

Google AdSense: the EC's 3rd Infringement Decision against Google

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On 20 March 2019, the European Commission announced that it adopted its third infringement decision against Google (including its parent company Alphabet). This time for an abuse of its dominant position in the market for online search advertising intermediation, through its Google AdSense platform, bringing the total fines levied on Google since June 2017 to €8.25 billion.

The Commission has found that Google abused its dominant position in the online search advertising intermediation market for a period of ten years (2006-2016), by placing restrictions on the ability of certain third-party websites to display search advertisements from Google's competitors. The Commission has fined Google €1.49 billion.

Specifically, the Commission found that Google breached EU competition rules by:

- a) including exclusivity clauses in its contracts with third-party websites, which meant that websites were prohibited from sourcing search advertisements from Google's competitors
- b) requiring that advertisements sourced from Google were displayed in the most prominent space on the website and that websites would display a minimum number of Google-sourced advertisements and
- c) requiring websites to obtain Google's prior approval before making changes to the display of advertisements sourced from Google's rivals.

The Commission found that Google's practices harmed competition, innovation and consumers. The Commission further highlighted that Google could now face significant exposure to follow-on damages actions from competing online search advertising intermediaries as well as from website operators who had limited options for monetising advertising space on their sites.

Hausfeld acts for various clients in relation to the Google Search and the Google Android investigations and court proceedings.