

University of California, Berkeley School of Law 2850 Telegraph Ave, Suite 500 Berkeley, CA 94705-7220

Ph: 510.642.0532 – Fax: 510.643.7095 E-mail: BCLBE@law.berkeley.edu http://www.law.berkeley.edu/bclbe.htm

European Parliament Approves Resolution Recommending Google Breakup By John L. Flynn IV, J.D. Candidate 2016 | December 2, 2014

On Thursday, November 27th, the European Parliament approved a resolution promoting a Google breakup. The resolution was approved with 384 in favor and 174 opposed, and is a recommendation to the European Commission, which has ultimate authority over the matter. Although the resolution does not specifically mention Google, it is clearly the target following a 2010 probe into Google's search dominance.

The European Parliament's resolution "calls on the commission to prevent any abuse in the marketing of interlinked services by search engine operators," and suggests divorcing Google's search engine from its other services to remove <u>bias in its results</u>. For years European authorities have targeted Google for potential anti-competition violations, with Google's search results recently changing to give more opportunity to competitors like Microsoft and Expedia. With control of about <u>90% of web searches</u> in Europe, politicians have grown increasingly concerned with Google's power to promote its own products and services.

Critics of the European Parliament's resolution argue that it is based on a "<u>flawed understanding</u> of market dominance and monopoly." Moreover, this resolution is not even a precursor to legislation because only the European Commission has that power. Companies that have been losing to Google's search function have also criticized the resolution as the result of European lobbying activities. Ed Black, the CEO of the Computer & Communications Industry Association, also criticized the politicization of the Google competition investigation, asserting that it "potentially undermines the legitimacy of competition law if it is seen merely as another tool to be manipulated by special pleading and used for <u>protectionist and political ends</u>."

In recent years, European authorities have also besieged Google over its <u>privacy policy</u>, which critics said was "to allow Google to sell online advertising more effectively" but threatened the privacy of individual users. Earlier this year the European Court of Justice found, contrary to the Advocate General's opinion, that search engines like Google must remove unwanted links upon request because people have the "<u>right to be forgotten</u>."