

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 17th 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.”



FAO: Executive Vice-President Margrethe Vestager
& Commissioner Thierry Breton
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17th October 2022

Re: Comparison shopping services call for actions to end Google's Shopping Units

Dear Executive Vice-President Vestager,
Dear Commissioner Breton,

We, the undersigned 43 comparison shopping services (“CSSs”) from across Europe, are renewing our call for enforcement measures against Google's self-preferencing practices on general search results pages, under EU competition law and/or the Digital Markets Act (“DMA”).

We welcome the recent judgments *Google Search (Shopping)* and *Android* as well as the adoption of a ban of self-favouring by search engines in the DMA. Both further strengthen the Commission's stance to finally open up Google's general search results pages for the most relevant CSSs by removing Google's self-serving, price-enhancing and inferior “Shopping Units”.

Following such landmark competition cases and pioneering legislation, it is time to ensure compliance. Having suffered first-hand from Google's failure to ensure equal treatment within general search results pages, we have been requesting formal steps against Google's non-compliance with the *Google Search (Shopping)* decision since 2017.¹ Recent developments have confirmed our observations, increased our concerns and strengthened our arguments. With this joint letter of the few CSSs that succeeded to stay in business despite Google's non-compliance, we submit that implementing the ban of self-favouring in search results should be the Commission's top priority, either by

- enforcing Google's compliance with the *Google Search (Shopping)* decision,² and/or
- addressing compliance with Art. 6(5) DMA once *Google Search* has been designated as a core platform service.

¹ See, for example, [joint letter of the founders and CEOs of 41 European CSSs of 28 November 2019](#) or [joint industry letter of 136 companies and 30 industry associations of 12 November 2020](#).

² Case AT.39740 – *Google Search (Shopping)*.

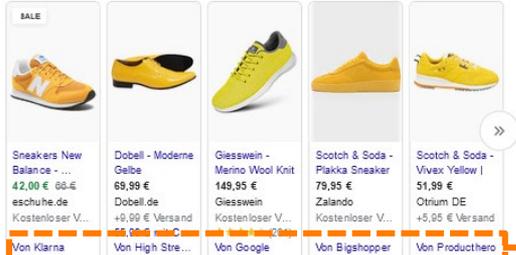
Comparison Units are NON-COMPLIANT

gelbe schuhe

Alle Shopping Bilder Videos News Mehr Suchfilter

Ungefähr 4.070.000 Ergebnisse (0,54 Sekunden)

Anzeigen · gelbe schuhe kaufen



Google shopping box

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

"By CSS" links

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

https://www.zalando.de/damenschuhe/_gelb

Gelbe Damenschuhe online shoppen - Zalando

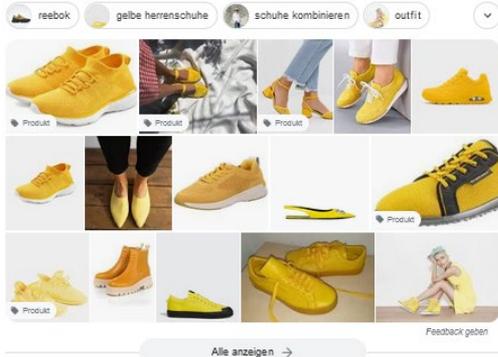


Gelbe Schuhe für Damen online kaufen | Suchst du trendige Ankle Boots, lässige Sneakers oder verführerische High Heels? | Schnelle & kostenlose Lieferung* ...

Merchant's site

- no offers
- no filter

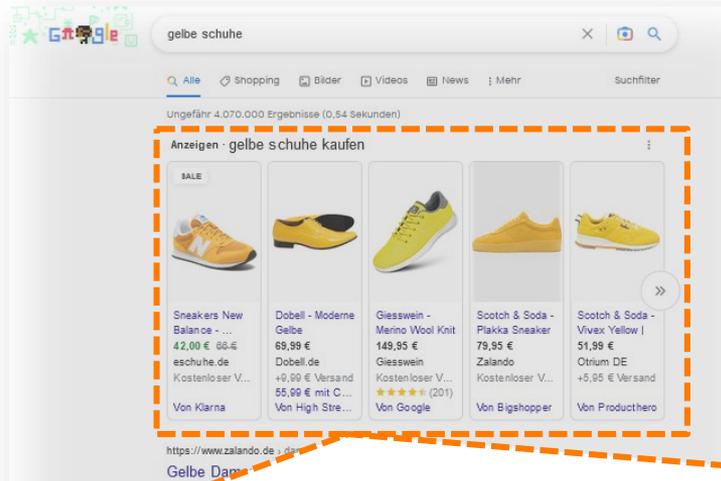
Bilder zu gelbe schuhe



Google images box

- product filter
- product offers

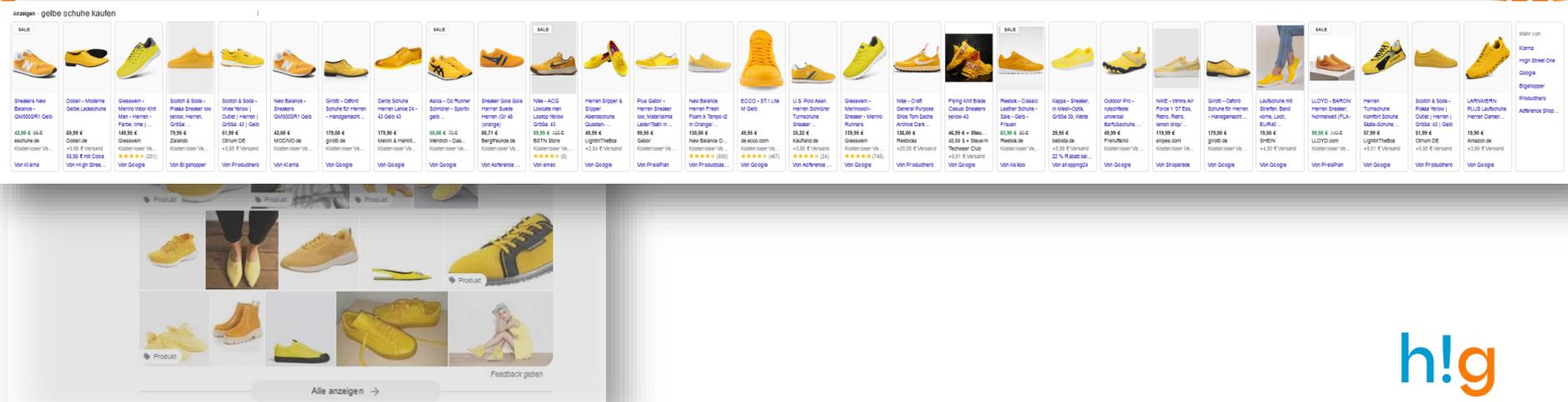
- 99% product comparison by Google
- 1% comparison by rivals
- no search result for a rival CSS above the fold



Comparison Units are NON-COMPLIANT

Google shopping box

- up to 40 product offers



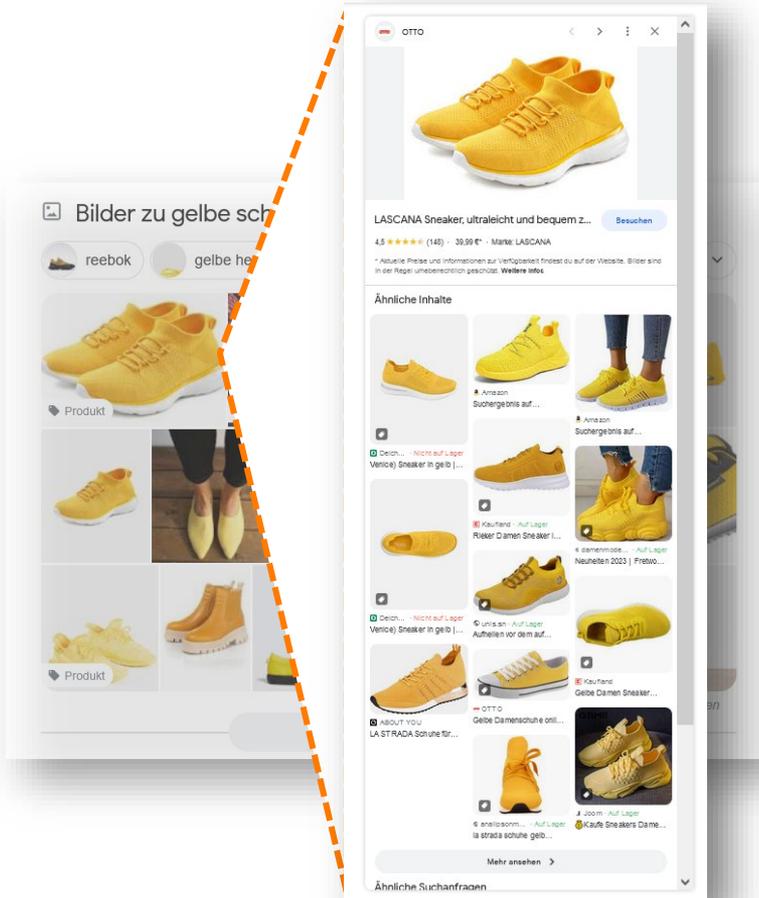
Comparison Units are NON -COMPLIANT



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

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!

gelbe schuhe

Alle Shopping Bilder Videos News Mehr Suchfilter

Ungefähr 4.070.000 Ergebnisse (0,54 Sekunden)

Anzeigen: gelbe schuhe kaufen

SALE				
Sneakers New Balance ... 42,80 € 68-€ schuhe.de Kostloser ... Von Klarna	Dobell - Moderne 69,99 € Dobell.de +5,00 € Vers... 55,99 € mit ... Von High Str...	Gresswein - Fraisa 149,95 € Gresswein Kostloser ... Von Google	Sooth & Soda - Marino Wool 79,95 € Zalando Kostloser ... Von Bigshop...	Sooth & Soda - Vines Yellow 51,99 € Otlum DE +5,00 € Vers... Von Produ...

https://www.zalando.de/damenschuhe/_gelb

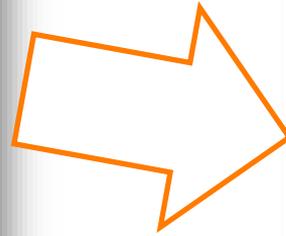
Gelbe Damenschuhe online shoppen - Zalando

Gelbe Schuhe für Damen online kaufen | Suchst du trendige Ankle Boots, lässige Sneakers oder verführerische High Heels? | Schnelle & kostenlose Lieferung! ...

Bilder zu gelbe schuhe

reebok gelbe herenschuhe schuhe kombinieren outfit

Alle anzeigen →



gelbe schuhe

Alle Shopping Bilder Videos News Mehr Suchfilter

https://www.amazon.de/schuhe-gelb-Handtaschen; k...

Suchergebnis auf Amazon.de für: schuhe gelb

Online-Einkauf von Schuhe & Handtaschen aus großartigem Angebot von Damen, Herren, Mädchen, Jungen, Babys und mehr zu dauerhaft niedrigen Preisen.

https://www.aboutyou.de/Frauen/Schuhe

Gelbe Schuhe für Damen online kaufen | ABOUT YOU

Schuhe in Gelb online kaufen: Bestelle versandkostenfrei gelbe Schuhe für Damen auf ABOUT YOU ✓ Große Auswahl ✓ Top-Marken ✓ Kostenlose Retoure.

https://www.stylight.de/Schuhe/Gelb

Schuhe in Gelb: Shoppe bis zu -74% - Stylight

Schuhe in Gelb : Mey & Edlich Herren Penny Loafer 2.0 gelb 40, 41, 42, 43, ...-51%: 99,00 € ; Ghoud rush low ochre yellow - 280,00 € ; CAT Herren Colorado Boots, ...

https://www.ladenzelle.de/Schuhe

Gelbe Damenschuhe - Trends 2022 - günstig online kaufen

Grüne Meindl Ontario Gore Tex Outdoor Schuhe aus Velourleder für Damen Größe 41,5. Gelbe Meindl Ontario Gore Tex Damenschuhe aus Velourleder: 134,90 €.

https://www.otto.de/Schuhe

Gelbe Damenschuhe online kaufen - OTTO

Bis zu 30% reduziert | Gelbe Damenschuhe online kaufen bei OTTO » Große Auswahl / Aktuelle Trends / Beliebte Marken / Top Qualität » Jetzt entdecken ...

https://www.ebay.de/Gelbe-Schuhe

Gelbe Schuhe online kaufen - eBay

169.484 Ergebnisse : Adidas Sneaker Turnschuhe Gr.38 : EUR 1,00, 1 Gebot ; Neue kappa schuhe : EUR 19,90, 0 Gebote ; Palladium Schuhe Sandgelb, Größe 44, leicht, ...

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

The screenshot shows a Google search for "apple iphone 13". The search bar is at the top with the Google logo on the left and search controls on the right. Below the search bar, there are tabs for "All", "Pictures", "Videos", and "More". The search results are displayed in a list format. The first two results are advertisements, highlighted with a light green background. The first advertisement is from CZC.cz, titled "Apple iPhone 13 | CZC.cz", with a price of 21 490 Kč and free shipping. The second advertisement is from DATART.cz, titled "Apple iPhone 13 - Order now at DATART.cz", with a price of 21 490 Kč, a rating of 4.8 stars, and free shipping. The third, fourth, and fifth results are organic search results from Apple (CZ), titled "Buy iPhone 13 or iPhone 13 mini - Apple (CZ)", with a price of 21 490 Kč and free shipping. Each result includes a small image of the iPhone 13.

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

thank you!

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