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Two Years of Non-Compliance with the DMA - The European Commission Must Now Act Against Alphabet

In 10 days, the two-year mark of the Commission's investigation into Alphabet's self-preferencing of its own services in Google Search will be reached. Two years during which illegal practices have continued unchecked. Without a decision by March 25, the European Commission's credibility is on the line and it is important that sustained pressure to dilute the DMA is not shown to have succeeded.

For more than two decades, Alphabet has abused its dominance in General Online Search to secure unfair advantages when entering and expanding into adjacent digital markets. By systematically favouring its own services, the gatekeeper has undermined fair competition, pushed competitors out of the market and deprived European users of choice. It was precisely to address this structural distortion that European legislators proposed and adopted the DMA. We

therefore welcomed the Commission's decision, within weeks of the DMA's compliance date, to open proceedings concerning Google Search, recognising the seriousness of the self-preferencing practices and signalling Europe's determination to ensure that digital markets become open, fair, and contestable again.

Yet almost two years after the opening of proceedings, Alphabet continues the very self-preferencing practices in Google Search that prompted them. Its own services are still granted visual prominence, enhanced functionality, and preferential placement categorically denied to rival services, with real, ongoing, and well-documented harm to European competitiveness, innovation, and consumers choice.

Alphabet has proposed numerous non-compliant changes to the Google Search Results Page which have only addressed part of the problem but not all of it. Discussions have focused on organic online search results, which are becoming less relevant day by day, while too little of the discussions have addressed the paid ads section and how self-preferenced AI features are integrated into Google Search.

We represent a broad and diverse coalition spanning travel, music streaming, news and magazine publishing, online platforms and marketplaces, broadcast media, startups and scaleups, digital rights, and consumer organisations and are united in calling on the Commission to conclude these proceedings without further delay. Every day without a decision is a day that European businesses across dozens of sectors are systematically disadvantaged by a company commanding over 90% of the EU search market.

After two years of investigation, one year of preliminary findings, and compliance discussions that have led nowhere, the time for dialogue has passed. The Commission must act to end Alphabet's continued non-compliance.

Art. 29(2) of the DMA sets a 12-month benchmark for adopting a non-compliance decision following the opening of non-compliance proceedings; the Commission is now approximately 12 months beyond that deadline. The Commission must adopt a formal non-compliance decision against Alphabet, including clear and robust cease-and-desist requirements, and impose fines of sufficient deterrent value to make continued non-compliance genuinely unprofitable. What matters more than anything is that the Commission forces Alphabet to come forward with proposals that are compliant immediately. The Commission should also be prepared to escalate enforcement, deploying interim measures under Art. 24 DMA and imposing periodic penalties under Art. 31 DMA, if Alphabet fails to comply. DMA non-compliance cannot be a profitable business strategy for Alphabet.

The organisations we represent have invested considerable resources in the Commission's ability to enforce the DMA meaningfully, as have the businesses and citizens whose interests we defend. Failure to act decisively now would not only betray that confidence, but send a damaging signal that the most powerful gatekeepers can continue to act with impunity. Every passing day further erodes the profitability of European companies, hampering their ability to invest and grow, with many already facing financial distress or even bankruptcy under the weight of Alphabet's conduct.

The DMA is Europe's last chance to ensure that digital markets remain open, fair, and contestable. We stand ready to support the Commission in that endeavour and urge you to act decisively and swiftly now.

Yours sincerely (in alphabetical order),

ACT - Association of Commercial Television and Video on Demand Services in Europe

BEUC - The European Consumer Organisation

Eu Travel Tech

EMMA - European Magazine Media Association

ENPA - European Newspaper Publishers' Association

EPC - European Publishers Council

EUTA - European Tech Alliance

France Digitale

FoTI - Future of Technology Institute

BDZV - German Newspaper Publishers and Digitalpublishers Association

German Startup Association

IE.F - Innovate Europe Foundation

Initiative for Neutral Search

Italian Tech Alliance

MVFP - Medienverband der freien Presse

Open Markets Institute

PRIMET - Association of Private Meteorological Services

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