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COMPETITION BOARD'S GOOGLE SHOPPING INVESTIGATION CONCLUDED

The Competition Board, with its decision dated 13 February 2020, has ruled that Google, the economic entity including Google Reklamcılık ve Pazarlama Ltd. Şti., Google International LLC, Google LLC, Google Ireland Limited and Alphabet Inc., is in a dominant position in general search services and online shopping comparison services markets, and has abused its dominant position by placing its rivals in the shopping comparison services into a competitive disadvantage and obstruct their activities. The decision, along with the implementation of an administrative fine of TRY 100 million, determined various obligations in order to "cease the infringement and re-establish the competition in the market".

These obligations can make way for significant changes in Google's business model in online shopping comparison services. Pursuant to the decision, Google must fulfil the following obligations within three months starting from the notification date of the justified decision:

- To provide conditions in which competitor shopping comparison services are not less advantageous compared to Google's own relevant services in the general search results page,
- To remove the clickability of Shopping Unit title in other mediums coherent to the mobile medium,
- To eliminate reasonably the uncertainty regarding the advertisement nature of the title and labeling of Shopping Unit, and

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- To stop preferentially positioning Shopping Unit in cases where the names of shopping comparison service providing competitors' brand or website is explicitly included with the name of the product in searches made via Google.

This decision is not the first which implements an administrative fine on and determines other obligations for Google in connection with Google's anticompetitive practices. The Competition Board's decision dated 19 September 2018, stipulated various obligations for Google as per the finding that Google has a dominant position in the "licensable mobile operating systems" market. The Competition Board ruled that Google has prevented the products of its competitors in the internet search services market from being installed in mobile devices via different clauses included in the agreements between Google and device manufacturers which desire to use the Android operating system in their devices to be sold in Turkey and thus abused its dominant position. Due to Google's failure to comply with the obligations stipulated by the Board; the Competition Board decided to implement a daily administrative fine starting from 7 November 2019.

There are two ongoing investigations of the Competition Authority regarding Google that are expected to be finalized in 2020. One of these investigations concerns the claim regarding abuse of Google's dominant position by means of algorithm updates and Adwords advertisements; the other is related to the claim regarding abuse of Google's dominant position in the general search services market for driving its own local search service forward in an exclusionary way against its competitors.

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