



EUROPEAN COMMISSION

CASE DMA.100209 | Alphabet – SP Article 6(11)

(Only the English text is authentic)

Digital Markets Act
Regulation (EU) 2022/1925 of the European Parliament
and of the Council

Article 20(1) Regulation (EU) 2022/1925

Date: 27/01/2026



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Brussels, 27.1.2026
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Alphabet Inc.
251 Little Falls Drive
Wilmington, DE 19808
United States

Subject: Case DMA.100209 – SP – Alphabet – Article 6(11)

Commission decision opening a proceeding pursuant to Article 20(1) of Regulation (EU) 2022/1925 ⁽¹⁾ of the European Parliament and of the Council on contestable and fair markets in the digital sector

Only the English text is authentic

Dear Sir or Madam,

- (1) On 5 September 2023, the Commission adopted a decision designating Alphabet Inc. together with all legal entities directly or indirectly controlled by it (“**Alphabet**”) as a gatekeeper under Article 3 of Regulation (EU) 2022/1925 (“**Designation Decision**”). The Designation Decision lists the following core platform services (“**CPS**”) that Alphabet provides and which individually constitute an important gateway for business users to reach end users: (i) online intermediation service Google Shopping; (ii) online intermediation service Google Play; (iii) online intermediation service Google Maps; (iv) online search engine Google Search; (v) video-sharing platform service YouTube; (vi) operating system Google Android; (vii) web browser Google Chrome; and (viii) its online advertising services. ⁽²⁾
- (2) Since 7 March 2024, all obligations under the DMA became fully applicable to all of Alphabet’s designated CPSs.

⁽¹⁾ Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (Text with EEA relevance), OJ L 265, 12.10.2022, p. 1–66.

⁽²⁾ Decision C(2023) 6101 final.

- (3) Under Article 8(1) of Regulation (EU) 2022/1925 the gatekeeper must ensure and demonstrate compliance with the obligations laid down in Articles 5, 6 and 7 of Regulation (EU) 2022/1925. The measures implemented by gatekeepers must be effective in achieving the objectives of the Regulation and of the relevant obligation.
- (4) Under Article 8(2) of Regulation (EU) 2022/1925, the Commission may, on its own initiative or at the request of a gatekeeper, adopt an implementing act specifying the measures that the gatekeeper concerned must implement to effectively comply with the relevant obligation. Recital 65 of Regulation (EU) 2022/1925 states that the Commission, following a dialogue with the gatekeeper concerned and after enabling third parties to make comments, may decide to further specify some of the measures that the gatekeeper concerned must adopt in order to effectively comply with obligations that are susceptible of being further specified or, in the event of circumvention, with all obligations.
- (5) The implementing act referred to in Article 8(2) of Regulation (EU) 2022/1925 must be adopted within six months of opening proceedings. Such proceedings do not constrain the powers of the Commission to adopt a decision establishing non-compliance with any of the obligations laid down in Regulation (EU) 2022/1925 by a gatekeeper, including the possibility to impose fines or periodic penalty payments. Under Article 8(9) of Regulation (EU) 2022/1925, the Commission may also decide to reopen the proceedings under Article 8(2) of that Regulation.
- (6) In the implementing act specifying the measures that the gatekeeper concerned must implement to effectively comply with the relevant obligation, the Commission may impose periodic penalty payments under Article 31(1), point (a) of Regulation (EU) 2022/1925 to ensure compliance with the implementing act.
- (7) Article 6(11) of Regulation (EU) 2022/1925 is an obligation that can be further specified under Article 8(2) of that Regulation.
- (8) Under Article 6(11) of Regulation (EU) 2022/1925, a gatekeeper must provide to any third-party undertaking providing online search engines, at its request, with access on fair, reasonable and non-discriminatory terms to ranking, query, click and view data in relation to free and paid search generated by end users on its online search engines. Any such query, click and view data that constitutes personal data must be anonymised.
- (9) In relation to Article 6(11) of Regulation (EU) 2022/1925, recital 61 explains that:
 - (a) The value of online search engines to their respective business users and end users increases as the total number of such users increases and that access to such ranking, query, click and view data constitutes an important barrier to entry and expansion, which undermines the contestability of online search engines.
 - (b) Undertakings providing online search engines collect and store aggregated datasets containing information about what users searched for, and how they interacted with, the results with which they were provided. Undertakings providing online search engines collect these data from searches undertaken on their own online search engine and, where applicable, searches undertaken on the platforms of their downstream commercial partners.

- (c) Gatekeepers should therefore be required to provide access, on fair, reasonable and non-discriminatory (“**FRAND**”) terms, to those ranking, query, click and view data in relation to free and paid search generated by consumers on online search engines to other undertakings providing such services, so that those third-party undertakings can optimise their services and contest the relevant core platform services.
 - (d) Such access should also be given to third parties contracted by a provider of an online search engine, who are acting as processors of this data for that online search engine.
 - (e) When providing access to its search data, a gatekeeper should ensure the protection of the personal data of end users, including against possible re-identification risks, by appropriate means, such as anonymisation of such personal data, without substantially degrading the quality or usefulness of the data. The relevant data is anonymised if personal data is irreversibly altered in such a way that information does not relate to an identified or identifiable natural person or where personal data is rendered anonymous in such a manner that the data subject is not or is no longer identifiable.
- (10) On 6 March 2025, Alphabet submitted its most recent compliance report under Article 11 of Regulation (EU) 2022/1925 (“**Alphabet Compliance Report**”) to the Commission. ⁽³⁾ According to that report, Alphabet considers that it has ensured compliance with Article 6(11) of Regulation (EU) 2022/1925 by means of the launch of the European Search Dataset Licensing Program on 6 March 2024. Under this programme, third-party undertakings providing online search engines can apply for access to a dataset containing anonymised ranking, query, click and view data. The programme has been in operation since then with only limited modifications. ⁽⁴⁾
- (11) The Alphabet Compliance Report states that [Details on applications for European Search Dataset Licensing Program]:
- (a) [Details on applications for European Search Dataset Licensing Program]
 - (b) [Details on applications for European Search Dataset Licensing Program]
 - (c) [Details on applications for European Search Dataset Licensing Program]
 - (d) [Details on applications for European Search Dataset Licensing Program]
- (12) [Details on applications for European Search Dataset Licensing Program]. ⁽⁵⁾ [Details on applications for European Search Dataset Licensing Program].

⁽³⁾ Alphabet Compliance Report – Google Search Chapter.

⁽⁴⁾ Modifications include data set pricing, the availability of a one-off fractional sample, and some changes to the anonymisation process.

⁽⁵⁾ [Alphabet’s reply to the Commission’s request for information]

- (13) The Commission has frequently engaged with Alphabet on its compliance with Article 6(11) of Regulation (EU) 2022/1925. Since March 2024, the Commission met with Alphabet several times, ⁽⁶⁾ organised two compliance workshops with Alphabet during which Alphabet's compliance with Article 6(11) of Regulation (EU) 2022/1925 was discussed, ⁽⁷⁾ [Business secret – Details on the Commission's requests for information issued to Alphabet]. ⁽⁸⁾ [Business secret – Details on the Commission's requests for information issued to Alphabet]. The Commission has also engaged with several third parties, such as undertakings providing online search engines and other stakeholders, enabling them to make comments.
- (14) On the basis of its exchanges with Alphabet and third parties, the Commission has identified at least the following areas in Alphabet's European Search Dataset Licensing Program that would benefit from the specification of measures to ensure that Alphabet's compliance is effective in achieving the objective of Article 6(11) of Regulation (EU) 2022/1925:
- (a) **Anonymisation:** Recital 61 of Regulation (EU) 2022/1925 requires that the gatekeeper anonymises personal data ⁽⁹⁾ from the dataset without substantially degrading the quality or usefulness of the data. Alphabet's anonymisation approach removes [90-100]% of unique queries and [30-40]% of query volume from the dataset. ⁽¹⁰⁾ Third parties state that this significantly degrades the usefulness of the data and that there are alternative anonymisation methods available that result in significantly less degradation. ⁽¹¹⁾
 - (b) **Fair, reasonable and non-discriminatory terms:** Article 6(11) of Regulation (EU) 2022/1925 provides that Alphabet should provide access to the data under fair, reasonable and non-discriminatory terms. Alphabet has implemented a pricing scheme which takes into account the following benchmarks: [Business secret - Methods for assessing costs and pricing]. ⁽¹²⁾ The Commission notes that this may lead to pricing terms that are not FRAND under Article 6(11) of Regulation (EU) 2022/1925 and considers that pricing benchmarks and methodologies other than those described above could be used to define FRAND pricing terms. ⁽¹³⁾ In addition to pricing terms, the Commission

⁽⁶⁾ [Description of engagement with the Commission].

⁽⁷⁾ The Commission organised compliance workshops with Alphabet on 21 March 2024 and 1 July 2025 during which Alphabet's compliance with Article 6(11) of Regulation (EU) 2022/1925 was discussed.

⁽⁸⁾ [Description of Commission's requests for information].

⁽⁹⁾ In line with the obligations laid down in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽¹⁰⁾ [Alphabet's reply to the Commission's request for information].

⁽¹¹⁾ For example, see K. Bazbaz, "Roadblocks to Competition: Investigate Google's Non-Compliance with the EU's Digital Markets Act", posted on DuckDuckGo blog on 20 November 2024, available at <https://spreadprivacy.com/investigate-google-dma/> (last accessed on 19 December 2025).

⁽¹²⁾ [Business secret - Methods for assessing costs and pricing].

⁽¹³⁾ The Commission notes that some commentators also raise questions as to whether the pricing of the European Search Dataset Licensing Program is FRAND. See, for example, Thomas Hoppner and Steffen Uphues, "A Ladder of Investment to Competition for Online Search Services", World Competition and Economics Review, Vol. 49, 13 June 2025, p. 26, available at

has been informed of concerns about non-pricing terms, such as the method and process of the data sharing. Third parties state that such access should be provided through an API, or that Alphabet should enable beneficiaries to download just the newly added data, and not require full download of the dataset every time it is made available. ⁽¹⁴⁾

- (c) **Data scope:** the data provided by Alphabet under Article 6(11) of Regulation (EU) 2022/1925 includes fields for query string, country, device type, query count, result, average rank, impression count and click count. ⁽¹⁵⁾ Third parties state that the data scope is too limited. Areas to be improved identified by third parties include, but are not limited to, additional information on advanced result blocks, granularity of location and additional data to be provided such as dwell time and click back data. ⁽¹⁶⁾
 - (d) **Frequency and duration of sharing:** Alphabet currently makes the dataset available on a quarterly basis with a one-quarter-lag. This means that the data is on average 4.5 months old. Third parties claim that this makes the data insufficiently fresh and that Alphabet should provide access more frequently for the data to be useful. ⁽¹⁷⁾ Alphabet currently makes the data available for a maximum of three years. ⁽¹⁸⁾ Third parties state that this is insufficient, and that Alphabet should provide access for a longer duration to enable them to improve their services. ⁽¹⁹⁾
 - (e) **Eligibility of AI chatbots as beneficiaries:** Alphabet has rejected operators of AI chatbots as beneficiaries of the data made available under Article 6(11) of Regulation (EU) 2022/1925. [Business secret - Description of market analysis and competitive strategy]. ⁽²⁰⁾
- (15) Giving access to ranking, query, click and view data to third-party undertaking providing online search engines is important to achieve the objectives of fairness and contestability in online search engine services. Third-party undertakings providing online search engine services use this data to optimise their services, ensuring the most relevant results are surfaced to end users. Lack of access to such data constitutes a significant barrier to entry and expansion, as obtaining such data requires scale that only gatekeepers have.
- (16) Business users benefit from fairness and contestability in online search engine services, as a greater choice of credible alternative online search engine providers may increase contestability and fairness in relation to both free and paid ranking and search results (i.e., ads).

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5284865&download=yes (last accessed on 19 December 2025; the authors are advising on regulatory issues online search engine providers competing with Google).

⁽¹⁴⁾ [Alphabet's reply to the Commission's request for information].

⁽¹⁵⁾ Alphabet Compliance Report – Google Search Chapter, paragraph 97.

⁽¹⁶⁾ [Alphabet's reply to the Commission's request for information].

⁽¹⁷⁾ [Alphabet's reply to the Commission's request for information].

⁽¹⁸⁾ Alphabet Compliance Report – Google Search Chapter, paragraph 113(f).

⁽¹⁹⁾ [Alphabet's reply to the Commission's request for information].

⁽²⁰⁾ [Alphabet's reply to the Commission's request for information].

- (17) End users equally benefit, as access to ranking, query, click and view data improves the search results of third-party undertakings providing online search engines, making them credible alternatives to Google Search. This would increase choice and innovation in online search engine services to the benefit of end users.
- (18) In light of the Commission's ongoing dialogue with Alphabet and with third parties, and having regard to the issues described in paragraph (14) above, the Commission considers it appropriate to open proceedings with a view to further specifying the measures that Alphabet must adopt to comply effectively with Article 6(11) of Regulation (EU) 2022/1925 as regards the provision of ranking, query, click and view data to third-party undertakings providing online search engines.
- (19) Therefore, the Commission has decided, on its own initiative, to open proceedings in relation to Alphabet with a view to the possible adoption of an implementing act under Article 8(2) of Regulation (EU) 2022/1925 specifying the measures that Alphabet must implement to effectively comply with Article 6(11) of that Regulation in relation to Alphabet's designated online search engine Google Search.
- (20) In accordance with Article 5(2) of Commission Implementing Regulation (EU) 2023/814, ⁽²¹⁾ the Commission will make this opening of proceedings public.

For the Commission
(Signed)

Henna VIRKKUNEN
Executive Vice-President

⁽²¹⁾ Commission Implementing Regulation (EU) 2023/814 of 14 April 2023 on detailed arrangements for the conduct of certain proceedings by the Commission pursuant to Regulation (EU) 2022/1925 of the European Parliament and of the Council, OJ L 102, 17.4.2023, p. 6.