

Proceedings against large digital companies - on the basis of Sec. 19a GWB - (as of February 2024)

In January 2021, the 10th amendment to the German Competition Act (GWB Digitalisation Act) came into force. A new provision (Section 19a GWB) enables the authority to intervene earlier and more effectively, in particular against the practices of large digital companies. In a two-step procedure, the Bundeskartellamt can prohibit companies which are of paramount significance for competition across markets from engaging in anti-competitive practices.

Step 1 is to determine the paramount significance for competition across markets (Sec. 19a(1) GWB).

Step 2 allows certain behaviors of such companies to be prohibited under the rules of specific abuse control (Sec. 19a(2) GWB).

Microsoft			
Step	Sec. 19a proceeding and subject	Status	Press release
1	Significance for competition across markets Examination to determine whether the company is of paramount significance for competition across markets (Sec. 19a(1) GWB)	ongoing ; initiated on March 28, 23	PR

Alphabet			
Step	Sec. 19a proceeding and subject	Status	Press release
1	Significance for competition across markets Examination to determine whether the company is of paramount significance for competition across markets (Sec. 19a(1) GWB)	concluded on Dec 30, 21 (decision final)	PR Case summary
2	Google News Showcase Examination of whether there is an adequate balance between the rights and obligations of the content providers vis-à-vis Google / Examination of possible discrimination between individual publishers / Examination of whether competing services offered by publishers or other news providers are being squeezed out of the market or whether Google is preferencing its own services	concluded on Dec 21, 22 Result: Improvements for publishers using Google News Showcase	PR Case summary FAQ
2	Google / Data processing conditions Examination of Google's data processing terms / options available for users	concluded on October 5, 23 Result: Better control over their data for users of Google	PR Decision PR
2	Google Maps Platform and Google Automotive Services Proceeding against Google for possibly imposing anti-competitive restrictions with its licensing practices of services for infotainment systems and terms of use of the Google Maps Platform	ongoing ; initiated on Feb 14, 22 Statement of objections on June 21, 23 Market test regarding commitments proposed by Google (Dec 20, 23)	PR-Initiation PR-Statement of Objections PR

Amazon			
Step	Sec. 19a proceeding and subject	Status	Press release
1	Significance for competition across markets Examination to determine whether the company is of paramount significance for competition across markets (Sec. 19a(1) GWB)	concluded on July 5, 22 (pending before court)	PR Case summary
2	Price control Examination of whether Amazon is influencing the pricing of sellers (by means of price control mechanisms and algorithms)	ongoing ; initiated on May 15, 20; extended to Sec. 19a(2) GWB in Nov 22	PR
2	Brandgating Examination of possible disadvantages for market place sellers caused by various instruments applied by Amazon, such as agreements between Amazon and (brand) manufacturers which could exclude third-party sellers from selling (brand) products	ongoing ; initiated on Sept 3, 20; extended to Sec. 19a(2) GWB in Nov 22	PR

Apple			
Step	Sec. 19a proceeding and subject	Status	Press release
1	Significance for competition across markets Examination to determine whether the company is of paramount significance for competition across markets (Sec. 19a(1) GWB)	concluded on April 3, 23 (pending before court)	PR
2	App-Tracking-Transparency-Framework (ATTF) Review of Apple's tracking rules for third-party apps. Apple's rules have raised the initial suspicion of self-preferencing and/or impediment of other companies	ongoing ; initiated on June 14, 22	PR

Meta			
Step	Sec. 19a-proceeding and subject	Status	Press release
1	Significance for competition across markets Examination to determine whether the company is of paramount significance for competition across markets (Sec. 19a(1) GWB)	concluded on May 2, 22 (decision final)	PR Case summary
2	VR headsets / Facebook Originally: Examination of the linkage between VR headsets (formerly Oculus) and the social network. Meta has responded to the Bundeskartellamt's concerns in the meantime: VR headsets can now be used also without a Facebook or Instagram account. The proceeding is not yet concluded, however. In addition to the specific choice architecture (in particular regarding the usable accounts), the authority also examines in this proceeding whether and how data processed in the context of different Meta services are combined.	ongoing ; initiated on Dec 10, 20; extended to Sec. 19a(2) GWB on Jan 28, 21. Update on Nov 23, 22: Meta has responded to the authorities' concerns - – VR headsets can now be used without a Facebook account	PR - extension of the proceeding to Sec. 19a(2) GWB PR - Meta responds to concerns