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Polish price comparison engine versus Google: the preliminary injunction

Ceneo, a Polish price comparison engine under Allegro, Poland's leading e-commerce platform, has brought attention to four practices allegedly employed by Google, which it claims restrict its access to the market.

Firstly, Google is accused of self-preferencing by giving priority to its own engine, Google Shopping, through a unique presentation of search results. Secondly, it allegedly redirects web traffic to Google Shopping, disadvantaging Ceneo. Thirdly, it obstructs access to Ceneo's comparison website by removing search results leading to it. Lastly, unauthorised advertisements of Ceneo, placed by an independent entity unrelated to Ceneo, have surfaced, potentially serving as a means to gather consumer preferences data from Ceneo's website. These alleged practices are very similar to those identified by the European Commission in its *Google Shopping* decision (case AT.39740).

Ceneo claims to have observed these practices since August 2023. After failing to receive a response from Google to cease the practices, it filed a lawsuit in March 2024, alleging unfair competition by Google. Prior to the lawsuit, Ceneo sought an interim injunction to temporarily suspend Google's contested practices. Ceneo called Google to cease the practices.

The District Court in Warsaw granted an interim injunction on 14 March 2024. The injunction will remain in force for the duration of the main proceedings regarding Ceneo's lawsuit. Non-compliance with the court's decision will result in Google being fined 50,000 PLN per day (approx. 11,000 EUR).

According to Article 15c of the Polish Act on Combating Unfair Competition, unfair competition practices can also be considered as competition-restricting practices within the meaning of the Polish Act on Competition and Consumer Protection. Recognising the similarity between these acts, the Polish Competition Authority has intervened in the court proceedings as an *amicus curiae*. The Authority asserts that "Google's behaviour, if confirmed, may lead to a distortion of competition by granting a competitive advantage to this company, while not ensuring equal opportunities for entities competing with it, including Ceneo".

While the interim order does not guarantee Ceneo's future success in its dispute with Google, it may encourage other companies to stand up against big tech companies.