



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) 1870

Directive (EU) 2015/1535

Notification: 2025/0318/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 információkérése - 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

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1. MSG 301 IND 2025 0318 IT EN 26-09-2025 15-07-2025 COM INFOSUP COM 26-09-2025

2. Commission

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

4. 2025/0318/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 25 June 2025 the 'ANNUAL DRAFT LAW ON SMALL AND MEDIUM-SIZED ENTERPRISES – CHAPTER IV (Articles 12 to 16) "COMBATING FALSE REVIEWS" ' (hereinafter, the "notified draft"). The Commission services thank the Italian authorities for the follow-up submitted in reply to the Commission reaction in the context of the previous notification number 2025/22/IT, which the Italian authorities have withdrawn in light of the newly submitted revised draft text.

In order to allow the Commission services to complete their analysis of the current notified draft under the relevant provisions of EU law (notably, Regulation (EU) 2022/2065 on a single market for Digital Services (DSA), Directive 2005/29/EC concerning unfair business-to-consumer commercial practices in the internal market ("UCPD")), the Italian authorities are kindly invited to reply to the following request for supplementary information:

1. Paragraph 2 of Article 13 of the notified draft provides for the possibility of legal representatives of the reviewed facility or its delegate to report and request removal, in accordance with Article 16 (2) of Regulation (EU) 2022/2065, of the reviews that do not comply with the lawfulness requirements set out in Article 13(1) of the notified draft.

Furthermore, paragraph 2 also enables the tourism facilities concerned to request the removal of reviews that "are no longer current due to the lapse of at least two years from the date of use of the product or use of the service by the author". The Commission services note that the lawfulness requirements for reviews set out in paragraph (1) of Article 13 of the notified draft do not include such a temporal restriction. The Commission service would welcome clarifications on what exactly constitutes illegal content under the notified draft and the intended interplay between the new addition emphasised above and Article 16 (2) of Regulation (EU) 2022/2065.

2. The Commission services take note of the explanatory note submitted with the notified draft, where the Italian



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authorities note that Article 12 of the notified draft, which sets out the scope and definitions, does not introduce any additional or binding obligations for intermediary service providers, but merely defines the requirements for the lawfulness of reviews under national law, in accordance with the principle of full harmonisation enshrined in the aforementioned Regulation (EU) 2022/2065 (DSA). However, Article 15 of the notified draft empowers the Antitrust authority to adopt special guidelines to guide companies in adopting suitable measures to ensure compliance with the requirements of lawfulness of online reviews. While the Commission services understand from the notification message that these guidelines would not result in binding obligations for intermediary service providers, nor in general monitoring obligations on such providers, the Italian authorities are kindly invited to clarify what is the foreseen personal, material and territorial scope of such guidelines.

3. Article 15 of the notified draft furthermore entrust the Antitrust authority to carry out annual reporting on the monitoring of the application of notified draft and the phenomenon of the spread of unlawful reviews. The Italian authorities are kindly invited to clarify how the Antitrust authority is envisaged to monitor the application of the notified draft law.

4. The Commission services take note of the explanations provided by the Italian authorities in the context of the previously notified draft as concern the non-applicability of the notified draft to reviews submitted by business users, as per the meaning of Article 2 of Regulation (EU) 2019/1150. The Commission services kindly ask the Italian authorities to clarify if such exclusion applies also to the current notified draft. If such exclusion applies, the Commission services request the Italian authorities to confirm that any misleading practices towards consumers by business users submitting reviews will remain subject to the national legislation transposing the Unfair Commercial Practices Directive 2005/29/EC.

5. The Commission services would like to receive information whether the Italian authorities have assessed the possibility that the right for the reviewed tourism facilities to request and obtain the removal of reviews submitted later than 15 days from the use of the facility or that are older than 2 years could mostly result in removal of negative reviews about the respective facility whilst the positive reviews falling under the same criteria would be unaffected.

6. Finally, with regard to paragraph (1) of Article 13 of the draft law on requirements for the lawfulness of reviews, the Commission services understand that also those incentivised reviews where the incentive is duly disclosed by the reviewer and communicated to the users (readers) of the review would be qualified as unlawful reviews and would be subject to removal under paragraph (2) of article 13 upon request of the reviewed facility. The Commission services would welcome clarification by the Italian authorities on whether this understanding is correct and, if affirmative, what is the rationale of qualifying as unlawful also those incentivised reviews where the incentive is duly disclosed by the reviewer and communicated to their users (readers).

The Italian authorities are kindly invited to reply by 25 July 2025.

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