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## **Commission antitrust decision obliges Amazon to give consumers more choice**

The European Consumer Organisation (BEUC) welcomes the European Commission's antitrust [decision](#) to accept commitments from Amazon to allow more competition on its online marketplace.

Amazon has committed to:

- not use non-public data about independent retailers using its online marketplace to favour sales of branded products and of its own products
- ensure there is no bias in granting sellers access to its Buy Boxes and to display a new second competing offer to the Buy Box, where relevant (Buy Boxes prominently display the offer of one seller and allow products to be swiftly purchased by directly clicking on a buy button) and
- ensure that independent retailers using the Amazon online marketplace can obtain the Amazon Prime label on the basis of non-discriminatory criteria and irrespective of whether they use third party shipping and logistics services or Amazon's own distribution network.

The Commission decision renders Amazon's commitments legally binding so that the Commission can fine Amazon up to 10% of its worldwide turnover, without having to prove a breach of EU antitrust rules, if the company fails to respect the commitments in practice.

### **BEUC Director General Monique Goyens said:**

"Amazon's commitments should mean that it will offer consumers greater choice on its online marketplace so that consumers can more easily shop around for the best deals. The Commission's decision to accept these commitments avoids years of further legal wrangling and long-drawn-out court battles. That said, consumers will only feel the benefits of these remedies if the Commission ensures that they are applied in practice. The Commission must closely monitor Amazon's compliance with its commitments, evaluate whether they are successfully boosting consumer choice, and must insist on improvements if necessary."

## Background

The Commission investigated Amazon over concerns that it could be breaking EU antitrust rules' ban on abuse of a dominant market position by:

- using privileged access to non-public seller data to favour its own products over those offered by independent retailers on its online marketplace and
- possible bias in granting sellers access to its Buy Box and its Prime programme.

The Commission's concern was that, as a result of such practices, Amazon was giving preference to its own products and services (so-called "self-preferencing") such that other sellers could be unable to use Amazon's online marketplace as effectively as Amazon could. Such self-preferencing will now be outlawed for companies defined as internet gatekeepers under the [EU's Digital Markets Act](#).

BEUC had requested a series of improvements to Amazon's proposals for commitments when the Commission [invited comments](#) on them in July 2022. BEUC welcomes the fact that its concerns have been addressed in the final version of the commitments decision, for example, as regards the design of the buy boxes and the possibility to revisit the remedies if needed.

ENDS

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