

Proceedings against large digital companies - on the basis of Sec. 19a GWB - (as of April 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 proposes 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 (in April 2024 the Federal Court of Justice upheld the Bundeskartellamt's decision)	PR Case summary
2	Price control Examination of Amazon's use of price control mechanisms or algorithms to potentially influence retailer prices on Amazon Marketplace.	ongoing ; initiated on May 15, 20; extended to Sec. 19a(2) GWB in Nov 22	PR
2	Brandgating Examination of possible disadvantages for Marketplace sellers in obtaining permission to sell branded products, for example due to agreements between Amazon and (brand) manufacturers excluding third-party retailers.	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) Examination of Apple's tracking policy for third-party apps. These rules for obtaining user consent to the use of their data are likely to favour Apple in its advertising activities, the attribution of advertising success and the prevention of advertising fraud and/or hinder 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 Examination of user options, in particular regarding the accounts that can be used, and the question of combining the data processed in the context of Meta's various services. The option to use the VR headsets without a Facebook or Instagram account has already been made available to users.	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