Money Maker?

How to profit from the DMA

17 August 2026

July has been a busy month for Google's legal team: the European Commission issued four decisions under the Digital Markets Act (DMA) against the tech giant. On 16 July, two compliance decisions were adopted specifying how Google must adjust **Google Search** and **Google Android** to open its services to rivals. One week later, on 23 July, the Commission released two non-compliance decisions, fining Google a total of EUR 890 million for **self-preferencing in Google Search** and **restricting app developers on Google Play**. These decisions open significant opportunities for businesses that have suffered harm from Google's practices. German courts are an attractive forum to pursue such claims. Private enforcement can be a good alternative to Brussels (see also here).

The four July decisions at a glance

The two decisions of 16 July target ongoing weaknesses in how Google opens its services to competitors. First, the Commission required Google to share anonymised search data including user queries, click and view data, and ranking information with eligible third-party search engines. The obligation covers rival general search engines as well as, notably, AI chatbots offering a search function. Second, the Commission required Google to give third parties genuine interoperability with a wide range of Android features that are essential for modern AI assistants and other AI-driven services. This includes access to invocation triggers such as long-press-home and hotword detection ("Hey [assistant]"), contextual data from apps and the operating system, on-device AI models, and the ability to run in the background – all on equally effective terms as those enjoyed by Google's own services. Both decisions set clear implementation timelines, ranging from the first milestones falling due just weeks after adoption to the final measures not due until 2028, and are intended to level the playing field for competitors going forward.

The two decisions of 23 July go one step further and confirm that Google has already breached the DMA. One concerns Google Search: the Commission found that Google favours its own vertical services (shopping, hotels, transport and sports) over comparable third-party services, giving them more prominent placement, enhanced visuals and additional filters that similar third-party services do not benefit from. The other concerns Google Play: the Commission found that Google prevents app developers from freely informing users about alternative offers outside the Play Store and from directing users to those offers, and that Google's steering-related fees and their duration go beyond what is permissible. For both infringements, the Commission ordered Google to end the conduct and imposed fines of EUR 460 million (self-preferencing) and EUR 430 million (anti-steering), a total of EUR 890 million.

Who may have a claim?

The decisions are particularly relevant for businesses that rely on Google's ecosystem to reach customers or that compete with Google's own services. Four groups stand out:

1. **Providers of comparison and vertical services**, including price comparison sites, online travel platforms, hotel and flight booking services, sports content platforms and other businesses whose visibility in Google Search results was reduced while Google promoted its own equivalent services more prominently.

2. **App developers and digital content providers** that distributed their apps or content through Google Play and were prevented from steering users to alternative purchasing channels or paid steering-related fees beyond what the DMA permits.

3. **Rival search engines and AI chatbots** with search functionality that were denied access to the anonymised search data needed to build competitive products.

4. **Third-party AI service providers and app developers** whose services depend on Android features that Google had previously reserved for its own AI offerings, such as Gemini, and who were therefore unable to compete on an equal footing.

The Commission's fines are directed at sanctioning Google, not at compensating affected businesses. The 16 July compliance decisions are similarly forward-looking: they specify what Google must do from now on, but do not remedy losses suffered. Affected businesses that want compensation for past harm or to stop ongoing conduct before it causes further irreversible damage will therefore need to bring their own actions.

Germany as an ideal forum for private DMA enforcement

German courts are particularly well positioned to provide effective remedies to businesses affected by Google's practices. While the DMA itself does not create a harmonised system for private enforcement across the EU, German legislature has integrated DMA violations into its well-developed competition law framework. As a result, affected businesses can not only seek compensation for harm already suffered but also bring ongoing infringements to an end.

Businesses do not have to wait for the Commission to open or conclude an investigation. They can directly seek an injunction to stop the unlawful practice at a German court. Once a Commission non-compliance decision becomes final, German courts are bound by the Commission's factual and legal findings on both the gatekeeper status of the company and the infringement. Claimants seeking damages therefore do not need to re-litigate whether a breach has occurred; instead, they can focus on proving causation and quantifying their losses. In addition, German law suspends limitation periods while Commission proceedings are ongoing, so potential claims will not become time-barred while the regulatory process runs its course.

Recent German case law reinforces the attractiveness of this forum. In a judgment of August 2025, a regional court in Mainz confirmed that **DMA obligations can be enforced directly through injunctive actions before German courts**, without having to wait for Brussels. The court took a broad view of what may amount to a DMA infringement, holding that gatekeepers may breach their obligations not only through express contractual restrictions, but also through technical design choices, user-interface features and other measures that effectively steer or pressure users towards their preferred services. Because Commission investigations can take several years, the ability to obtain injunctive relief in Germany offers affected businesses a faster and more effective way to stop anti-competitive conduct – before market harm becomes irreversible.

For damages, Germany is also a leading forum. In a judgment of November 2025, a court in Berlin awarded the comparison shopping service Idealo approximately EUR 465 million in damages relating to Google's earlier search practices. Although the judgment was based on general competition law (not the DMA), it provides a blueprint for future follow-on actions in digital markets. The court adopted a claimant-friendly approach to proving harm and quantifying damages: instead of requiring claimants to construct a detailed hypothetical scenario, the court accepted evidence that the infringement caused a reduction in traffic. It then endorsed a benchmark-based methodology, using pre-infringement traffic levels and overall market growth to estimate lost profits. This significantly lowers the evidentiary hurdle in digital markets and offers a practical framework for businesses seeking compensation for harm caused by gatekeeper conduct.

Conclusion

The Commission's July decisions are likely to become landmark test cases for private DMA enforcement. For businesses affected by Google's self-preferencing, anti-steering, search-data or Android interoperability practices, the decisions strengthen the prospects of both injunctive actions to stop ongoing conduct and follow-on damages claims to recover past losses. At the same time, the relatively modest fines set by the Commission compared with Google's turnover and the length of the regulatory procedure show that public enforcement alone is unlikely to fully restore competition. Private enforcement will have an important role to play – and German courts are among the most attractive forums to bring such claims. Businesses competing with Google's services or depending on Google-controlled distribution channels should carefully assess whether they have suffered harm and whether legal action may help protect or restore their competitive position.

***

BLOMSTEIN will closely monitor further developments and keep you informed. If you have any questions about the Google-DMA decisions and potential private enforcement options Anna Blume Huttenlauch, Elisa Theresa Hauch, Mattis Leson and the entire team are ready to assist you.

BLOMSTEIN | We provide legal support to our international client base on competition, international trade, public procurement, State aid and ESG in Germany, Europe, and – through our global network – worldwide.