

AI in Advertising

Transparency
and disclosure
&
12 clear principles

Acting Proactively,
Responsibly and Ethically

 Raad voor Reclame
Conseil de la Publicité



General introduction

Artificial intelligence is transforming the advertising industry, changing how advertising is planned, created, produced, distributed and experienced. It can support activities ranging from strategy and content creation to production, adaptation and interaction.

While these developments create new opportunities for the advertising sector, they also raise questions about transparency, consumer understanding and responsible use. Existing advertising rules continue to apply regardless of the technology used. AI does not change the fundamental expectation that advertising should be identifiable, responsible and should not mislead consumers.

In this context, the Belgian Advertising Council and its member associations* aim to support the Belgian advertising ecosystem by providing practical guidance for the responsible use of AI in commercial communication.

This document provides both direction and practical tools to encourage the responsible and transparent use of AI, with due regard for consumer rights. It takes into account an evolving regulatory landscape, including the EU AI Act and the GDPR, while complementing legal requirements through industry self-regulation and responsible advertising practices. It reflects the current state of knowledge and understanding regarding the interpretation and application of the EU AI Act. As experience with the new rules grows across the sector, some of the interpretations and practical guidance set out in this document may be further refined or clarified over time.

The guidelines address two complementary dimensions. The first focuses on AI disclosure: when and how consumers should be informed that AI has been used. The second sets out twelve principles that provide a broader reference framework for the responsible use of AI in advertising.

Together, they aim to support a proportionate approach in which innovation, transparency and responsibility can evolve in tandem.

This guide is intended to provide general, high-level information. It does not constitute legal advice and does not cover every scenario. Rules vary on a campaign-by-campaign basis so always check the specifics with your own legal team before relying on them.

** UBA (United Brands Association), ACC (Association of Communication Companies), BPX (Belgian Publishing Experience), AEA (Association des Exploitants d’Affichage), VIA (Association of Audiovisual Media), BAM (Belgian Association of Marketing), UMA (United Media Agencies)*

Part 1

AI Transparency and Disclosure

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Introduction

AI can be involved in advertising in many different ways, from minor production assistance to the generation of highly realistic images, voices, people, or situations. These different uses do not necessarily have the same relevance for consumers and should therefore not automatically lead to the same disclosure requirements.

The central consideration is whether the use of AI could affect how consumers understand or perceive advertising. Disclosure can provide useful context when AI-generated or AI-modified content could reasonably be mistaken for reality or materially influence consumer perception, trust or decision-making.

This section proposes a practical guide to Article 50 of the EU AI Act. It provides criteria for assessing when disclosure is appropriate, identifies situations requiring particular attention and offers guidance on how AI-related information can be communicated clearly across different media.

Note that all applicable legislative and self-regulating provisions, including the principles of the ICC Code on Advertising and Marketing Communications, apply regardless of whether the content is generated or manipulated by artificial intelligence.

Disclosure should contribute to transparency. It does not, however, replace the underlying obligation to ensure that advertising itself is not misleading.

GENERAL REMINDER

The use of artificial intelligence does not alter the fundamental obligations of fairness, truthfulness and clear identification of advertising.

1 Key definitions

The AI Act sets out several definitions that are important to understand in relation to transparency and AI labelling.

- **Deepfake**

The AI Act defines a deepfake as “AI-generated or manipulated image, audio or video content that resembles existing persons, objects, places, entities or events and would falsely appear to a person to be authentic or truthful.”

According to the final version of the ‘EU Guidelines on transparency obligations for providers and deployers of certain AI systems’ the concept of an “existing” person, object or event broadly may include realistic synthetic people, objects or events that could plausibly exist or could plausibly have existed, even where they do not correspond to a specific real-world counterpart.

- **Provider or deployer**

Article 50 splits responsibility between the ‘provider’ (typically, the business that built the AI tool) and the ‘deployer’ (the business using it commercially).

An agency could end up being treated as a ‘provider’ rather than a ‘deployer’ depending on how it configures or builds on top of an AI tool, so this is worth assessing and documenting on a case-by-case basis.

Provider	Deployer
Typically the AI tool -maker - e.g. an AI image, voice or video platform - but it could be your agency in certain situations	Typically the agency and/or advertiser using the tool
• Builds AI systems so people are told when they are interacting with a chatbot, unless this is already obvious • Adds a hidden technical marker – metadata plus a watermark – to all output the tool produces, not just deepfakes • Keeps those markers reliable, tamper-resistant and readable across different systems	• Puts a visible label on deepfakes so viewers can recognise them • Flags AI-generated -written copy on public -interest topics, unless a named editor has properly reviewed it • Lets people know if they’re being assessed by a biometric categorisation or emotion -recognition system.

This guidance document addresses the labelling obligations applicable to deployers of AI systems.

It does not cover the obligations applicable to providers of AI systems.

2 Transparency: when is labelling required?

General principle

The use of artificial intelligence does not, in itself, create an obligation to inform the public. The mere use of artificial intelligence is therefore not sufficient for content to qualify as a deepfake.

The use of AI during preparatory stages, such as ideation, scriptwriting, storyboarding, translation, optimisation or technical retouching, does not, in principle, require any specific disclosure.

By contrast, labelling indicating the use of AI is required in the case of a deepfake i.e; when the advertising message that is generated or manipulated by AI is likely to be (falsely) perceived as authentic or truthful.

What does European Union Artificial Intelligence Regulation – Article 50 say?

Where advertising messages constitute deepfakes, deployers must disclose that the content has been generated or manipulated by AI, subject to the exceptions provided for in the Regulation.

The transparency obligation does not apply:

- to uses authorised by law for criminal law enforcement purposes;
- to certain texts published for the purpose of informing the public on matters of public interest, provided they have undergone human review or editorial control and that editorial responsibility is assumed.

The transparency obligation is less stringent for content forming part of an evidently artistic, creative, satirical or fictional work or programme. However, no specific exception is provided for advertising.

Reference should therefore be made to the relevant guidelines for a case-by-case assessment. Where content combines a creative with an informative dimension, the informative dimension takes precedence and the exception cannot be invoked.

3 How to decide when to disclose?

To determine whether disclosure of the use of AI in advertising content is required, recommended or not necessary, the following three-factor assessment can be applied.

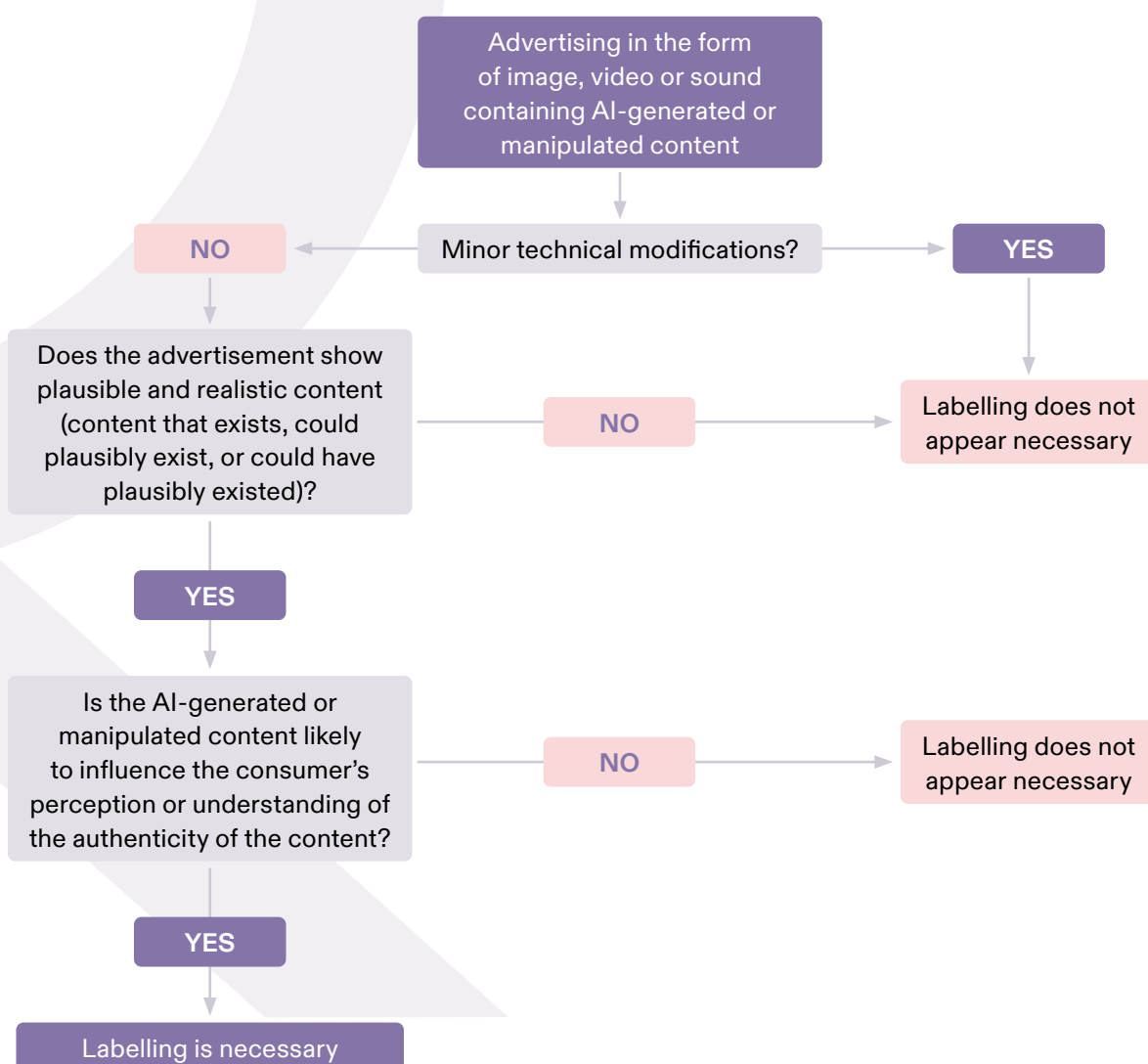
- 1 Level of AI Use
- 2 Scenario plausibility
- 3 Significance to the consumer

An AI disclosure label is required when the overall assessment shows a significant risk that consumers could misunderstand the nature or authenticity of the advertising content.

Condition	Question to ask	Level of concern	Remarks
1 Level of AI use	Was the advertising message being disseminated generated or significantly modified by AI?	• Low: minor technical modifications • Intermediate: substantial manipulation • High: complete or almost complete generation	Only the content actually disseminated is taken into account. Intermediate stages of creation, design or production do not, in themselves, constitute content subject to transparency obligations where they do not correspond to the final content disseminated to the public.
2 Scenario plausibility	Does the advertisement show plausible and realistic content ?	• Low: fictional, stylised or unrealistic setting • High: realistic representation of people, places or events	This criterion concerns resemblance to an existing person, object, place, entity or event, or to one that could plausibly exist or could plausibly have existed.
3 Significance to the consumer	Is the content objectively likely to appear authentic or truthful to the intended and reasonably foreseeable audience, taking into account the context in which it is disseminated, and is it likely to influence the audience's perception or understanding?	• Low: no impact on the consumer's perception or understanding • High: impact on the consumer's perception or understanding	This criterion concerns content that may be wrongly perceived or understood as authentic or truthful and its influence on consumer's perception of the advertising message.

4 AI-Generated Content Labelling Decision Flowchart

To determine whether disclosure of AI use in advertising content is not necessary, recommended or required, the following three-factor assessment can be applied.



Practical examples

The assessment must be carried out on a case-by-case basis, also taking into account the nature of the product or service being promoted, the characteristics of the target audience and the context in which the content is disseminated.

Examples where the AI-generated or AI-manipulated element is generally not significant, in which case labelling does not appear to be necessary.

- Technical retouching, such as adjustments to colour, lighting, framing or transitions
- Removal of unwanted background elements
- Stylised, clearly fictional or clearly artistic backgrounds
- Representation of an AI-generated fictional location presented in a clearly fictional or stylised context
- Non-realistic graphic or illustrative environments
- Assistance with copywriting or translation
- Use solely during the design stage, for example to create a storyboard
- Legal notices or disclaimers voiced by AI
- Unrealistic voices, characters or fantastical animals
- Representation of a real product placed in an AI-generated setting, provided that this does not alter the perception of the product
- Use of AI for the technical adaptation of existing advertising content, including the adaptation of product packshots to different formats, media or distribution contexts, provided these changes do not alter the actual characteristics of the product represented
- AI-generated characters appearing in the background, without affecting the consumer's perception of the advertising message, for example spectators in a stadium or people in a crowd
- AI-generated silhouettes or extras appearing in the background of a scene, without playing a decisive role in the advertising message
- An AI-generated audience attending a performance, sports event or festival, where the advertisement does not make any claim regarding the authenticity of that audience
- AI generated characters used solely to illustrate an environment or situation where this representation does not affect the consumer's perception of the advertising message. For example: passers-by or road users in a street scene used solely to illustrate an urban environment or a family in a living room used solely to illustrate a family environment.
- AI-generated people appearing only briefly or incidentally in a wide shot, where their identity or authenticity is of no particular relevance to the consumer.

Examples where the presence of AI-generated or AI-manipulated content may objectively influence the consumer's perception and where labelling is therefore required.

- An AI-generated video depicting a celebrity or influencer in an advertising context.
- A realistic AI-generated reconstruction of an event or fact that actually occurred and is likely to cause confusion e.g. a historical event.
- A realistic reconstruction of a fictional event that could be perceived as genuine footage, such as an AI-generated video of a riot presented as an event that actually occurred when this was not the case.
- An AI-generated video simulating a news scene directly related to the subject matter of the advertising message.
- The use of AI to enhance the sound of a children's toy in order to improve its perceived quality.
- An AI chatbot embedded in an ad or brand experience

Sensitive case: product performance

- Where AI modifies, adds, simulates or exaggerates a product's performance, benefits or characteristics, the content may fall within the rules governing misleading commercial practices.
- Misleading commercial communication remains misleading, even with disclosure regarding the use of artificial intelligence.

Special case: individuals

Particular care must be taken where individuals are depicted.

Where the image, voice or attributes of a real person are reproduced or simulated, it is necessary to ensure compliance with:

- prior authorisation requirements;
- the rules governing the protection of personal data.

The transparency obligation under Article 50 does not replace these requirements and does not, in itself, authorise the use of a person's image or voice.

5 How to disclose: what, when & where

Plan disclosure as part of your campaign strategy and not as an afterthought. It must be clear and immediately visible, without hampering the ad's creative impact.

- Use an icon, short label or spoken phrase in the same language as the ad.
- Keep it neutral, not negative, not promotional.

Social and advertising platforms, Meta, YouTube, TikTok and others, are also implementing their own AI -disclosure rules, generally enforced through automated detection and ad takedowns.

Suggested framework

for recommended disclosure by media type, intended to protect the creative spirit of advertising

MEDIA	WHAT	WHEN	WHERE
Online images	Icon / label	Immediately visible and identifiable	On or in the vicinity of the ad in ways that do not interfere with the viewer's experience. Possibility for a secondary interface or link with more info.
OOH	Icon / label	Immediately visible and identifiable	In the ad itself in ways that do not interfere with the viewer's experience.
Linear media videos (TV, cTV, etc.)	Icon / label	Throughout the ad	In the ad itself in ways that do not interfere with the viewer's experience.
Online video	Icon / label	Immediately visible and identifiable, lasting for at least 5 seconds. For livestreams, multiple 5" disclosures are recommended.	On or in the vicinity of the ad in ways that do not interfere with the viewer's experience. Possibility for a secondary interface or link with more info.
Radio / Audio	Spoken phrase	If <30": at the start or end of the spot If >30": at least twice	Within the time allocated to the ad spot itself in ways that do not hamper the enjoyment of the ad.

Suggested labelling examples

Content	Suggested label wording in english	Suggested label wording in dutch	Suggested label wording in french
□ Image	"AI-generated/modified image"	"AI gegenereerde/ gewijzigde afbeelding"	« Image générée/ modifiée par l'IA »
▶ Video	"AI-generated/modified video"	"AI gegenereerde/ gewijzigde video"	« Vidéo générée/ modifiée par l'IA »
🎵 Audio/voice	"AI-generated/modified voice"	"AI gegenereerde/ gewijzigde stem"	« Voix générée/modifiée par l'IA »
😊 Synthetic person	"AI-generated/modified person/likeness"	"AI gegenereerde/ gewijzigde persoon/ gelijkenis"	« Personne/personnage généré ou modifié par l'IA »
● Chatbot/ agent	"You're chatting with an AI agent"	"Je chat met een AI agent"	« Vous interagissez avec un agent IA »

Where relevant to consumers, it may be useful to clarify in the label the specific nature of the AI use.

Suggested icon

A short, clear "AI" icon or tag is the recommended approach visually. A standard EU icon has been published to streamline look and feel – although other jurisdictions may develop their own. Aim for high contrast – at least a 4.5:1 ratio. <https://digital-strategy.ec.europa.eu/en/policies/eu-icons-labelling-ai-generated-content#ecl-inpage-the-eu-icons>

3 questions before you publish

- **WHAT** Clear icon or label, in the right language?
- **WHEN** Immediately visible, not hidden in text or graphics?
- **WHERE** On or near the ad, without interfering with the creative aspect?

Neither the AI Act nor the European Commission's guidelines require the use of standardised wording or a standardised pictogram.

These examples are provided for guidance only and may evolve, particularly in light of European initiatives aimed at harmonising transparency requirements.

Part 2

12

Clear Principles

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Introduction

Disclosure is only one aspect of the responsible use of artificial intelligence in advertising. Decisions involving AI can arise throughout the advertising process and may concern not only what consumers see or hear, but also how content is created, reviewed and ultimately brought to market.

The following twelve principles provide a broader reference framework for considering these responsibilities. They are intended to help advertising professionals integrate responsible AI practices into their decision-making while recognising that technologies, applications and industry practices will continue to evolve.

Rather than prescribing a single approach for every use of AI, the principles provide common points of reference for assessing its use in context. They should be considered alongside applicable legislation, existing advertising rules and established standards of professional responsibility.

Their purpose is to support a consistent and considered approach to AI in advertising, with appropriate attention to consumers, transparency and the responsibilities of the organisations and professionals using the technology.

1 Human at the core

The advertising sector promotes ensuring that AI in advertising operates under meaningful human oversight and always serves as a means to amplify human authenticity, originality, creative thinking, and operational excellence.

Why

AI presents a major opportunity to enhance efficiency, effectiveness and growth across the advertising landscape. To fully benefit from its potential, meaningful human oversight remains essential. Human responsibility ensures that AI is applied in ways that respect legal and ethical standards, align with brand values and reflect consumer expectations. When guided by human creativity, expertise and accountability, AI becomes a tool to amplify authenticity, reinforce trust and keep brands relevant in a fast-evolving landscape.

How

- Implement and apply human checks and processes to ensure that automated action and content respect legal norms, ethical standards, societal and brand values, and are purpose-driven.
- Promote an organisational culture that prioritises and safeguards human originality and ensures AI tools are used to enhance creative thinking and operational excellence, rather than replace them.
- Recognise that authentic human connection remains valuable even as AI capabilities expand.
- Develop clear, organisation-wide AI standards and best practices to guide decision-making.
- When deploying agentic AI systems, explicitly define authorised action perimeters, spending thresholds, mandatory human checkpoints and escalation paths.

2 AI literacy & governance

The advertising sector commits to fostering AI literacy and promotes strategic coordination across departments. Professionals will receive regular training, while a cross-functional approach will guide responsible AI implementation and use.

Why

To harness the new horizons for the advertising industry offered by AI, all professionals must be empowered with the right knowledge and mindset. Professionals must understand their mechanics, risks and limits. At the same time, siloed decisions can lead to misalignment, inefficiencies or legal/ethical blind spots. Breaking the siloes ensures diverse perspectives, marketing, legal, creative, IT, procurement, collaboration to mitigate risks such as ethical misjudgements, legal non-compliance or inefficient AI applications.

How

- Provide ongoing education and training tailored to each department's needs, enhancing cross-team understanding and critical thinking around AI.
- Facilitate proactive discussions on ethical considerations, compliance requirements, and societal impacts to ensure responsible and strategic AI use across all workflows.
- Engage external partners in this process, ensuring their alignment and understanding of the role of AI and the implications for joint initiatives.
- Regularly convene stakeholders from various departments to assess AI use cases, share insights and align on implementation strategies.

3 Embrace transparency

The advertising sector promotes disclosure in AI-generated or manipulated content, especially involving depictions of an actual person, object, place, entity or event that exists, or that could plausibly exist or have existed.

Why

As AI systems increasingly generate advertising content ranging from visuals to copy to chat interactions, consumers may struggle to distinguish between human and synthetic output. Transparent disclosure builds audience trust and ensures alignment with EU requirements on transparency and fairness.

How

In this document, the Advertising Council provides a dedicated section to help professionals assess and determine whether labelling that discloses the use of AI is recommended or mandatory. See part 1: “AI Transparency and Disclosure”

4

Think inclusively

The advertising sector commits to ensuring balanced, diverse and inclusive output and that AI implementation and use take into account local market dynamics and cultural values.

Why

AI models are trained on large data sets that may contain embedded social, cultural or demographic biases. Integrating diversity, inclusion and cultural sensitivity and bias detection into AI processes helps mitigate these risks and supports the creation of content and interaction that aligns with brand values, societal expectations and audience diversity.

How

- Audit AI inputs, outputs and tools for biased or exclusionary patterns, especially around gender, ethnicity, age, ability, sexual orientation and socioeconomic status.
- Diversify creative and approval teams to ensure that those shaping prompts, reviewing outputs and approving content reflect the diversity of the intended audience.
- Adapt global AI solutions to reflect diverse cultural contexts rather than applying one-size-fits-all approaches.
- When possible, deploy AI to identify needs and support inclusion, for instance using data to detect under-served audiences, improve accessibility or deliver supportive public messaging.

5 Protect vulnerable groups

The advertising sector commits to safeguarding vulnerable individuals and groups from exploitation or manipulation by AI systems. Extra care will be taken in sensitive domains and for vulnerable audiences, especially children.

Why

AI can help brands better understand consumer needs and behaviour but it can also detect signs of vulnerability, such as emotional distress, financial hardship or developmental stages. Without proper oversight, this can lead to ethically questionable targeting. Children, in particular, may lack the ability to critically assess advertising or resist persuasive techniques. Protecting these groups ensures AI is used responsibly and in line with legal and societal expectations.

How

- Prohibit AI-driven tactics that exploit signs of vulnerability, such as fear-based messaging, urgency pressure or developmental stages or emotional manipulation.
- Implement stricter review and approval processes for AI-driven campaigns in sensitive domains (e.g. health, body image, finance, education).
- Comply with child protection laws and the GDPR, especially regarding consent, data minimisation and persuasive techniques that can bypass developmental understanding (e.g. gamified ads, synthetic influencers).

6 Consider environmental impact

Environmental sustainability and the proper running of AI systems should be encouraged. The advertising sector must take the necessary measures, if any, to reduce environmental impact.

Why

Sustainable initiatives are positively received by the public. When they're concrete with authenticity, they strengthen brand trust, brand reputation and audience engagement. Some systems, especially generative ones, require significant computing power. Using them in a targeted and thoughtful way avoids wasting resources, reduces our environmental footprint and shows that innovation and sustainability can go hand in hand.

How

- Use AI purposefully and strategically. Implement the 'right tool for the right job' principle to prevent unnecessary processing and avoid generating redundant content.
- Avoid excessive content production driven by automation capabilities. Set clear limits on iterations, versions and asset volumes.
- Promote the use of AI infrastructure powered by renewable energy, ideally certified according to European energy performance standards and take into account their environmental governance and traceability.
- Streamline AI workflows to reduce redundancy, including more efficient prompting, simpler output structures and tighter approval processes.

7 Privacy is sacred

The advertising sector is aware that AI systems based on the use of personal data must always be developed, trained, used and deployed in compliance with the GDPR and Belgian Privacy legislation, including respect for privacy, quality and integrity of data, and data access.

Why

Ensuring the confidentiality and security of user information is essential to building trust and complying with current regulations. AI systems in advertising often rely on personal and behavioural data, sometimes inferred, sometimes sensitive. Without strong data governance, this can lead to unauthorised profiling, function creep, or cross-use of data beyond its original purpose. Such missteps can breach the GDPR, undermine consumer trust and damage brand reputation. Responsible data practices are essential to ensure legality, fairness and ethical AI use in advertising.

How

- Apply privacy-by-design principles throughout the AI lifecycle, including in data collection, system training, deployment and user interaction. This includes limited data access, anonymisation or pseudonymisation where feasible and clearly defining the purpose of use with a Privacy Enhancing Technologies (PETs) approach.
- Ensure transparency in how AI systems process personal data. Make privacy notices clear, specific and user-friendly. Be able to communicate transparently with consumers: e.g. provide clear disclosures or Q&As about how an AI tool personalises content.
- Hold partners and AI agents to the same privacy standards, including in data sharing, tool integration and AI system configuration. Remain aware that AI systems can generate or infer new personal data about individuals, even when such data was not explicitly provided (e.g. predicting interests, health status or emotional state based on behaviour). These inferred data points may qualify as personal data under the GDPR.
- Wherever possible and in the interest of consumer protection, use AI solutions operated under European legal jurisdiction, with servers located in Europe and fully subject to the GDPR and the AI Act.

8 Respect rights

The advertising sector commits to respecting intellectual property rights and personality rights, including image, voice and likeness when using AI technologies. AI-generated content must not infringe on third-party works or imitate individuals without explicit authorisation.

Why

Generative AI tools can create content that depicts or closely resembles copyrighted works or real individuals. This may raise legal and ethical risks for advertising, from unlicensed use of creative materials to infringements on voice, image or likeness. Misuse can lead to lawsuits, takedowns or public backlash. Responsible use of AI and human control requires respect for intellectual property (IP) and the rights of all individuals represented or mimicked.

How

- Where possible, review AI-generated content for potential infringement of copyrights, trademarks or personal rights, including names, voices, likenesses and styles. Keep prompt logs when possible and involve human reviewers and legal experts where needed or if the output is questionable.
- Use tools trained on licensed, public-domain or explicitly authorised data sets. Assess the potential risk of using platforms with unclear training data.
- Secure contractual consent before using AI to replicate any identifiable individual's likeness, voice or persona, especially for artists, influencers or public figures. Contracts should define scope, duration, rights of revocation and remuneration terms.
- Avoid mimicking distinctive artistic styles or brand aesthetics without authorisation, even if the output is technically 'synthetic'.

9

Keep monitoring

The advertising sector supports a culture of continuous innovation, critical reflection and assessment in their AI applications, ensuring their technology is deployed safely, legally and ethically, thereby contributing to a trusted and secure digital environment.

Why

AI technologies in advertising operate in fast-changing environments. As models interact with new data or user behaviours, their performance and impact can shift over time. Regular monitoring helps maintain alignment with the intended purpose. It ensures systems continue to operate within legal, ethical and brand-safe boundaries, enabling early detection of issues, better adaptation and sustained trust in how AI contributes to advertising objectives.

How

- For each AI system used in advertising, assess its risk category under the EU AI Act (e.g. minimal, limited, high). This informs the depth and frequency of required oversight and the need for conformity assessments or transparency duties.
- AI performance can evolve as input data or user contexts shift. Establish continuous monitoring processes to identify any drift, especially in systems that learn or adapt over time.
- Periodically verify that training and operational data sets remain current, accurate, balanced and relevant to the intended purpose. Flag outdated or biased data before it leads to harm.
- Where possible, keep records, data and documents for how AI systems are developed, trained, deployed and used, and be ready for auditing.

10 Ensure fair competition and compensation

The advertising sector encourages fair and equitable use of AI in the workplace. AI will not lead to exploitative practices or diminish creative value. Contributions of both humans and machines will be transparently recognised.

Why

AI can reshape how work is produced and distributed across the advertising ecosystem. When used properly, it drives productivity away from less value-added work as adaptations towards meaningful creative, media expert and journalist contributions. When misused, it can disrupt fair collaboration, marginalise creative and journalist contributions or obscure the roles of human and machine effort.

How

- Ensuring that the deployment of AI can lead to productivity in the lower end of the funnel, like adaptations, that can be reinvested into breakthrough creativity.
- Compensation structures and workload assessments should reflect fair market values so that AI is used to enhance expertise, creativity and efficiency.
- Fair competition also involves transparency in how AI contributes to outcomes, ensuring credit is appropriately distributed among human and machine contributions in agency and media.

11

Be prepared for errors

The advertising sector encourages the development of incident response protocols that include legal, ethical and communication expertise.

Why

AI-related incidents, such as biased targeting, privacy breaches, deepfake misuse or reputational harm from flawed outputs, can escalate quickly and affect individuals, brands or entire campaigns. Without structured response protocols, organisations may react too slowly, uncoordinated or without accountability, increasing compounding both the damage and the loss of public trust.

How

- Where possible, establish clear internal processes for detecting, escalating and resolving incidents related to AI, such as discrimination, misinformation, data misuse or IP infringement.
- If a breach affects individuals (e.g. personal data breach, unauthorised likeness reproduction), inform them clearly and promptly. Comply with GDPR notification duties and the EU AI Act.
- Establish audit trails and conduct periodic AI audits: independent reviews of algorithms to ensure they are functioning as intended and respecting policies.

12

Collaborate transparently

The advertising sector promotes transparent collaboration across the value chain regarding AI use and contracts will include AI clauses.

Why

AI offers huge potential across the advertising value chain but only when everyone involved understands how it's being used. When partners collaborate openly, they manage risks early, align expectations and ensure outputs are fair, legal and ethical. Clear communication and well-defined agreements support better decisions, stronger relationships and campaigns that deliver value.

How

- Partners should communicate clearly about the AI tools, models and methods they use.
- Contracts should define mutual rights and obligations regarding AI use, including disclosure duties, approval rights, IP control & responsibilities, IP treatment on the output and remediation paths in case of error or harm.
- Jointly define who owns AI-generated outputs, how usage rights are shared and what happens when human input is layered onto machine-generated elements.
- Where multiple partners or agents exchange data or AI components, ensure that data use permissions, retention periods and model interactions are clearly governed.

Main sources

- [ARPP, Étiquetage des contenus publicitaires générés ou manipulés par l'intelligence artificielle](#)
- [EU Guidelines on transparency obligations for providers and deployers of AI systems](#)
- [The AI Act \(Regulation \(EU\) 2024/1689 laying down harmonised rules on artificial intelligence\)](#)
- [WFA, Transparency in AI-generated marketing creative](#)
- [EACA, Transparency Requirements for AI Content](#)
- [EASA Working groups](#)
- [The General Data Protection Regulation \(Regulation \(EU\) 2016/679\)](#)
- [ICC Advertising and Marketing Communications Code, International Chamber of Commerce](#)
- [UBA – ACC Guidelines on artificial intelligence & communication 2024](#)
- [Fedma / BAM, Ethical AI Powered Marketing Charter](#)

Glossary

Advertising

“Advertising” or “advertisement” means any form of marketing communications carried by the media, usually in return for payment or other valuable consideration.

Agentic AI

AI systems that operate with goal-oriented behaviour and can initiate actions without direct human prompting in real time. These systems can perceive their environment, make autonomous decisions and execute complex tasks based on objectives, often interacting dynamically with users or systems.

AI literacy

Skills, knowledge and understanding that allows providers, users and affected persons, taking into account their respective rights and obligations in the context of this Regulation, to make an informed deployment of AI systems and gain awareness.

Artificial Intelligence (AI)

A system that is either software-based or embedded in hardware devices, and that displays intelligent behaviour by, inter alia, collecting, processing, analysing and interpreting its environment, and by taking action, with some degree of autonomy, to achieve specific goals.

AI-assisted

Human-led process where AI offers suggestions but the human stays fully in control. Think: spellcheck or auto-summarise e.g. writing support tools, idea starters.

AI-augmented

Collaborative effort. AI adds meaningful input (e.g. drafts, visuals, ideas) but humans co-create and direct the outcome e.g. campaign drafts, image generation, A/B copy variations.

AI-generated

Content is primarily created by AI, based on prompts or inputs. Human checks quality, accuracy and tone e.g. blog posts, reports, visuals created and refined by AI.

AI-autonomous

AI makes decisions or creates outputs with minimal or no human input. Can include execution, not just creation. Examples include chatbots, dynamic pricing, real-time ad targeting.

AI Omnibus

A legislative package adopted on 19 November 2025, with a political agreement reached on 7 May 2026, revising the implementation timelines and scope of obligations for high-risk AI systems under the EU AI Act. Advertising professionals using or procuring AI from platform providers should monitor how downstream deployer obligations evolve under this framework.

Low-Risk / Minimal-Risk AI (EU AI Act)

Under the EU AI Act risk classification, most AI applications in advertising and marketing fall within the minimal-risk or limited-risk tiers. Minimal-risk systems carry no specific regulatory obligations under the Act. Limited-risk systems are primarily subject to transparency obligations (e.g. labelling AI-generated content). This document adopts the position that advertising AI is low-risk, while recommending that organisations maintain voluntary governance standards above the regulatory minimum.

Bias

Any prejudiced personal or social perception of a person or group of persons based on their personal traits.

Deepfake

The AI Act defines a deepfake as “AI-generated or manipulated images, audio, or video content” that respect(s) the cumulative criteria of resembling “existing persons, objects, places, entities or events that would falsely appear to a person to be authentic or truthful.”

Deployer

a natural or legal person using an AI system under its authority, except where the system is used in the course of a personal, non-professional activity.

In the advertising sector, whether an entity qualifies as a deployer depends on its decision-making authority regarding the use of AI and the way in which the resulting output is used or disseminated. Depending on the circumstances, an advertiser, an agency or another operator may qualify as a deployer, whether established within or outside the European Union, provided that the AI-generated or AI-manipulated content is disseminated within the Union.

Provider

an entity that develops an AI system and places it on the market.

Drift (Model Drift)

A phenomenon where an AI model’s performance degrades over time due to changes in data inputs, user behaviour or environmental factors. Requires monitoring and updates.

GDPR (General Data Protection Regulation)

EU regulation governing personal data use, emphasising lawful processing, consent, transparency, and rights of individuals, including in AI systems.

GPAI (General-Purpose AI Model)

An AI model trained on broad data that can perform a wide range of tasks, such as text generation, image creation, or coding (e.g. ChatGPT, Claude, Gemini). Under the EU AI Act, GPAI providers have been subject to specific obligations since August 2025, including technical documentation, training data summaries and copyright compliance policies.

IP (Intellectual Property)

Legal rights protecting creative works and brand assets, including copyrights, trademarks and personality rights (e.g. voice, image, name).

Privacy-enhancing technologies (PETs)

A collection of digital technologies and approaches that permit collection, processing, analysis and sharing of information while protecting the confidentiality of personal data.



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