

CHAPTER IV

COMBATING FALSE REVIEWS

Article 12

(Scope and definitions)

1. This Chapter, in compliance with point (e) of the second paragraph of Article 117 of the Constitution and the principles of the European Union in the field of competition and with the aim of protecting consumers from the influence of false reviews, governs the publication of online reviews relating to products, benefits and services offered by catering companies and tourist facilities located in Italy, including those of a receptive and thermal nature, as well as relating to any form of tourist attraction offered on the Italian territory, in order to **identify the user submitting the review and** verify that the review is reliable and comes from a consumer who has actually used or purchased the product, benefit or service.
2. For the purposes of this Chapter, the definitions set out in Article 18 of Legislative Decree No 206 of 6 September 2005 and in Article 3 of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC shall apply.

Article 13

(Requirements for reviews and rights of reviewed properties)

1. The consumer who proves **their identity and** the actual use of services or benefits can issue their reasoned review no later than fifteen days from the date of use of the product or service. In order to prevent any fraudulent activity, the review must be sufficiently detailed and responsive to the type of product used or the characteristics of the facility that offers it.
2. The legal representative of the reviewed facility or their delegate has the right to respond and request the removal of reviews concerning them, if the author has not used the reviewed good or service, or if the reviews are misleading, untrue, or exaggerated. An entrepreneur who has an interest in it is also entitled to obtain the deletion of reviews concerning him that are no longer current, due to the lapse of two years from the date of use of the service by the author or the adoption, after the review, of measures capable of modifying or overcoming the reasons that had given rise to the judgment.

Article 14

(Prohibitions)

1. Without prejudice to the rules laid down in Legislative Decree No 206 of 6 September 2005, the purchase and sale of reviews, appreciations, or interactions for any reason whatsoever, including between entrepreneurs and intermediaries, is prohibited, regardless of their subsequent dissemination. The attribution of consumer reviews to a product or service in relation to a different product or service and the promotion and conditioning of the content of reviews by means of incentives are also prohibited.

2. Without prejudice to criminal liability, in the event of infringement of the prohibition referred to in paragraph 1, the Competition and Market Authority shall exercise the investigative and sanctioning powers governed by Article 27 of Legislative Decree No 206 of 6 September 2005.

Article 15
(Codes of conduct)

1. In compliance with Regulation (EU) 2022/2065, the Communications Regulatory Authority, as the national coordinator of digital services, regulates by means of a regulation the adoption of codes of conduct by intermediaries and entities active in the dissemination of online reviews and communicates without delay those signed to the Competition and Market Authority, the Ministry of Enterprises and Made in Italy, and the Ministry of Tourism.
2. In the event of non-compliance with the Authority's warning to comply with the provisions of the regulation referred to in paragraph 1, Article 1(30) of Law No 249 of 31 July 1997 shall apply.
3. The codes of conduct shall identify measures to effectively reduce, including by technologically appropriate means, the distortion of information provided to consumers through non-genuine reviews and, in any case, to:
 - a) **prove the identity of the consumer for the purpose of submitting the review;**
 - b) ensure that published reviews come from consumers who have used the service or the product;
 - c) where the possibility of issuing a review is foreseen, ensure compliance with Article 13;
 - d) ensure transparency and impartiality in the management of reviews;
 - e) ensure that the reviews are sufficiently detailed to allow for the adversarial process and the reply of the interested parties;
 - f) ensure the correctness and completeness of the information, while also preventing the association of reviews with undeclared promotional content;
 - g) regulate the removal of reviews, preventing their unjustified removal;
 - h) enable or facilitate the detection of fraudulent activities;
 - i) prevent the use of scores based on unclear or unexplained criteria, or which, in any case, may mislead consumers.
4. The Competition and Market Authority, after consulting the Communications Regulatory Authority, the Personal Data Protection Authority, the Ministry of Enterprises and Made in Italy, and the Ministry of Tourism, shall adopt specific guidelines to guide companies in adopting appropriate measures to ensure the authenticity of reviews. The Competition and Market Authority shall also establish the supervisory procedure for monitoring and periodic assessment of compliance, in accordance with the principles of transparency, non-discrimination, and proportionality.

Article 16
(Transitional provisions)

1. The provisions of the preceding articles of this Chapter shall not apply to reviews already published on the date of entry into force of this Act.

Article 17
(Financial invariant clause)

1. The implementation of this Chapter must not result in new or increased burdens on public finances.
2. The Competition and Market Authority and the Communications Regulatory Authority shall carry out the activities provided for in this Law with the human, financial and instrumental resources available under the legislation in force.