

Approved by the
Minutes of the
Expert Council under the FAS Russia
for the development of competition
in digital markets
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Principles of interaction between participants in digital markets

Target model for the functioning of digital markets (markets with the participation of digital platforms)

These principles apply to digital platforms that provide indirect (through the platform) or direct interaction of various user groups, in addition to the platform itself, including, but not limited to, aggregators of goods, works, services, search engines, advertisement web-sites, advertising systems, operating systems, application stores, social networks.

Taking into account the significant advantages in organizing business and social relations provided by digital platforms, as well as their positive role in the development of the economy, improving the way of doing business and the welfare of citizens, increasing innovation, we note that in many areas digital platforms play a key role in the success of entrepreneurial activity, especially of SMEs, and also have a significant, in some cases decisive, influence on the behavior of citizens, up to the formation of preferences and actions.

In this regard, we consider it necessary to define the rules of reasonableness and integrity of the activities of digital platforms, which, on the one hand, will contribute to the formation of open, transparent, non-discriminatory conditions for doing business, and on the other hand, ensure the exercise of the constitutional rights of citizens, such as freedom to receive and disseminate information and privacy.

Description of risks and possible unfair practices of participants

Manipulating the issuance of information in their own interests, as well as in the interests of third parties that includes, deliberate distortion of information, ranking results, parameters of goods, works, services, other deliberate actions that encourage users to take actions that the user did not intend to take.

The imposition of goods, works, services that are not directly related to the activities of the platform, in the absence of the possibility for users to choose independently individual goods, works, services and which users cannot refuse without prejudice to conducting activities using the platform.

Providing advantages to own services in related (tied) product markets, including within the ecosystem, which lead (may lead) to the limitation of competition in related product markets operating with the use of a digital platform.

Unreasonable restriction of independent behavior of platform users.

Inclusion into the contracts of wording that allows unlimited discretion, overly broad interpretation of the platform, absence of clear and transparent rules for considering user requests, absence of the platform's obligation to justify its own actions to limit/block users and (or) user resources.

Principles of fair behavior

The digital platform must operate based on the principles of reasonableness, trust and within the limits established by the legislation of the Russian Federation and international treaties, to which the Russian Federation is a party.

The digital platform has no right to restrict unreasonably the creation, receipt and dissemination of information, restrict the rights of users, and determine the behavior of users.

Participants agree and understand that the requirements for users established by the platform must be uniform and ensure the achievement of the goals of the platform's functioning, the quality of service, the safety of the platform's functioning, and the safety of users' rights.

The digital platform aims to provide:

- Establishment in the public domain of clear and transparent rules for the operation of the platform (including the ranking procedure) (without disclosing commercially sensitive information), allowing users to make a reasonable decision about using the platform, including on the basis of analysis and forecasting of their own activities, taking into account the amount of data that the platform is ready to provide to the user, as well as to other users with whom there is an interaction on the platform;

- Establishment of a unified procedure for considering user requests within a reasonable time, providing sufficient information about the actions and intentions of the platform in relation to the user;

- Ensuring of a non-discriminatory attitude to services, dissemination of information, regardless of the affiliation to the platform related to it or its external surfaces;

- The establishment of rules for using the platform that do not contain unreasonable restrictions on the independent behavior of the platform user, including

restriction or prohibition on ways to inform its consumers, dissemination of information and (or) advertising, independent establishment of conditions for the acquisition (receipt) of goods, works, services, including pricing.

-Use of wording in the rules for applying the platform that does not allow an overly broad interpretation, unlimited discretion of the platform owner, which may lead to unreasonable blocking, restriction of users, termination of the contract. Informing the users on the changes in rules and contracts within a reasonable time in such a way that ensures that users receive such information.

Compliance with the Principles

Market participants are aware that the unfair behavior of digital platforms that violate the accepted Principles negatively affects the activities of all participants in digital markets, including digital platforms.

Participants understand and agree that the development of digital markets may lead to additional review, modification, clarification of the Principles.

Market Participants agree that currently the legislation of the Russian Federation has sufficiently established requirements aimed at ensuring compliance with the Principles and sanctions for violation of established requirements, primarily regulated by the Law on Protection of Competition, the Law on Protection of the Consumer Rights, the Law on Information, Information Technologies, and Information Protection.

Everyone recognizes that a violation of the Principles may contain signs of a violation of antimonopoly legislation or other applicable legislation.

Participants understand and agree that any persons administering, owning, managing, disposing and determining the functioning of the digital platform ensure compliance with the Principles.

Discussion of the implementation of the Principles, including in individual cases, takes place openly, with the involvement of market participants.

For the best understanding of the application and development of the Principles, following discussion, participants may decide to include into the Appendix to the Principles a description of practices, both fair ones, as well as those ones that violate the Principles.