

EUROPEAN PUBLISHERS URGE THE COMMISSION FOR A PROHIBITION DECISION IN THE GOOGLE COMPETITION CASE

Press publishers in Europe and their trade associations call on Vice-President Almunia to reject Google's revised commitments and to ensure a full enforcement of EU competition law

(European Commission's Competition Investigation of GOOGLE – AT.39.740)

Brussels, 13 November 2013 – Newspaper and magazine publishers across Europe and their trade associations at European and national level are extremely concerned by the Commission's on-going assessment of the new set of commitments proposed by Google as part of the EU competition investigation.

This new set of commitments is putting at risk the future of the European digital economy which needs fair market conditions. If accepted, the commitments would create a major obstacle to the achievement of the European Digital Agenda.

Reacting to the Commission's consultation on Google's revised commitments, the complainants from the Spanish and German newspaper and magazine publishing sectors, supported by the vast majority of European press publishers, expressed strong criticism regarding the lack of acceptable solutions actually on the table.

Speaking on behalf of the Spanish association AEDE (Spanish Association of Daily Newspapers), Luis Enríquez, Consejero Delegado of VOCENTO, states: "Publishers' key concerns remain un-addressed after two years of a commitment procedure in which Google has shown no willingness to change its anti-competitive behaviour and has even expanded its unauthorised use of third-party content. We are now urging Vice-President Almunia to take the steps necessary towards an effective prohibition decision."

The President of VDZ (German Magazine Publishers' Association), Prof. Dr. Hubert Burda, emphasises: "Should the European Commission approve of Google's proposals, this would result in a carte blanche to misuse a digital monopoly. Instead of ensuring 'fair search' the Commission would be allowing Google to arrange search results according to their own interests. It would be preposterous if the Commission legalised such misuse of a monopoly. We therefore call on the Commission once more to also apply European competition law to US internet monopolies, and to rigorously continue the proceedings."

The President of complainant BDZV (Federation of German Newspaper Publishers), Helmut Heinen underlines: "Google persists in giving preferential treatment to its own services and in displaying every alternative service as inferior, even if they are in fact more relevant to consumers. It also shows no willingness to present acceptable solutions regarding the unauthorised use of publishers' content, although this is crucial for Europe's creative content industries. Since Google's latest commitment proposals do not contain any significant improvement, the Commission is left with no other choice than to reject a settlement and to turn to the traditional route of a prohibition decision."

DG Competition has requested all stakeholders, including publishers' associations that are complainants in this case to comment on Google's new commitment proposals by end of November. The Commission will decide in spring whether the proposed commitments remove the identified concerns, in which case the commitments will be made binding on Google and the investigation closed without any prohibition or a fine. If the commitments do not suffice, as is the view of the press publishers, the Commission will have to turn to the Article 7 procedure: sending a statement of objections to Google in the coming months, to which Google can formally respond in writing and during an oral hearing.

Further information regarding publishers' views on Google's second set of proposed commitments is attached in an [annex](#) to this press release.

For further information please contact the coalition representatives:

- AEDE: Irene Lanzaco, irene.lanzaco@aede.es, +34 91 425 10 85
- BDZV: Helmut Verdenhalven, verdenhalven@bdzv.de, +49 30 7262 98203
- VDZ: Christoph Fiedler, c.fiedler@vdz.de, +49 307 262 98120
- EMMA: Max von Abendroth, max.abendroth@magazinmedia.eu; +32 2 536 06 04
- ENPA: Sophie Scrive; sophie.scrive@enpa.be; +32 2 551 01 97
- EPC: Angela Mills-Wade, angela.mills-wade@epceurope.eu, +32 2 231 1299
- OPA Europe: Alice Grevet, alice@opa-europe.org, +33 1 601 150 89
- Legal counsel: Thomas Höppner, thomas.hoppner@olswang.com, +49 30 700 171 176

The informal coalition consists of the formal complainants from the press sector **Bundesverband Deutscher Zeitungverleger (BDZV)**, **Verband Deutscher Zeitschriftenverleger (VDZ)**, **Asociación de Editores de Diarios Españoles (AEDE)** and their European Associations and its respective members **European Magazine Media Association (EMMA)**, **European Newspaper Publishers' Association (ENPA)**, **European Publishers Council (EPC)** and **Online Publishers Association Europe (OPA Europe)**.

Additional signatories are: **Aikakausmedia / Aikakauslehtien (AKM)**, **Association luxembourgeoise des éditeurs de journaux (AL)**, **Asociación de Revistas de Información (ARI)**, **Czech Publishers Association (CPA)**, **Danske Medier (Danish Media)**, **Fagpressen (The Norwegian Specialised Press Association)**, **Federazione Italiana Editori Giornali (FIEG)**, **Polish Chamber of Press Publishers (IWP)**, **Mediebedriftenes Landsforening (MBL)**, **Media voor Vak en Wetenschap (MVW)**, **NDP Nieuwsmedia (NDP)**, **National Newspapers Of Ireland (NN)**, **the Newspaper Society (NS)**, **Austrian Special Interest Media Association (ÖZV)**, **Professional Publishers Association (PPA)**, **Sanomalehtien Liitto (SL)**, **SCHWEIZER MEDIEN**, **Sveriges Tidskrifter (SMPA)**, **The Swedish Media Publishers' Association (TU)**, **Union des Editeurs de la Presse Périodique (UPP)**, **Austrian Newspaper Association (VÖZ)**