



## PEER Regulatory Roundtable on Digital Comparison Tools<sup>1</sup> in Customer Journeys

Online

**DAY 1 Monday, 7 June 2021 10.00 – 12.15 CET**

**DAY 2 Tuesday, 8 June 2021 10:30 – 12:30 CET**

**DAY 3 Wednesday, 9 June 2021 10:00 – 12:30 CET**

### Draft Agenda

#### Objective

The changing nature of consumer marketplaces and emphasis placed on price comparison and deal brokering, particularly online, has opened up many opportunities for consumers.

Comparison tools (CTs) are a link and may act as “intermediaries” between suppliers and consumers, allowing them to compare and potentially switch or purchase a range of products or services to choose from, through a variety of platforms. These tools can improve competition and offer significant benefits to consumers, such as increase their level of engagement, allow them to make more informed choices, negotiate better deals, while making the overall experience – ‘the consumer journey’ – easier, if properly designed.

CTs offer these benefits in a variety of ways, from static list of “best buys” to dynamically generated price comparison websites offering tailored quotes and increasingly more complex automated services enabled by newer and rapidly evolving technology (e.g. ranking algorithms, profiling of consumer behaviour), which increase the challenges that need to be addressed in order to ensure legal certainty and reliability of the information provided.

Moreover, in terms of dynamic pricing, the benefits may vary from one consumer to another, as they strongly depend on the consumer’s consumption profile and their ability to adjust it in response to price variations. However, there are limitations to comparison tools<sup>2</sup>. With respect to dynamic pricing, there is a significant risk that the benefits, i.e. the potential to increase customer engagement and to build more meaningful relationships with the supplier, are not properly valued by CTs, and that the information provided could mislead the consumer when making their choice and expose them to price peaks that can go far beyond the average price that consumers traditionally expect to pay. In regulated sectors such as energy, telecoms, financial and insurance, it is particularly crucial that regulators work consistently and with each other to ensure that comparison tools play their part in facilitating consumer engagement and better-informed choices.

This regulatory roundtable will serve to inform the review of CEER’s (2017) “Guidelines of Good Practice for comparison tools for electricity and gas contracts” for both publicly-run (e.g. by energy regulators) and privately-run comparison tools<sup>3</sup>, in light of the even more dynamic nature of contracts in various marketplaces.

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<sup>1</sup> For the purposes of this workshop the term “comparison tool” should be understood as including all digital content and applications to be used by consumers primarily to compare products and services online, irrespective of the parameters on which the comparison is based (e.g., price, quality, user reviews, etc.). We consider “pure comparator” CTs and CTs which also act as intermediary, i.e., the consumer has the possibility to switch via the CT.

<sup>2</sup> CEER has recently explored this issue in the energy sector (upcoming report on dynamic price implementation).

<sup>3</sup> [Ref. C17-CEM-107-04, 20 December 2017](#)

### **Main issues with comparison tools:**

While comparison tools can be mostly a force for good, they can also raise a range of concerns/challenges that need to be addressed, including issues with consumer perceptions and trust in them, their coverage and the ways they display and compare deals, access to data, as well as how they compete and how they affect competition between suppliers. While those concerns can vary significantly depending on the type of comparison tool, the same problems arise across sectors and countries:

- **Misleading practices, including surge of scams linked to the COVID-19 pandemic** (CTs should provide information that is accurate, complete, relevant, up-to-date);
- **Unfair terms** (CTs should treat customers fairly);
- **Lack of transparency** (i.e. explain how much of the market they cover, ownership links with the companies covered on the CT, how they rank the results presented, clear disclosure of (indirect or direct) paid advertising/payment specifically for achieving higher ranking of products within the search, clear explanations of promotional offers);
- **Complaint handling confusion for consumers** (i.e. in general they are not sure who they would complain to if something goes wrong. CTs appear not to provide clear information on complaint handling or not in the most useful place);
- **Competition risks** (i.e. with some some types of contract between companies and CTs, which prevent companies from offering better prices on one CT than on another, so-called Most Favoured Nation clauses, which can reduce competition between CTs);
- **Gaps in obligations under data protection and privacy law** (in some sectors there is increasing availability of consumer data that enables CTs to offer results tailored to a consumer's known or deduced preferences. CTs are subject to GDPR, but concerns may be raised regarding what CTs might do with consumer data held by companies).

### **Shared problems, shared solutions:**

This workshop of the Partnership for the Enforcement of European Rights (PEER) aims to enhance collaboration among a cross sector of authorities responsible for safeguarding and enforcing consumer rights (including competition authorities, regulators from different sectors and consumer authorities, etc.). For more information on PEER, see the [PEER flyer](#).

By bringing together different authorities around the table, this event seeks to explore key principles and best practices for regulators, national competition authorities and consumer bodies to cooperate, in order to solve and prevent disputes arising from unfair commercial practices, inadequate transparency and aggressive or misleading marketing or selling practices.

### **Main questions to be addressed:**

- **Consumer perceptions, use and experience of CTs.** What do consumers expect from CTs? Do they trust and use CTs and how do they benefit? Will they be likely to in the future? What, if any, are the barriers to their use? What happens when consumers experience problems?
- **The impact of CTs on competition between companies of the services they compare.** How far have CTs provided benefits to consumers by increasing competition between companies, and will they be likely to do so in the future? How effectively do CTs compete with each other and will they be likely to compete in the future?
- **How are CTs regulated in different sectors?** Does this help or hinder competition and consumer protection?

### **Invited Participants**

CTs operate in many sectors. To keep our scope manageable, we have focused on where CTs may have most impact on consumer engagement and thus where we can add most value. To do this, we selected sectors where consumers could make significant gains from engaging or switching, i.e.

energy, insurance (vehicle and home insurance), financial services (i.e. credit cards) and travel (hotel and flight offers).

The aim is to have a closed (invitation only) workshop of about 40 experts from public authorities and consumer representative bodies responsible for dealing with consumer issues concerning comparison tools:

- National Regulatory Authorities (NRAs) across different regulated sectors and their representative European associations/EU Agencies (e.g. the European Securities and Markets Authority (ESMA), the Body of European Regulators for Electronic Communications (BEREC), the Council of European Energy Regulators (CEER), the Agency for the Cooperation of Energy Regulators (ACER), the European Insurance and Occupational Pensions Authority (EIOPA), etc.)
- National Alternative Dispute Resolution (ADR) bodies across different regulated sectors (e.g. financial, telecoms, etc.) and their European associations/networks (e.g. the National Energy Ombudsmen Network (NEON), the European Commission's financial services dispute resolution network (FIN-NET)) and members of the informal telecommunications ADR network and residual ADR bodies.
- National consumer bodies and their European association (BEUC)
- National consumer protection authorities
- National Competition Authorities and the European Competition Network (ECN)
- European Commission (DG JUST, DG ENER, DG COMP, DG CNECT, etc.)

To register for the event, please e-mail [ComparisonTools@ceer.eu](mailto:ComparisonTools@ceer.eu)

## PEER Online Regulatory Roundtable on Digital Comparison Tools in Customer Journeys

### DAY 1 (7 June)

Meeting URL: <https://bluejeans.com/640110110>

10:00 – 10:30 Welcome address on the Partnership for the Enforcement of European Rights (PEER) and housekeeping rules

**Annegret Groebel,**  
CEER President

CEER key principles and standards for comparison tools (past and future work)

**Natalie McCoy, Jana Haasová**  
CEER

**Session 1**  
10:30 – 12:00 **Issues in the online platform economy (current state and future developments)**  
Panel discussion with short (10 min) initial interventions

**Moderator: Alberto Pototschnig**  
Executive Deputy Director, World of Practice, Florence School of Regulation

*Key findings from 2020 market analysis of comparison websites in Hungary*

**Dr László Bak,** Vice President,  
Hungarian Competition Authority (GVH)

Key findings from the 2019 sector inquiry on comparison websites in Germany

**Stefan Arent,** Deputy Head,  
International Coordination, Federal Network Agency, BNetzA (DE)

*What information are consumers looking for?*

**Linda Steg,** Professor of  
Environmental Psychology, University of Groningen (NL)

*Comparison tools serving consumers in evolving markets. Are comparison tools ready for new offers?*

**Martin Salamon,** Chief  
Counsel, Danish Consumer Council

#### **Debate (50 min) with roundtable participants:**

- 1) What does transparency in the operation of a comparison website mean?
- 2) How has competition between different comparison websites helped increasing transparency? Are non-commercial comparison tools sufficiently promoted?
- 3) How can policymakers, regulators, operators ensure that comparison websites are exhaustive, correct and accurate?
- 4) What does clarity and comprehensibility mean in complex markets with offers of different lengths, with different promotions, bundled with different services?
- 5) How can trustworthiness be provided to private comparison tools? Can trust marks play a role?

**12:00-12:15 Closing of Day 1**

## DAY 2 (8 June)

Meeting URL: <https://bluejeans.com/788855632>

**10:30 -10:45** **A consumer view/the consumer experience: dynamic contracts, new intermediaries and comparing service quality levels** **Monique Goyens, BEUC Director General**  
Panel discussion with short (10 min) initial interventions on exemplary comparison tools that help build consumer trust

**Session 2** *From the Clean Energy Package to the Green Deal: new energy services to help Europe achieve its climate objectives* **Tadhg O’Brian, Deputy, Consumers, Local Initiatives, Just Transition, DG ENER, European Commission**  
10:45 – 12:15

*Lessons from the telecom sector on dynamic tariffication models (issue of voluntary accreditation schemes and no formal sanctions other than suspension or exclusion for non-compliance)*

**Michel Van Bellinghen**  
BEREC Chair

*Dynamic electricity price contracts and comparison websites*

**Andreas Strandskog, Senior Political Advisor, Norwegian Consumer Council**

*Case studies from dynamic prices for electricity in Austria (business models and CTs)*

**Harri Mikk**  
Spotty GmbH (Austria)

### Debate (50 min) with roundtable participants:

- 1) How to ensure comparing new types of service is easy for consumers?
- 2) How can dynamic electricity price contracts be best integrated in comparison websites? And how to best account for and communicate the risk element?
- 3) How can comparison websites best integrate bundled offers, including the issue of costs linked to early termination?
- 4) Should sustainable energy offers be displayed with more prominence to encourage consumers' sustainable energy choices and how should this be done?

**12:15-12:30 Closing of Day 2**

## DAY 3 (9 June)

Meeting URL: <https://bluejeans.com/553148095>

**10:00 - 10:15**

**Promoting fairness and transparency for users of online intermediation – future challenges and opportunities**

Panel discussion with short (10 min.) initial case studies

**Moderator: Kasper Drazewski,**  
Senior Legal Research Officer –  
Consumer Law (BEUC)

**Session 3**

*Trust and online markets*

**10:15 – 12:15**

**Andrew Hadley,** Assistant Director,  
Policy, Advocacy and International,  
Office of the General Counsel, UK  
Competition and Markets Authority,  
Vice-Chair of the OECD Committee on  
Consumer Policy

*Data protection and comparison websites*

**Giovanni Maria Riccio,** Partner at  
E-Lex, Professor of Comparative  
Media Law, Copyright Law, Cultural  
Heritage Law, Università di Salerno  
(IT)

*Personalised pricing in essential markets*

**Peter Rott,** Interim Chair of Civil  
Law, Commercial Law and  
Information Law, Carl von  
Ossietzky University of Oldenburg  
(DE)

### **Debate (60 min) with roundtable participants:**

- 1) How can comparison tools support consumers in making better choices in the online environment?
- 2) What are the risks related to the presence of personalised advertising and biased information?
- 3) How should comparison tools treat consumers' data to provide a better simulation i.e. of their energy bills, while ensuring that their privacy is protected in line with provisions in GDPR?
- 4) What are the risks of personalised offers in essential markets? What is the added value of comparison tools in markets increasingly populated by personalised offers?

**12:15 – 12:30**

**Closing remarks and next steps**

**Natalie McCoy, Jana Haasová**  
CEER

## **Background to the Partnership for the Enforcement of European Rights (PEER)**

The Partnership for the Enforcement of European Rights (PEER) is an initiative, led by Europe's energy regulators, to improve the enforcement of the European consumers' rights through enhanced inter-authority cooperation at EU level. PEER brings together interested authorities responsible for protecting and/or supporting Europe's consumers across a range of sectors including consumer protection authorities; data protection authorities; consumer bodies; ombudsmen; competition authorities; and sectoral (e.g. energy, telecommunications, financial) regulatory authorities. PEER commenced on a pilot basis in 2017.

Such cross-sectoral and cross-authority collaboration at EU level on issues such as smart meters, the Internet of Things, data privacy, data protection, bundled products and Alternative Dispute Resolution (ADR) will benefit consumers. The Council of European Energy Regulator (CEER) and its PEER partners recognise that better inter-authority cooperation will help meet Europe's Digital Single Market and Energy Union objectives. This PEER initiative has been welcomed by the European Commission. Officials from relevant EU Agencies (including the Body of European Regulators for Electronic Communications (BEREC); the European Union Agency for Network and Information Security (ENISA); and the Agency for the Cooperation of Energy Regulator (ACER)) and from the European Commission (JUST, ENER and CONNECT) are invited to join and engage in the PEER events and activities.

This PEER Regulatory Roundtable on Comparison Tools is open to all regulators (communications, energy, financial, etc.), consumer bodies, consumer protection authorities, data protection authorities and invited persons only.