



ONLINE DISPUTE RESOLUTION: WEB-SCRAPING OF EU TRADERS' WEBSITES

Executive Summary

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This report presents the findings of the study "Online Dispute Resolution: Web-Scraping of EU Traders' Websites". The aim of the study was to research the compliance of online traders in the EU with their information obligations pursuant to Regulation (EU) No 524/2013 on online dispute resolution (ODR) for consumer disputes, under which the European Commission has established the European ODR platform.

The ODR platform is an online tool that allows EU consumers and traders to settle disputes over online purchases. According to Article 14 of Regulation (EU) No 524/2013, online traders and online marketplaces established in the EU are required to provide an easily accessible electronic link to the ODR platform on their websites. In addition, online traders have to provide their e-mail address that consumers need for submitting a complaint against them on the ODR platform.

The study investigates to what degree EU traders and marketplaces comply with those information obligations. It is based on a web-scraping exercise and mystery shopping audit conducted by GfK between June and September 2017. The findings of the study reveal the levels of compliance by EU online traders and provide insights into the profile of the traders (i.e. the country, sector and size of the traders) that comply or not with the information obligation. In addition, the context in which the link is provided and whether it is provided in an easily accessible manner is analysed.

The current findings show that only 28% of EU online traders present a link to the ODR platform on their websites, while an e-mail address is provided by the majority of traders. Traders' compliance with the ODR link depends on the size, country and sector of a trader. When the ODR link is made available, it is often moderately to easily accessible for consumers. In 91% of the cases, the ODR link is presented as the exact link to the ODR platform and it is mainly included in the "Terms and conditions"-section of a website.

1. Methodology

In carrying out the study, the first step involved developing a **database** consisting of **19,580 EU online traders**. The database was compiled using existing databases on EU online traders;^{1,2} additional EU online

¹ A database of EU online traders that was created for the European Commission for the project „Geo-blocking of consumers online: findings of a mystery shopping carried out by the European Commission“; http://ec.europa.eu/consumers/consumer_evidence/market_studies/geo-blocking/index_en.htm

² The European Retail Index is a database from the *Veraart Research Group*, which specializes in information on consumer markets.

traders were identified via online traffic intelligence databases;³ and other traders were found using desk research. All online traders were classified according to their country of establishment, their business sector and their size (i.e., *small*, *medium* and *large* traders). The traders' sizes was based on the total monthly web traffic obtained from within the EU. The database included websites of traders from all EU28 countries, reflecting the size and the development of the e-commerce market in the respective countries⁴. The database included traders from 21 different sectors⁵, including big online markets such as 'Clothing, shoes and accessories', 'Beauty, health and wellness goods' and 'Electronics and Computer Hardware'. The database also included a limited number of marketplaces (284). Traders in the database were divided into small, medium-sized and large traders⁶.

The second step in carrying out the study consisted in a **web-scraping exercise** that investigated which of the 19,580 online traders comply with their obligation to provide an electronic link to the ODR platform on their website. The web-scraping exercise scanned the websites of the 19,580 online traders for the ODR link up to level 3 of the website (the homepage of a website is level 1 in a website's hierarchy and level 3 represents all pages of a websites that are two clicks (i.e. levels) away from the homepage of the same website⁷). In addition, a second web-scraping exercise searched for the existence of an e-mail address on the traders' websites.

As a third step, a **mystery shopping audit was conducted** to evaluate the accessibility of the ODR link and e-mail addresses (i.e. how easy it is to find the link or address on a website). For this audit, 1,005 online traders that included the ODR link on their website were selected. The mystery shopping audit consisted of four sections: 1) testing the accessibility of the ODR link, 2) evaluating the placing of the ODR link 3), assessing the presentation of the ODR link and 4) examining the availability of an e-mail address of the trader. This exercise covered a wide distribution of online traders from 10 EU Member States⁸ and the top 3⁹ websites from all EU28 countries (in terms of EU traffic) containing an ODR link.

2. Compliance of EU traders to the ODR Regulation

2.1. Availability of the ODR link and e-mail address on EU traders' website

The findings of the web-scraping show that **only 28% of the investigated traders include a link to the ODR platform on their website**. The compliance of EU online traders with the ODR regulation depends on the traders' profiles, with large traders (42%) and marketplaces (48%) tending to be most

³ SimilarWeb and Amazon's Alexa

⁴ Countries such as Germany (2,607 traders), France (1,585), the UK (2,563), Italy (1,324) and Spain (1,169) are much more represented in the database than smaller countries, such as Cyprus (58), Malta (70) or Luxembourg (64)

⁵ Clothing, shoes and accessories; beauty, health and wellness goods; electronics and computer hardware; entertainment (incl. Books, music and movies); travel services; furniture, furnishings and decoration; (electrical) household appliances; online reservations of offline leisure; spares and accessories for vehicles; telecom services; computer games and software; fast-moving consumer goods; pet and animal products; sport & leisure; air transport, antiques and collectables; baby and child articles; insurances; payment services; utilities; multi-sector

⁶ The traders in the database are divided into 6,381 small traders (monthly web traffic: < 8,855 visits), 6,604 medium-sized traders (monthly web traffic: 8,855 – 66,530 visits) and 6,595 large traders (web traffic: > 66,530).

⁷ Level 3 represents all directories of a website that are up to two levels away from the root url in the hierarchy of that specific website. For example, the 'shipping'-page would be level on 3 of the following example website: www.example.com/help/shipping

⁸ Denmark, France, Germany, Italy, the Netherlands, Poland, Slovakia, Spain, Sweden and the UK

⁹ For each country,; the top 3 largest web shops with an ODR link were selected, except for Latvia (top 2), Cyprus and Malta (top 1)

compliant. In contrast, fewer medium-sized (26%) and small traders (14%) provide the ODR link on their websites.

Compliance also differs across countries and sectors. Online traders in Germany (66%) are most likely to present a link to the ODR platform on their websites, followed by Austrian (47%) and Danish (44%) e-traders. In contrast, compliance with this requirement is the lowest in Cyprus (2%), Malta (1%) and Latvia (1%). However, larger EU countries, such as Greece (11%), Italy (12%), Spain (13%) and the UK (14%) also perform below the average compliance level.

The sector results show that traders in the 'Insurances' (54%) and 'Payment services' (46%) sectors are most compliant with the requirement to include the link to the ODR platform on their website, followed by the 'Utilities' (42%) and the 'Baby and child articles' sector (42%). In contrast, only 15% of the 'Online reservations of offline leisure' web shops and 'Antiques and collectables' web shops comply with the regulation. The three biggest sectors in the current study, 'Clothing, shoes and accessories' (34%), 'Electronics and computer hardware' (31%) and 'Beauty, health and wellness goods' (24%) perform close to the average compliance level.

Another aspect of the ODR regulation is the requirement to provide an e-mail address on the trader's website. **The vast majority of investigated traders (85%) provides an e-mail address¹⁰**, with small-scaled traders showing smaller levels of compliance (79%). The differences between Member States were more pronounced, with the Czech Republic (90%) having the highest and Luxembourg (66%) the lowest level of compliance with the requirement to include an e-mail address. Traders in the 'Fast-moving consumer goods'¹¹ (92%), 'Utilities (91%) and 'Insurances' (91%) sectors also show the highest compliance with the requirement to feature an e-mail address.

2.2 Accessibility of the ODR link on the traders' websites

Article 14 of Regulation (EU) No 524/2013 requires EU online traders not only to provide a link to the ODR platform, but also to make this link easily accessible to visitors of their website. Drawing on the results of the mystery shopping audit, the report provides insights on: 1) the placement of the ODR link, 2) the presentation and functionality of the ODR link, 3) the accessibility of the ODR link and 4) the availability of the e-mail address.

2.2.1 The placement of the ODR link

The location where a link is placed on a trader's website may directly affect how easily the link is found. Consumers may be more likely to look for the ODR link on pages related to the trader's complaint handling procedure or the customer services. The current findings, nevertheless, show that **most ODR links were found in the Terms and Conditions (T&C)**. In 58% of the cases, the ODR link was located in the T&C section of a website, followed by the *Complaint handling* (14%) pages and *Legal information* sections (11%). By presenting the ODR-link in the T&C, it might be considered difficult to find among an overload of information. Nevertheless, a cross-comparison of the current findings with the mystery shoppers' perceived *ease of finding the ODR link* does not confirm this. 78% of the mystery shoppers found the ODR link in the Terms and Conditions 'easy' or 'very easy' to find.

Furthermore, **in 82% of the cases, the section including the ODR link could be accessed from most pages of the website** (including websites where the ODR link was presented on the homepage), whereas in only 11% of the cases mystery shoppers reported that this was difficult. From the homepage, mystery shoppers required two clicks on average to reach the page with the ODR link. They could navigate to the section containing the ODR link via a button on the bottom of the homepage (79%), a link

¹⁰ The configuration of the e-mail scraping may allow an overestimation of the availability of traders' e-mail addresses by including e-mail addresses that do not belong to the respective traders.

¹¹ Fast-moving consumer goods (FMCG) are products that are sold quickly and at relatively low cost, such as packaged foods, beverages or toiletries.

at the top of the homepage (10%) or via a menu on the homepage (9%). For 22 of the investigated websites (2%), it was impossible to navigate to the ODR section from the homepage¹².

2.2.2 The presentation and functionality of the ODR link

The presentation of the ODR link may also affect its accessibility. A banner or an ODR link with a clear introduction may be easier to find by consumers than ODR links that are presented less conspicuously.

The current findings show that **the vast majority of investigated online traders (91%) provided the exact link to the ODR website** (i.e., ec.europa.eu/consumers/odr) or the link to the platform is hyperlinked to text (e.g., clicking on the word 'ODR' directs consumers to the ODR platform; 9%). On only four websites, a banner was used to direct consumers to the ODR platform. While the links or banners were generally clickable, this was not the case for 18% of the investigated websites.

In addition to the factors identified above, the accessibility of the ODR link was further evaluated based on a number of other criteria. When presented as the exact URL or a hyperlinked text, underlining the link/text and highlighting them when "hovered over" with the mouse or navigated to with the keyboard can greatly increase accessibility. The findings show that only 34% of the investigated websites underlined the link/text while approximately half of the websites highlighted or underlined the link/text when hovered-over with the mouse (52%) or navigated to using the keyboard (57%). However, most of the traders presented the link or banner with an introductory phrase (91%).

Even though traders are required to provide a link to the ODR platform on their website, they are not required to participate in the online dispute resolution process and can use other dispute resolution methods. **49% of the investigated traders presented a statement on whether they plan to use the ODR platform.** The majority of these statements confirm the traders' willingness to participate in online dispute resolution (68%). However, a noticeable share of traders (18%) stated that they are not obliged to or not willing to participate in the ODR process. This was particularly often the case in Germany (92% of 66 traders).

2.2.3 The accessibility of the ODR link

The accessibility of the ODR link was measured in two ways. First, mystery shoppers evaluated the ease with which they could access the ODR information on a 7-point scale ('very difficult' to 'very easy'). Relying solely on subjective measurement risks overstating the accessibility of the ODR link, as mystery shoppers gained experience in locating the link as the experiment progressed. For this reason, websites were also graded based on the findings of the mystery shopping regarding 1) the number of clicks required to go from the homepage to the ODR link, 2) the section of a website where the ODR link is placed, 3) the accessibility of the link via the homepage and via other pages of the website and 4) the presentation of the ODR link.^{13, 14}

Overall, the mystery shoppers **reported that the ODR link was easy to find** (subjective criteria). For 75% of the investigated websites, mystery shoppers found it easy or very easy to locate the ODR link. Finding the ODR link was perceived easier for small and medium-sized traders than for large traders. The findings also show country and sector differences. On average, locating the ODR link was perceived to be

¹² For these cases, mystery shoppers were unable to navigate to the page with the ODR link. The page could only be accessed via the exact link identified through the web-scraping

¹³ See chapter 4.2.3.2 of the report for a detailed description of the grading method.

¹⁴ The grading is a summary of the items that would most affect the accessibility of the ODR link on a website, described in the sections 'the placement of the ODR link' and 'the presentation and functionality of the ODR link'. While more objective than the perceived accessibility, the evaluation of these items also rely on the mystery shoppers' evaluation.

easiest on the websites of German (93%) and Swedish (90%) traders, whereas it was most difficult on websites of Dutch traders (61%). The results for the top 3 websites¹⁵ per country show good accessibility for websites in Belgium, Croatia, the Czech Republic, the Netherlands, Romania, Slovenia and Sweden, whereas the accessibility of the ODR link was poor for all top traders in Ireland, Cyprus and Malta. Furthermore, the sector results show that the ODR link was most accessible for traders in the sectors of '*Spares and accessories for vehicles*' (85%) and '*Entertainment*' (83%). Conversely, for more than half of the websites in the '*Utilities*' sector, the ODR link was perceived as difficult to access.

The findings of the accessibility grading indicate that for **approximately two thirds of the investigated online traders (64%), the ODR link was only moderately accessible**. On 26% of the websites, the ODR link was easy to access, whereas on 10% of the websites, it was difficult to access.

When trader size is considered using this more objective approach, the results show that the ODR link is slightly more accessible on websites of smaller traders (36% of the websites was graded as 'easily accessible') than on websites of larger traders (23%).

Furthermore, the country results under the more objective approach indicate that, among the studied Member States, the ODR link was most accessible on the websites of Danish traders (60% of websites were graded as 'easily accessible'), whereas it was most difficult to locate on Swedish trader websites (20% of websites were graded as 'difficult to access'). When considering the three largest trader websites that feature the ODR link in each country, it was found that all top traders in Romania and Cyprus made the ODR link easily accessible and that for most of the top traders in Portugal and Hungary the ODR link was difficult to access.

Considering accessibility by sector under the more objective approach, the results show that traders in the '*Payment services*' sector (69%) make the ODR link most accessible to visitors of their websites, whereas only 5% of the investigated websites in the '*Air transport*' sector made the ODR link easily accessible. Additionally, websites of traders in the '*air transport*' sector were also most often graded as 'difficult' (33%).

2.2.4 The availability of the e-mail address

Consistent with the web-scraping results, **most of the investigated online traders provided their e-mail address (89%)**. It is noticeable that 77% of the online traders provided an e-mail address on the same page as the ODR link, making it easy for consumers to access all information online traders are required to provide under Regulation (EU) No 524/21013 in one place. Consistently, mystery shoppers generally found it easy to locate the e-mail address of the trader. Nevertheless, 11% of the investigated traders did not provide an e-mail address.

¹⁵ Top 3 in terms of EU web traffic (top 1 for Malta and Cyprus)



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