



Latest developments in EU Competition Law and Policy

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Structure of the presentation

1. Policy: The revised Horizontal Guidelines
2. Enforcement: The Google AdTech case and DMA designations
3. Perspectives: The evaluation of Reg. 1/2003 and the development of Art. 102 TFEU Guidelines

Policy

The revised Horizontal Guidelines

Horizontal Guidelines: Scope



Horizontal Guidelines: Sustainability

Sustainability agreements do not violate
Art. 101 TFEU pursuant to...

...Art. 101(1) TFEU

...Art. 101(3) TFEU

Participative and
transparent
standard
selection

No obligation to
comply

Freedom to
unilaterally adopt
higher standard

No exchange of
commercially
sensitive
information

Effective and
non-
discriminatory
access

No significant
increase in price
NOR reduction in
quality OR
combined market
share not
exceeding 20%

Both qualitative
efficiencies and
cost savings

Individual use
value benefits,
individual non-
use value
benefits,
collective benefits
or combination

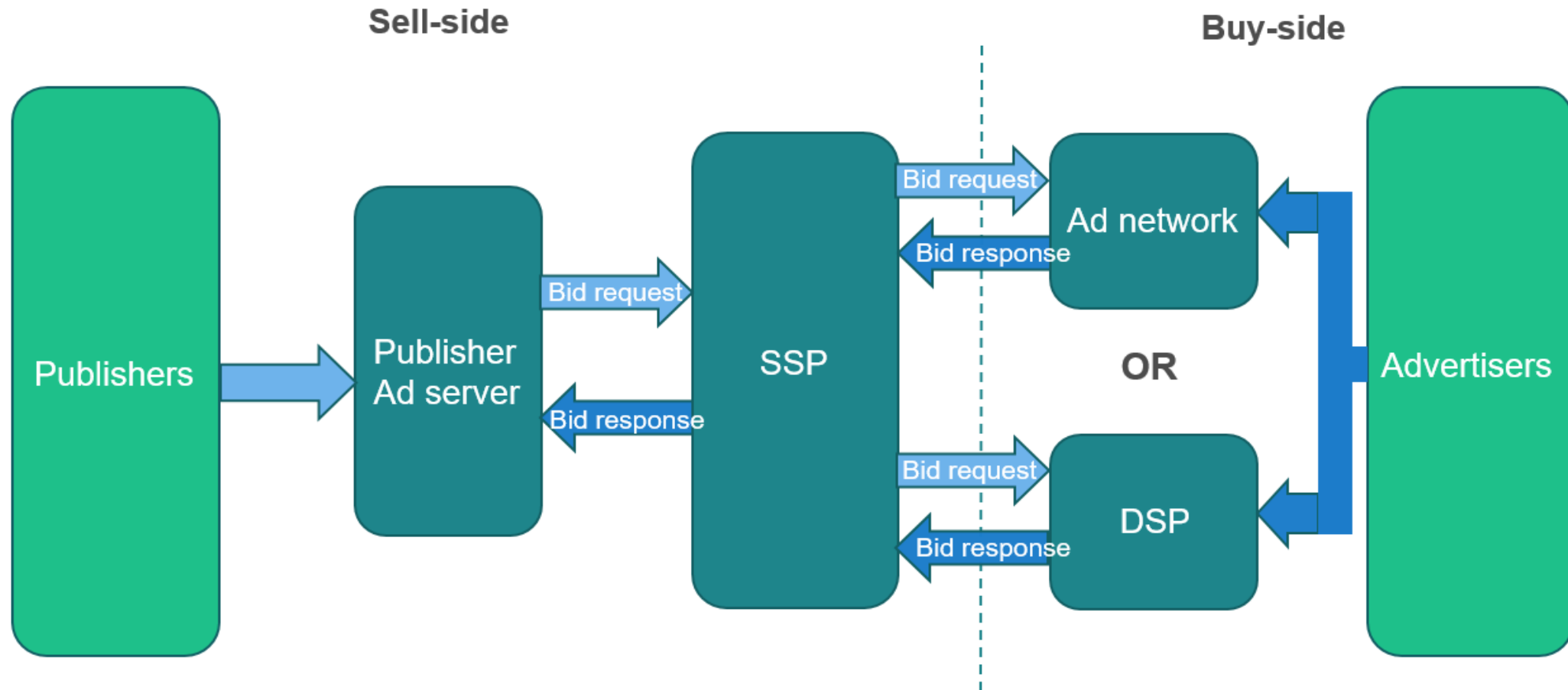
Restrictions
necessary to
achieve benefit

Sufficient residual
competition left

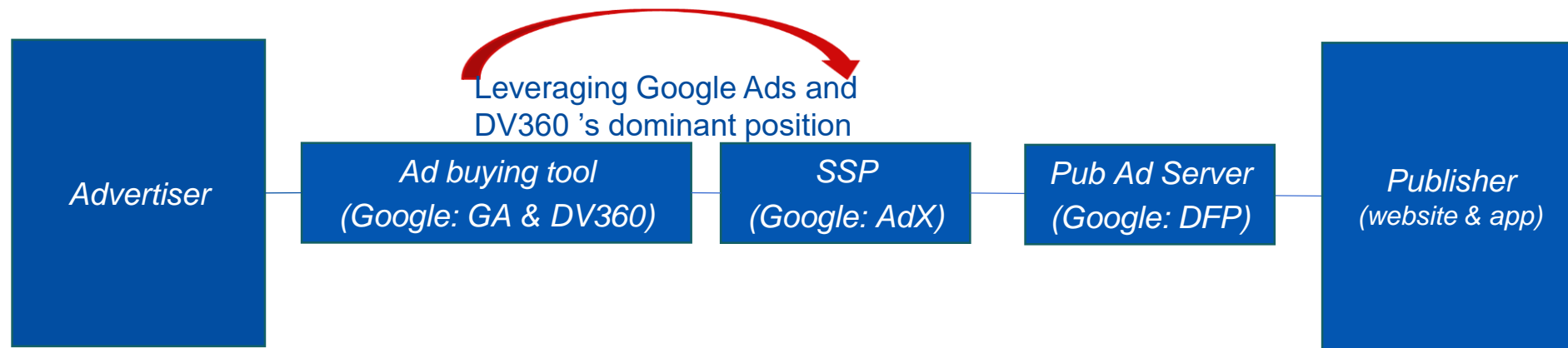
Enforcement

The Google AdTech case and first experience with the DMA

Google AdTech: The ad tech stack

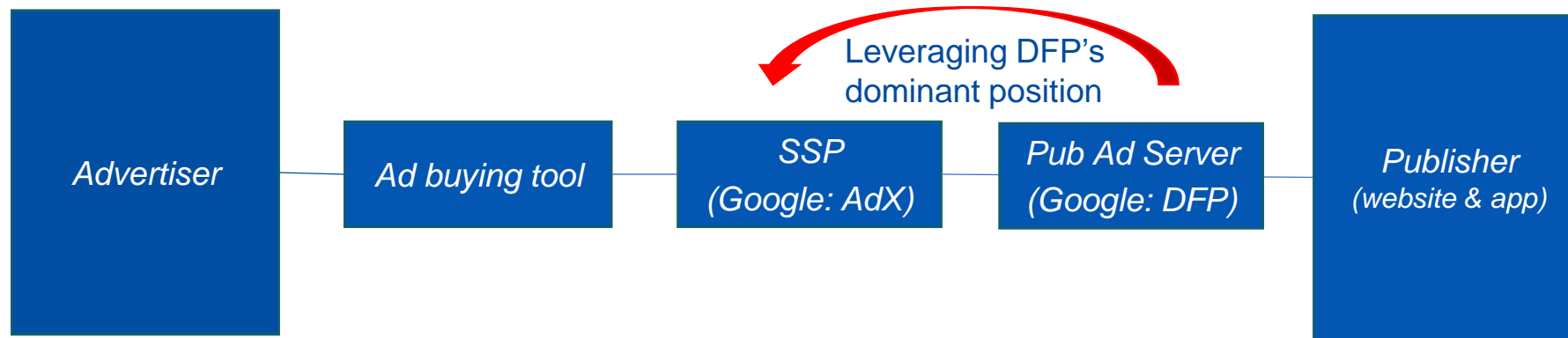


Google AdTech: Buy-side conduct





















- Google has abused Google Ads and DV360's dominant position(s) in the market(s) for programmatic ad buying tools for the open web by favouring AdX to the detriment of rival SSPs
- Google intentionally sought to provide AdX a substantial advantage through a series of 3 distinct practices, which together constitute the “buy-side conduct”
- Example: Google Ads was avoiding competing ad exchanges and mainly placing bids on AdX, thus making it the most attractive ad exchange for publishers

Google AdTech: Sell-side conduct



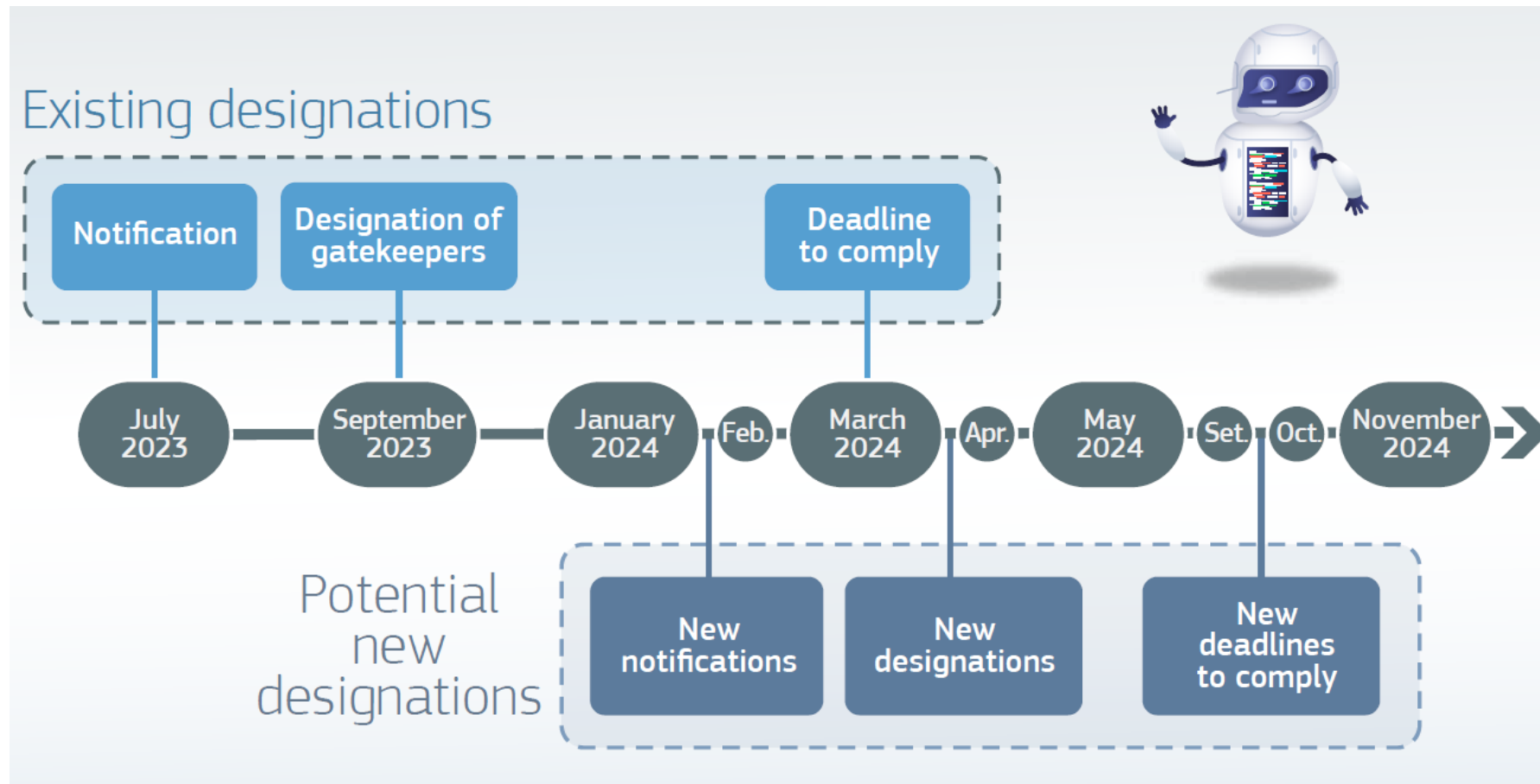
- Google has abused DFP's dominant position in the market for publisher ad servers by favouring AdX to the detriment of rival SSPs
- Google intentionally sought to provide AdX a substantial competitive advantage over rival SSPs through a series of 8 practices, which together constitute the “sell-side” conduct
- Example: Google informed AdX in advance of the value of the best bid from competitors submitted to DFP which it had to beat to win the auction

DMA: Designated gatekeepers and services

Gatekeeper	Inter-mediation	Search	Social network	Video sharing	N-IICS	Operating system	Browser	Virtual assistant	Cloud	Ads
Alphabet					Accepted rebuttal					
Apple					Market investigation on rebuttal	 investigation on iPadOS				
Meta										
Microsoft		Market investigation on rebuttal			Accepted rebuttal		Market investigation on rebuttal			Market investigation on rebuttal
Amazon										
ByteDance										
Samsung										

Non-designation letter

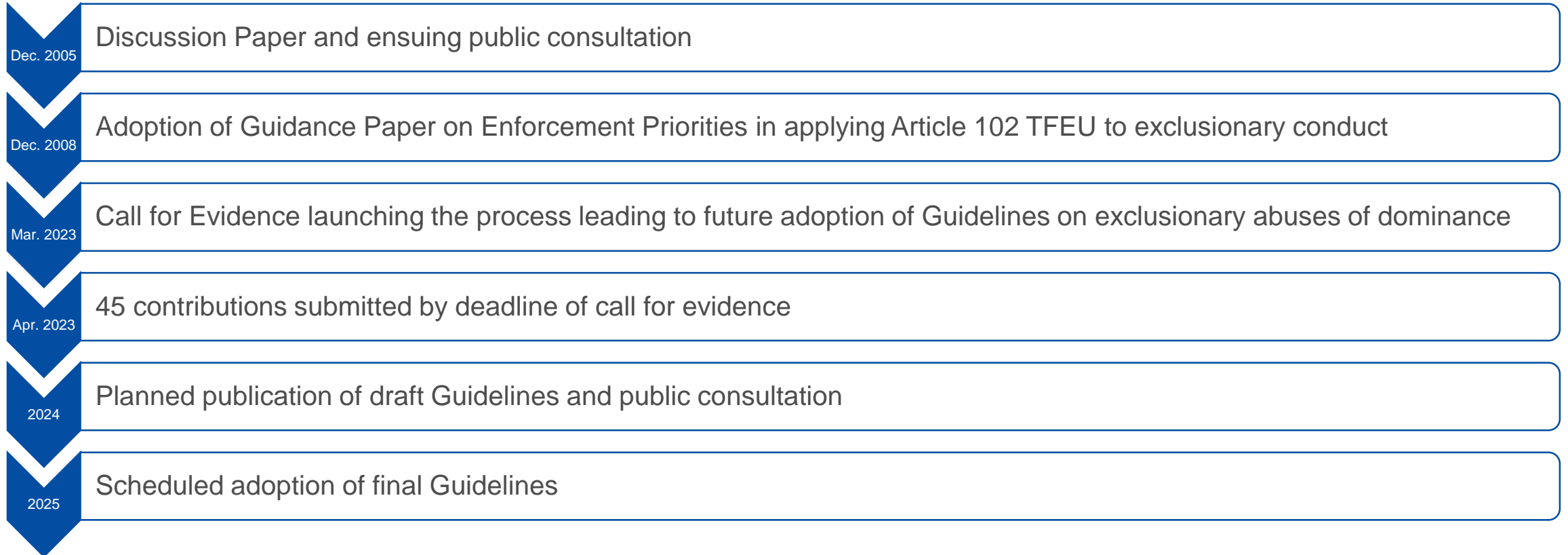
DMA: Enforcement schedule



Perspectives

The evaluation of Reg. 1/2003 and the development of Art. 102 TFEU
Guidelines

Art. 102 TFEU Guidelines: schedule



Evaluation of Reg. 1/2003: Schedule

