



EUROPEAN COMMISSION

MEMO

Brussels, 5 February 2014

Antitrust: Commission obtains from Google comparable display of specialised search rivals- Frequently asked questions

A) The Commission's investigation and Google's proposal

What is the Commission objective in this investigation?

The Commission's objective is to address the four competition concerns it has identified during its investigation. The aim is to restore quickly the conditions for competition on the merits in the areas of specialised search and search advertising to the benefit of consumers. In the field of specialised search, the Commission's aim is not to artificially send traffic to sites that compete with Google, but to ensure that users are well informed of the existence of these competing sites and of their relevance to the user's queries, and are given the possibility to access them.

The advantage of a decision that would turn Google's proposed commitments into legally binding obligations is that it would have a material impact in the market sooner than if the Commission were to pursue adversarial proceedings. Commitments are carefully monitored by the Commission and non-compliance with them can lead to significant fines.

What are the Commission's competition concerns and what does Google propose to address them?

The commitments proposal covers the four concerns raised by the Commission.

1) The first concern relates to **the way Google displays specialised search services (such as hotel, restaurant or flight search engines)** on its own web search results pages. Within its web search results, Google displays its own specialised search services more favourably than competing services. In many instances, relevant competing services are as a consequence more difficult for the user to find. Users are not informed of this favourable treatment of Google's own services.

To address this concern, Google proposes to implement a threefold remedy for all its current and future specialised search services and for all search entry points (i.e. irrespective of how the search query is made).

- Users will be informed by a label of the fact that Google's own specialised search services are promoted.
- These services will be graphically separated from other search results, so the distinction with normal web search results will be clear.
- For relevant specialised search services, Google will display prominent links to three rival specialised search services in a format which is visually comparable to that of links to its own services. For instance, if the Google links have images, the rival links will have images as well, including on mobile devices.

Rivals will have control of how they want to present their offerings and hence their business model.

In instances where Google does not charge for inclusion in its specialised search service, rivals will not be charged to participate in the rival links. The three displayed rivals will be chosen from a pool of eligible specialised search competitors using Google's normal web search algorithm.

In instances where Google charges for inclusion in its specialised search service, the three rivals will be chosen from a pool of eligible specialised search competitors based on a dedicated auction mechanism.

Illustrations of how the remedy would apply can be seen in the following screenshots:

2) The second concern relates to **the way Google uses content from competing specialised search services** in its own offerings. Google uses on its own specialised search sites material such as user reviews from the websites of its competitors, thereby benefiting from the investments of competitors without their prior authorisation - and sometimes even against their explicit will. The Commission has not expressed a concern about the appropriate remuneration for copyright-protected material.

To address this concern, Google proposes to allow third parties to opt out from the use of their content in Google's specialised search services without undue impact on their ranking in Google's general search results or on their ranking in Google's AdWords programme. A general opt-out will be open to all web sites, on a subdomain by subdomain basis. A more specific opt-out with finer granularity and more control over content will be accessible to news publishers only, for the control of the use of their content in Google News.

3) The third concern relates to Google imposing **exclusivity requirements in agreements with publishers for the provision of Google search advertisements** displayed on their web sites. Google's agreements with publishers result in (de facto) exclusivity. This means that these agreements require publishers to obtain all or most of the search advertisements displayed on their web sites from Google. Google's competitors therefore have only limited access to those publishers.

To address this concern, Google proposes no longer to include in its agreements with publishers any written or unwritten obligations that would require them to source online search advertisements exclusively from Google.

4) The fourth concern relates to the **portability of online search advertising campaigns from Google's AdWords to platforms of competitors**. Google does not allow software developers to offer software tools that make it easy to manage and transfer search advertising campaigns across AdWords and other search advertising platforms such as Microsoft's AdCenter.

To address this concern, Google proposes no longer to impose obligations that would prevent advertisers from porting or managing search advertising campaigns across competing advertising platforms.

B) Process and next steps

What process has the Commission followed?

The Commission opened proceedings in November 2010 (see [IP/10/1624](#)). It began the investigation of the case with a wide consultation which involved the sending of questionnaires to about one thousand market participants, and the analysis of over six hundred replies.

Following this analysis, the Commission set out its competition concerns publicly in May 2012 (see [SPEECH/12/372](#)). Google then proposed a first set of commitments that was

market tested in April 2013 (see [MEMO/13/383](#)). After having analysed the feedback from that market test, the Commission took the view that substantial improvements of the commitments were necessary to address its competition concerns adequately. Google submitted a revised proposal in October 2013. The Commission asked feedback on that second proposal from all parties who had replied to the market test, and in addition all complainants and all other parties showing an interest in the case. After having analysed that second set of feedback, the Commission took the view that more improvements of the commitments were necessary as regards the competition concerns related to specialised search. Google has now made a new proposal.

What are the next steps?

All complainants will be formally informed of the reasons why the Commission is of the preliminary view that this new version of the commitments can address its competition concerns adequately. Complainants will have a reasonable period to comment and inform the Commission of their own view. The Commission will look at these comments before it takes any final decision on whether to make Google's proposal legally binding.

Is it common for the Commission to end antitrust investigations by accepting commitments?

The possibility for a company subject to an antitrust investigation to propose commitments which the Commission can decide to make legally binding was established in 2004 by Article 9 of the EU Antitrust Regulation (Regulation 1/2003). Since this possibility was established, the Commission has taken 30 decisions making such commitments legally binding on companies.

Using this possibility may be particularly useful to swiftly restore competitive conditions on a market, for example in fast-moving markets in the IT sector. In particular, the Commission has accepted commitments by Microsoft (see [IP/09/1941](#)), Apple (see [IP/12/1367](#)) and IBM (see [IP/11/1539](#)) and turned them into legally binding obligations.

If the commitments are made legally binding, does this mean the Commission will stop investigating Google?

If the commitments are made legally binding, the Commission would not further investigate the matters covered by the commitments. However, this does not mean that it would provide Google immunity against any antitrust investigation by the Commission. Firstly, the Commission would monitor the implementation of any commitments by Google. Secondly, the Commission would continue, where appropriate, to investigate issues which are not related to the four concerns covered by the commitments. For instance, the Commission is continuing its investigation concerning Google's alleged abuse of a dominant position in relation to Android.

What would be the role of the monitoring trustee?

The proposed commitments foresee a monitoring trustee. The monitoring trustee would assist the Commission in ensuring that Google faithfully implements any commitments. Monitoring trustees cannot legally take decisions on behalf of the Commission, but they can provide the Commission with technical advice on any aspect related to the implementation of commitments. For instance, third parties would have the opportunity to raise potential compliance issues with the monitoring trustee.

The monitoring trustee would also provide the Commission with reports on the implementation of the commitments on a periodic basis, as well on an ad hoc basis when necessary. In particular, the monitoring trustee would analyse all new implementations of Google's specialised search services and check whether they comply with the principles set out in the commitments.

C) Google screenshots

1) Shopping

The Google page today:

The screenshot shows a Google search for "gas grill". The search bar contains "gas grill" and the Google logo is on the left. Below the search bar are navigation tabs: Web, Shopping, Maps, Images, Videos, More, and Search tools. The search results show "About 8,240,000 results (0.20 seconds)".

Shop for gas grills on Google (Sponsored)

Product	Price	Retailer
GP-Grill Gas Grill - black/...	£141.96	www.Ambient...
Falcon Dominator ...	£888.00	Catering Appl...
Outback Omega 250 ...	£129.00	Outback Direct
Blue Seal Cobra CS9 ...	£897.60	Carlton Sales
Burco 444449459 ...	£850.50	e-tradecounter

Buy a Gas Grill 2014 - Gas Grill Ratings - Gas Grill Reviews
bbq.about.com/cs/grills/bb/aabyb042503.htm
Before you run to the hardware store to buy a new gas grill you should know that there are a lot more grills out there than you'll find in one store. I've broken ...
Top 10 Gas Grills between ... - Top 10 Gas Grills under \$250 - Gas Grills under \$250
More by Derrick Riches - in 1,156 Google+ circles



Top Gas grill Reviews | Best Gas grill – Consumer Reports
www.consumerreports.org › Home › Home & garden
Looking for the Best gas grill? Consumer Reports has honest Ratings and Reviews on gas grills from the unbiased experts you can trust.

Weber.com - Weber® Grills - Gas
www.weber.com/grills/category/gas
Manufacturer of gas and charcoal grills, parts and accessories. Features recipes, service and dealer locations.
Grills - Gas - Parts & Support - Charcoal

Ads

- Gasbarbecue nodig?**
www.vanhattemhoreca.nl/
Diverse BBQ's in de aanbieding
Bestel veilig en snel online
- Catering Gas Grills**
www.nisbets.co.uk/Cooking-Machines
★★★★★ 10,305 seller reviews
Top Quality Cooking Machines
At low Prices. Free P&P Available!
- barbecue® gas BBQs**
www.barbecue.com/gas
Gasbarbecues met Extra Veel Smaak!
Ontdek nu de barbecue Gas Grills.
- Gas grills**
www.bestlist.nl/gasbarbecues
Gasbarbecues nu al vanaf €39.95!
Keuze uit ruim 113 gasbarbecues
- Gas Barbecues 70% off RRP**
www.outdoorlivingworld.co.uk/Gas_bbq
Huge Range Of Gas Barbecues
At Great Prices - Buy Online & Save
- Gas-Grills im Angebot**
www.nextag.de/Gas-Grills
Erstklassige Gas-Grills in vielen Varianten: Hier zum Niedrigpreis!

Screenshots with implementation of commitments:







Google  

Web Images Maps Shopping More Search tools

About 44,000,000 results (0.18 seconds)

Sponsored

Google Shopping results

Google Shopping results			Alternatives		
					
GP-Grill Gas Grill - black/ ... £141.96 www.Ambie...	Blacktop 360 Party Hub Gas Grill £299.00 Garden Gift...	OUTBACK 57cm ... £127.99 Outback ...	Supaprice Best stock of gas grills from £150.00	Kelkoo Great deals on gas grills from £129.00	Shopzilla Best prices on gas grills from £180.00

Weber.com - Weber® Grills - Gas
www.weber.com/grills/category/gas
Gas Grills. Grill Shopping Tools. 0 Grill Comparison Grill Finder. Spirit® ... 4 or 6 stainless steel burners • Backlit LED tank scale • Grill Out® handle lights.

Gas Grills: Shop at Sears for Your Outdoor Cooking Gear
www.sears.com/grills-outdoor-cooking-gas-grills/b-1024073
Sears features gas grills with a wide variety of features, including multiple burners and searing options. Entertain outdoors year round with gas grills.

Natural Gas Grills - Home Depot
www.homedepot.com/...Grills-Grill...Gas-Grills...Gas-Grills/N-5yc1vZc5t...
Natural Gas Grills - Gas Grills - Grills & Grill Accessories - Outdoors at The Home Depot.

Ads

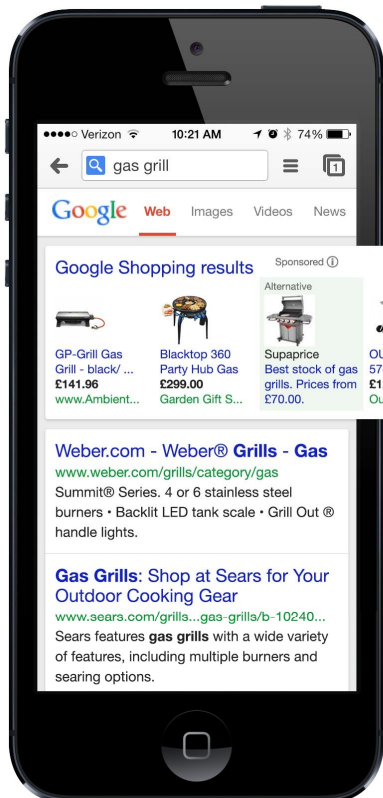
Gas Grill at Amazon
www.amazon.com/patio
★★★★★ 336 reviews for amazon.com
Low Prices on Gas grill
Free Shipping on Qualified Orders.

Cheap Gas Grill
www.groupon.com/
★★★★★ 61 reviews forgroupon.com
Save 50-90% Every Day
Thousands of Deals to Enjoy

gas grill
www.appliancesconnection.com/Grills
★★★★★ 3,550 seller reviews
1 (800) 299 9470
Huge Variety, Free In-Home Delivery
Price Match Promise on All Grills

BBQ Grills
www.wholesalepatiostore.com/
1 (888) 611 7227
Quality BBQ Grills
Come See Our Store Today!

DCS Gas Grills
www.ajmadison.com/
★★★★★ 1,074 seller reviews



2) Local search

The Google page today:

Google

Web Images Maps Vidéos Actualités Plus Outils de recherche

Environ 217 000 000 résultats (0,25 secondes)

Café de France
www.cafe-france.fr
2,7 ★★★★★ 16 avis de Google

Café de Paris
plus.google.com
3,8 ★★★★★ 25 avis de Google

Café de la Paix
www.cafedelapaix.fr
3,9 ★★★★★ 624 avis de Google

Les Deux Magots
www.lesdeuxmagots.fr
3,8 ★★★★★ 625 avis de Google

Delaville Café
www.delavillecafe.com
3,6 ★★★★★ 91 avis de Google

Café Beaubourg
www.beaumarly.com
3,6 ★★★★★ 163 avis de Google

Le café A
www.facebook.com
3,9 ★★★★★ 61 avis de Google

A 12 Place d'Italie
Paris, France
+33 1 43 31 19 86

B 10 Rue de Buci
Paris, France
+33 1 46 34 84 11

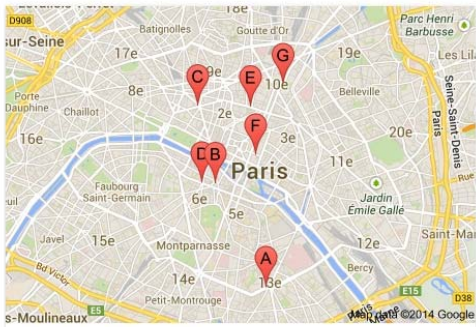
C 5 Place de l'Opéra
Paris, France
+33 1 40 07 36 36

D 6 Place Saint-Germain
des Prés
Paris, France
+33 1 45 48 55 25

E 34 Boulevard de Bonne
Nouvelle
Paris, France
+33 1 48 24 48 09

F 100 Rue Saint-Martin
Paris, France
+33 1 48 87 63 96

G 148 Rue du Faubourg
Saint-Martin
Paris, France
+33 9 81 29 83 38



Plan de "cafe in paris"

10 of the best cafes in Paris | Travel | The Guardian
www.theguardian.com › Travel › Paris city guide › Traduire cette page
5 mai 2011 - Cult food blogger Clotilde Dusoulier selects her pick of Paris's famous cafe scene.

Paris restaurants and cafés – Time Out Paris
www.timeout.com/paris/en/restaurants-cafes
Paris restaurant guide, including the latest restaurant reviews and features. Discover the best restaurants and cafes for drinking and dining in Paris with Time Out ...

Screenshots with implementation of commitments:

The screenshot shows a desktop search results page for 'cafe in paris'. At the top, the Google logo and search bar are visible. Below the search bar, there are navigation tabs for 'Web', 'Images', 'Maps', 'Shopping', and 'More'. The search results are organized into several sections:

- Alternatives:** Three boxes for 'pagesjaunes.fr', 'viamichelin.fr', and 'Yelp'.
- cafes near Paris:** A list of five cafes with their addresses, phone numbers, and Google reviews. The list is: 1. Café de la Paix (5 Place de l'Opéra, Paris, France, +33 1 40 07 36 36, 3.9 stars, 621 reviews); 2. Les Deux Magots (6 Place Saint-Germain des Près, Paris, France, +33 1 45 48 55 25, 3.8 stars, 610 reviews); 3. Café de Paris (10 Rue de Buci, Paris, France, +33 1 46 34 84 11, 3.8 stars, 25 reviews); 4. Café Beaubourg (100 Rue Saint-Martin, Paris, France, +33 1 46 87 63 96, 3.6 stars, 163 reviews); 5. Le Procope (13 Rue de l'Ancienne Comédie, Paris, France, +33 1 40 46 79 00, 3.8 stars, 764 reviews).
- Map for cafes in paris:** A map of Paris with red pins labeled A through F corresponding to the cafes listed.
- 10 of the best cafes in Paris | Travel | The Guardian:** A link to an article from The Guardian dated 6 May 2011.
- Paris restaurants and cafés – Time Out Paris:** A link to a restaurant guide from Time Out Paris.

The screenshot shows the same search results on a tablet. The layout is adapted for the smaller screen, with the search bar at the top and navigation tabs below it. The search results are organized into several sections:

- 10 of the best cafes in Paris | Travel | The Guardian:** A link to an article from The Guardian dated 6 May 2011.
- Alternatives:** Three boxes for 'pagesjaunes.fr', 'viamichelin.fr', and 'Yelp'.
- cafes near Paris, France:** A list of five cafes with their addresses, phone numbers, and Google reviews. The list is: 1. Café de la Paix (5 Place de l'Opéra, Paris, France, +33 1 40 07 36 36, 3.9 stars, 622 reviews); 2. Les Deux Magots (6 Place Saint-Germain des Près, Paris, France, +33 1 45 48 55 25, 3.8 stars, 610 reviews); 3. Café de Paris (10 Rue de Buci, Paris, France, +33 1 46 34 84 11, 3.8 stars, 25 reviews); 4. Café Beaubourg (100 Rue Saint-Martin, Paris, France, +33 1 46 87 63 96, 3.6 stars, 163 reviews); 5. Le Procope (13 Rue de l'Ancienne Comédie, Paris, France, +33 1 40 46 79 00, 3.8 stars, 764 reviews).
- Map for cafes in paris:** A map of Paris with red pins labeled A through F corresponding to the cafes listed.
- Related searches:** A list of related search terms: 'cafes in paris near arc de triomphe', 'cafes in paris with free wifi', 'cafes in paris with wifi', 'cafes in paris near the louvre', 'cafes in paris france with menu', 'cafes in paris near eiffel tower', 'paris cafe photos', and 'best cafe pictures paris'.