

---

# TCA's Google Search (Shopping) Case: Fine was Imposed

## TCA's Google Search (Shopping) Case: Fine was Imposed

**Authors: Bahadır Balkı, Nabi Can Acar**

Turkish Competition Authority (“TCA”) announced on 14.02.2020 its final decision<sup>[1]</sup> to fine Google Reklamcılık ve Pazarlama Ltd. Şti., Google International LLC, Google LLC, Google Ireland Limited and Alphabet Inc (will be referred to as “Google” collectively, hereinafter).

In the press release, it was stated that as a result of the investigation conducted to determine whether Google violated article 6 of the Act no 4054 on the Protection of Competition (“**Competition Law**”) via abusing its dominant position in the search engine market by complicating its rivals’ activities, the TCA unanimously decided that Google;

- is dominant in (i) general internet search market and (ii) comparison shopping market and
- violated article 6 of the Competition Law (*i.e.* the article which prohibits abuse of dominant position) by putting competitors offering shopping comparison services disadvantaged in competition, complicating the activities of competing undertakings and distorting competition in the shopping comparison services market.

The TCA consequently issued a fine amounting to TRY 98.354.027,39 (approx. EUR 15.4 Million). The fine has been calculated over Google’s 2019 turnover and since the conduct lasted longer than five years the base of it was increased by one-fold.

In order to bring the infringement to an end and ensure effective competition in the market the TCA ordered Google to comply with the following within three months from notification of the decision:

- to serve conditions with competing comparison-shopping services no less favorable than to its own comparison-shopping service within its general search pages,
- to remove the click feature of Shopping Unit title in all channels including mobile devices,
- to reasonably eliminate the uncertainty in the title and labeling of the Shopping Unit that this area is consisted of advertising,
- to terminate priority positioning of Shopping Unit in the searches containing the product name and explicit names or websites of competitors offering shopping comparison services.

Following the initial compliance measures are fulfilled, Google is also obliged to submit reports to the TCA once a year, for a total period of five years. The TCA’s decision may be appealed before Ankara Administrative Courts within 60 days from the notification of the decision.

---

If Google fails to comply with the TCA's Decision, it would be liable for a daily fine at a rate of five per ten thousand of its turnover generated in Turkey. It should be mentioned that the TCA imposed such daily fine on Google for not complying with obligations previously imposed with TCA's Android Decision<sup>[2]</sup>.

---

<sup>[1]</sup> TCA's Decision dated 13.02.2020 and numbered 20-10/119-69

<sup>[2]</sup> TCA's Decision dated 19.09.2018 and numbered 18-33/555-273.