The Coalition for Trusted Reviews – Comments on the Spanish Draft Preliminary Law on Sustainable Consumption

TRIS Notification 2026/0294/ES – Article Two, Section Four (Article 20.4)

I. Introduction

The Coalition for Trusted Reviews (CfTR) welcomes the opportunity to provide the European Commission with the following information and feedback on the review provisions contained in the Spanish Draft Preliminary Law on Sustainable Consumption (TRIS notification 2026/0294/ES).

CfTR is the first global, cross-industry collaboration promoting trust in online reviews. Our founding members are *Amazon, Booking.com, Expedia Group, HolidayCheck, G2, Tripadvisor*, and *Trustpilot*. We are committed to upholding the highest standards of integrity in consumer reviews and through collaborative initiatives, we share industry best practices for maintaining the authenticity of reviews, instilling confidence in consumers worldwide.

Reviews play a pivotal role in empowering consumers to make informed decisions by providing the infrastructure to increase confidence in their choices and ensure transparency in the marketplace. Our members' business models are varied, but they share the goal of providing a trustworthy space for consumers to leave feedback for businesses. Our members recognise the impact that the issue of fabricated reviews has on consumer trust and, accordingly, they invest significantly into their people and detection systems to address this. In this context, the Coalition came together to promote trusted reviews, to share knowledge and best practices on the hosting of reviews, and to work with actors across the entire review value chain to tackle the issue of fake reviews holistically.

The Coalition has collaborated to develop best practices for hosting online reviews, aimed at promoting the highest standards of integrity, transparency, and accountability. These best practices are based upon existing fraud prevention frameworks and incorporate input from trust and safety practitioners and legal experts. They were designed to raise standards across the industry and ensure consumers can place trust in online reviews and ratings. Please see Appendix A to learn more about our best practices.

Encapsulated by members of the Coalition, the online review-hosting sector is diverse. By way of example, some of our members operate closed, "looped-in" systems, where customers can only leave a review within the service ecosystem i.e., by direct invitation following a purchase made on that service. Others operate "open" systems where consumers can leave reviews unprompted, facilitating the provision of feedback for a consumer's genuine experience with a business irrespective of whether a transaction ended up taking place. Public policies aimed at online reviews should take account of this diverse landscape and facilitate the necessary flexibility for different business models to adapt.

Topline observations

The Coalition welcomes the opportunity to provide feedback on the proposed Spanish legislation. In our response, we highlight where we see areas of overlap with existing EU laws and principles, as well as drawing on members' practical experience to illustrate some of the potential impacts that the proposed law could have on consumers and businesses in Spain and across the Single Market.

The Coalition fully supports efforts to combat fraudulent and misleading practices. However, we believe the provisions on reviews in Article 20.4 of the Draft Law, as currently drafted, could undermine legitimate consumer and business activity. Because of the potential implications for the Single Digital Market, we urge the European Commission to carefully consider the risks and enter into dialogue with the Spanish Government to ensure that the proposed legislation aligns with existing EU frameworks promoting transparency, consumer empowerment, and fair competition.

Our primary concerns are as follows:

- Provisions such as the 30-day review submission window could undermine the European Single Market by creating Spain-specific obligations that would require businesses to develop bespoke compliance systems for a singular Member State.
- The provisions such as the above may also present a conflict with existing EU law, in particular the Digital Services Act and the Unfair Commercial Practices Directive, as detailed in Section II below.
- The current approach risks a disproportionate burden falling upon review-hosting platforms, hindering businesses' ability to provide services to consumers across jurisdictions, without the corresponding benefit of effectively tackling fake review brokers.

II. Discrepancies with EU legislation and fragmentation across the Single Market

The importance of trustworthy reviews is reflected through a combination of existing review-specific consumer protection rules and broader EU legislation governing online platforms and initiatives in this field, including in particular:

- The EU Omnibus Directive (Directive 2005/29/EC as amended - the "Unfair Commercial Practices Directive");
- The Digital Services Act (Regulation (EU) 2022/2065);
- Regulation (EU) 2019/1150 on promoting fairness and transparency for business users of online intermediation services (Platform-to-Business Regulation);
- The initiative for a Code of Conduct for Online Ratings and Reviews, building on existing initiatives such as the 2023 Consumer Protection Pledge and the industry-led Coalition for Trusted Reviews.

Adopting Spain-specific rules on review systems creates a fragmentation within the Single Market and:

- Requires platforms to develop country-specific infrastructure and compliance frameworks applicable only to Spanish reviews, regardless of their individual business model, or the effectiveness of their existing safeguards and fraud detection systems.
- Risks undermining the country-of-origin principle for intermediaries operating across the EU, who would face different obligations in Spain compared to other Member States. In its response regarding the Italian Annual Draft Law on Small & Medium-sized Enterprises- Chapter IV, the Commission noted that national review rules applied generally to all platforms, without regard to their country of establishment, must comply with Article 3.4 of the E-Commerce Directive. The Commission cited CJEU case C-376/22, which establishes that national measures cannot apply to a "category of given information society services described in general terms and applying without distinction to any provider of that category." Any application of Article 20.4 of the Draft Law to cross-border providers established in other Member States must precisely identify the concerned service providers and their Member State of establishment and fulfil the strict requirements of Article 3.4 of the E-Commerce Directive. Article 20.4 of the Draft Law, as currently drafted, applies indiscriminately to all platforms hosting reviews of goods or services marketed in Spain, regardless of their country of establishment, a formulation that is difficult to reconcile with the Country of Origin principle.
- Gold-plating is particularly problematic in digital services policy, as it disrupts the level playing field in a typically transnational market. The cross-industry consensus on this point is documented: Italy's primary information and communications technology industry association

(Anitec-Assinform) has raised substantively identical concerns regarding the aforementioned Italian review provisions, demonstrating that the fragmentation risk is real and recognised across Member States. Moreover, these obligations risk contradicting the simplification agenda: The Commission has emphasised the need to simplify and consolidate consumer rules rather than add complexity. National gold-plating runs counter to this objective and risks penalising businesses that already invest in transparency and compliance.

III. Specific comments on the Spanish dispositions

1. Time limitation for reviews: Article 20.4 requires reviews of services to relate to services enjoyed in the 30 calendar days preceding the review. Product reviews may be submitted while the applicable legal or commercial guarantee of conformity remains valid.

Concerns:

- **The European Commission has already signalled concerns about temporal restrictions on reviews.** In its detailed opinion on Italian notification 2025/22/IT, the Commission noted that obligations on platforms to reject or remove reviews solely because they were submitted outside a prescribed timeframe would raise conformity issues with the UCPD, which is based on the principle of full harmonisation and includes specific provisions on consumer reviews, and sets no temporal restriction on when a genuine consumer experience may be reported. Those concerns apply directly to the 30-day limit for service reviews proposed in Article 20.4.
- **The artificially short timeframe for service reviews limits legitimate consumer expression across different sectors,** particularly for services and experiences hosted on online travel sites. It is unclear what evidence supports the imposition of a 30-day window in which to submit a review, particularly as many service-related issues (e.g., quality problems, billing disputes, long-term performance) only become apparent after 30 days have lapsed. Or, in the case of travel, consumers may be continuing their trip and not have time to yet leave a review. The limit appears arbitrary and could prevent consumers from providing a well-considered genuine review, especially for services that require a long-term evaluation. The different treatment of products and services is also difficult to justify. Article 20.4 allows product reviews to be submitted while the relevant legal or commercial guarantee of conformity remains valid, recognising that a consumer's experience may develop over time. By contrast, consumers are prevented from reviewing a service after 30 days, even where problems or the full impact of the service only become apparent later. While we appreciate and agree with the intention to protect consumers, this provision risks silencing consumer voices.
- **Does not itself tackle the problem of fake reviews.** Restricting service reviews to experiences within the previous 30 days does not in itself prevent or mitigate fraudulent reviews. The fight against fake review sellers requires a holistic approach that addresses the entire review value chain, from their origination, for example through social media and messaging groups, to the payment service providers through which they are compensated. We have not yet seen evidence that a short deadline for service reviews would protect consumers or businesses from fake reviews.
- **Proportionate and consistent rules are crucial.** The EU framework (Omnibus Directive, UCPD) already requires platforms to take "reasonable and proportionate" measures to verify review authenticity. Specifically, Article 5, Annex I 23b of the UCPD states that traders that claim reviews originate from genuine consumers must take "reasonable and proportionate" steps to check that reviews are submitted only by those consumers who have actually used or purchased the product. This is something most review platforms, and all Coalition members, already do. It is unclear what further benefit the imposition of a 30-day window for submitting a service review would present, particularly when Article 20.4 allows product reviews to be submitted throughout the applicable legal or commercial guarantee period.

- **Restriction on freedom of expression.** As already noted above, the 30-day limit for service reviews significantly limits consumers' ability to leave reviews about genuine service experiences after one month, thereby undermining consumers' capacity to provide and access information. This raises concerns in light of Article 11 of the EU Charter of Fundamental Rights, which provides that everyone has the right to freedom of expression and the freedom to hold opinions and to receive and impart information and ideas without interference by public authority.

The Coalition therefore recommends that the 30-day limitation applicable to service reviews be removed to allow each platform managing reviews to establish an appropriate window for service reviews, based on its content moderation policies, the nature of the service and business model. This recommendation does not concern the separate period applicable to product reviews, which is linked to the validity of the relevant legal or commercial guarantee of conformity.

2. Obligation to verify and delete reviews

Article 20.4 provides that in the event that one or more reviews have not been written by a consumer or user who has actually purchased or used the good or service to which it refers, or are misleading (engañosa), the business owner to whose good or service the review refers shall be entitled to request its removal, for which purpose they must provide reliable evidence that the review has not been published by a consumer or user who has purchased or used the good or service.

Concerns:

- **Broad and subjective criteria for removal.** The provision allows removal of reviews that are "misleading". This is a subjective standard that could be easily instrumentalised to suppress legitimate negative reviews, undermining the transparency that review systems are designed to provide. This obligation risks a violation of the Omnibus Directive by platforms, which highlights the importance of ensuring that reviews are not distorted through practices such as suppressing negative feedback or artificially inflating positive reviews.

- **Complex in practice.** The provision places the obligation to assess "reliable evidence" on the platform hosting the reviews, who would be reliant on information provided by the businesses being reviewed, without the legislation defining what constitutes sufficient evidence, what procedural safeguards apply, or what liability arises from incorrect decisions. Platforms hosting millions of reviews cannot reasonably verify the accuracy of an individual consumer's subjective experience, beyond claims made by businesses.

- **Risk of suppressing legitimate criticism.** Sellers, including those with a pattern of selling low-quality or counterfeit goods, could use this mechanism to systematically challenge negative reviews, making it harder for consumers to identify problematic products. This is not consistent with the purpose of the UCPD, which in principle infers that establishments being reviewed may be acting in breach of consumer laws by unduly pressuring review publishers to remove reviews without a valid reason.

- **Risk of over-removal.** If review hosting companies overcompensate to avoid penalties, there is a real risk of legitimate consumer feedback being removed, reducing the availability of trustworthy information and undermining the protections that online customer reviews are meant to provide.

In light of the above, the Coalition calls for the Draft Law's removal mechanism to be aligned with the DSA's notice-and-action framework. Removal requests should be limited to cases where content is manifestly illegal under applicable legislation or has been declared illegal by judicial resolution. Any removal request should also require clear evidence, according to clear, established criteria for both platforms and businesses.

IV. Proposals

With the above concerns outlined, the Coalition proposes:

1. **Focus enforcement on existing rules**: The Omnibus Directive and UCPD provide a baseline for addressing fake reviews. These frameworks already prohibit misleading practices involving reviews and establish wider obligations relevant to platform accountability. Strengthening the consistent enforcement of these existing requirements would better serve consumer protection than introducing new, untested national obligations. Industry-led measures are already in place and continue to mature: for example, the Coalition for Trusted Reviews' own best practices (set out at Appendix A) demonstrate that review-hosting platforms have developed robust standards for tackling fake reviews without the need for further national legislation.
2. **Target the sources of fake reviews**: Effective regulation should target the origination and monetisation of fake reviews across the value chain - i.e. fake review brokers, the social media and messaging groups used to recruit and coordinate them, and the payment service providers through which they are compensated - rather than adding a further layer of obligations on the review-hosting platforms that already invest most heavily in detecting and removing this content.

V. Conclusion

The Coalition for Trusted Reviews wholly supports the objective of ensuring transparent, trustworthy review systems that serve consumers. However, as it currently stands, the provisions in Article 20.4 of the Draft Sustainable Consumption Law risk becoming contradictory to existing EU law, placing disproportionate burdens on platforms and businesses without providing a clear improvement in consumer protection.

The European legislation and initiatives related to online reviews, particularly the requirements of the DSA and the UCPD, already provide appropriate platforms with mechanisms to deal with customer reviews and, in particular, fake reviews. We note that this proposed law deviates significantly from existing harmonised EU law which is still bedding in and requires full enforcement to reach its full potential impact.

We therefore urge the Commission to work constructively with the Spanish Government to carefully reconsider the necessity of introducing additional legislation at the national level. We also emphasise the importance of undertaking meaningful and thorough stakeholder engagement in drafting such laws so that measures are workable and reflect the diverse perspectives of businesses, consumers, and review hosting companies.

We are grateful for the opportunity to respond to this process and remain available to work with policymakers both at the EU and national level to support and inform their work relating to this draft law.

Appendix A: Coalition for Trusted Reviews Best Practices

Members of the Coalition are committed to the following best practices:

1. **Maintaining clear and transparent reviews and ratings policies** that:
    - Detail the requirements for reviews and ratings (including who can leave the reviews and ratings and what is and is not allowed);
    - Educate users about the importance of genuine and unbiased reviews;
    - Deter and seek to prohibit users from posting and soliciting fake reviews and ratings;
    - Explain how reviews and ratings are collected and displayed;
    - If applicable, explain how and when reviews and ratings (and reviewers) are verified;
    - Communicate to users the actions taken to detect fake reviews and ratings;
    - Articulate, in general terms, what consequences exist when fake reviews are detected.
2. **Having systems, processes and experts in place** that ensure the trustworthiness of reviews and ratings, which:
    - Continuously monitor and analyse patterns of use and behaviour;
    - Detect and remove fake reviews; and
    - Have measures in place to assess the authenticity of reviewers.
3. **Having a reporting process** for users to flag suspected fake reviews and ratings, this includes:
    - Ensuring there are systems and teams trained to investigate reported reviews and ratings;
    - Having trained people to identify and audit fake reviews missed by automated systems, and to investigate reported false positives;
    - Ongoing monitoring and auditing of the effectiveness of the automated systems, policies, the reporting of reviews and review collection.
4. **Taking appropriate actions on policy violations** and the users (including businesses) that violate policies including:
    - Prompt removal of fake reviews;
    - Banning, blocking, and suspending accounts that repeatedly submit or solicit fake reviews or otherwise breach reviews and ratings policies;
    - Enforcement actions against individuals, businesses, or locations repeatedly linked to fake reviews;
    - Offering prominent warnings to consumers or removal of a business's listing in event of prolonged abuses.