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Subject: Comments from Tripadvisor on the TRIS notification 2025/0022/IT of the Italian Annual Draft Law on Small & Medium-Sized Enterprises - Chapter IV (Articles 12 to 17) “Combating False Reviews”

About Tripadvisor. Tripadvisor is an online travel platform focused on helping travellers benefit from the best of the internet—scale, reach, and the wisdom of crowds. As a platform for traveller reviews and feedback, Tripadvisor has developed a comprehensive and platform-relevant approach to trust and safety that maintains the integrity of the reviews and opinions hosted on the platform.¹ This means focused work to ensure that our community of travellers and travel businesses alike can have confidence in the reviews posted to our platform.

Tripadvisor has, for more than 20 years, established an industry-leading approach to trust and safety that seeks to uphold the integrity, relevance, and reliability of the content appearing on the Tripadvisor platform. We have put in place travel-relevant processes and procedures around our reviews that are reliable and relevant for the travel community.

To learn more about Tripadvisor’s content moderation processes and procedures, please visit www.tripadvisor.com/trust where you can find additional information regarding Tripadvisor’s review screening process and efforts to combat fraud. You can also consult our newly

¹ “Journey of a Tripadvisor Review.” Tripadvisor LLC.
https://www.tripadvisor.com/Trust-IVRKC792NqLM-Journey_of_a_review.html.

released 2025 Tripadvisor Transparency Report², and find more information in the Appendix of this document.

It must be recalled that the TRIS notification procedure laid down in the “TRIS Directive” aims at promoting the smooth functioning of the internal market, whose purpose is to create an environment that is conducive to the competitiveness of undertakings (Recitals 3 and 7 of the TRIS Directive).

Executive Summary

Tripadvisor has identified that Chapter IV (Articles 12 – 17 “Combating False Reviews”) of the Italian Draft Law is incompatible with existing European Union regulations on the basis of the reasons set out below and developed in the present document.

Chapter IV (Articles 12 – 17 “Combating False Reviews”) of the Italian Draft Law:

- Violates the Unfair Commercial Practices Directive (UCPD) objective to harmonise EU Member States regulations and its general principle stating that traders (online platforms) have to take reasonable and proportionate steps to ensure that reviews originate from real users, but they have no general obligation to monitor or carry out fact-finding. Furthermore, to grant proportionality, the UCPD only requires traders to inform consumers about whether and how they ensure that the published reviews originate from consumers who have actually used the service or purchased the product, without imposing ex ante on all ISSPs such an obligation.
- Violates the freedom to provide services enacted in Article 56 of the Treaty on the Functioning of the European Union (TFEU) in that (i) it applies much lower protection standards for consumers compared to the ones set out in the UCPD; and (ii) it applies stricter regulatory provisions for traders (online platforms) than the existing provisions under the UCPD, whose Article 4 prevents Member States from restricting the freedom to provide services and enacting stricter rules.
- Undermines the whole harmonization goal of the Digital Services Act (DSA), fragmenting the Digital Single Market. As stressed by the European Commission in the context of another TRIS notification submitted by the Italian Government, “the DSA is a horizontal legislative instrument that fully harmonises the rules for the provision of intermediary services in the Union. Being a regulation, the DSA does not allow for national implementing measures. This is because, pursuant to Article 288 TFEU, regulations are directly applicable throughout the Union and thus in all Member States. Unlike in the case of directives, national implementing measures are not permitted in relation to regulations, unless the regulation itself leaves it to the Member States to adopt the necessary legislative, regulatory, administrative and financial

² “2025 Tripadvisor Transparency Report.” Tripadvisor LLC. (March 18, 2025).
<https://www.tripadvisor.com/TransparencyReport2025>.

measures to ensure the effective application of the provisions of that regulation. It is thus essential for the Member States to avoid enacting national legislation that may potentially overlap with the provisions of the DSA. Any such overlap would lead to fragmentation of the internal market, which is precisely what the harmonised rules of the DSA are meant to avoid, and lead to substantial legal uncertainty for both providers of intermediary services and the recipients of such services. [...] The DSA neither requires nor permits the Member States to adopt additional national requirements, unless otherwise expressly provided, in relation to the subject matter covered by it" (Notification 2024/578/IT, 10 January 2025).

- Violates the Digital Services Act (DSA) general objective of fostering platform neutrality and protecting consumers' ability to share opinions as it would enable businesses to manipulate consumer feedback, undermining transparency and trust in the marketplace.
 - Violates DSA Article 6(1) that establishes that hosting providers are required to remove content only if they have actual knowledge of the unlawfulness of the content upon receipt of (a) a valid notice pursuant to article 16 DSA, where such unlawfulness can be identified without a detailed legal examination, or (b) an order issued by the relevant national judicial or administrative authorities, according to DSA Article 9 DSA.
 - Violates DSA Article 8 that establishes that hosting providers are under no general obligation to monitor the information stored on their services, nor to actively seek facts or circumstances indicating an illegal activity.
- Violates General Data Protection Regulation (GDPR) Article 6 as it would require disproportionate data collecting obligations for hosting providers.
- Violates the E-commerce Directive principle of the Country of Origin by imposing broad technical requirements to all ISSPs, regardless of where in the EU they are regulated and supervised.
- Breaches Article 11 of the EU Charter of Fundamental Rights and Freedoms³, by creating new arbitrary reasons why consumers may not share legitimate reviews with other citizens of the EU, and by requiring reviews to be "motivated", thus not allowing for "bare ratings" or minimal reviews.
- Violates the principle of non-discrimination as it creates an unjustified differentiation between ISSPs providing review services for tourism-related businesses and those offering similar services for other services or products (i.e. marketplaces), while simultaneously establishing an unfair advantage for business owners connected to tourism review platforms compared to those who are not. This legislative proposal effectively grants privileges to certain ISSPs and business owners without legitimate

³ (1) "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers." (2) "The freedom and pluralism of the media shall be respected". Article 11, EU Charter of Fundamental Rights and Freedoms.

justification, contradicting fundamental principles of equal treatment in regulatory frameworks. In this sense, it also violates Regulation (EU) 2019/1150 (P2B), which aims at ensuring that businesses can make use of online platforms in a competitive, fair and transparent online ecosystem.

- Violates the general principle of proportionality, which requires that any national measure restricting the freedom to provide services should be necessary and appropriate to achieve a legitimate aim. In this case, the Italian Draft Law imposes additional burdens on providers that are disproportionate to the intended objective and – in violation of Article 52 TFEU – cannot be justified on any grounds of public policy, public security or public health.
- Undermines the European Commission’s objective to “increase consistency in the provision of quality accommodation services and improve comparability and transparency for consumers across the EU” for tourism accommodation through the proposed Code of Conduct for Online Ratings and Reviews.⁴

Overview of the Italian Annual Draft Law on Small & Medium-Sized Enterprises

Proposed Chapter IV (Articles 12-17) of the *Italian Annual Draft Law on Small & Medium-Sized Enterprises* establishes measures that the Italian Government wants to implement to fight fake reviews. Specifically, the Italian Draft Law would establish criteria for the hosting of online reviews of restaurant and accommodation businesses in Italy, including all types of tourism attractions present in the Italian territory. The main provisions the Italian Draft Law includes:

- *Proof of identity*: The necessity for consumers to prove their identity in order to have the opportunity to leave a review;
- *Proof of purchase*: The necessity for consumers to prove they purchased a product or a service in order to have the opportunity to leave a review;
- *Deadline to write reviews*: Consumers have 15 days after buying or using a product or a service to leave a review;
- *Right to remove reviews*: Representatives of the reviewed business have the right to request the removal of reviews if they believe (1) the author of the review did not have an experience with their product or service, (2) the review is “misleading or fake or excessive”, (3) the review is not current anymore, either because the reviewed experience occurred two or more years prior or because the business took “suitable measures” to address points made in the review;
- *Prohibitions*: By reiterating existing legislation (i.e. Article 23(bb-ter) and (bb-quater) of Legislative Decree No. 206/2005), paid reviews and incentivised reviews are

⁴ See: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52024DC0258>.

prohibited under the Italian Draft Law. Additionally, non motivated reviews are not allowed.⁵

According to the Italian Government's communication message accompanying the TRIS notification 2025/0022/IT, the Italian Draft Law has the aim of "protecting Italian consumers from the risk and influence" arising from fake reviews. It also aims at increasing transparency, authenticity and reliability of information concerning restaurant, accommodation and tourism services.

While Tripadvisor appreciates the intention of the Italian Draft Law, we believe that it takes a blunt and outdated approach to combating review fraud that conflicts with existing European regulations and that would unfortunately empower review fraudsters. Tripadvisor's view is that as written, the Italian Draft Law would unfairly stifle legitimate consumer speech, thereby harming the millions of global travellers, Italian consumers and Italian businesses that put their trust in the content they find on Tripadvisor. Ultimately, the Italian Draft Law (1) undermines the European Single Market and all the regulations and efforts aimed at protecting it; (2) is dangerous for European consumers as it undermines their freedom of speech and limits the information they can access to make informed decisions; and (3) creates a new, damaging and unjustified regulatory burden for businesses hosting reviews by contradicting existing extensive EU rules and conflicting with the stated goal of simplification by creating legal uncertainty for businesses.

Incompatibility of the Italian Draft Law with existing EU laws

Article 13(1). This article introduces several concepts that violate existing European regulations. It prescribes that "The consumer that proves their identity and the actual use of the services or performances can write their motivated review no later than fifteen days following the use of the product or the fruition of the service".

Before analysing the issues raised by Article 13's provisions, there are two arguments to be made on Article 13 in its entirety:

- The Italian Draft Law violates the Country of Origin Principle by imposing general and abstract measures against a whole category of information society services, whose non-compliance is subject to sanctions. In fact, Article 13 sets up obligations for all ISSPs (Italian and non-Italian) that intend to offer their services in Italy or continue to do so by forcing them to implement technical measures aimed at meeting the draft

⁵ It is also important to mention that, specifically for tourism accommodation, the Commission is also preparing a Code of Conduct for Online Ratings and Reviews which "is expected to increase consistency in the provision of quality accommodation services and improve comparability and transparency for consumers across the EU" See:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52024DC0258>.

law's requirements. Should the Italian Draft Law enter into force, service providers (review platforms) established in any other Member State wanting to operate in Italy will be forced to comply with more obligations than those applicable in the European Union. The Italian Draft Law hence violates the Country of Origin principle by not meeting the narrowly defined derogations under Article 3(4) and (5) of the e-Commerce Directive, which require specific, necessary and proportionate measures against an individual ISSP and adherence to strict procedural conditions. Therefore, even if derogations are allowed by Article 3(4) of the e-Commerce Directive for the protection of consumers, the Italian Draft Law does not meet the substantial and procedural conditions provided by the e-Commerce Directive.

- The Italian Draft Law seems to place the burden of proof of identity and proof of purchase on consumers, by forcing them to prove their identity and the actual use of the services. However, this provision does not only create an untenable burden for consumers, but also introduces a distinction between consumers and platforms that is fake. In fact, to ensure the scope of the draft law (protecting consumers and businesses from fake reviews), platforms would have to create technical functionalities allowing reviewers to upload proof of identity and proof of purchase, and platforms to check those. Without a checking mechanism, which infringes Article 8 of the DSA, in fact, customers could upload random pictures instead of proof of identity and proof of purchase, invalidating the objective of the draft law itself.

In the text, the Italian Draft Law introduces the obligation for consumers (1) to produce a proof of identity and (2) a proof of purchase, and (3) to leave their review no later than fifteen days after the use of the product, basically giving a review deadline to whoever would like to write a review on a hosting platform.

Proof of Identity. The established need for consumers to provide a proof of identity in order to be allowed to write a review is inconsistent with Article 5 and Annex I of the Unfair Commercial Practices Directive (UCPD), read in conjunction with the Commission's Guidance on the UCPD (Commission Notice C/2021/9320). Article 5 of the UCPD prohibits unfair practices by traders, and Annex I sets out a list of practices that are always unfair. Annex I, clause 23b specifies that, if a trader wishes to present reviews as having been submitted by consumers who have actually used or purchased the product (or service), they are required to take reasonable and proportionate steps to ensure that the reviews originate from real users. However, the Commission's Guidance makes clear that this cannot amount to a general obligation to monitor or carry out fact-finding activities, in line with Article 8 of the DSA (which replaced Article 15(1) of the e-Commerce Directive).⁶

⁶ "The new point 23b of Annex I prevents traders from misleading its users as to the origin of the reviews: they must not state that reviews they make available originate from real users, unless they take reasonable and proportionate steps which – without amounting to a general obligation to monitor or carry out fact-finding (see Article 15(1) e-Commerce Directive) – increase the likelihood for such reviews

Furthermore, the commentary on Annex I point No 23b in the Guidance on the interpretation and application of Directive 2005/29/EC on unfair business-to-consumer commercial practices also says that “[...] the steps to check the origin of reviews should be proportionate also in the sense that they should not make the posting of reviews excessively difficult thus discouraging consumers who have actually purchased or used the product from submitting reviews”.⁷ Clearly, measures such as a proof of identity go against this by making the posting of reviews excessively difficult.

The proof of identity requirement is also inconsistent with Article 6(3) of the General Data Protection Regulation (GDPR) as it would require disproportionate data collecting obligations for hosting providers (online platforms).

An obligation for platforms to verify the identity of consumers would, in Tripadvisor’s view, be disproportionate. Furthermore, if online platforms were required to introduce onerous checks of identity cards, this would tremendously hamper the customer experience, lead to serious privacy concerns and add considerable operational burden on platforms. This could raise barriers to the point of eventually leading to a decrease in the number of customer review submissions. In general terms, Tripadvisor believes that requiring a proof of identity is not sufficient to prevent review fraud, would undermine consumer freedom of speech and would potentially expose reviewers to harassment.

Proof of Purchase. Article 13(1) also introduces the need for consumers to provide a proof of purchase in order to be allowed to write a review. This provision is inconsistent with Article 8 of the Digital Services Act (DSA) as hosting providers are under no general obligation to monitor the information stored on their services, nor to actively seek facts or circumstances indicating an illegal activity. As it was the case for the obligation of sharing a proof of identity, also the imposition of sharing a proof of purchase conflicts with and violates Article 6 of the General Data Protection Regulation (GDPR) as it would require disproportionate data collecting obligations for hosting providers (online platforms).

The Italian Draft Law conflicts with these regulations when it establishes that a user’s identity and the use of the services or products must be proved in order to publish the review, entailing a monitoring obligation on hosting providers that is not established by existing regulations.

to reflect real users’ experiences.” Paragraph 4.2.4, subsection “Prohibited Practices”. Guidance on the interpretation and application of Directive 2005/29/EC of the European Parliament and of the Council concerning unfair business-to-consumer commercial practices in the internal market”. Official Journal of the European Union. [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021XC1229\(05\)](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021XC1229(05)).

⁷ Ibidem.

Overall, the strict obligations imposed by the Italian Draft Law – such as requiring verification of identity and proof of purchase – fails to align with the principle of proportionality established in the European Commission’s Guidance on the interpretation and application of Directive 2005/29/EC on unfair business-to-consumer commercial practices.⁸ This guidance emphasizes that “reasonable and proportionate” measures must be assessed with consideration of the business model of the professional. These rules place an undue burden on businesses, and could deter consumers from participating in the review process, thus reducing the value of user reviews.

Deadline for Reviews. Article 13(1) also introduces the obligation for consumers to leave their review within 15 days from the date of purchase or fruition of the good or service, basically establishing a deadline to leave a review. Even though there is no European regulation that establishes a timeline to leave a review, Tripadvisor believes that the proposed 15-day time limit on submitting reviews would reduce the number and diversity of reviews, weakening the entire industry. Most importantly, forcing consumers to leave a review in a prescribed timeframe would inhibit consumers’ right to write. Any deadline for review submissions should provide consumers with sufficient opportunity and enough time to share feedback of legitimate experiences.

Limiting reviews to such a short time frame is likely to harm consumers by precluding them access to important information upon which they can make an informed purchase decision. The proposed 15-day timeline is far too stringent and would significantly undermine the value of reviews for many reasons, including risk of loss of valuable content, especially reviews that describe serious health and safety incidents. Additionally, there is no evidence that a 15-day deadline for reviews would protect travellers or businesses from fake reviews.

Furthermore, many genuine reviews are left after 15 days for valid reasons: product experiences and human perception evolve over time, travel services extend beyond that period, and consumers may not be able to submit feedback immediately.

Motivated reviews. Article 13(1) requires users to publish a “motivated” review. This is in violation of Article 11 of the EU Charter of Fundamental Rights and Freedoms and Article 21 of the Italian Constitution. This provision imposes an unjustified restriction on users’ ability to express their opinions freely and spontaneously. This requirement creates a chilling effect on speech, as users may refrain from sharing their genuine experiences if they feel obligated to provide formal justifications, contrary to “bare ratings” or minimal reviews. Such constraints go beyond what is necessary or proportionate to grant the genuine nature of reviews, and disproportionately limit the free flow of information that is essential for consumer choice and market transparency.

⁸ [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021XC1229\(05\)](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021XC1229(05)).

Article 13(2). This article establishes that “The legal representative of the reviewed business or their delegate has the right to reply and to obtain the deletion of reviews concerning their activity if (1) the author has not used the reviewed good or service, (2) the reviews are misleading or untrue or excessive”, (3) the reviews “are no longer current by reason of the lapse of two years from the date of usage of the service”, and (4) the review is no longer relevant because the business has adopted “suitable measures to modify or overcome the reasons that had given rise to the judgement”. This article clearly conflicts with both the Unfair Commercial Practices Directive (UCPD) and the Digital Services Act (DSA) as follows..

Unfair Commercial Practices Directive. The perception a reviewed business and a reviewer have of what a “misleading or untrue or exaggerated” review can significantly differ. These vague terms, subject to interpretation, introduce an entirely subjective element and hence a significant risk of arbitrary decisions in the deletion of reviews, to the detriment of consumers.

Additionally, the draft law’s criteria to obtain the deletion of a review because measures have been taken to overcome the reason that originated it introduces yet another subjective element, which is once again to the advantage of businesses, but contrary to the UCPD’s objective of protecting consumers from unfair commercial practices.

Such subjectivity and the possibility for businesses to request the takedown of a review two years after its publication conflict with the overall objective of the UCPD of protecting economic interests from unfair commercial practices as reviews are an important criteria in the decision making process of travellers and diners. On these premises, it is easy to predict that businesses would make use of their right to delete reviews only to delete negative reviews and that platforms would be forced to selectively remove older (negative) reviews only for businesses active on platforms. This will create preferential treatment to certain businesses, undermine fair competition and violate the UCPD’s principle of prohibiting manipulative practices such as misrepresentation of consumer reviews by publishing only positive reviews and deleting the negative ones. Article 13(2) hence introduces subjective elements that considerably lower the consumer protection standards set out in the UCPD, in violation of the UCPD and the principle of minimum harmonisation of directives, eventually leading to unfair competition.

Omnibus Directive. Article 13(2) also undermines the Omnibus Directive’s clear rules that were designed to ensure transparency in customer reviews (particularly Article 3 and Recitals 47 and 49) by imposing an obligation to intervene on reviews after receiving allegations that they are “false”, “old” or “no longer accurate”. It is evident that giving businesses the opportunity to influence which reviews to eliminate will be in open conflict with the Omnibus Directive’s objective of ensuring that reviews are not distorted through practices such as suppressing negative feedback or artificially inflating positive reviews. This obligation risks a violation of the Omnibus Directive and, more broadly, infringing upon consumers’ rights. This

is particularly relevant as the Omnibus Directive aims to prevent any practices that could mislead consumers or create an unfair advantage in the marketplace.

Digital Services Act. The DSA – in its Article 6, Article 7 and Article 9 – enshrines liability rules for providers of intermediary services in relation to the hosting, identification and disabling of illegal content, and concerning the steps to be taken upon receipt of orders to act against illegal content online.⁹ Furthermore, the DSA promotes the importance of transparency, the freedom of opinion without manipulation and the importance for providers of intermediary services to act in a non-arbitrary and non-discriminatory manner. The DSA, ultimately, emphasizes the importance of fostering platform neutrality and protecting consumers' ability to share opinions.

Forcing platforms – as the Italian Draft Law does – to remove reviews that are “misleading or untrue or exaggerated” or based on the passage of time (two years) or because businesses claim to have addressed the issue that generated the review risks enabling businesses to manipulate consumer feedback, posing a serious threat to and undermining transparency, freedom of opinion without manipulation, trust in the marketplace, trust in the platforms and platform neutrality. Furthermore, Article 13(2) of the Italian Draft Law also contradicts Article 6(1) and 9 of the DSA that establish that hosting providers are required to remove content if (a) they have actual knowledge of the unlawfulness of the content upon receipt of a valid notice or (b) following a decision by the competent judicial or administrative authority. Consequently, the Italian Draft Law also contradicts Article 16(3) of the DSA, according to which such notices should actually be received by platforms that need to be aware of them and should be clear enough to allow platforms to identify the illegality of the relevant activity without undergoing a legal examination.¹⁰ Contrary to the above, the Italian Draft Law provides a right for the business owner to obtain the removal of a review even if it is not manifestly unlawful or in absence of a prior decision issued by the competent authority. Furthermore, the Italian Draft undermines the purpose of DSA Article 9, which requires that an independent third party – such as a judge or public authority – assesses removal requests in line with the principle of proportionality. Consistent with this, over the past two decades, Italian jurisprudence has established that only an ordinary judge can balance the right to freedom of expression with the rights to honor and reputation. Unlike cases of intellectual property infringement – where violations are immediately apparent – in cases involving allegedly fake or defamatory reviews, only a judicial or administrative authority has the power

⁹ Illegal content is defined by the Article 3(h) of the DSA as “any information that, in itself or in relation to an activity, including the sale of products or the provision of services, is not in compliance with Union law or the law of any Member State which is in compliance with Union law, irrespective of the precise subject matter or nature of that law.”

¹⁰ “Notices referred to in this Article shall be considered to give rise to actual knowledge or awareness for the purposes of Article 6 in respect of the specific item of information concerned where they allow a diligent provider of hosting services to identify the illegality of the relevant activity or information without a detailed legal examination.” Digital Services Act, Article 16(3).

to evaluate and balance the personality rights under Article 2 of the Constitution with the right to freedom of expression under Article 21. This is why the provisions of the Italian Draft Law are incompatible with the overall objectives of the DSA.

Freedom of Expression. Finally, Article 13(2) doesn't acknowledge the fact that platforms hosting reviews have a responsibility to uphold free speech principles. Denying a consumer's right to write honest reviews and, simultaneously, another consumer's right to receive that speech, constitutes an infringement of both consumers' free speech rights under Article 10 of the European Convention on Human Rights. Furthermore, it violates both Article 11 of EU Charter of Fundamental Rights and Article 21 of the Italian Constitution, which provide that everyone has the right to freedom of expression and the freedom to hold opinions and to receive impartial information and ideas without the interference of public authorities.

Article 15. This article introduces the codes of conduct to be adopted by intermediaries and platforms active in the dissemination of online reviews with the aim of reducing non genuine reviews. It creates over-reliance on secondary legislation, which also exposes the European Commission to the lack of possibility of expressing feedback once the process will start. In fact, AGCM and AGCOM will be the ones drafting the codes of conduct and the measures in which platforms will have to comply with those, making it impossible for European institutions to intervene in the process.

Article 15 reiterates the need for consumers to identify themselves (Article 15(3)a) and to present a proof of purchase before being allowed to write a review (Article 15(3)b). It also introduces requirements that seem to conflict with the UCPD provision stating that establishments being reviewed may be acting in breach of consumer laws by unduly pressuring review publishers to remove reviews without a valid reason.¹¹ As described above, these codes of conducts could also have the effect of dramatically reducing online reviews on platforms, hence hampering the utility of the entire system for consumers.

Article 15(3)f. Another issue presented by Article 15 is tied to the need platforms will have to ensure correctness and completeness of information. This requirement is in conflict with Article 8 of the Digital Services Act (DSA), as hosting providers are under no general obligation to monitor the information stored on their services, nor to actively fact-check the content and the information contained within the reviews submitted on their platforms.

Article 15(4). This article lays out an important concept within the Italian Draft Law. In fact, as drafted, the proposed regulation seems to impose obligations on consumers and not on platforms, and this is the main argument the Italian Government is using to counter the evidence that this draft law conflicts with existing EU law. However, Article 15(4) tasks the Competition and Market Authority (AGCM) with the adoption of "special guidelines to guide

¹¹ Commission Notice (2021/C 526/01 paragraph 4.2.4).

companies in adopting appropriate measures to ensure the authenticity of reviews". Clearly, the Italian Draft Law would require platforms to perform the necessary checks to verify consumers' identities and the genuineness of receipts, and to fact-check what is described within reviews before removing them.

Conclusions

While Tripadvisor appreciates the intent of the Italian Government to fight fake reviews, we believe that the Italian Draft Law seeks to regulate an area of EU law that is already fully harmonised under the UCPD and the DSA. For this reason, the adoption of the Italian Draft Law would undermine the European Single Market and all the regulations and efforts aimed at protecting it, and would create barriers to the internal market, particularly the Digital Single Market leading to a violation of the freedom to provide services and to regulatory inconsistencies among Member States.

Furthermore, the Italian Draft Law would undermine the fundamental utility of review platforms for consumers, businesses and society by adding unbearable regulatory burden and pressure on platforms, conflicting with the principle of simplification by creating legal uncertainty for businesses. This would also complicate the ability to host reviews, potentially forcing platforms to stop serving Italian consumers and Italian businesses. A loss of reviews for the Italian market would mean lost transparency for all European consumers travelling to the country. First-hand travel reviews provide potential visitors with critical information about what are often points unknown, including important health and safety information. Thus, erosion of the review ecosystem in the Italian market would likely result in a greater number of poor consumer experiences and at worst mean significant economic losses and potentially health and safety consequences for travellers.

To support the European Single Market, protect European consumers and reduce regulatory burden, Tripadvisor recommends the European Commission leverage the TRIS process to issue a detailed opinion that cites the many legal issues and policy inconsistencies within the Italian Draft Law. Furthermore, we recommend the European Commission, in its detailed opinion, urge the Italian Government to reconsider the approach taken in the Draft Law and amend the bill meaningfully to achieve full harmonisation and preserve a thriving ecosystem for consumer feedback.

Tripadvisor is committed to working with the European Commission and the Italian Government to tackle fake reviews without creating unintended consequences and with the goal of creating a balanced framework for consumer reviews that protects consumers, supports businesses and fosters a transparent digital marketplace.

Appendix A

Below is an inventory of additionally potential problems raised by the lack of clarity of the Italian Draft Law. These draft articles will further complicate the ability to host reviews in Italy and undermine the ability of European consumers to access a fair and transparent review ecosystem in the country.

Article 12(1). The Italian Draft Law has a wide geographical scope and this approach creates confusion and lack of clarity. In fact, the draft law is only applicable to reviews submitted to businesses located in Italy. However it will have an impact on reviewers, regardless of their location, when they will submit a review for an Italian hospitality business (including with the obligation to prove their identity), and on many platforms, even the ones located in other EU Member States, as they will be asked to perform the necessary checks (identify the reviewers, check the proof of purchase, etc.) and review all requests to remove reviews.

Article 13. The Italian Draft Law's current formulation of the requirements related to proof of identity and proof of purchase is not fully defined within the primary legislation. Instead, it leaves wide margins for interpretation and implementation through secondary legislation. This raises serious concerns about legal certainty and democratic accountability, as such secondary rules could be issued by independent administrative authorities that do not carry political responsibility. As a result, there are no guarantees as to how these requirements will be interpreted, enforced, or whether they will respect the principles of proportionality and necessity established in EU law.

Article 14(1). The Italian Draft Law is unclear in its formulation, potentially banning licensing of reviews. In fact, Article 14 introduces the prohibition of transferring reviews "for any reason". If the Article refers to the practice of buying and selling fake reviews, Tripadvisor agrees with it and believes it should be expanded to clearly target this pernicious practice. However, if it aims to ban the common industry practice of licensing of reviews, including through intermediaries, Tripadvisor believes it should be amended as it would likely be detrimental to all travel platforms' objective of giving consumers access to transparent and comprehensive information. Licensing of reviews, in fact, allows platforms to sell their content (including reviews) to other platforms, especially when the latter has not yet accumulated sufficient content to give consumers enough information to make an informed decision. Tripadvisor believes that it should therefore be clarified that the prohibition only applies to customer reviews that are sold for the purpose of describing non-genuine experiences that have the effect of deceiving consumers. Since there can be legitimate reasons to "transfer" reviews, this should be clearly limited to fake reviews.

Article 14(2) and Article 15(1). The Italian Draft Law creates a confusing framework in which two different authorities have competences in relation to the implementation of the draft law and to issuing fines for non-compliance. The two authorities are:

- Competition and Market Authority (AGCM – Autorità Garante della Concorrenza e del Mercato). According to the Italian Draft Law, it has investigative and sanctioning powers in the context of infringements of Article 14(1), including the power to impose pecuniary sanctions. It is also tasked with the adoption of specific guidelines to guide companies in adopting appropriate measures to ensure the authenticity of reviews and to establish a supervisory procedure to assess compliance.
- Communication Regulatory Authority (AGCOM – Autorità per le Garanzie nelle Comunicazioni). According to the Italian Draft Law, it regulates the adoption of codes of conduct by intermediaries and platforms active in the dissemination of online reviews with the aim of reducing non genuine reviews. Non-compliance with the provisions of the Italian Draft Law can be punished with pecuniary sanctions.

Appendix B – Additional information

1. About Tripadvisor. Tripadvisor’s approach to trust and safety includes the following pillars:

- **Tripadvisor’s trust and safety program is built with a specific audience in mind – travellers:** To ensure the content appearing on the platform is relevant to the travel community, Tripadvisor has established detailed policies and community guidelines that govern reviews and user generated content on our platform.¹² Unlike other platforms that host content for varied internet user segments, Tripadvisor’s policies and guidelines were established with a specific community of internet users in mind: travellers/diners and travel/restaurant businesses. That means Tripadvisor’s trust and safety program is designed to allow only content that meets the specific needs of the travel community and complies with travel-relevant trust and safety standards.
- **100% of reviews submitted to the Tripadvisor platform are screened:** Every review submitted to the Tripadvisor platform is analysed using a proprietary technology system aimed at detecting violations of our community guidelines, including issues with the text itself and review fraud. Tripadvisor’s global travel community wrote and submitted 31.1 million reviews to Tripadvisor in 2024.¹³ Those 31.1 million reviews were analysed using hundreds of different criteria to ensure compliance with our policies – including but not limited to hate speech, not being directly relevant to travellers, containing rumours or secondhand information, or being unduly biased or fake.
- **Trust and Safety requires a layered approach, including automated tools and human moderators:** Of the 31.1 million reviews submitted to Tripadvisor in 2024, 4.2 million (13.5%

¹² “Trust and Safety at Tripadvisor.” Tripadvisor LLC. <https://www.tripadvisor.com/Trust>.

¹³ “2025 Tripadvisor Transparency Report.” Tripadvisor LLC. (March 18, 2025).
<https://www.tripadvisor.com/TransparencyReport2025>.

of all reviews) required human moderation either before or after posting.¹⁴ When Tripadvisor's advanced screening technology can neither entirely reject nor entirely clear a review to be posted, our team of experts assesses the submission in its entirety through a process that can only be performed by a trained expert to determine whether the content in question meets our community guidelines.

- **Community moderation - including owner engagement - is important:** The Tripadvisor community - which includes business owners, many of whom care about the reviews and ratings of their business - plays a vital role in supporting content integrity: the vigilance of the community helps Tripadvisor's moderation teams identify and resolve each case. In 2024, we received 244,000 review disputes from members of our community and we removed 28% of the flagged reviews.¹⁵ Of all reviews contested by our community, over 80% were addressed in less than 24 hours.¹⁶
- **Fraud detection work never stops:** Tripadvisor's expert team of Trust and Safety professionals takes proactive steps to continuously evaluate the content in our system. As we collect more data and become ever-more sophisticated in our techniques and technology, we remove previously-posted content when new details emerge. This can result in content appearing on our site being removed by Tripadvisor at a later date.
- **Transparency ensures processes and policies are working:** To underscore our commitment to trust and safety we have been transparent on our policies, processes and progress. Notably, Tripadvisor was the first platform to issue a review transparency report in 2019, explaining our content moderation policies and practices and detailing the volume and trends of the review fraud targeting our platform.¹⁷ As an update to this 2019 report, Tripadvisor released its 2025 Review Transparency Report, the fourth edition in Tripadvisor's ongoing commitment to transparency via reporting.¹⁸

In addition to being tested and iterated upon internally, Tripadvisor's approach to content moderation has been tested and validated by external authorities. Notably, courts and regulators in Austria, Spain, and Turkey have found in favour of Tripadvisor when its content moderation policies and processes have been challenged. For example, a 2019 complaint brought to the Spanish National Markets and Competition Commission against Tripadvisor was resolved in 2023 following an investigation of Tripadvisor's content moderation

¹⁴ Ibidem.

¹⁵ Ibidem.

¹⁶ Ibidem.

¹⁷ "2019 Tripadvisor Review Transparency Report". Tripadvisor LLC. (September, 17, 2019).

https://www.tripadvisor.com/TripAdvisorInsights/wp-content/uploads/2019/09/TripAdvisor_Review_Transparency_Report_Full-GB-1.pdf.

¹⁸ "2025 Tripadvisor Transparency Report." Tripadvisor LLC. (March 18, 2025).

<https://www.tripadvisor.com/TransparencyReport2025>.

approach. Tripadvisor’s content moderation policies were so comprehensive that Spanish regulators rejected the complaint brought to it by a consumer group and ruled that Tripadvisor’s systems are “reasonable and proportionate”.¹⁹ This ruling aligns with the European Commission’s guidance on the interpretation of the Unfair Commercial Practices Directive.²⁰

Finally, in addition to staying committed to trust and safety on our own platform, we draw on our two decades of review-hosting experience in support of others’ review integrity efforts. In 2022, Tripadvisor leveraged its leadership in trust and safety by convening the first conference of review hosting platforms to share best practices for addressing fake reviews.²¹ This conference led to the launch of the Coalition for Trusted Reviews (CFTR) in 2023, which is the first-ever cross-industry collaboration committed to protecting access to trustworthy consumer reviews worldwide.²² Together, CFTR members are defining best practices for hosting online reviews and strengthening fake review detection efforts, with the goal of stopping fake reviews at the source. We look forward to continuing to build out CFTR’s role in supporting a feedback economy that consumers can rely on.

2. About the proof of identity. As mentioned above, Article 12.1 and Article 13.1 introduce the concept of *proof of identity for reviewers* and establish that, in order to leave a review, a consumer needs to “prove their identity and actual use of services and performances”. Tripadvisor doesn’t believe that a proof of identity would reduce the number of fraudulent reviews. On the contrary, Tripadvisor’s commitment to ensuring the integrity of our platform has distinguished us as a place for travellers to share honest feedback which makes our content valuable for future travellers. This is why Tripadvisor allows travellers to share travel experiences anonymously and without unmasking their identity.

When it comes to fighting review fraud, our experience has shown that exposing reviewers’ identities is not a silver bullet to prevent bad actors and, in fact, creates risks for travellers. Instead of unmasking our users, our trust and safety program, which is modeled on techniques from the banking sector, deploys sophisticated platform-relevant systems that achieve high results without taking the outdated, one-size-fits-all approach described in the Italian Draft Law. Even without unmasking our users, Tripadvisor is able to promote content integrity by taking the comprehensive, platform-relevant approach to trust and safety described above. In fact, this approach has shown that platforms hosting anonymous

¹⁹ NOTICE OF TERMINATION DOSSIER FALSE OPINIONS PLATFORMS (S/0053/19), (pg. 26).

²⁰ “Guidance on the interpretation and application of Directive 2005/29/EC of the European Parliament and of the Council concerning unfair business-to-consumer commercial practices in the internal market”, (2021/C 526/01), para 4.2.4.

²¹ “The #1 Top-Rated 5* Conference on Earth: A Gathering of Professionals Fighting Fake Reviews.” Tripadvisor LLC. (October 25, 2022).

https://www.tripadvisor.com/Trust-lkMJkkMDGxFk-Fraud_summit_registration.html.

²² “About Us.” Coalition for Trusted Reviews. <https://www.coalitionfortrustedreviews.com/>.

reviews can build trust with consumers by curbing less trustworthy content via investment in many of the trust and safety practices they adopt.²³

Thus, if the intent of the Italian Draft Law is to embed a requirement that users be unmasked as a threshold for leaving a review, we strongly disagree because our work has shown it would not be an effective anti-fraud method for our platform. We also offer the following evidence as to why a requirement to share consumer feedback should not be conditioned on a consumer's willingness to publicly share their identity:

- **Travellers value anonymity:** Many internet users broadly value online anonymity for a range of reasons and in a range of online applications, including preserving privacy, avoiding online and real world harassment, and protecting a person from being linked to sensitive topics, issues, or conditions.²⁴ When it comes to feedback related to a travel experience, anonymity helps to protect vulnerable users without compromising their honest opinions of travel experiences or their safety.²⁵ In fact, surveys have shown that without anonymity, online consumers using marketplaces were less likely to leave public feedback on a negative experience.²⁶ Finally, many reviewers believe that they can be more honest in an anonymous context than if they identified themselves.²⁷
- **Anonymity promotes review authenticity, not negativity:** While some have suggested that reviewing formats that allow for anonymity result in more negative feedback, that has not been Tripadvisor's experience. In fact, most travellers submitting reviews on Tripadvisor - nearly all of whom do so anonymously - share positive experiences. Of all reviews and opinions submitted to Tripadvisor in 2024, the average rating was 4.42 out of 5 bubbles and 75.38% of reviewed properties received 5 bubbles.²⁸

²³ "Guardians of Trust: How Review Platforms Can Fight Fakery and Build Consumer Trust." By Ben Beck, Stefan Wuyts and Sandy Jap. *Journal of Marketing Research*. (August 3, 2023)
<https://journals.sagepub.com/doi/10.1177/00222437231195576>.

²⁴ "3 Undeniable Reasons Why You Need Online Anonymity". By Georgina Torbet. *MakeUseOf.com*. April 3, 2020. <https://www.makeuseof.com/tag/3-undeniable-reasons-need-online-anonymity/>.

²⁵ "Why ending anonymity would not make social media better." Matthew Ingram, *Columbia Journalism Review*. February 4, 2021.
https://www.cjr.org/the_media_today/why-ending-anonymity-would-not-make-social-media-better.php.

²⁶ "In Defense of Anonymity" Michael Luca (June 17, 2022),
<https://www.wsj.com/articles/the-value-of-online-anonymity-11655473116>.

²⁷ "Are anonymous reviews good or bad?" By Tom Ryan. *Retail Wire*. August 29, 2014.
<https://www.retailwire.com/discussion/are-anonymous-reviews-good-or-bad/>.

²⁸ "2025 Tripadvisor Transparency Report." Tripadvisor LLC. (March 18, 2025).
<https://www.tripadvisor.com/TransparencyReport2025>.

- **Anonymity protects reviewers:** As referenced earlier, consumer reviews and ratings influence customer decision making. Thus, there is a financial motivation for businesses to sometimes unfairly target those who leave authentic negative reviews with harassment. Operating at the scale Tripadvisor does, we have extensive evidence showing that our users are confronted with efforts to censor negative-but-authentic reviews, including attempts to bring both civil and criminal actions against reviewers. Any erosion of anonymity would unquestionably expose travellers to heightened takedown threats, including threats to take down authentic negative reviews. This unfortunate reality, raises the important role that reviewer anonymity plays in a healthy and vibrant consumer review ecosystem.
- **Businesses can benefit from anonymity:** By promoting more honest feedback, anonymous reviews can be a positive, levelling force by allowing for the discoverability of smaller independent operators by travellers. This in turn allows SME's to compete with larger, international chains. Additionally, undermining the willingness and ability of consumers to share their honest insights would also undermine the utility of customer reviews for businesses that wish to leverage feedback to compete by achieving higher levels of customer satisfaction.
- **European courts have found that restricting anonymity can jeopardise the utility of reviews:** To illustrate, in a recent case where a hotelier wanted negative Tripadvisor reviews removed, Austrian courts held that a general exclusion of anonymous reviews is inadmissible because of the value that anonymity on the internet brings. This ruling builds on the Austrian courts' existing legal policy that the nature of Tripadvisor's business serves in the public interest as a platform for users to exercise freedom of thought and opinion.²⁹ It is through this case and others that we can see anonymity is an equalising tool between hotels and consumers, protecting consumers from bad actors.³⁰

3. About the proof of purchase. As mentioned above, Article 12.1, Article 13.1 and Article 13.2 introduce the concept of *proof of purchase* when establishing that consumers need to prove the "actual use of services and performances". This suggests that platforms like Tripadvisor, before allowing a user to leave a review, would be required to validate an experience by requiring a consumer to present a receipt or another form of proof confirming consumption of the product or service in its entirety. Tripadvisor believes it is a misconception that a proof of purchase mechanism (for example, a receipt) is a foolproof way to confirm a review is legitimate. Tripadvisor's experience has shown that the opposite is true: overreliance on a

²⁹ Bundesverwaltungsgericht en-GB, Ref Number: W258 2236970-1/18E, (p.19).

³⁰ "A win for bad reviews: Luxury homeowner drops bid to unmask AirBnB guest." The Age. (August 26, 2023).

<https://www.theage.com.au/national/victoria/a-win-for-bad-reviews-luxury-homeowner-drops-bid-to-unmask-airbnb-guests-20230824-p5dz7m.html>.

proof of purchase system heightens the risk of review fraud and prevents legitimate experiences from being shared for several reasons:

- **Over-reliance on a proof of purchase regime could expose platforms to heightened fraud risks, including enhanced abilities for businesses to engage in review manipulation.** It is a well-documented fact that some businesses in the hospitality and retail industries will generate fake receipts for experiences that never happened for the purposes of working around platform trust and safety models to leave fake, positive reviews (i.e. review boosting).³¹ In fact, a review platform’s ability to detect fraud can be undermined by overreliance on a proof of purchase mechanism, as businesses have the capability to hide from detection by issuing themselves receipts or verified badges for the purpose of “review boosting”. It’s important to note that this form of “review manipulation” has been documented on platforms that only allow purchasers to post reviews.³² Additionally, Tripadvisor has documented instances of accommodation providers deleting evidence of the stay to block negative reviews.³³
- **Requiring a proof of purchase to leave a review restricts the freedom of expression of all customers who had an experience with a service and want to leave a review.** In practice, the person that pays the invoice is not always the only customer at a table or traveller in the room. Over the years, Tripadvisor has seen many valuable reviews reporting experiences “at the threshold” before technically consuming the product or service. For example, consider the following scenarios: a traveller decides not to eat at a hotel restaurant after seeing mice in the dining room, or a same-sex couple is not allowed to enter a restaurant. In these examples, the guests did not actually use the service, but the experience with the business is valuable information for future guests. Tripadvisor believes every customer experience counts and for that reason, we allow guests beyond those that paid the bill to leave feedback on our platform.
- **Requiring a proof of purchase would help fraudsters.** According to Tripadvisor’s 2025 Transparency Report, 54% of all types of fake reviews removed from our platform in 2024

³¹ “The Impact of Fake Reviews on Online Visibility: A Vulnerability Assessment of the Hotel Industry.” Information Systems Research, vol. 27, no. 4, 2016, pp. 940–61. Lappas, Theodoros, et al. JSTOR. (December 2016), <https://www.jstor.org/stable/26652537>.

³² “COMPETING WITH THE SHARING ECONOMY: INCUMBENTS’ REACTION ON REVIEW MANIPULATION” pp 1575. Nie, Cheng, Zheng, Zhiqiang (Eric) and Sarkar, Sumit. (September 2022). https://chengnie.com/files/review_manipulation.pdf.

³³ “The WORST stay! Racist and Abusive staff! AVOID LA CASA!!!!!!” Tripadvisor Review. Anonymous. (January 31, 2023.) https://www.tripadvisor.com/ShowUserReviews-g3577009-d17613223-r876979907-La_Casa_Udawalawe-Udawalawa_Sabaragamuwa_Province.html.

were review boosting³⁴, an instance in which business owners or employees post positive reviews to boost their own rankings. Having the proof of purchase as a *conditio sine qua non* consumers cannot leave a review would allow business owners – which are the category the most tries to fraud Tripadvisor’s platform integrity – to always own the weapon needed to try and fraud platforms.

4. About the 15-day deadline to leave a review. Article 13.1 requires that consumers leaving reviews must do so no later than 15 days following the use of the product or the service. With time, recollection of experiences can become less clear. This is why Tripadvisor’s policy is to allow travellers to leave a review on our website up to one year after their experience with a business. While we agree it makes sense to establish timelines for reviews, a 15 days deadline is far too stringent and would significantly undermine the value of reviews for the following reasons:

- **A 15-day deadline has obvious practical issues:** There are many practical issues associated with a 15-day deadline for reviews, including the fact that people might take longer vacations and still be on holidays on the 15th day and wanting to leave a review only when back home.
- **Aged content can have significant consumer value:** A 15-day deadline for review submissions would also eliminate the opportunity for consumers to write a review that needed more time to be drafted, such as reviews having to do with critical travel health and safety issues, as we know these tend to come in well after 15 days. Reviews that describe serious health and safety incidents are in our view important to protect for the benefit of future travellers.
- **Review submission deadlines have not been shown to deter fraud:** While a review deadline may contribute to the richness of a review, there is no evidence that a 15-day deadline for reviews would protect travellers or businesses from fake reviews. In fact, Tripadvisor has a body of evidence of review fraud attempts on our platform that claim receipts of service within 15 days of the alleged service.
- **A review submission deadline restricts freedom of expression:** Imposing a stringent 15 day deadline for review submission restricts customers’ freedom of expression. A review on day 16 is just as valuable to a future traveller as it would have been the day before.

5. About the right to remove reviews. Article 13.2 gives businesses the right to obtain the deletion of a review (right to remove) under the following conditions:

³⁴ “2025 Tripadvisor Transparency Report.” Tripadvisor LLC. (March 18, 2025).
<https://www.tripadvisor.com/TransparencyReport2025>.

- The reviewer did not “use” the good or service;
- The reviews are “misleading or untrue or excessive”;
- The review is more than two years old;
- The review is no longer relevant because the business has adopted “suitable measures to modify or overcome the reasons that had given rise to the judgement.”

Tripadvisor’s approach to trust and safety undoubtedly achieves the spirit of a “right to remove” and contest reviews. That’s why Tripadvisor allows business representatives to flag a review they believe should not be on their listing, including asking for reviews to be removed if the reviewer did not have a first-hand experience with the product or if the language of the review is outside of our content and community guidelines.³⁵

Tripadvisor’s approach to promoting a fair platform, however, differs from a strict reading of the criteria itemised in the Italian Draft Law. As drafted, in fact, it would eliminate valuable content for travellers, undermine reviewer speech and penalise platforms hosting review content by doing the following:

- **The Italian Draft Law would unfairly make platforms responsible for taking down reviews when they are “misleading or untrue or excessive”.** In practice, “misleading or untrue or excessive” allows for a broad interpretation that could ultimately erode transparency and weigh businesses’ interests over that of travellers. Tripadvisor’s real-world experience sees us receiving thousands of *allegations* of “defamatory” content being present on the platform every year. Much of the content alleged to be defamatory, however, pertains to negative but legitimate opinions. Any legislation that includes a right to remove provision must be written in a way that acknowledges platforms hosting reviews have a responsibility to uphold free speech principles. Denying a user’s right to write honest reviews, and simultaneously another reviewer’s right to receive that speech, constitutes an infringement of both users’ free speech rights under Article 10 of the European Convention on Human Rights.³⁶
- **The Italian Draft Law is silent on the role of the business in requesting a removal of a review on the basis that it is “misleading or untrue or excessive”.** Read strictly, this approach is outside current practice, which requires accommodation providers to validate certain claims (defamation, copyright violations, etc.) beyond simply making a request to remove a review. Absent guardrails on accommodation providers raising concerns, platforms risk making potentially unlawful content takedowns that would restrict speech and harm consumers who would otherwise benefit from review content.

³⁵ “Content and Community Guidelines.” (Accessed 30 January 2024).

<https://www.tripadvisor.com/Trust-IlmsjBtituuk.html>.

³⁶ Upon request, Tripadvisor will provide additional information regarding relevant laws and court cases that govern content removals.

Additionally, removal of lawful reviews without good reason is an unlawful "misleading act" under the Unfair Commercial Practices Directive (UCPD). For example, consider the following scenario: A traveller alleges in a review that a lifeguard at a pool was distracted. The accommodation provider denies the allegation and requests removal of the review on the basis that it is "misleading or untrue or excessive". Without further clarification, the Italian Draft Law would push the platform to remove the review because it is a concern for the accommodation provider; however, doing so could harm future travellers that would be denied the ability to learn of potential safety issues. Furthermore, it is without a doubt that the unqualified and untested Right to Remove as drafted would be weaponised by bad actors, including professional reputation-cleaning firms, to pressure good-faith review platforms into deleting genuine, helpful user reviews, thereby undermining the goal of the bill.

- **The Italian Draft Law's Right to Remove is inconsistent with legal interpretations of existing laws:** Governments globally have recognized that takedown authority of this nature would be an inappropriate role for platforms and have appointed sophisticated courts to manage dispute resolution of this nature. Tripadvisor has been a party to cases in which we've been accused of hosting allegedly "defamatory" content in multiple EU member states (and elsewhere in the world), only to have multiple different Courts agree that the contentious content was perfectly lawful on its face. Notably, Italian courts have repeatedly ruled in Tripadvisor's favour precisely on this point.³⁷
- **The Italian Draft Law runs in conflict with European platform liability rules:** As described above, the bill as written puts the onus on a platform to address on the basis of its own judgement any allegation of "misleading or untrue or excessive" which are undefined legal terms. This approach undermines and likely runs in conflict with existing legal frameworks that already lay out the conditions under which platforms should, or should not, remove review speech (ex: Digital Services Act, Unfair Commercial Practices Directive)
- **The Italian Draft Law would deny consumers an accurate depiction of a business by allowing business owners to exercise a request for removal when the review is "no longer current"** which is defined as being two years from the date of the service. Tripadvisor agrees that recency of reviews is important to travellers and businesses alike. That's why our travel planning tools are designed to consider the freshness of the reviews (review recency) when assigning a ranking in our popularity index.³⁸ In fact, Tripadvisor

³⁷ Upon request, Tripadvisor will provide additional information regarding relevant laws and court cases that govern content removals.

³⁸ Tripadvisor's Popularity Index is also calculated taking into account 1.) the score - from 1 to 5 bubbles - left by customers and previous guests to an establishment; and 2.) the quantity of reviews, including the number of ratings and reviews received by an establishment.

gives more recent reviews a higher specific weight, as fresh reviews can share a better and more precise and up to date image of the experience offered by an establishment. However, Tripadvisor does not agree that websites hosting reviews should be required to incorporate an expiration or retirement date for reviews. All reviews contribute to the incredible richness of the content posted by Tripadvisor users and for that reason, we make all reviews posted on our platform available to all consumers.

6. About the right to reply to reviews. Article 13.2 focuses on the right of a business owner to reply to reviews (right to respond). Tripadvisor agrees business owners should be given the opportunity to publicly respond to reviews. In fact, our research has shown it is beneficial to a business owner to reply to reviews. In our *The Power of Reviews* study, we found that 85% of travellers believe a meaningful answer to a negative review improves their perception of the accommodation, and 77% of them confirmed they're more keen to book an accommodation that replies to reviews in a personal way³⁹. Replying to consumers' reviews is a feature Tripadvisor provides to every business listed on Tripadvisor for free, and we let them have the last answer in the virtual conversation below a review.

7. About paid and incentivised reviews. The Italian Draft Law correctly targets the marketplace for fake reviews by prohibiting paid and incentivised reviews: Tripadvisor believes that Article 14 includes the Bill's most effective provisions to achieve its stated goal, which is to fight fake reviews. Rather than penalize legitimate reviewers, Tripadvisor thinks public policies should start by addressing the most pernicious form of review fraud – the buying and selling of fake reviews. Article 14 does just that by prohibiting the purchase and transfer of reviews for any reason. This is one of the most important provisions the Bill can implement to stem review fraud in Italy and across the globe.

In 2025, Tripadvisor reported that Italy ranked fourth on the list of countries where paid reviews originate the most.⁴⁰ Additionally, fighting paid reviews has long-been an issue the Italian Government has sought to address, including partnering with Tripadvisor to successfully bring one of the first legal cases of its kind – the successful conviction of the paid review fraudster who operated PromoSalento.⁴¹ In 2018 the Criminal Court of Lecce in Italy ruled that writing fake reviews using a false identity is criminal conduct under Italian criminal law. It was a landmark ruling for the Internet and a milestone in the fight against paid review fraud.

³⁹ "The Power of Reviews: How Tripadvisor Reviews Lead to Bookings and Better Experiences." 2021. <https://www.tripadvisor.com/powerofreviews.pdf>.

⁴⁰ "2025 Tripadvisor Transparency Report." Tripadvisor LLC. (March 18, 2025). <https://www.tripadvisor.com/TransparencyReport2025>.

⁴¹ "Report sulla Trasparenza delle Recensioni di Tripadvisor 2019". Tripadvisor LLC. (September, 17, 2019). https://www.tripadvisor.it/TripAdvisorInsights/wp-content/uploads/2019/09/2147_PR_Content_Transparency_Report_11Aug19_it_IT-1.pdf.

Tripadvisor also agrees with Article 14's prohibition on incentivised reviews. An incentivised review is defined differently, namely, as a review which is submitted in connection with an offer or a promise for something of value. Examples of incentivized reviews include offers for free drinks at a restaurant, cash, discounts, entries into contests, etc. Tripadvisor has established a policy of prohibiting incentivised reviews because when a business offers its customers incentives, such as a free meal or a discount, to post a review, it is more likely to unfairly result in biased positive reviews that do not accurately reflect the actual experience.

8. Additional questions and considerations. There are few additional considerations Tripadvisor wants to share within this submission:

- **The Italian Draft Law does not specify why the different treatment to the travel industry.** Many industries rely on consumer reviews and all of them are regulated by the same set of laws and principles, however the Italian Draft Law aims at creating a special regime only for reviews within the hospitality industry, which is inconsistent and unmotivated.
- **The Italian Draft Law does not clearly define a fake review.** This is important, as the definition of a fake review will determine how platforms like Tripadvisor comply.
 - At Tripadvisor, we define a fake review as “any review submitted by someone who is knowingly submitting biased or non-firsthand content, in an effort to manipulate a property’s reputation on our site”.⁴²
- **The scope of the Italian Draft Law is unclear.** Article 12.1 is not clear on the scope of the proposed law and if it is referring to all types of accommodations and touristic attractions. To comply with the law, the industry needs to understand what is in scope.
- **The Italian Draft Law should clarify it applies to all industry players.** The accommodation industry includes a diverse set of players – many of whom host reviews to support traveller decision-making. All websites hosting reviews – including accommodations themselves – have responsibilities to undertake trust and safety operations that protect their platforms from review and rating fraud.
- **The Italian Draft Law must be amended to support positive outcomes – not proscribe mechanisms for achieving these outcomes.** Not all websites hosting reviews are designed the same or developed with the same objectives in mind. For example, a metasearch review platform like Tripadvisor, which features a variety of properties, is different from a single accommodation service provider that would only seek to

⁴² “2025 Tripadvisor Transparency Report.” Tripadvisor LLC. (March 18, 2025).
<https://www.tripadvisor.com/TransparencyReport2025>.

secure bookings for their owned properties. That's why adopting a one-size-fits all approach, would inevitably prefer certain businesses over others. For that reason, the bill should be amended to embrace flexibility that allows review-hosting businesses to adapt their trust and safety operations to meet ever-changing challenges and risks.