

# DMA workshop



---

heureka!group

# about heureka!group in a nutshell

9 countries  
50 k merchants  
93 % brand awareness  
500 employees



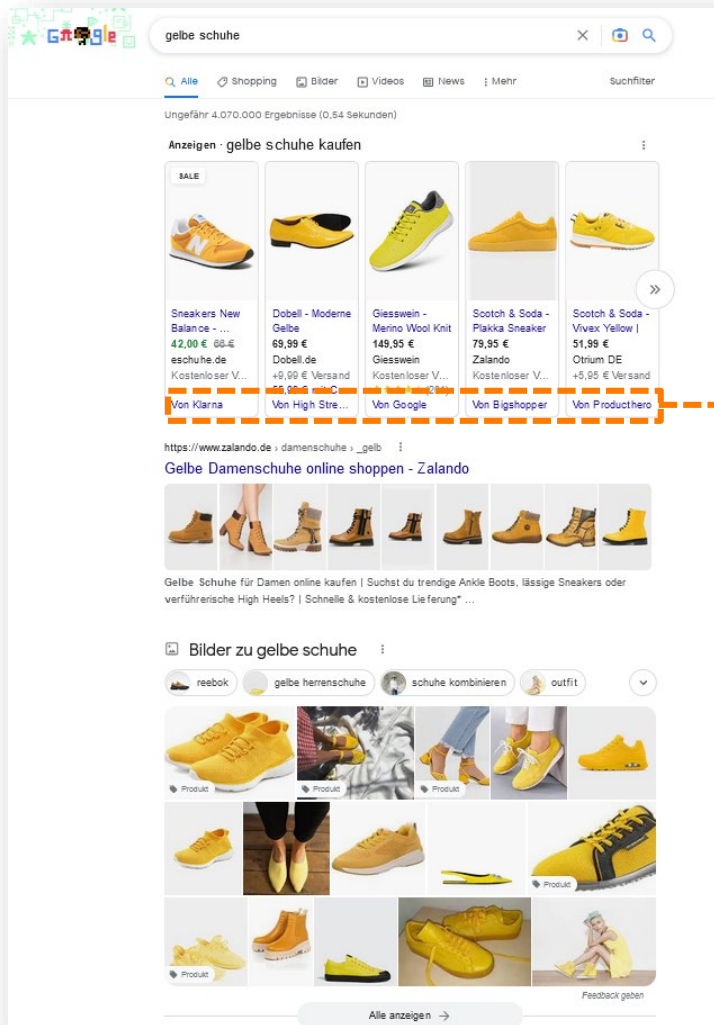
# joint call of comparison shopping industry

- letter to EVP Vestager and COM Breton of 17<sup>th</sup> October
- 43 Comparison Shopping Services (CSS)
- 20 Member States
- 30 to 1000 employees
- largest CSSs in 7 states
- claims:

“Reopen general search results pages for the most relevant sites!”

“Removing Shopping Units is the best solution.”





# Comparison Units are NON-COMPLIANT

## Google shopping box

- all clicks leading to merchants
- >99% of clicks in box

## "By CSS" links

- only links to CSS website
- <1% of clicks

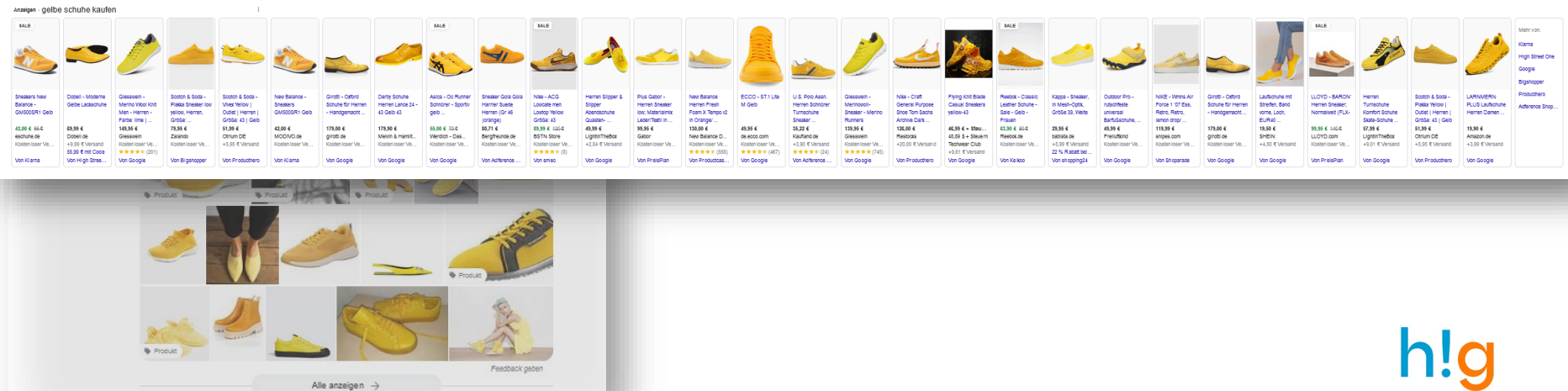
## Merchant's site

- no offers
- no filter

## Google images box

- product filter
- product offers

- 99% product comparison by Google
- 1% comparison by rivals
- no search result for a rival CSS above the fold



**Google shopping box**

- up to 40 product offers

- up to 40 product offers

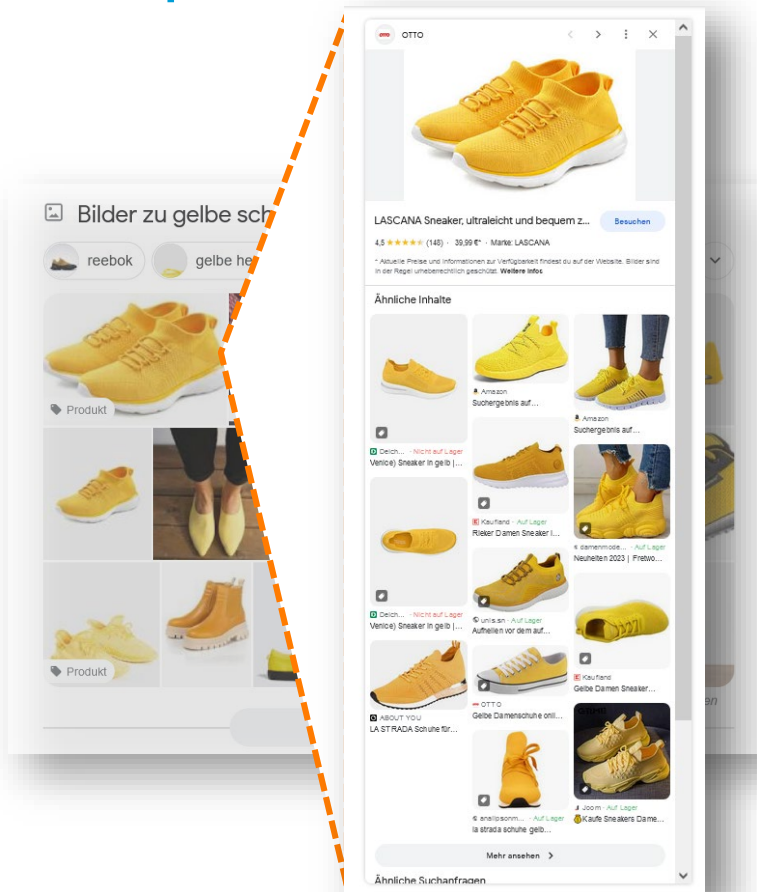
# Comparison Units are NON -COMPLIANT



new

- product comparison service within Google images boxes, embedded in general search results page

# Comparison Units are NON -COMPLIANT



## new

- product comparison service within Google images boxes, embedded in general search results page
- extendable!

# Comparison Units are NON-COMPLIANT

The screenshot displays a Google search for "gelbe schuhe" (yellow shoes). The search results are dominated by comparison units, which are non-compliant under the EU Consumer Rights Directive. These units are presented as a grid of small product images and prices from various retailers, such as Amazon, Zalando, and Mirapodo. The units are not clearly marked as such, leading to confusion for consumers. The search results also include a "Gelbe Damenschuhe online shopen - Zalando" link, which is a comparison unit, and a "Gelbe Damen Schuhe" link, which is a product page. The search results are further cluttered with "Ähnliche Inhalte" (Similar content) and "Ähnliche Fragen" (Similar questions) sections, which also contain comparison units. The overall impression is that the search results are biased towards comparison units, which is non-compliant with the EU Consumer Rights Directive.

- a SERP full of units that compare *offers* rather than *sites* with offers
- ...which leads us to the question: **What is „favouring“ in search?**

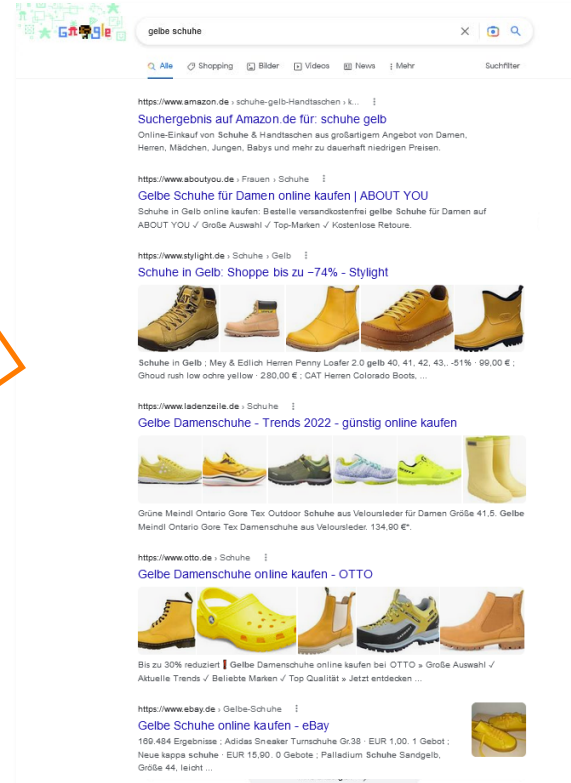
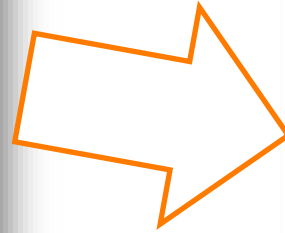
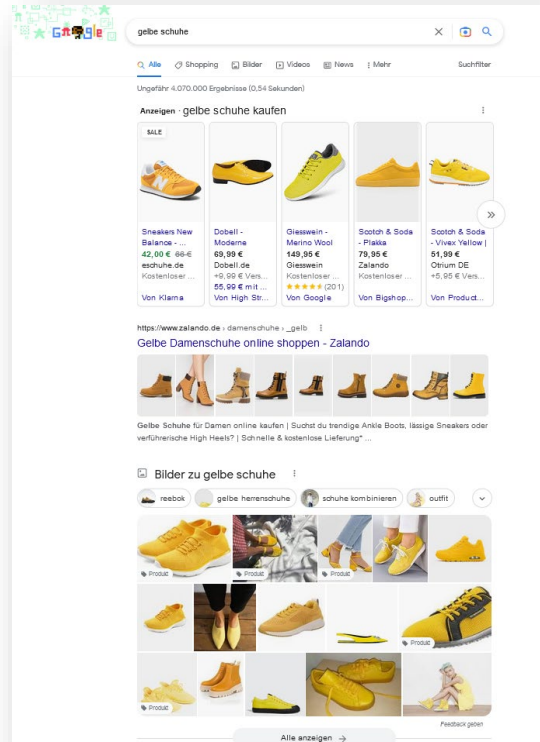


# Comparison Units are NON -COMPLIANT

What is „favouring“? Art. 6(5), Recital (51):

*“where a gatekeeper provides its own online intermediation services through an online search engine [...] by [...] partly or entirely embedding in search engines results, groups of results specialised in a certain topic”*

# Units comparing products and prices within general results pages MUST GO NOW!



It is  
**Google**  
who must come up with a  
compliant solution

# Clear DMA framework for any of the many technical solutions

**FRAND** conditions for (Art. 6 (12)) and **No Favouring** when (Art. 6(5))

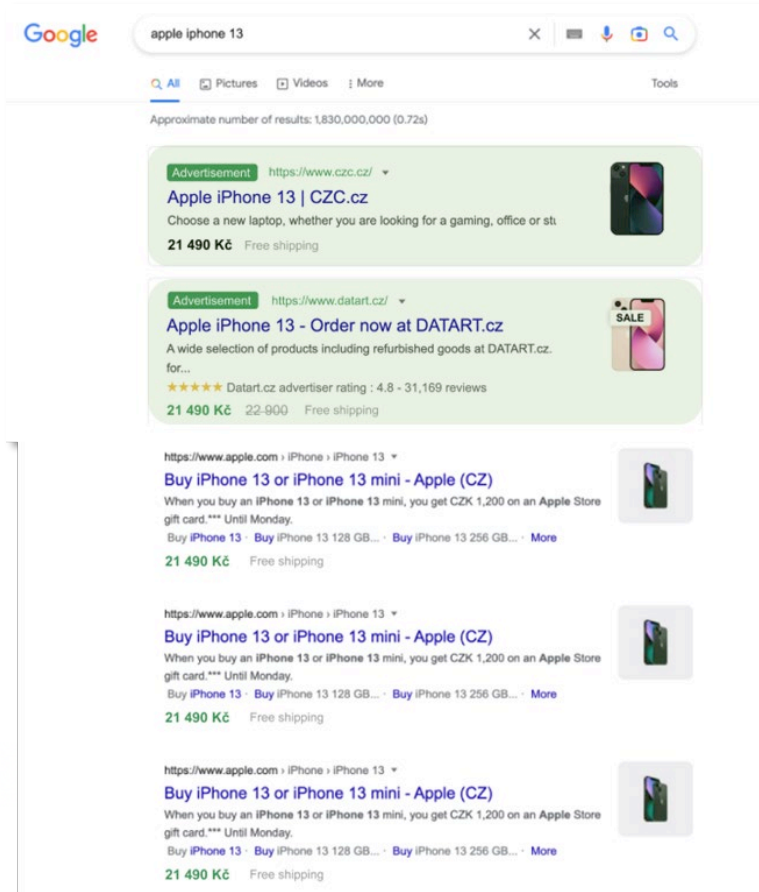
- crawling ( *e.g. equal frequency* )
- indexing ( *e.g. equal depth* )
- **ranking** (Art. 2 (22)):
  - = relative prominence of **search results** (Art. 2 (23)), i.e. of:
    - any information in any format ( *i.e. images, texts, graphs etc.* )
    - related to a search query ( *i.e. also in its anticipation* )
    - irrespective of unpaid or paid ( *i.e. also within text or other ads* )
    - also for direct answers or other information ( *e.g. Knowledge Graphs, Q&As* )
    - irrespective of displayed in connection, along with or partly or entirely embedded in organic results ( *i.e. any information on SERP is covered* )
  - irrespective of technical means used for presentation ( *i.e. device or browser* )
  - even if only one result is presented

**Neutral structure, design, function or operation of search user interface** (Art. 13(6)).

**No contractual, commercial or technical undermining of these obligations** (Art. 13(4)).

**No search quality degrading for CSSs availing equal treatment** (Art. 13(4)).

# one of possible solutions by heureka!group



- Equal treatment of paid and unpaid
- Equal access to paid and unpaid results
- Clear labelling of paid results

thank you!

---

heureka!group