Flash report: Workshop with major online platforms regarding consumer reviews, ranking and transparency, 12 January 2021

Participants (about 120 in total):

- 17 global and European platforms: Airbnb, Allegro, AliExpress / Alibaba, Amazon, Bol, Booking, Cdiscount, eBay, Emag, ETSY, Expedia, Facebook, Google, TripAdvisor, Wish, Yelp, and Zalando

- Observers from Member States (ministries responsible for the transposition of Directive (EU) 2019/2161 on better enforcement and modernization and CPC authorities)

- DG JUST Units E2 and E3

The purpose of the Workshop was to raise the platforms’ awareness about the current and future requirements of EU consumer protection legislation aimed at promoting genuine consumer reviews, ensuring transparent ranking of search results and duly informing consumers about third party suppliers on online marketplaces. In particular, it put emphasis on the need for stronger action to address the growing problem of fake consumer reviews on online platforms, as demonstrated by different national public and private research.

Commissioner Didier Reynders opened the Workshop stressing, in particular, the importance of cooperating with the major online platforms in the context of the new Consumer Agenda to make consumer protection in the EU as strong online as it is offline. He referred to the ongoing co-operation with platforms on removing COVID-19-related illegal online listings. DG JUST then provided overview of the current and new EU consumer law requirements (under Directive (EU) 2019/2161) in the relevant areas. Representatives of the Dutch and German authorities presented their research and enforcement work regarding consumer reviews and ranking.

In the ensuing discussion, platform representatives shared information about their experience and measures regarding reviews, ranking and transparency. As regards consumer reviews, several of them indicated having adopted guidelines regarding users’ reviews and having put in place automated (AI) systems, sometimes combined with human control element, to detect and remove fake reviews even before they get published. Many platforms allow reviews only from consumers that purchased the good/service (closed review systems). One platform representative outlined the importance of...
contractual sanctions that a platform can apply against traders who publish or incentivize fake reviews, such as banning the access to the platform or negatively affecting their listing. However, platform representatives also acknowledged that no review verification system is 100% fail-proof. Platforms must also take care to avoid removing genuine reviews as such measures could be regarded as infringement of the freedom of expression. Whilst the necessity of clearly disclosing incentivized reviews was generally acknowledged, some questions were raised as to whether such strict requirements should apply even to very small remuneration in exchange for submitting a review.

Some platforms indicated already having published information to consumers about the **ranking parameters**. In relation to the new EU requirements, the provision of such information in the context of voice assistant services was mentioned as challenging and requiring guidance. Moreover, the issue of information overload for consumers was mentioned by some of the speakers.

Regarding the identification of the **status of the third party suppliers** on online marketplaces and informing consumers about the division of responsibilities for the contract concluded, some participants reported already offering such information to consumers. Some of them again referred to the risk of information overload. Others stressed that their platforms only host professional suppliers and, hence, the problems related to contracts with non-traders are not relevant for them.

In general, several platform representatives indicated interest to co-operate with the enforcement authorities and the Commission in drawing up guidance on the legal requirements in these areas and in organizing more workshops on these topics.

**Follow-up**

DG JUST concluded the workshop stressing the need for platforms to act in order to prevent fraudulent review practices and to take timely measures for implementing the future requirements of Directive (EU) 2019/2161, applicable from May 2022. DG JUST will invite the participating platforms to stay in contact and provide (written) information/updates about their compliance measures. In case of interest by platforms in sharing best practices, the Commission offered to reflect on a practical mechanism (i.e. a dedicated online tool). Such information will also feed into the Commission's work to update the guidance on the application of the relevant EU legislation – the Unfair Commercial Practices Directive and the Consumer Rights Directive, as amended by Directive (EU) 2019/2161. The update process will include further stakeholder consultation, including with online platforms.