

UNFAIR COMMERCIAL PRACTICES AND VULNERABILITY OF CONSUMERS IN THE DIGITAL MARKETPLACE

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Abstract

Digital innovations are transforming markets by changing the way how goods and services are being produced and sold as well as the content itself generated by consumers. In the digital market, algorithms provide personalised services, and, in this context, comfort functions tailored to consumer needs. In addition, data-driven technologies enable businesses to micro-target consumers with advertising and personalised offers, monitor competitors' prices more easily, and provide personalised services based on positive product reviews reflecting previous shopping experiences, however, the additional (consumer protection) risks of these practices need to be addressed through state intervention. From this collection of complex problems, this paper focuses on unacceptable online commercial practices in business-to-consumer relations in light of the Booking.com case.

Keywords: *online unfair commercial practices against consumers, digital consumer, digital vulnerability, aggressive psychological pressure, undue influence*

1. Introduction

One of the priority areas of the New Consumer Agenda 2020–2025 [Communication from the Commission to the European Parliament and the Council (COM/2020/696 final)]. is digital transformation, which builds on the regulatory process launched by the 2018 “A New Deal for Consumers” (Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee [COM(2018)183 final]). initiative. As the potential for distorting consumer behaviour and abusing consumers' cognitive limits has increased significantly in the online environment, there is a need to rethink regulation to ensure more effective consumer protection, in particular, to identify unfair commercial practices against consumers and to take stronger action. Behavioural science (behavioural economics), psychology, and neuroscience also help to explore these problems. (OECD, 2019) (In its 2019 Recommendation on the digital marketplace, the OECD Committee on Consumer Policy identified three pillars where behavioural science-based research can lead to powerful consumer regulatory ideas. These are, firstly, providing consumers with adequate information, secondly, prohibiting commercial practices that take unfair advantage of consumers' self-detrimental online behaviour patterns, and thirdly, empowering consumers with the means to reduce or avoid the distortive effects of their online behaviours and choices.)

Digital innovations are transforming markets by changing the way how goods and services are being produced and sold as well as the content itself generated by consumers (for ‘prosumer’ see Pázmándi, 2020, p. 76) or persons acting like consumers, as influencers (Strihó, 2020, pp. 175–176). Algorithms (Pusztahelyi, 2020, p. 19.) (Affecting computing and so-called “emotional AI” has salient role in

elaborating new advertising strategies in the digital marketplace and it challenges the existing legal framework, i.e. the relevant issues of human rights, civil law, consumer protection law, and brings ethical implications.) are the first to be highlighted, as in a digital world, they can make a major impact on the choice of products and prices that businesses offer to consumers. (Hungarian Competition Authority, 2018, p. 2.) In the digital market, algorithms provide personalised services and, in this context, the comfort functions tailored to consumer needs. In addition, data-driven technologies enable businesses to micro-target consumers with advertising and personalised offers, to monitor competitors' prices more easily, and to provide personalised services based on positive product reviews reflecting previous shopping experiences (Tóth, 2021, p. 103). For special research recently conducted see Nagy et al., 2021. It is for this benefit, the enhancement of consumer well-being, that personalised commercial messages and related commercial practices should not and need not be banned completely, although the additional (consumer protection) risks of these practices need to be addressed through state intervention.

From this collection of complex problems, this paper focuses on unacceptable online commercial practices in business-to-consumer relations.

Between 2020 and 2022, the Hungarian Competition Authority (hereinafter, HCA) published several decisions [See the three most important decisions we have considered: the decisions in Booking.com B.V. case (VJ/17/2018), in Szállás.hu Zrt. case (VJ/41/2019), and in ALZA.hu case (VJ/16/2020), concerning the violation of the prohibition of unfair commercial practices against consumers.] which also highlight the significance that only a thoughtful and updated enforcement practice can ensure that consumers are adequately protected against unfair practices in the digital sector. Apart from the phenomenon of mass manipulation around the “infringement threshold”, as businesses use more and more frequently micro-profiling to reveal the weaknesses of each consumer (for “persuasion profiling” see: Kaptein et al., 2010), the traditional legal concepts of the average and the vulnerable consumer in relation to unfair commercial practices are gradually losing their relevance, as well.

2. The impact of technology on consumer decision-making, the digital vulnerability of the consumer

We argue that the digital environment itself has a powerful influence on the decision-making process, regardless of whether the retailer deliberately exacerbates any barriers or factors that distort consumer choice.

In this respect, we borrow significantly from the 3M model developed by Shiri Melumad et al. illustrating that consumers' market behaviour and choices are no longer determined only by traditional factors, i.e., pre-existing preferences, knowledge, and emotions. Their model “*posits that market choices are increasingly the consequence of an interplay between primitive choice elements (i.e., consumers' latent preferences, emotions, and/or knowledge) and at least one of three features of the technological environment, namely, (1) the medium, or device type (e.g., wearables, smartphone), (2) the modality, or interaction interface (e.g., haptic, voice); and/or (3) the presence of modifiers, or intelligent choice agents (e.g., recommendation systems, search engines)*”. (Melumad et al., 2020, p. 92)

Smart devices (here, personal assistants) are able to entirely take over the role of the consumer in the decision-making process, from gathering information to evaluation and selection.

The interaction interface, i.e. the modality is also evolving as a result of technological developments. Decision-modifying effects are triggered by systems that mimic the human voice or emulate human emotions, e.g., digital assistants (Tassiello et al., 2021, p. 1071). Among the developing visual technologies, we can also highlight how companies can use virtual reality or augmented reality to promote their products, and furthermore, they can even enhance the personalisation of the product and the

positive outcome of the consumer's decision (Mullan, 2020). The most visible way in which technology influences human decision-making is the choice between alternatives during evaluation. This is the domain of modifiers. The functions of intelligent agents can be different, substituting fully or partially for human decisions. Among the intelligent agents, the most widely used are the various digital comparison tools (DCTs) that are designed to affect consumers. This includes various recommendation systems and search engines, whether for commercial or non-market purposes, which operate either integrated into the online platform of a service provider (or a group of service providers) or separately. According to a 2013 research report to the European Commission DCTs are "websites and mobile applications designed to offer a consumer within the chosen industry sectors the ability to compare and contrast an aggregation of fungible goods and services based on a variety of criteria and utilising at least one criteria filter". (ECME, 2014, p. 40). The most problematic sectors were considered to be those where consumers may have high search costs (i.e., time, hassle, travel or other costs to obtain information), where the DCTs are widely used among consumers, and where there are few competing DCTs in the market and where there is intense communicative activity on the part of the DCTs. (HCA, 2020, p. 6).

Digital comparison tools are services provided on online platforms. There is a wide range of legal literature on the classification and conceptualisation of online platforms [For example, they can be double-sided or multi-sided, depending on the number of groups among which they create interaction, or they can be grouped according to the features of the services they provide (content services, collaboration platforms, e-commerce services, video-sharing services)]. However, the wording of a single legal concept at the EU level has not yet been achieved. (Cf. Proposal for a Regulation of the European Parliament and of the Council on contestable and fair markets in the digital sector [Digital Markets Act; COM/2020/842 final) Article 2 Section 2: „Core platform service' means any of the following: online intermediation services, online search engines; online social networking services; video-sharing platform services; number-independent interpersonal communication services; operating systems; cloud computing services; advertising services, including any advertising networks, advertising exchanges and any other advertising intermediation services.”] The impact of technology on consumer choices was also studied by Ryan Calo, who elaborated on the concept of the mediated consumer in this respect. (Calo, 2014, p. 1003) He highlights as the most important feature that the consumer can only connect to the online marketplace through a technology developed and maintained by someone else. This has many implications. The consumer left a digital "footprint", i.e., the business can collect or generate data about his online activities (previous transactions or searches). As the business seeks to gain insight into the consumer's preferences, profiling is being conducted to better understand the consumer (Commission Notice, 2021, p. 100). The communication interface between the consumer and the business, and the transaction process itself, is fully designed by the business well in advance. The visual design of the communication interface and the "dark patterns" embedded in it are often data-driven, dynamically changing, and personalised, with the purpose of manipulatively exploiting heuristic and behavioural biases and barriers of the consumer (OECD, 2019).

Technology also gives businesses the opportunity to choose when they approach consumers with commercial communications or advertisements. Marketing activity can now be planned not only in time and space but also in terms of its content and its recipient, so it can be adapted in real-time and dynamically to the expectations of the targeted consumer. The age of personalised marketing is here. Closely linked to this is the emergence of the filtering of the information provided to the consumer, for his/her advantage, however, it has a serious negative impact. We can also experience the opposite, when instead of filtering and sorting the information beforehand, the given technological solution aims at

overloading the consumer with information, thus forcing him to make an unreflective decision. It should be mentioned here that it is not required that the unfair practice would be intentional on behalf of the business towards the consumer. Businesses should also be aware of the characteristics of the technological advances that can be deployed in the online environment, as noted above, and their impact on consumer decisions, as a result of the requirement to exercise due professional diligence. [For general clause of prohibited unfair commercial practice see Act XLVII of 2008 (Hungarian Unfair Commercial Practice Act; hereinafter: HUCPA) Article 3.]

Because of the online environment, a new element should be added to the complex, multi-faceted EU approach to the vulnerable consumer, that is the possibility of examining digital vulnerability, putting into focus its dynamic and situational nature. For a detailed report on consumer digital vulnerability see (Helberger et al., 2021).

The specific characteristics of consumer digital vulnerability can be summarised as follows:

- Its vulnerability is essentially situational, not necessarily linked to any of the previous static group characteristics defined in the existing legal definition.
- In a dynamically changing digital environment, consumer vulnerability has also a dynamically changing nature.
- Because of profiling, the consumer may even have to overcome the irrational factors behind his or her own previous decisions, his or her own biases, and therefore himself or herself, in order to avoid being influenced again. (For emotional vulnerability see Galli, 2021, p. 285.)
- Their vulnerability also changes proportionally with the influence of adaptive technology, and in this sense is also a relative one. It is also perceived in gradations in levels (because there is no sharp line between the vulnerable and the average consumer).

Because of personalised marketing, his or her vulnerability should be assessed at the individual level, possibly independently of any consumer group.

3. Online unfair commercial practices against consumers

In the present phase of our research, we have identified three partially overlapping sets of problematic (even unfair and illicit) online commercial practices, i.e., personalised advertising, online choice architectures or “dark patterns” and urgent messages placed on the online interface. Personalised advertising is referred to in the international literature as online behavioural advertising (OBA), psychological targeting, personalised commercial practices, micro-targeting or data-driven advertising (Davola, 2021). According to EASA (European Advertising Standards Association), online behavioural advertising means “*the collection of data from a particular computer or device regarding web-viewing behaviours or mobile app use over time and across multiple web domains and/or mobile apps not under Common Control for the purpose of using such data to predict web user preferences or interests to deliver online advertising to that particular computer, mobile app or device based on the preferences or interests inferred from such web viewing or mobile app use behaviours*”. (EASA, 2021)

Psychological targeting is described as a method of psychological persuasion that is tailored to people’s unique psychological characteristics and motivations, and here the focus of the definition is on the psychological targeting of individuals and its exploitation (Matz et al., 2017). The definitions of personalised commercial practices and micro-targeting focus on the personalisation of messages. The data-driven approach to advertising draws attention to the essential role of data-driven analysis and the inferences drawn from data mining.

Generally, aggressive psychological pressure as manipulation triggered by urgent or disturbing messages can be carried out independently of the online environment. However, the fact that the online environment amplifies and cumulates the impact of these messages is not negligible. In such a way that the design of the user interface allows for the appearance of new and more urgent messages at each step of the decision-making process, adapted to the previous steps, with the aim of maximum efficiency in their content tailored to the individual and the situation, in their timing and in their placement. The HCA's decision in the case Booking.com highlights exactly that. (Cf. decision of HCA in case No. VJ/17/2018. [hereinafter Booking.com decision].)

The same is reported by Kinga Pázmándi: "In the era of Big Data [...] the profiling of consumers based on their preferences and the 'targetability' of content, messages and ads (targeting based on consumer profile) creates a new model of business-based manipulation." (Pázmándi, 2020, p. 76.) At the same time, she points out that there is no elaborate normative solution to the changing consumer paradigm and these new technological phenomena, and it is unclear whether the regulatory authorities and courts, even at the Member State level, are capable of "levelling up" on their own. Their "lack of regulation" or "lagging behind" is most noticeable where the following problems arise.

As the Commission pointed out in its Communication on the interpretation of the UCP Directive, revised in 2021 (2021/C 526/01), the digital sector has seen the emergence of so-called "dark patterns", also known as interface design solutions, for arranging and structuring choice options in a way that primarily aims to exploit the limited cognitive capacity and the aforementioned biases and systematic errors inherent in the decision-making of consumers. In the most general sense, they include default settings (defaults, e.g. pre-checked boxes), ranking of choice options, partitioned pricing, bundling, choice overload and decoys, sensory manipulation, sludge, dark nudge, forced outcomes without choice options, and virtual currencies in gaming. Some of these (e.g. sludge, dark nudge, forced outcomes) are typically abusive [Competition and Markets Authority (UK), 2022, pp. 18–19].

4. Aggressive psychological pressure: lessons learned from the Booking.com decision

In 2018, HCA initiated a competition supervision proceeding against Booking.com, a limited liability company, established in Amsterdam, and registered under Dutch law, for infringing the prohibition of unfair commercial practices against consumers.

The Competition Council found that several of Booking.com's commercial practices were unfair, misleading, and aggressive, in terms of Act XLVII of 2008 on the Prohibition of Unfair Business-to-Consumer Commercial Practices (hereinafter Hungarian Unfair Commercial Practice Act, i.e. HUCPA). [Cf. especially Article 8 Section 1 (HUCPA) „A commercial practice *shall be regarded as aggressive if*, in its factual context, taking account of all its features and circumstances, by harassment, coercion, including the use of physical force, or *undue influence* for exploiting a position of power in relation to the consumer so as to apply pressure, it significantly impairs or is likely to significantly impair the average consumer's freedom of choice or conduct and the consumer's ability to make an informed decision with regard to the product and thereby causes him or is likely to cause him to take a transactional decision that he would not have taken otherwise.”] According to the facts of the case, the company claimed “free cancellation” of accommodation on several platforms and, according to the HCA's findings, engaged in aggressive commercial practices by publishing urgent messages on its website and telephone application, these pressure selling tactics were suitable for psychological pressure, in connection with the accommodation offers available. (Cf. Booking.com decision, findings point I/2.) In

the following, we will focus on the assessment of these urgent messages as online behavioural advertising practices.

The undertaking subject to the proceeding stated that the purpose of the commercial communications in question was to inform consumers about attractiveness and popularity, and the limited availability of certain types of accommodation. The Competition Council proceeding in the case found that the urgent messages appeared at every step of the booking process, and there was any webpage or screen where the consumer did not encounter them at least once. In a detailed search for accommodation, 18 out of the 25 results were found including a message indicating limited availability, and being on the same page, which obviously leads to a cumulative effect, as the messages can be seen at the same time. (Booking.com decision, point 90.) In addition, it should be noted that these messages were highlighted, either by red colour, bold font type or placement. The 108 results reported during the investigation also clearly demonstrate the unnecessary and unjustified nature of the messages on limited availability. In addition, it was totally unnecessary to inform the consumer of how many accommodations are no longer available, as this would only depress the consumer that he has already missed out on it since it would no longer be relevant for him in choosing. (Ibid.)

Some of the messages that the user may have encountered while using the website and the mobile app were as follows: “*Very popular! 17 reservations in the last 24 hours.*”, “*Booked again! It’s been 3 hours since the last booking!*”, “*Only 1 room left!*”, “*32 people are still looking*”, “*One person is considering right now to book this accommodation.*” (Booking.com decision, points 81–91.) These urgent messages gave the impression to the consumer that, at the time he was planning his trip, many of the accommodation was already booked, that he had “missed out” on them, and that new reservations for the remaining available accommodation kept arriving, thus the number of available rooms was constantly decreasing. This communication practice was likely to have been a psychological pressure to interfere with the consumer’s decision-making process.

According to the undertaking, the messages concerned did not constitute aggressive commercial practices and there was no evidence of pressure. It argued that the messages were based on real-time data and were designed to inform consumers.

According to Booking.com, the HCA also failed to adequately identify the category of the average consumer in its proceedings. In their opinion, consumers already have a sufficient general experience of the communication techniques used on online platforms, so this fact may not be irrelevant in assessing whether the messages deemed urgent are capable of substantially distorting consumers’ decisions. (Booking.com decision, points 262–263.) Therefore, the allegation that the messages could have created a real or imaginary competitive situation between consumers has not been confirmed. He noted that the availability of accommodations is truly limited, so there exists a certain level of competition between consumers which is not an artificially generated feeling, and the messages are designed to inform them precisely. (Booking.com decision point 282.) The undertaking added that the infringement of the professional diligence required as an element by the general rule of unfair commercial practice („A commercial practice shall be unfair if: it is contrary to the requirements of professional diligence, [...] and it materially distorts or is likely to materially distort the economic behavior with regard to the product of the average consumer whom it reaches or to whom it is addressed, using this practice to impair the consumer’s ability to make an informed decision and thereby causing the consumer to take a transactional decision that he would not have taken otherwise” Cf. Art 3 Section of HUCPA) was not established, therefore the use of these messages could not be deemed as an unfair commercial practice.

However, in our opinion, due to the online environment and the mediated nature of booking accommodation, in many cases the consumers could have access to information only via the platform,

trusting the correct and accurate content of the intermediary's messages. Consumer's high cost of obtaining information and his/her reliance on a service intermediary is abused by these messages, and the business using them has breached the duty of good faith in business-to-consumer relations.

The possibility to examine whether the undertaking had complied with the requirement of professional diligence was not in question. Since, as a result of the finding of aggressive commercial practice, this conduct also violated the requirement of professional diligence pursuant to Article 3(3) and Article 8 of the HUCPA. In the case of misleading or aggressive commercial practices the breach of professional diligence is presumed, it is an inherent condition of these special cases of unfair commercial conduct (Zavodnyik, 2013, pp. 227–228).

The undertaking has noticed also the different wording of the UCPD and HUCPA here. According to its defence, the Hungarian rule relating to aggressive commercial practice contains much more elements and therefore covers a wider scope of meaning than what can be deduced from the interpretation of the UCPD, as it refers to "exploitation of a position of power in relation to the consumer and application of pressure". In our opinion, however, these elements are only examples of the *undue influence* which word, as a self-standing legal concept of contract law is missing from the Hungarian law, therefore it required a more detailed explanation (Pusztahelyi, 2022, p. 221).

In the opinion of the HCA, the messages examined in the proceeding, either individually or in their entirety, gave the impression that the availability of certain accommodations was very limited or no longer available, and the specific statistics displayed about them during the booking procedure further confirmed the consumer's perception of the veracity of the messages.

In conclusion, it was found that the urgency of these messages induced in the consumer a so-called "fear of missing out" (FOMO) effect. In addition to establishing the infringement, the HCA imposed an unprecedented fine of two and a half billion forints on the company. (Booking.com decision, findings point II.)

The Competition Council of the HCA has also initiated proceedings against Szallas.hu Ltd. for violating the prohibition of unfair commercial practices against consumers. (Cf. decision of HCA in case No. VJ/41/2019. [hereinafter Szállás.hu decision].) The HCA found the company's practices to be unlawful because, like Booking.com, it had posted urgent messages on its website and mobile app about available accommodation offers, which put psychological pressure on consumers. The following urgent messages were sent to the consumers: "One person plans to book here"; "Four people plan to book here"; "38 people are watching"; "Very popular. Six people are watching at this moment." The Competition Council found, similarly to the case of Booking.com, that such messages are likely to have given the consumer the impression that, at the time he was planning his trip, the number of people interested in booking accommodation was extremely high, and thus the number of available places was constantly decreasing.

This is supported by the above-mentioned Study on DCTs Market Analysis. As the market research study shows, despite the fact that consumers consider labels on accommodation occupancy to be deliberate misleading, and most of them do not believe the information and try to be aware of it so that their decision is not to be influenced, emotional influence is nevertheless effective and may lead to a spontaneous decision to choose a particular accommodation. (Szállás.hu decision point 151.)

This communication practice was suitable to significantly impede the consumer's freedom of choice in relation to the goods and the possibility to make an informed choice, since the urgent messages led the consumer to take transactional decisions that he would not have taken otherwise, and the defendant company therefore engaged in an unfair commercial practice. (Szállás.hu decision point 155.)

Compared to the Booking.com case, however, there was a significant difference: Szallas.hu has acknowledged its responsibility, cooperated with the Hungarian Competition Authority during the proceedings, and voluntarily stopped using the questionable messages. In addition, it submitted a commitment proposal, binding itself to the elements contained therein, such as the commitment to adapt its conduct to the expectations set out in the decision of the Competition Council and the results of the consumer research study.

Szállás.hu Ltd. undertook that, for its request, an external market research company will conduct a market survey and prepare a consumer insight study to assess the psychological pressure techniques commonly used in online booking and other e-commerce markets, and on the basis of this, and taking into account the results of relevant academic research, will conduct a qualitative test on a sample of 12 and a quantitative test on a sample of 1,000 people to assess which communication elements and presentation methods are suitable for disturbing consumer decision-making and for triggering psychological pressure. (Szállás.hu decision point 107.) Instead of imposing a fine, the HCA's decision obliged the company to carry out a complex package of measures, to fulfil its commitments, including the redesign of its online user interfaces. (Szállás.hu decision Appendix.) [HCA obliged Szallas.hu to make commitments favourable to consumers https://www.gvh.hu/en/press_room/press_releases/press-releases-2020/the-competition-authority-obliged-szallas.hu-to-make-commitments-favourable-to-consumers (2022. 06. 18.)]

5. Closing remarks

The cases briefly analysed above have also demonstrated that commercial practices associated with psychological pressure in the online environment have intensified over the last decade, with messages impacting consumers en masse, in a cumulative manner, often at a subliminal level. In these two decisions analysed, the unfair practices subjected to examination basically exploited only one of the decision-distorting effects, i.e., systematic biases of human judgement, the so-called FOMO (“fear of missing out”) effect.

It creates a perceived or real competitive situation in the consumer, thereby influencing the transactional decision. Research has shown that we tend to unconsciously value goods subjected to limited availability more highly, and this systematic decision bias was exploited in a designed and sophisticated way by the algorithms used by Booking.com and Szállás.hu undertakings.

The significance of the Hungarian authority's decision, however, lies not only in the fact that it imposed a fine and, what is more, a record amount of money on this dominant player in the accommodation market. In other proceedings against Booking.com before foreign authorities (English and Dutch Competition and Markets Authorities), the primary issue to be examined was the misleading nature of these messages and the requirement for transparency, rather than the issue of psychological pressure and, through that, the aggressive nature of the commercial practice.

Platforms providing booking services, such as Booking.com, Accommodation.com, Expedia, use similar tools as competitors to influence the consumers' decisions.

In early 2019, the Netherlands Authority for Consumers and Markets (ACM) already launched a coordinated action against the unfair behaviour of Booking.com with the cooperation of national authorities involved to improve transparency for consumers. [It should be mentioned here that the Dutch competition authority also published its guidance on the online unfair practices against consumers. See: ACM: Guidelines on Protection of the Online Consumer. Boundaries of online persuasion. <https://www.acm.nl/en/publications/guidelines-protection-online-consumer> (2022. 05. 10.)] As a consequence, in

December 2019, the company offered remedial commitments in favour of consumers affected by the alleged infringement, which were to be implemented at the latest by 16 June 2020. [Cf. Booking.com commitments to the CPC-network. https://ec.europa.eu/info/sites/default/files/live_work_travel_in_the_eu/consumers/documents/eu-wide_commitments_proposed_by_booking.com_.pdf (2022. 04. 10.)]

Both these commitments and, parallelly, the Commission's expectations were limited to ensuring that the messages were to be based on reality, substantiated, and transparent, whether in terms of the number of visitors to a particular accommodation or the availability of rooms in particular accommodation, thus providing the real information needed to make rational decisions. However, in our view, the commitments did not directly address the use of persuasive messages that could be used to influence emotions, and their negative effects on consumer decisions remained. In the Booking.com case, the undertaking subjected to proceedings has therefore failed to comply with these remedial commitments.

As noted by the Competition Council, the involved authorities (the Hungarian, the Dutch, and the British market surveillance and competition authorities) agreed that "they do not see the need for the Member States to adopt a common standpoint in the proceedings against Booking.com, given that the national authorities are investigating different behaviours at different times, on the basis of different legal provisions". (Booking.com decision point 376.)

The need to interpret aggressive commercial practices in a less restrictive and more flexible manner than in the past, and to apply it to more sophisticated and subtle online manipulation techniques, has also emerged in the international literature as one of the consumer protection concerns closely linked to digitalisation and the use of artificial intelligence systems (Ebers, 2021, p. 209). This is why we consider the Booking.com decision of the Hungarian competition authority and its interpretation of aggressive commercial practices to be significant.

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