FAO: Executive Vice-President & Commissioner for Competition Margrethe Vestager Rue de la Loi / Wetstraat 200 1049 Brussels Belgium

12 November 2020

by e-mail: margrethe-vestager-contact@ec.europa.eu

Re: Tech companies call upon the Commission to enforce its 2017 abuse of dominance decision by finally putting an end to Google's continuing practice of favouring its own specialised search services within general search results pages

Dear Executive Vice President Vestager,

We, the undersigned 135 companies and 30 industry associations, are writing to you as representatives of a diverse community of online services, operating across Europe. Our online services offer consumers the opportunity to find and inform themselves of the most relevant offerings online, such as those for products, accommodation, travel, or job vacancies. As search services of different sizes, each with a particular focus, we all strive to serve consumers and enable them to find and compare specific categories of information online more efficiently.

While we compete amongst ourselves for the best consumer experience, there is one common competitor that does not compete fairly – Google. We all face strong competition from Google in our respective search services markets. Google has entered each of these markets by leveraging its unassailable dominance in general Internet search – to gain a competitive head start and quickly gain market shares. Even starting out as a late entrant in each of these markets, Google has achieved a dominating scale and scope in no time. Like no service before, Google has amassed data and content relevant for competition on such markets at the expense of others – us.

Google did not achieve its position on any such market by competing on the merits. Rather, there is now global consensus¹ that Google gained unjustified advantages through preferentially treating its own services within its general search results pages by displaying various forms of grouped specialised search results (so-called "OneBoxes"). Such OneBoxes are positioned prominently above all generic search results. No competing service may compile and display equivalent boxes within Google's general search results pages, even though they could provide more relevant results than Google's service.² With this exclusive use of OneBoxes, Google

_

See U.S. House of Representatives antitrust subcommittee report, Investigation of Competition in Digital Markets, October 2020, pp. 177 et seq., pp. 381, 395, 397; United States et al. v Google LLC, U.S. District Court for the D.C., Case No. 1:20-cv-03010, Complaint of 20 October 2020, paras. 170, 175.

In some cases, Google allows for the participation of rival services through the paid-for or "free" inclusion of their content. However, this does not amount to equal treatment as it is Google's specialised search service alone that matches the search query; that is, Google, not the participating services, decides on the form of the grouped specialised search results that it displays and with what content from its own database these boxes are filled based on Google's own specialised search algorithms. Such matching is what constitutes a specialised search service. Thus, the OneBoxes always (only) serve as an interface of a Google-owned specialised search service, which, akin to rival specialised (meta-)search services, can include content from a variety of sources.

artificially keeps users within its own service and prevents them from visiting competing, more relevant services. The various functionalities of the interfaces that Google directly integrates in its general search results pages continue to adopt more and more of what we offer on our websites. It was bad enough that in the past such boxes simply served as "teasers" to divert users to separate websites of specialised Google services. The boxes now increasingly outright provide such specialised search services to consumers directly within Google's general search results pages, leaving no option for avoiding them. We are now directly competing with such interfaces.

Google's technical integration of its own specialised search services into its near monopoly general search service continues to constitute a clear abuse of dominance. The Commission's *Google Search (Shopping)* decision of 27 June 2017 (was supposed to³) set a precedent that Google is not permitted to promote its own services within the search results pages of its dominant general search service. However, as of today, the decision did not lead to Google changing anything meaningful. In Turkey, the competition authority decisively rejected⁴ the notion that Google's European "Compliance Mechanism" is re-establishing competition. However, in Europe, even three years after the decision, with this mechanism Google is still not complying by either ceasing the displaying of Shopping Units (as is now the case in Turkey) or allowing all competing services to serve equivalent boxes, if Google believes that such boxes are in the user's interest.⁵ Google has also not stopped any favouring of its other specialised search services. Google has even started to engage in similar conduct in new markets. Numerous complaints have been lodged with the Commission throughout this period.⁶ In the face of the ongoing conduct, at the oral hearing of the *Google Search (Shopping)* case before the General Court, one of the judges even questioned whether Google has indeed been sufficiently deterred from repeating the conduct.⁷

While a targeted regulation of digital gatekeepers may help in the long run, the Commission should first use its existing tools to enforce the *Shopping* precedent and ensure equal treatment within Google's general search results pages. In general terms, we welcome the current legislative initiative to regulate dominant general search engines. However, we face the imminent risk of being disintermediated by Google. Many of us may not have the strength and resources to wait until such regulation really takes effect. Moreover, if, in the pending competition investigations, the Commission accepts Google's current conduct as "equal treatment", this creates the risk of pre-defining and hence devaluing the meaning of any future legislative ban on self-

On 27 June 2017, you stated: "And today's decision is a precedent, which can be used as a framework to analyse the legality of such conduct." See STATEMENT/17/1806, https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_17_1806.

⁴ TCA, 12 February 2020, 20-20/119-69, "[P] lacement of competing CSSs in [Shopping Units] cannot provide a solution [...] While Google can compare the offers selected by itself or competing CSSs when competitors enter this space, competing CSSs can be listed in this space with only one or a limited number of offers. [...] [I]t does not seem possible to eliminate the effects in question simply by allowing competitors to enter this space." (translated from Turkish language), recitals (298), (310); http://www.rekabet.gov.tr/Karar?kararId=828974ff-6cd9-4318-a9fa-ee43a21f9c07.

See the empirical study of Hoppner, Google's (Non-)Compliance with the EU Shopping Decision, September 2020, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3700748.

See, for example, the letter of 23 online recruitment services sent to Commissioner Vestager on 13 August 2019, as reported at https://www.reuters.com/article/us-eu-google-antitrust-exclusive/exclusive-googles-jobs-search-draws-antitrust-complaints-from-rivals-idUSKCN1V30IX, and the letter of 40 vacation rental rivals and industry associations of 10 February 2020, as reported at https://www.reuters.com/article/us-eu-alphabet-antitrust/googles-holiday-rental-service-under-fire-as-40-rivals-urge-eu-antitrust-action-idUSKBN2041XG.

⁷ See https://www.politico.eu/article/eu-judge-suggests-google-fine-should-be-higher-european-commission-preferential-treatment/.

preferencing. Competition and innovation will continue to be stifled, simply because the necessary measures to counter the further anti-competitive expansion are not taken right now.

Action is required now. If Google were allowed to continue the anti-competitive favouring of its own specialised search services until any meaningful regulation takes effect, our services will continue to lack traffic, data and the opportunity to innovate on the merits. Until then, our businesses continue to be trapped in a vicious cycle – providing benefits to Google's competing services while rendering our own services obsolete in the long run.

The undersigning companies urge the Commission to enforce Google's compliance with the *Google Search (Shopping)* decision and to take all necessary measures to stop the favouring and provision of other Google services within its general search results pages.

Yours sincerely,

(in alphabetical order)

Companies

Ralph Michaelsen

CEO
Invia Travel Germany GmbH
ab-in-den-urlaub.de
(Germany)



Frederic Lambert

CEO
Acheter-moins-cher
acheter-moins-cher.com
(France)



Doug Monro

CEO
ADHUNTER LTD
adzuna.com
(United Kingdom)



Jürgen Führer

Managing Director
Deutscher Ärzteverlag GmbH
aerztestellen.aerzteblatt.de
(Germany)



Tom Thomas

General Counsel
Agoda Company Pte. Ltd.
agoda.com
(Singapore)



Christian Schmidt-Hamkens

Speaker of the management Landwirtschaftsverlag GmbH agrajo.de (Germany)



Frederico Formigal

CEO
AlertaEmprego, Lda.
alertaemprego.pt
(Portugal)

ALERTAEMPREG

Daniel Haeseler

Managing Director
Panther Holding GmbH
auspreiser.de
(Germany)



Graham Everitt, Ray Duggins

Directors Quantum Response Network Ltd. best-jobs-online.com (United Kingdom)



Maria Rocha Barros

Senior Vice President and Chief Legal Officer Booking.com B.V. booking.com (Netherlands)



Harald Schiffauer

Managing Director ÁrGép argep.hu (Germany/Hungary)



Rupa Patel

General Counsel
Awaze Limited
awaze.com
(United Kingdom)



Michal Tvrzník

COO & Co-Founder
Biano s.r.o
biano.com
(Czech Republic)



Willem van der Wilden

CEO
Bungalow.Net Netherlands BV
bungalow.net
(Netherlands)



Csaba Racz

CEO
Online Comparison Shopping Kft.
arukereso.hu
(Hungary)



Giuseppe Pelosi

CEO Belita GmbH belita-ferienhaus.de (Germany)



Bernd Vermaaten

Managing Director solute GmbH billiger.de (Germany)



Stevan Lutz

CEO Casamundo GmbH casamundo.de (Germany)



Fabrizio Begossi

CEO FERIES S.r.l. casevacanza.it (Italy)

Darko Dujic

CEO
Ceneje d.o.o.
ceneje.si
(Slovenia)

Marcin Łachajczyk, Paweł Kowalski

General Manager, CTO
Ceneo.pl Sp. z.o.o.
ceneo.pl
(Poland)





Peter Hallmann

Feries

Managing Director
cesar Internetdienste GmbH
cesar.de
(Germany)



Quentin Adam

CEO
Clever Cloud
clever-cloud.com
(France)



Povilas Kytra

CEO Baltics CV Market Group cvmarket.lt (Lithuania)



Birgit Hoffmann

Director dk-ferien Aps dk-ferien.dk (Denmark)



Dritan Mezini

CEO
Duapune
duapune.com
(Albania)



Guillaume Teissonnière

General Counsel
Vacaciones eDreams, S.L.
edreamsodigeo.com
(Spain)

eDreams ODIGEO



Christian König

CEO
Eiderstedter Immobilien
Appartement-Vermittlung
Reisedienst GmbH
eiderstedter.de
(Germany)



Fabio Núñez

CEO
Escapada Rural Servicios
Para Propietarios, S.L.
escapadarural.com
(Spain)



Eric La Bonnardière

CEO EVANEOS SA evaneos.com (France)



Philippe Montant

CEO GMEP ExeKutive.biz (Morocco)

Jean-Philippe Monod de Froideville

Senior Vice President
Government & Corporate Affairs
Expedia Group
expediagroup.com
(United States)

Christian Göttsch

Managing Director Experteer GmbH experteer.com (Germany)

EXEKUTIVE.BIZ



experteer^{de}

Jan Zajíc

Managing Director
Favi online s.r.o.
favi.cz
(Czech Republic)



Henrik Ranch

CEO & Founder fejo.dk ApS fejo.dk (Denmark)



Daniel Ziolko

Managing Director resido GmbH ferienhausmiete.de (Germany)



Stefan Sand

CEO
TravelMeta GmbH
fewoferien.de
(Germany)



Caroline Führer

Managing Director FEWO & MEER e. K. fewoundmeer.de (Germany)



Christoph Müller

Managing Director
Rudolf Müller Medienholding GmbH
& Co. KG
fliesen-stellenmarkt.de
(Germany)



Jochen Engert

Managing Director FlixMobility GmbH flixbus.de (Germany)



Shivaun Raff

CEO and Co-Founder
Infederation Ltd
foundem.com
(United Kingdom)



Markus Nigl

CEO
Preisvergleich Internet Services AG
geizhals.at
(Austria)



Lars Fink, Rainer Weckbach

Managing Directors
get in GmbH
get-in-it.de
(Germany)



Tomáš Hodboď

CEO
Inspigroup s.r.o.
glami.cz
(Czech Republic)



Johannes Reck

CEO
GetYourGuide AG
getyourguide.com
(Germany)



Harald Schiffauer

Managing Director guenstiger.de GmbH guenstiger.de (Germany)



Marjin Bom

Founder
Gites B.V.
gites.com
(Netherlands)



Christophe Chastel

CEO
Guest Apartment Services Paris SAS
guestapartment.com
(France)



Alfons Schräder

Managing Director
Heise Medien GmbH & Co. KG
heise.de
(Germany)



Tomáš Braverman

CEO
Heureka Group a.s.
heureka.cz
(Czech Republic)



Martin Slavik

Director E-commerce CZECH NEWS CENTER a.s. hledejceny.cz (Czech Republic)



Marc Al-Hames

CEO
HolidayCheck AG
holidaycheck.de
(Germany)



Alexander Claashen

Managing Director Holiday Home AG holiday-home.de (Switzerland)



Johannes Siebers, Michael Siebers

CEO, CTO
Holidu GmbH
holidu.com
(Germany)



Krzystof Wierzbicki

Supervisory Board Member
Stileo Sp. z o.o.
homelook.it
(Poland/Italy)



Frédéric Laignel

CEO & Founder i-Comparateur SARL i-comparateur.com (France)



Sonja Cetkovic

Website Director
Infostud
infostud.com
(Serbia)



Orla Moran

General Manager Saongroup Ltd irishjobs.ie (Ireland)



Claude Chopard Lallier

CEO & Founder
Home Rental Service SAS
homerental.fr
(France)



Albrecht von Sonntag, Philipp Peitsch

Managing Directors idealo internet GmbH idealo.de (Germany)



Ken Fouhy

Managing Director VDI Verlag GmbH ingenieur.de (Germany)



Isabella Tarticchio

CEO
Naron d.o.o.
istriasun.com
(Croatia)



Patrick Andrä

CEO & Founder HomeToGo GmbH hometogo.de (Germany)



Roman Campa

General Manager Adevinta Spain, S.L.U. infojobs.net (Spain)



Michal Tůma

Director Invia Group invia.cz (Czech Republic)



Torben Tronborg

CSO
IT-Jobbank A/S
it-jobbank.dk
(Denmark)



David Creslovnik

Manging Director sMind d.o.o. jetfinije.hr (Croatia)



Luis Verdeja

Director Jobartis jobartis.com (Angola)



Dennis Roi Hansen

Head of Intelligence & Audience
Teknologiens Mediehus
Jobfinder.dk
(Denmark)



Kaare Danielsen

CEO
Jobindex A/S
jobindex.dk
(Denmark)



Lukas Erlebach

CEO
Joblift GmbH
joblift.de
(Germany)



Plamen Voushev

CEO JOBS.BG Ltd jobs.bg (Bulgaria)



Christopher Paye

General Manager
Jobs.ie Ltd
jobs.ie
(Ireland)



Wolfgang Achilles, Matthias Reineke

Managing Directors
Jobware GmbH
jobware.de
(Germany)



Vijay Iyer

General Counsel
KAYAK Software Corporation
kayak.com
(United States)



Richard Stables

CEO
Kelkoo Group
kelkoogroup.com
(United Kingdom)



Torsten Hein, Alexander Roß

Managing Directors kimeta GmbH kimeta.de (Germany)



Laia Simó

Head of Legal Kleding B.V. kleding.nl (Netherlands)



Pedro Pimenta

CEO & Founder Paginadotcom S.A. kuantokusta.pt (Portugal)



Johannes Kotte

Managing Director Visual Meta GmbH visual-meta.com (Germany)



Thomas Kortenjan

Manager LV digital GmbH landreise.de (Germany)



Marco Corradino

Managing Director LM Group lastminute.com (Germany)



Im group | #GetBusyLiving

Steve Thomas

General Counsel LeGuide.com SAS leguide.com (France)



Javier Bellido

General Director Liligo MetasearchTechnologies S.A. liligo.fr (France)



Michael Röcker

CEO LionsHome GmbH lionshome.de (Germany)



Milan Jasný

Executive Director LMC s.r.o. lmc.eu (Czech Republic)



Hélène Draghi

CEO WEB EMERAUDE SARL location-et-vacances.com (France)



Frédéric Hernandez

CEO Location Vacances Express SAS location-vacances-express.com (France)



Philippe Lenoir, Pascal Voyat

Co-Founders Mailo SAS Mailo.fr (France)



Rudolf Ristov

Managing Director Metatravel Service GmbH metatravel-service.de (Germany)



Miro Morczinek

CEO & Co-Founder X24Factory GmbH moebel24.de (Germany)



Igor Žonja

Managing Director
Tau on-line Ltd.
moi-posao.net
(Croatia)



Tomaž Gorjup

CEO
Styria digital marketplaces, d.o.o.
mojedelo.com
(Slovenia)



Vijay Iyer

General Counsel Momondo A/S momondo.com (Denmark)



Emmanuel Pioton

Manager
Apart Hotel Riviera
myflatinnice.com
(France)



Sam McIlveen

General Manager
NIjobs.com Ltd
nijobs.com
(Ireland)



Narem Shaam

CEO
GoEuro Corp.
Omio.com
(United States)



Marc Pinter-Krainer

CEO & Founder One News Page Ltd. onenewspage.com (United Kingdom)



Vijav Iver

General Counsel OpenTable, Inc. opentable.com (United States)



Fabian Spielberger

CEO & Founder
Pepper Media Holding GmbH
pepper.com
(Germany)



Gail Boisclair

CEO & Founder
PerfectlyParis SARL
perfectlyparis.com
(France)



Przemek Gacek

CEO
Grupa Pracuj
pracuj.pl
(Poland)



Alice Janik

Managing Director comparado GmbH preis.de (Germany)



Michal Král

CEO
Pricemania s.r.o
pricemania.sk
(Slovakia)



Nicklas Storåkers

Managing Director
PriceRunner International AB
pricerunner.com
(Sweden)

PriceRunner

Peter Greberg

CEO
Prisjakt Sverige AB
prisjakt.nu
(Sweden)



István Martis

CEO
PROFESSION.HU KFT.
profession.hu
(Hungary)



Doug Scott

CEO & Founder RedBrain Ltd redbrain.com (United Kingdom)



Philippe Montant

CEO
REKRUTE, SARL
rekrute.com
(Morocco)



Ismo Kurri

Managing Director LAURA Recruitment Ltd rekrytointi.com, laura.fi (Finland)





Mateusz Łukianiuk

E-commerce Director
Ringier Axel Springer
Polska Sp. z.o.o.
skapiec.pl
(Poland)



George Hadjigeorgiou

CEO & Founder
Skroutz A.E.
skroutz.gr
(Greece)



Rob Miller

Chief Legal Officer Skyscanner Ltd skyscanner.com (United Kingdom)



Chris Cummings

CEO
Curiosity Media, Inc.
spanishdict.com
(United States)



David Folprecht

CEO SROVNAME, s.r.o. srovname.cz (Czech Republic)



Krzystof Wierzbicki

Supervisory Board Member Stileo Sp. z o.o. stileo.it (Poland/Italy)



Dustin Figge

CEO HOMELIKE INTERNET GmbH thehomelike.com (Germany)



Seth Kalvert

Senior Vice President. General Counsel Tripadvisor LLC tripadvisor.com (United States)



Hans Biermann

Managing Director **Euro-Cities AG** stadtplandienst.de (Germany)



Martin Slavik

Director E-commerce CN Invest a.s. stojizato.sme.sk (Slovakia)



Dan Savage

CEO Tradecomet.com Ltd tradecomet.com (United Kingdom)



Stevan Lutz

Managing Director Tripping GmbH tripping.com (Germany)



Sebastian Dettmers

CEO

StepStone Deutschland GmbH stepstone.de (Germany)



Caspar v. Seckendorff

Managing Director Producto AG testberichte.de (Germany)

Testberichte.de

Radosław Damasiewicz

CEO Travelplanet.pl S.A. travelplanet.pl (Poland)



Axel Hefer

CEO Trivago N.V. trivago.com (Germany)



Marco Pescarmona

Chairman 7Pixel srl trovaprezzi.it (Italy)

trovaprezzi.it

Holger Reinhart

Director
Ostsee-Ferienhausvermietung
Gosch
urlaub-gosch.de
(Germany)



Joris Verwater CEO Compare Group vergelijk.nl (Netherlands)



Stephen Ellison

Marketing & Sales Manager
Vintage Spain Ltd
vintagetravel.co.uk
(United Kingdom)



Christoph Kreuzer

Managing Director wetter.com GmbH wetter.com (Germany)



Thomas Fauré

CEO
Whaller SAS
whaller.com
(France)



Benedikt von Wissel

Managing Director Wimdu Meta GmbH wimdu.de (Germany)



Paul Peckels

CEO
SAINT-PAUL LUXEMBOURG S.A.
wort.lu
(Luxembourg)



Luther Lowe

Senior VP Public Policy Yelp Ireland Ltd. yelp.com (Ireland)



Associations and Organisations

Mikko Hoikka

Executive Director
Aikakausmedia
(Finnish Magazine
Media Association)
aikakausmedia.fi
(Finland)

AIKAKAUSMEDIA

Joao Palmeiro

Managing Director
Associação Portuguesa
de Imprensa
apimprensa.pt
(Portugal)



Pierre Louette

President
Alliance de la presse
d'information générale
alliancepresse.fr
(France)



Dietmar Wolff

Executive Director
Bundesverband Digitalpublisher und Zeitungsverleger e.V.
(BDZV)
bdzv.de
(Germany)



Boris Trupčević

CEO and Board Member
Croatian Publishers Association
hup.hr
(Croatia)



Louise Brincker

CEO
Danske Medier
danskemedier.dk
(Denmark)



Aye Helsig

Chairman
Deutscher Ferienhausverband
e.V.
deutscherferienhausverband.de
(Germany)



Norbert Kunz

Managing Director
Deutscher Tourismusverband
e.V. (DTV)
deutschertourismusverband.de
(Germany)



Ilias Konteas

Executive Director
European Newspaper Publishers'
Association (ENPA)
enpa.eu
(Belgium)



Angela Mills Wade

Executive Director
European Publishers Council
(EPC)
epceurope.eu
(Belgium)



Emmanuel Mounier

General Secretary EU Travel Tech eutraveltech.eu (Belgium)



Elizabeth de Bony

Executive Director
FairSearch
fairsearch.org
(Belgium)



Laurent Bérard-Quélin

President
FNPS La presse spécialisée
fnps.fr
(France)



Bertrand Gié

CEO GESTE geste.fr (France)



Michael Weber

Chairman
Initiative for a Competitive Online
Marketplace (ICOMP)
(United Kingdom)



Bogusław Chrabota

President
Chamber of Press Publishers
iwp.pl
(Poland)



Daniel Van Wylick

President
LA PRESSE.be
lapresse.be
(Belgium)



Bojana Božanić Ivanović

CEO
Lider media d.o.o.
lider.media
(Croatia)



Ilias Konteas

Executive Director
European Magazine Media
Association (EMMA)
magazinemedia.eu
(Belgium)



Léonidas Kalogeropoulos

Delegate General Open Internet Project (OIP) Openinternetproject.net (Belgium)



Rosa Bayo Alvarez

President
Asociación Española
de Plataformas Digitales
de Alquiler Temporal (PAT)
pat.org.es
(Spain)



Owen Meredith

CEO
Professional Publishers
Association
ppa.co.uk
(United Kingdom)



Václav Mach

CEO
Czech Publishers Association
unievydavatelu.cz
(Czech Republic)



Michael Buller

Chairman
Verband Internet Reisevertrieb
e.V. (VIR)
v-i-r.de
(Germany)



Marie Pistinier

Secretary of the Board
Syndicat des Professionnels de
la Location Meublée
splm-france.fr
(France)



Christoph Fiedler

Managing Director
European and Media Policies
Verband Deutscher
Zeitschriftenverleger e.V. (VDZ)
vdz.de
(Germany)



Verband Deutscher Zeitschriftenverleger

Gerald Grünberger

Managing Director
Verband
Österreichischer Zeitungen
voez.at
(Austria)



Kerstin Neld

CEO Sveriges Tidskrifter sverigestidskrifter.se (Sweden)



Markus Runde

Managing Director VG Media GmbH vg-media.de (Germany)



Xavier Bouckaert

Chairman WE MEDIA wemedia.be (Belgium)

