

P2B REGULATION: COMMISSION CONSULTS INDUSTRY ON RANKING GUIDELINES

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Only days after the announcement by the Swedish competition authority that it was launching a sector inquiry into Digital Platforms, the European Commission has published an online questionnaire seeking feedback on the transparency requirements related to Digital Platforms' ranking policies.

Article 5 of Regulation 2019/1150 *on promoting fairness and transparency for business users of online intermediation services* (the so-called "P2B Regulation") requires online search engines and online intermediation services (e.g. e-commerce marketplaces, app stores or online travel agents), to set out in their terms and conditions the main parameters determining ranking and their underlying rationale.

In order to assist search engines and intermediation services to comply with that requirement, the Commission intends to finalise Guidelines before companies are required to comply with the P2B Regulation on 12 July 2020. The purpose of the Guidelines is to bring more clarity to the terms '*ranking*', '*relative importance*', '*main parameters*', and '*adequate understanding*', and to provide practical (where appropriate, sector specific) guidance and examples of how online intermediation services and search engines can advise businesses of the main parameters in a meaningful way.

The Guidelines also aim at providing guidance on the complementarity and relationship between the P2B Regulation and other EU legislation, such as consumer protection regulations, marketing laws and the fight against illegal content online.

With the online consultation, the Commission aims at gathering feedback both on the Guidelines' broad objectives, and on possible sectoral specificities, illustrative examples, industry best practices and likely future trends. The deadline for interested parties to provide their input is 12 December 2019.

The P2B Regulation has been described by the Commission as a "first step" in the setting of new standards on transparency and fairness for Digital Platforms. The Guidelines will represent a key element of this initiative.

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