



## EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs  
Single Market Enforcement  
Notification of Regulatory Barriers

Message 301

Communication from the Commission - TRIS/(2025) 0403

Directive (EU) 2015/1535

Notification: 2025/0022/IT

Request for supplementary information from the Commission.

Request for supplementary information - Demande d'informations complémentaires - Žádost o doplňující informace - Ersuchen um ergänzende Informationen - Искане за допълнителна информация - Žádost o dodatečné informace - Anmodning om supplerende oplysninger - Αίτηση συμπληρωματικών πληροφοριών - Solicitud de información complementaria - Lisateabe edastamise palve - Lisätietopyyntö - Zahtjev za dodatne informacije - Kiegészítő információ kérése - Domanda di informazioni complementari - Prašymas pateikti papildomos informacijos - Papildu informācijas pieprasījums - Talba għal tagħrif addizzjonali - Verzoek om aanvullende inlichtingen - Prośba o uzupełnienie informacji - Pedido de informações complementares - Solicitare de informații suplimentare - Žiadosť o ďalšie informácie - Zahteva za dodatne informacije - Begäran om kompletterande upplysningar - Iarraidh ar fhaisnéis fhorlíontach

MSG: 20250403.EN

1. MSG 301 IND 2025 0022 IT EN 22-04-2025 11-02-2025 COM INFOSUP COM 22-04-2025

2. Commission

3. DG GROW/E/3 - N105 04/63

4. 2025/0022/IT - SERV20 - Electronic commerce

5.

6. Within the framework of the notification procedure under Directive (EU) 2015/1535 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, the Italian authorities notified to the Commission on 17 January 2025 the 'ANNUAL DRAFT LAW ON SMALL AND MEDIUM-SIZED ENTERPRISES - CHAPTER IV (Articles 12 to 17) "COMBATING FALSE REVIEWS"' (hereinafter, the "notified draft").

The Unfair Commercial Practices Directive 2005/29/EC ("the UCPD") provides for specific provisions in the area of consumer reviews and endorsements. Specifically, Point 23b of Annex I prohibits traders from stating that reviews of a product are submitted by consumers who have actually used or purchased the product without taking reasonable steps to check that they originate from such consumers. Point 23c prohibits submitting or commissioning another legal or natural person to submit false consumer reviews in order to promote products. It also prohibits misrepresenting consumer reviews in order to promote products. Finally, traders giving access to reviews must inform consumers about whether and how they ensure that the published reviews originate from consumers in accordance with Article 7(6). The UCPD is based on the principle of full harmonisation (Articles 4 and Recitals 5, 12 and 13 of the Directive). Member States may not adopt stricter rules than those provided for in the Directive, even in order to achieve a higher level of consumer protection unless so permitted by the Directive itself.

In order to allow the Commission services to complete their analysis under the relevant provisions of EU law, the Italian authorities are kindly invited to reply to the following request for supplementary information:

□ Who are the addressees of the obligations provided in the draft measure? Does the measure target review platforms



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that collect and make available reviews concerning various other businesses, in this case the Italian hospitality businesses?

□ Regarding the envisaged time-limit of 15 days to submit a review: does the obligation to respect it only fall on the consumers (reviewers) or it also implies obligations for businesses that collect and make available these reviews (such as review platforms) to ensure that consumers can only submit a review during this timeframe?

□ What is the scope of the prohibition of incentivized reviews (Article 14 of the draft law: '(...) the promotion and conditioning of the content of reviews by means of incentives are also prohibited'). Does the prohibition also apply to reviews whose incentivised nature is duly disclosed and the incentive serves to encourage the consumer to submit the review without prescribing its content?

□ What is the scope of the obligation to identify the reviewers - does it require the businesses (such as review platform) that collect and make available the reviews to obtain and verify the personal information of the persons submitting the review? If so, what is the purpose of collecting such personal information and how will its availability ensure that the person submitting the review has, in fact, used the service regarding which he/she wants to submit a review, for example, café or restaurant service?

□ To the extent that the obligations provided in the draft measure entail obligations for businesses (such as review platforms) in business-to-consumer commercial relations, what is the intended interplay between the draft measure and the current rules regarding reviews in Directive 2005/29/EC?

Furthermore, the Commission recalls that Article 6 of the Regulation (EU) 2016/679 (GDPR) lays down the conditions for the lawful processing of personal data. When a Member States law provides for a lawful ground for processing of personal data, such as it this case, the conditions of paragraph 3 of the Article 6 GDPR must be met. One of these conditions are that the law meets an objective of public interest and is proportionate to the legitimate aim pursued. This includes that personal data in line with paragraph 5 letter c of Article 5 GDPR are "adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation')". In addition, the provision must be clear and precise and its application should be foreseeable. Recital 41 of the GDPR clarifies that a legal basis "should be clear and precise and its application should be foreseeable to persons subject to it, in accordance with the case-law of the Court of Justice of the European Union (the 'Court of Justice') and the European Court of Human Rights."

In this context, the Commission would welcome clarifications regarding the obligation to identify the reviewers:

- Why is the identification of reviewers necessary to achieve the aim of this draft law to raise the levels of reliability and authenticity of reviews? Can the Italian authorities clarify whether identification of reviewers is the only possible way to achieve this aim? Have less intrusive means been considered and assessed?
- What type of identification do the Italian authorities envisage by this obligation? Can you clarify what the identification of reviewers would entail?
- Has the Italian data protection authority been consulted on this draft law?

The Italian authorities are kindly invited to reply by 18 February 2025.

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