertisers, on the one hand, and platforms, on the other.

428. All the recommendations made by the *Autorité* are intended to mitigate the significant imbalance in bargaining power between creators, on the one hand, and advertisers and platforms, on the other. Most of the recommendations concern platforms, given their substantial market power and their central role in the functioning of competition between content creators.

429. The *Autorité* recalls that, in preparing this opinion, it acted in an advisory, rather than an enforcement, capacity and does not take a position on the legality of the conduct of operators in the sector. The competition risks identified should nevertheless be closely monitored by competition authorities, as well as by the operators concerned as part of their compliance efforts. Such an approach should, in particular, encourage platforms to take account of the various recommendations issued by the *Autorité*.

Summary of the recommendations

- Given the asymmetry in bargaining power between commercial partners and most content creators, the *Autorité* draws content creators' attention to the opportunity, in their commercial dealings with commercial partners, to assert their rights under the applicable legal framework. In this regard, the *Autorité* encourages professional organisations, such as the UMICC, to continue their work in training creators and providing useful resources (legal assistance, contract templates, factsheets, etc.) **(recommendation 1)**.
- Insofar as the fact that video content has, or has not, been created by generative AI may constitute a parameter of competition between different content, operators of generative AI systems and online platforms must ensure that video content created by generative AI can be clearly identified **(recommendation 2)**.
- Insofar as the terms governing revenue sharing between content creators and platforms are set unilaterally by platforms, the *Autorité* calls on platforms to ensure that such terms – and their implementation – are fair. In this regard, the *Autorité* urges platforms to increase transparency in the implementation of revenue-sharing rules **(recommendation 3)**.
- Given the importance of content visibility for creators' activity, the *Autorité* recommends that platforms demonstrate greater transparency in the implementation of their recommendation algorithms, so that creators can better understand and anticipate the visibility of their content on platforms. Such transparency should also extend to changes and updates in the functioning of algorithms **(recommendation 4)**. The *Autorité* also calls on platforms to exercise vigilance in ensuring transparency in the moderation of hosted content **(recommendation 5)**. For the same reason, the *Autorité* urges platforms to allocate sufficient human and material resources so that creators, whatever their profile, can reach platform representatives capable of explaining a drop in content visibility or a moderation action sanctioning their content **(recommendation 6)**.

- In the absence of negotiations on the terms of content visibility, the *Autorité* reminds platforms that unfair implementation of algorithmic recommendation rules or moderation measures may raise serious competition concerns under Article 102 TFEU and Article L. 420-2 of the French Commercial Code. In particular, any strategy whereby platforms seek to promote the visibility of certain content that is especially lucrative or otherwise beneficial for them – and, potentially in the longer term, proprietary content entirely created by generative AI – could disrupt competition between content and be highly detrimental to the diversity of content available to consumers **(recommendation 7)**.

Deliberated on the oral report by Pierre Boyadjian and Pia Penanhoat-Aubry, case officers (*rapporteurs*), and the contributions of Lauriane Lépine, Deputy General Rapporteur, and Umberto Berkani, General Rapporteur, by Benoît Cœuré, President, Fabienne Siredey-Garnier, Thibaud Vergé, Vivien Terrien and Anne Wachsmann-Guigon, Vice-Presidents, and Valérie Bros, Gaëlle Dumortier, Julie Burguburu and Catherine Prieto, members.

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