

The CNMC initiates disciplinary proceedings against Google for possible anti-competitive practices affecting Spanish publishers of press publications and news agencies

- The behaviour under investigation allegedly involves an abusive exploitation by Google of its dominant position in the Spanish market.
- The abuse under scrutiny consists of imposing unfair conditions on Spanish publishers of press publications and news agencies.
- The practices under investigation also include possible acts of unfair competition that could affect the public interest by distorting free competition.

Madrid, 28 March 2023.- The CNMC has initiated disciplinary proceedings against Google LLC, Google Ireland Ltd., Google Spain S.L. (Google) and their parent company Alphabet Inc. for restrictive practices prohibited by Articles 2 and 3 of Law 15/2007 of 3 July on Defense of Competition (LDC in Spanish) and in Article 102 of the Treaty on the Functioning of the European Union (TFEU) (S/0013/22).

On the one hand, the CNMC is investigating a series of practices that could involve an abuse of Google's dominant position vis-à-vis publishers of press publications and news agencies established in Spain. Specifically, these practices consist of the possible imposition of unfair commercial conditions on publishers of press publications and news agencies established in Spain for the exploitation of their copyrighted content.

On the other hand, the behaviour under investigation also includes practices that constitute acts of unfair competition that could distort free competition and affect the public interest. These practices could infringe the third paragraph of Article 129 bis of Royal Legislative Decree 1/1996 of 12 April 1996 approving the consolidated text of the Spanish Intellectual Property Act and could involve the exploitation of the situation of economic dependence on Google suffered by publishers of press publications and news agencies established in Spain.

This case originated from a complaint submitted to the CNMC by the Centro Español de Derechos Reprográficos (Spanish Centre for Reprographic Rights).

In view of this complaint and the information gathered as part of the preliminary investigation, the CNMC's Competition Directorate considers that there is prima facie evidence that Google has possibly infringed Articles 2 and 3 of the LDC, as well as Article 102 of the TFEU.

The initiation of these proceedings does not prejudice the final outcome of the investigation. The CNMC will now have a maximum period of 18 months to investigate and resolve the case.