

# Online Rankings

## I. General

Online Rankings are regulated by Art. 7 (4a) UCP-D:

When providing consumers with the possibility to search for products offered by different traders or by consumers on the basis of a query in the form of a keyword, phrase or other input, irrespective of where transactions are ultimately concluded, general information, made available in a specific section of the online interface that is directly and easily accessible from the page where the query results are presented, on the main parameters determining the ranking of products presented to the consumer as a result of the search query and the relative importance of those parameters, as opposed to other parameters, shall be regarded as material. This paragraph does not apply to providers of online search engines as defined in point (6) of Article 2 of Regulation (EU) 2019/1150 of the European Parliament and the Council.

This has been implemented into Sec. 5b (2) UWG.

The **purpose** of this regulation is to provide for **transparency** with regard to the **main parameters**, determining the ranking and the **relative importance**, of those parameters.

## II. Scope of application: Online

Art. 7 (4a) UCP-D, Sec. 5b (2) UWG are only applicable with regard to **online** rankings, not offline. This can be taken from the wording of Art. 7 (4a) UCP-D which refers to the „online interface“.

### III. Possibility to search for products

Art. 7 (4a) UCP-D requires that consumers are provided with the possibility to search for products. How the search is conducted (keywords, word groups, via text or voice) is irrelevant. However, it must be a search for products offered by different traders or by consumers, so that online shops of a single trader are not captured.

### IV. Material information

Material information are

- the main parameters determining the ranking of products presented to the consumer as a result of the search query and
- the relative importance of those parameters

Parameters determining the ranking mean any general criteria, processes, specific signals incorporated into algorithms or other adjustment or demotion mechanism used in connection with the ranking, cf. recital 22 of the Directive 2019/2161.

Examples of the various parameters can be taken from Annex I of the „Guidelines on ranking transparency pursuant to Regulation (EU) 2019/1150 (OJ C 424/1, 8.12.2020).“

It is the duty of the trader to select from the overall parameters those which have to be considered as the main parameters. The description given by the trader should provide real added-value to the users concerned (Guidelines para. 22). However, the traders are not obliged to disclose the detailed functioning of their ranking mechanisms, including algorithms (recital 23 of the Directive 2019/2161).

Typical examples are:

- paid rankings
- self-preferencing
- personalization
- user history
- filter mechanisms

## V. Method and manner of information

The material information must be made available in a specific section of the online interface that is directly and easily accessible from the page where the query results are presented.

## VI. Exceptions

The obligation does not apply to providers **of online search engines** as defined in Art. 2 of Regulation (EU) 2019/1150, cf. Art. 7 (4a) (2) UCP-D. However, providers of such online search engines are already obliged to provide respective information according to Art. 5 (2) of Regulation (EU) 2019/1150.

## VII. Complementary regulation in No. 11a of Annex I UCP-D.

Additionally No. 11a of Annex I UCP-D states that it is in all circumstances considered to be unfair, if search results in response to a consumer's online search query are provided without clearly disclosing any paid advertisement or payment specifically for achieving higher rankings of products within the search results.