Related rights: The advisory firm, Accuracy, has been accepted by the Autorité de la concurrence as a monitoring trustee in the case involving Google

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On Friday 7 October, the *Autorité de la concurrence* accepted the advisory firm, Accuracy, as a monitoring trustee in the case involving Google. The task to be performed by Accuracy will be to monitor the implementation of the commitments made by Google in relation to Decision 22-D-13 of 21 June 2022.

The role of the monitoring trustee

The advisory firm Accuracy has been accepted as a monitoring trustee pursuant to Decision 22-D-13, in which the *Autorité de la concurrence* accepts and mandates, for a period of five years (renewable once), the commitments undertaken by Google.

For the duration of its mandate, the task of the advisory firm, Accuracy, will be to verify Google's compliance with its commitments.

To that end, it will namely be required:

- To verify that Google has complied with the commitments in full
- To organise a monthly meeting (or, if deemed necessary by the monitoring trustee or by Google, on a more frequent basis) with Google to discuss the state of negotiations and any difficulties encountered
- To hold discussions, at their request, with negotiating parties wishing to enter into negotiations with Google or having already submitted a formal

request for that purpose, concerning the state of negotiations and any difficulties encountered
- To hold discussions with Google without delay, each time that the monitoring trustee has any doubts regarding Google's compliance with the commitments
- To inform the *Autorité de la concurrence*, without delay, in the event that Google fails to comply with the commitments
- To provide, if requested by the *Autorité*, any explanation concerning Google's compliance with the commitments
- To provide the *Autorité de la concurrence* with a quarterly monitoring report concerning compliance with the commitments.

In accordance with the commitments, the monitoring trustee will be entitled to take up the services of one or more technical or financial experts or intellectual property specialists to enable it to carry out its tasks effectively.

The monitoring trustee can be contacted using the details below:

Accuracy - 16 Avenue Matignon, 75008 Paris - +33 (0)1 58 75 70 00

- Sébastien Gonnet – Partner – Accuracy - Email: sebastien.gonnet@accuracy.com
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Related rights: a review of the principal stages

As a reminder, in April 2020, the *Autorité* issued injunctions in the context of (urgent) interim measures against Google (Decision 20-MC-01 of 9 April 2020/see press release), pending the decision on the merits. It then enjoined the company to negotiate in good faith with press agencies and publishers for the remuneration

due for the use of their protected content (inclusion of press photos and articles on the Google Search engine and its Google News and Discover services). In July 2021, it was then led to impose a penalty of 500 million euros upon Google for non-compliance with these injunctions (Decision 21-D-17 of 12 July 2021/see press release), enjoining Google to comply with its decision on (urgent) interim measures, subject to a periodic penalty payment.

In the course of the investigation into the merits of this case, competition concerns were identified and formalised in a preliminary assessment. Following the communication of this assessment, Google proposed a first set of commitments in December 2021, which were subjected to a market test (see press release of 15 December 2021). Following a hearing in April 2022 before the Board, Google successively sent four new versions of these commitments as well as a final proposal on 9 May 2022, in order to address both the concerns expressed in the market test and those of the Board.

Then, in the Decision of 21 June 2022, the *Autorité* considered that the commitments proposed by Google would likely put an end to the competition concerns expressed and would be substantial, credible and verifiable. It therefore decided to accept them and make them mandatory.

Decision 22-D-13 of 22 June 2022

Google's commitments (pdf)

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