The saga continues: European Commission fines Google €2.95 billion for self-preferencing

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Summary

On September 5, 2025, the European Commission imposed a EUR 2.95 billion fine on Google, concluding an ongoing major antitrust probe dating back to 2012 into abusive practices in the advertising technology sector (AdTech).

The decision underscores the Commission's determination to conclude its investigations into Big Tech companies while remaining consistent with its trans-Atlantic counterparts: '*It is in everyone's interest to achieve a joint outcome [on both sides of the Atlantic], including for Google itself, and for citizens worldwide*', noted Executive Vice-President Teresa Ribera in her September 5, 2025 statement.

In Depth

Background

Following the opening of a formal investigation in June 2021, the Commission issued its Statement of Objections in June 2023, accusing Google of having abused its dominant position in two separate markets – the market for publisher ad services and the market for programmatic ad buying tools for the open web – since at least 2014 to today.

The core of the Commission's case lies in Google's vertical integration across the AdTech supply chain. Google operates tools that help websites sell ad space, platforms that allow advertisers to buy ads, and exchanges that facilitate real-time auctions for ad placements. Online display ads, such as banners and text on websites personalized based on an internet user's browser history, are central to how the internet is monetized. Google maintains, in the Commission's view, a pervasive presence across the entire AdTech supply chain, operating as an intermediate between advertisers and publishers using its ad buying tools (Google Ads and Display & Video 360), its publisher ad server (DoubleClick For Publishers, or DFP), and its ad exchange service (Google Ad Exchange, or AdX). According to the Commission, this structure gives Google the ability to control both supply and demand in the digital advertising market.

The decision: Self-preferencing as one of the Commission's new favorite abuses

Google was found by the Commission to have given preferential treatment to its own display advertising technology services, which had an adverse effect on rival publishers, advertisers, and ad technology services. According to the Commission, Google's AdX was 'intentionally' designed to boost its own advertising business over competing exchanges where ads are bought and sold in real time. According to the Commission' press release (the public decision is not yet available), DFP, which runs the ad selection process, was found to have informed AdX in advance of the value of the best bid from competing exchanges, giving AdX an unfair advantage. Meanwhile, Google Ads allegedly bypassed competing ad exchanges and placed bids primarily on AdX, making it the most attractive exchange in the market.

The Commission concluded that these practices foreclosed competition for competing exchanges and reinforced AdX's central role in the AdTech supply chain whereby Google's open web ads service mainly places bids on AdX and in turn reinforces its own market position, creating a conflict of interests. As a result, Google was able to set high prices for its service, which were passed on to advertisers and consumers.

In addition to the fine, the Commission ordered Google to stop preferencing its own ad exchange and to address the structural conflicts of interest within its AdTech operations. This marks an important shift from the Commission's earlier position that only a divestiture of parts of Google's business could resolve the concerns. Google was given 60 days (until early November 2025) to submit a plan detailing how it intends to comply.

It remains uncertain whether the Commission will accept the behavioral remedies offered by Google or require more far-reaching structural solutions, including a potential break-up of its AdTech business.

Conclusion

This decision is likely to result in further legal proceedings before the EU courts, as Google has stated its intention to appeal the Commission's ruling. The appeal process has no suspensory effect, however, so Google will still have to offer a remedy. Meanwhile, Google is preparing to go to trial later this month to negotiate remedies in a monopolization case won by the US Department of Justice earlier this year. The outcome of any potential remedy in the US market could have implications for the Commission's approach in Europe.

For businesses operating in the digital advertising space, this case signals a continuing aggressive enforcement stance from regulators on both sides of the Atlantic. These forthcoming developments could potentially reshape the digital advertising landscape.

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