

## NEWS RELEASE

### **Google's abusive dominant position must be countered by fair competition if Europe's free press and creative content sector are to thrive:**

#### **Europe's publishers react against reported Commission settlement with Google**

*Brussels, 31 January 2014* – A coalition of European newspapers and magazines' publishers is greatly concerned to learn from recent press coverage that, in the face of all the evidence of continued market abuse, European Competition Commissioner Almunia is set to settle the anti-trust case with Google without further consultation on or market testing of Google's proposed commitments to stop its anti-competitive practices.

According to press reports, Google's new offer is "in essence building on its second proposal with no dramatic changes".

The coalition (the European Newspaper Publishers' Association (ENPA), the European Magazine Media Association (EMMA) and the European Publishers' Council (EPC), is highly critical that none of the complainants - AEDE (the Spanish Association of Daily Newspaper Publishers), BDZV (the Federation of German Newspaper Publishers) or VDZ (the Association of German Magazine Publishers) – has been consulted about this latest development.

European press publishers have been calling on Europe's Competition Commissioner Almunia to reject Google's "commitments" that do nothing to stem the company's continued and indeed increased use of unauthorized third party content along with their blatant discrimination against search results that are not paid for or are not actual Google services.

The coalition is specifically calling for:

- equal search and display criteria for all websites, including Google's own services;
- no use of content from press publishers (newspaper, magazine and online publishers) beyond what is truly indispensable for navigation purposes in the horizontal search without prior consent;
- an option to mark information on an item-by-item-basis in a machine-readable way in order to express permissions and restrictions for use of that respective content;

- no direct or indirect punishment of websites that restrict the use of their content; and
- no preferential treatment of news aggregators towards online press portals.

The publishers underlined in a letter to Vice-President Almunia that it is essential for the legacy of the Commission that this case is handled with sufficient transparency and openness, considering its economic impact on European businesses, including the press sector. If the Commission were to endorse the anti-competitive behaviour of Google, this would clearly have a detrimental impact on the future development and sustainability of both the European press sector and the digital economy as a whole. The publishers strongly believe that a commitment decision in this case would seriously prejudice EU competition law, an essential pillar of the EU treaty. Press publishers across Europe are particularly concerned that legitimising Google's practices would seriously threaten Europe's core democratic values, such as press freedom, media pluralism, diversity and citizens' access to information.

According to reports of a statement Vice-President Almunia made on 20 December 2013, he clearly indicated that Google had failed to address the Commission's concerns and that Google's latest "offer" was not acceptable. He also highlighted publicly on many occasions that if Google does not present acceptable solutions, the Commission would have no other choice other than to go down the route of a prohibition procedure and present a statement of objections.

In conclusion, ENPA, EMMA and EPC are calling on all Commissioners to ensure that Vice-President Almunia abide by this strong statement by ensuring a fully open and transparent process and by urgently opening a prohibition procedure, to include the presentation of a statement of objections.

Addressing this serious anti-competitive behaviour must be a priority for Europe's regulators if they value Europe's creative content sector, a free press and their significant contribution to Europe's economy.

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