

[Home](#) > [News](#) > Breaking up Google: What US move means for EU investigation

Breaking up Google: What US move means for EU investigation

Proposal from U.S. Department of Justice could embolden the Commission to wrap its ad tech probe.



The U.S. decision has no legal bearing on what comes out of Brussels — and others argue it may not pave the way for Brussels to act. | John G. Mabanglo/EPA-EFE

by [Francesca Micheletti](#) • 14 HOURS AGO • 3 MINUTES READ

Monday's call by United States antitrust enforcers to break up Google could encourage the EU as it looks to push forward its own investigation.

The U.S. Department of Justice called on Google to separate its search and advertising businesses, according to a [court filing](#), just a few weeks after [a landmark U.S. judgment](#) found Google illegally maintained its ad tech monopoly.

That could embolden the Commission to wrap up its own investigation into Google's advertising and search after it [sent the company formal charges](#) in June 2023.

"In this tense geopolitical environment this [DOJ proposal] is good news for the European Commission," said Damien Geradin, a seasoned antitrust lawyer who represents news publishers filing complaints against Google in Europe.

At a time when the EU executive is "concerned not to aggravate the U.S. administration," the Commission "can operate under the cover of the DOJ," he said, as they can claim they are doing "the same thing."

Of course, the U.S. decision has no legal bearing on what comes out of Brussels — and others argue it may not pave the way for Brussels to act.

"The U.S. case could have an impact on the European Commission's investigation, but that is not a given," said Thibault Schrepel, a law professor at Vrije Universiteit Amsterdam. "Even if the DOJ pushes for a [Google] breakup, I doubt the U.S. administration would be pleased to see the EU ordering something similar."

He also noted that "on a legal level, the U.S. decision would not directly affect the European Commission's investigation."

The U.S. enforcer is asking Google to divest its AdX ad exchange and its DoubleClick for Publishers ad server. The Commission would like to see Google divest part of its business too.

"The Commission takes note of the developments in the U.S. Google ad tech case,"

EU's [preliminary view](#) that the company breached EU antitrust rules by distorting competition in the advertising technology industry.

"Our preliminary view is therefore that only the mandatory divestment by Google of part of its services would address our competition concerns," she said, without commenting further as "the investigation is ongoing."

Due to the global reach of Google's business, it is unlikely that Brussels would take a decision without coordinating with U.S. counterparts. A trial in the U.S. case is set for September, according to Geradin.

Commissioner Teresa Ribera, who heads the EU's competition arm, has so far shied away from giving any indication on when the probe will be completed.

Quizzed by EU lawmakers last week on the status of this investigation, Ribera said the Commission's case is "quite advanced" and that a decision will come, without specifying a time frame.

Google's view is that the DOJ's proposals to force a divestiture of their ad tech tools "go well beyond the Court's findings, have no basis in law, and would harm publishers and advertisers," Lee-Anne Mulholland, vice president of regulatory affairs at Google said in an emailed statement.

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