

CHAPTER IV Combating false reviews

Section 12.

(Scope and definitions)

1. This Chapter, in compliance with Article 117(2)(e) of the Constitution and with the principles of the European Union on competition and the EU Regulation 2022/2065 of the European Parliament and of the Council, aims at combating unlawful online reviews related to products performance and services offered by catering businesses and tourism sector facilities located in Italy, including accommodation and spa facilities, as well as relating to any form of tourist attraction offered on Italian territory, and to ensure reliable online reviews from those who have used or purchased the product, performance or service.

Section 13.

(Requirements for the lawfulness of reviews and rights of the facilities reviewed)

1. The online review is lawful if it is issued no later than fifteen days from the date of use of the product or use of the service by the person who has actually and personally used the services or performance, if it corresponds to the type of product used or the characteristics of the structure that offers it, and in any case is not the result of the giving or promising of discounts, benefits or other utilities by the supplier or its intermediaries.
2. To obtain their removal, the legal representative of the reviewed facility or his delegate may report, in the manner prescribed by Article 16(2) of Regulation (EU) 2022/2065, reviews that do not comply with the requirements of lawfulness referred to in paragraph 1 and those that are no longer current due to the lapse of at least two years from the date of use of the product or use of the service by the author.

Section 14.

(Prohibitions)

1. Without prejudice to the regulations set out in Legislative Decree No. 206 of 6 September 2005, the purchase and transfer of online reviews, appreciations, or interactions, for any reason, including between entrepreneurs and intermediaries, is prohibited, regardless of their subsequent dissemination.
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.

Art. 15

(Guidelines and monitoring)

1. The Antitrust Authority, having consulted the Authority for Communications Guarantees and the Authority for the Protection of Personal Data, the Ministry for Business and the Made in Italy and the Ministry for Tourism, with its measure adopts special guidelines to guide companies in adopting suitable measures to ensure compliance with the requirements of lawfulness of online reviews.
2. The Competition and Markets Authority shall carry out annual monitoring of the application of this law and the phenomenon of the spread of unlawful reviews, reporting to Parliament.
3. To strengthen the activity of combating unlawful reviews, the associations representing the catering and tourism sector businesses established in Italy, in possession of the requirements outlined in Article 22 of Regulation (EU) 2022/2065 and the implementing regulations adopted by the Communications Guarantee Authority, may request recognition of the status of trustworthy reporter under the aforementioned Article 22 of Regulation (EU) 2022/2065.

Section 16.

(Financial invariance 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.