

Legal Alert

Less than two months left to ensure compliance with Platform to Business Regulation

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Until July 12, providers of online intermediation services and search engines have time to adjust the conditions of use of their platforms to new requirements. Starting this day, the provisions of the EU Regulation on promoting fairness and transparency for the business of online intermediation services (P2B Regulation) shall apply.

The purpose of [P2B Regulation](#) is to ensure that business users of online intermediation services and corporate website users concerning online search engines are granted appropriate transparency, fairness of provision of services and effective redress possibilities. P2B Regulation seeks to strengthen the position of entrepreneurs using these platforms to sell their goods and services, in relations with its providers.

Whom it concerns?

The provisions of the P2B Regulation forces the suppliers of online intermediation services or Internet search engines providers to adapt terms and conditions of their services.

The catalogue of entities qualifying as providers of online intermediation services is wide. It covers not only e-commerce platforms (e.g. Allegro, OLX), application stores (e.g. App Store, Google Play, Galaxy Store) or online social networking sites (e.g. Facebook, Instagram), for example, price comparison websites (e.g. Ceneo), short-term rental platforms (e.g. Airbnb), airline ticket booking websites (e.g. eSky.pl), websites for booking visits to service providers (e.g. Booksy), product search engines enabling their booking (e.g. gdziepolek.pl).

Main requirements

Transparency is the main requirement of the conditions for the provision of services under P2B Regulation. For this purpose, P2B Regulation introduces new obligations for providers of online intermediation services and search engines, e.g.:

- minimum requirements on terms and conditions of these services, including the ones related to restriction, suspension and termination of services;
- requirement to set out the main parameters determining ranking and the reasons for the relative importance of those main parameters as opposed to other parameters;
- rules on differentiated treatment which they give or might give, concerning goods or services offered to consumers through those online intermediation services by, on the one hand, either that provider itself or any business users which that provider controls and, on the other hand, other business users;



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- requirement of a description of the technical and contractual access, or absence thereof, of business users to any personal data or other data, or both, which business users or consumers provide for the use of the online intermediation services concerned or which are generated through the provision of those services;
- restrictions to offer different conditions through other means;
- requirement to provide for an internal system for handling the complaints of business users including making easily available to the public information on the total number of complaints lodged, the main types of complaints, the average time period needed to process the complaints and aggregated information regarding the outcome of the complaints;
- requirement on identifying two or more mediators with whom they are willing to engage to attempt to reach an agreement with business users on the settlement, out of court, of any disputes between the provider and the business user arising from the provision of the online intermediation services concerned (including complaints that could not be resolved by means of the internal complaint-handling system), in terms and conditions of services.

P2B Regulation Compliance

P2B Regulation envisages changes in many areas, thus its implementation requires terms and conditions of services to be adapted to new requirements. Less than two months have left for providers to provide the necessary changes and process the implementation regarding ongoing contracts with business users.

An extensive article on this subject in PL version was published [on our blog >>](#)