Newsletter, 8 September 2026

A hot July for Google – no cool-down in sight

Four DMA rulings by the European Commission, a fine of EUR 890 million and an opportunity for affected companies to bring damages claims before German courts

In July 2026, the European Commission stepped up the pace once again in its DMA enforcement action against Alphabet's subsidiary Google: within just two weeks, the European Commission issued no fewer than four DMA decisions against the gatekeeper. These decisions could act as a catalyst for damages claims by affected companies before civil courts – a field in which Germany has already taken a pioneering role with the first DMA civil judgements handed down as early as 2025.

Background

The Digital Markets Act (DMA) is intended to ensure the contestability and fairness of digital markets by imposing specific behavioral obligations on large digital platforms with gatekeeper status. In addition to regulatory enforcement by the European Commission (*public enforcement*), which has been in force since March 2024, economic operators who have suffered damages following a gatekeeper's DMA violation may bring civil actions before the courts in the Member States (*private enforcement*). The German legislature has given affected parties a head start by incorporating DMA claims into the provisions governing antitrust damages.[1]

The European Commission's decisions

The four decisions of the European Commission concern four different obligations under the DMA:

Specification decisions on AI interoperability on Android and the sharing of Google search data

On 16 July 2026, the EU Commission adopted two sets of binding specification measures[2] against Google. Under the first measure, Google must grant competing AI assistants equal access to key functions of Android devices in order to ensure their interoperability with Android. The second measure aims at rebalancing the playing field by giving third-party search engines access to search data – collectible at scale only by Google Search – in an anonymized form and on fair terms.

Non-compliance decision: self-preferencing on Google Search

Around a week later, the European Commission imposed a fine of EUR 460 million on Google for violating the DMA's prohibition of self-preferencing. According to the European Commission's findings, the gatekeeper favors its own services – including offerings in the areas of shopping, hotels, travel/transport and sport – over comparable third-party offerings in the ranking of Google Search results by displaying its own services more prominently, for example at the top of the results page or with highlighted visual representations and filters. Similar third-party services do not receive this visibility and are thus systematically pushed down the rankings – with direct consequences for their traffic, visibility and turnover.

Google had already flagged certain changes to the presentation of its own free services (shopping, hotels, flights) during the pre-decision regulatory dialogue and has since begun testing them. The European Commission regarded Google's changes as substantial progress towards compliance, but continues to examine further adjustments including the applicability of the principles set out in its non-compliance decision to Google's AI Overviews and AI Mode. These ongoing improvements do not alter the finding of an infringement.

Non-compliance decision: Anti-steering in the Google Play Store

The second fine of EUR 430 million[3] concerned the anti-steering restrictions imposed by Google in the Play Store. According to the European Commission's decision, Google's current set of rules prevents app developers from freely communicating and promoting their apps outside the Google Play Store and from concluding contracts with users via the

[1] See also: COMMEO Newsletter 6/24 and 1/26.

[2] European Commission, press release dated 16 July 2026.

[3] European Commission, press release dated 23 July 2026.

distribution channels of their choice – including third-party app stores.

Although, in the European Commission's view, Google remains free to charge a fee for the initial referral of a new customer via the Google Play Store, the level of the steering-related fees charged by Google and the duration of the charging period went beyond what is compatible with the DMA. The authority therefore requires Google to enable developers of apps distributed via Google Play, both technically and contractually, to direct their users to alternative offers, to promote these, and to conclude relevant contracts with them outside of Google Play.

Back in April 2025, Apple had already been fined EUR 500 million for a similar infringement involving its anti-steering rules.

Next step – private enforcement before German courts

Whilst the two specification measures did not establish any infringement but rather contain forward-looking compliance requirements, the two non-compliance decisions offer considerable potential for asserting claims for damages before German courts:

- In **the search complex** (self-preferencing), the providers most affected are those whose services have been displaced by the preferential display of Google's own offerings: price comparison and booking platforms, hotel and travel booking portals, transport and travel agents, as well as specialized ('vertical') search engines for sport, products or services. Potential damages may include lost revenue due to poorer rankings and lower traffic conversions.

- In **the Google Play case** (anti-steering), potential victims are likely to be, first and foremost, app developers who distribute their apps via Google Play and were not permitted to freely direct their users towards cheaper distribution and payment channels. Potential damages include excessive fees attributable to the steering practices and lost revenue from alternative channels. In addition, operators of alternative app stores and providers of alternative payment and distribution solutions may also have suffered harm in terms of market access and transaction volumes as a result of the steering restrictions.

With the rulings of the Regional Court of Mainz in the Gmail case and the Higher Regional Court of Cologne in the Facebook AI training case[4], German courts have already demonstrated over the past year that the combination of *public* and *private enforcement* enables the DMA to be enforced effectively and swiftly. Germany plays a pioneering role in extending the claimant-friendly provisions on antitrust damages and antitrust case law to private DMA claims. In particular, the binding effect pursuant to 33b of the German Act against Restraints of Competition offers significant relief to potential claimants, as they can rely on the findings of the European Commission's non-compliance decision regarding the DMA infringement without having to provide further evidence of their own.

Any business operating in the affected verticals or within the Google Play ecosystem that has suffered harm should assess its situation and potential claims at an early stage. Following the 'hot' DMA July, a 'cool-down' is certainly not in sight.

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COMMEO is a law firm based in Frankfurt am Main specialising in antitrust law. As a well-established team of experienced lawyers, we advise national and international clients on all aspects of German and European antitrust law.

[4] For further details, see: COMMEO Newsletter 1/26.