

Ms Margrethe Vestager  
Commissioner for Competition  
European Commission  
Rue de la Loi  
B - 1049 Brussels

28 February 2018

Dear Commissioner Vestager,

RE: AT.39740 – Google Search (Comparison Shopping)

We are writing to express our common views on the European Commission's ongoing monitoring of Google's compliance with the Google Search Prohibition Decision. Google's current remedy proposal has been in operation for more than four months, and the harm to competition, consumers and innovation caused by the infringement established by the Decision has continued unabated.

In our view, Google's current remedy proposal is no better than Google's Commitment proposals under Commissioner Almunia, and in some ways may be worse.

Google's remedy proposal is, on its face, non-compliant with the Prohibition Decision for at least three reasons:

- first, without full ownership unbundling (structural separation), Google Shopping's participation in the auction is essentially meaningless;
- second, without explicit measures to prevent it, any fully- or over-subscribed auction inevitably leads to competing services being charged a fee that has the equivalent object or effect as the infringement established by the Decision; and
- third, the aggregation of rich product ads (derived from product feeds or their equivalent) in itself constitutes a comparison shopping service which Google is favouring in its general search results. Note that this remains true with or without the participation of Google Shopping.

And of course, the resultant wholesale replacement of relevance-based search results with pay-for-placement ads has terrible consequences for consumers.

Moreover, Google's current remedy proposal does nothing to address the demotion half of Google's illegal Conduct—the penalty algorithms, such as Panda, that are prone to demoting competing services.

It would be highly damaging to competition and consumers should the Commission attempt to resolve its ongoing investigations into Google's similar anti-competitive conduct in other verticals with a Commitments Decision that is based on the same or similar ineffective "remedy".

We respectfully urge the Commission to reject Google's current remedy proposal and to hold Google to an effective remedy that complies with the principles of equal treatment set out in the Prohibition Decision.

We continue to be ready to provide the Commission with detailed feedback on any proposed remedy, including on Google's first post-implementation report. We believe that our respective expertise might be critical to assess whether a remedy effectively puts an end to Google's abuse of dominance.

Yours sincerely,

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Founder and General Manager, **Acheter-moins-cher.com**

Helmut Verdenhalven,  
Head of Media Policy, **BDZV** (Federation of German Newspaper Publishers)

Sylvie Fodor,  
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