

Momentum

Journalism & Tech Task Force

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Digital Competition and Journalism: Understanding Brazil's Investigation into Google

At the end of April, the Conselho Administrativo de Defesa Econômica (CADE) — the Brazilian federal government's antitrust authority — unanimously approved the opening of an investigation into Google to assess the impacts of the company's conduct on the journalism market. More specifically, the investigation will examine potential anticompetitive practices carried out by Google, stemming from a possible abuse of dominant position in the online search and news markets and materialized through the improper use of journalistic content.

The decision, which resumes an administrative inquiry launched in 2019, confirms that CADE recognizes the need to deepen its examination of the company's conduct in the news market amid the growing deployment of generative artificial intelligence features such as AI Overviews. According to the commissioners who voted in favor of opening the investigation, these technological changes may reduce traffic, visibility, and revenues for news outlets, further increasing their dependence on Google.

In this report, **Momentum - Journalism & Tech Task Force** presents the background of the case under review by CADE, summarizes the main arguments supporting the opening of the investigation, analyzes the current state of competition-related regulatory debates involving big tech companies, and outlines the opportunities for journalism.

Case Background

The case originated in 2019 following complaints by Grupo Globo — one of Brazil’s largest media conglomerates — which argued at the time that Google Search displayed excerpts of journalistic content directly in search results without providing fair compensation to copyright holders. At that point, CADE’s Tribunal highlighted the need to investigate competitive conditions in the search and news markets, particularly regarding Google’s use of content produced by publishers.

In 2024, after the initial investigative phase, CADE’s General Superintendence concluded that there was an “absence of sufficient evidence of violations of the economic order,” recommending that the Tribunal close the case. After the rapporteur voted in favor of dismissal, the agency’s Acting President, Commissioner Diogo Thomson de Andrade, requested further review of the proceedings — a procedural measure aimed at deepening the investigation — arguing that the conduct under scrutiny had evolved significantly since 2019, especially with the incorporation of generative artificial intelligence features capable of synthesizing information directly within the search interface.

In this context, the commissioner launched — in mid-October 2024 — a public consultation process, inviting civil society organizations, media associations, and news outlets to submit contributions to the case.

Momentum – Journalism & Tech Task Force actively participated in the process by submitting a contribution outlining the risks posed to the Brazilian journalism ecosystem by the reconfiguration of Google’s search services and proposing — based on international experiences — mitigation measures aimed at protecting the sustainability of professional and public-interest journalism.

List of associations, media outlets, and civil society organizations that submitted contributions to the case:

- Associação brasileira de Mídia Digital (ABMD);
- Associação Nacional de Jornais (ANJ);
- Federação Nacional de Jornalistas (FENAJ);
- Associação de Jornalismo Digital (Ajour);
- Associação Brasileira de Emissoras de Rádio (ABERT);
- Associação Nacional de Editores de Revistas (ANER);
- Zero Hora
- O Popular;
- A Gazeta;
- Folha de São Paulo
- Gazeta do Povo;
- Grupo Sinos;
- Instituto Brasileiro de Defesa do Consumidor (IDEC);
- Momentum – Journalism and Tech Task Force;
- Open Markets Institute’s Center for Journalism & Liberty (CJL);
- Artigo 19;
- Repórteres Sem Fronteiras;
- Sleeping Giants Brasil;
- Foxglove;
- Centro de Tecnologia e Sociedade da Fundação Getúlio Vargas (CTS).

The Decision

In April 2025, after the review period concluded, the proceedings resumed. Drawing on the contributions received, Commissioner Diogo Thomson de Andrade emphasized in his opinion that the introduction of new generative artificial intelligence technologies significantly alters the dynamics of access, visibility, and monetization of journalistic content in the digital environment — which, according to the commissioner, could establish a relationship of structural dependency between Google and publishers, thereby justifying the opening of a formal investigation.

With regard to the more specific discussion surrounding competition law, the opinion argues that Google's conduct may constitute an abuse of dominant position, materialized through the "extraction and internalization of economic value from content produced by third parties, without proportional compensation, in a context of asymmetry and absence of effective negotiating alternatives." The opinion also proposes a new approach within Brazilian competition law toward digital markets, arguing that this analysis should be grounded in elements such as "structural dependency, imposition of commercial conditions, value extraction, and the existence of applicable competitive harm."

During the continuation of the proceedings, Commissioner Camila Pires Alves — who joined Andrade's vote in favor of opening an investigation against Google — stressed that the discussion goes beyond the volume of traffic lost by news outlets, encompassing also the way the company "manages the architecture of informational intermediation and transforms third-party content into an input for attention retention, data collection, and the reinforcement of its own coordinating power." Following this reasoning, the commissioner underscored the need for the investigation to have access to disaggregated data — organized, for example, "by functionality, search type, content category, and publisher profile, including metrics such as impressions, clicks, CTR, zero-click, query reformulation, scroll, dwell time, and referral traffic, whenever possible on a comparative basis."

The remaining members of the Tribunal also voted in favor of opening the investigation. The rapporteur, who had initially voted in favor of dismissing the case, subsequently revised his position.

With the decision, the case now returns to CADE's General Superintendence. The agency may request additional documents and conduct further investigative measures to assess potential violations of the economic order committed by Google. At the conclusion of this stage, the Superintendence will decide whether the case should proceed to trial or be dismissed due to lack of evidence.

Opportunities for journalism

CADE's decision to open an investigation against Google consolidates the antitrust authority as a key actor in debates surrounding the regulation of digital platforms. It is important to note that the order to open the investigation comes just a few months after the Federal Government submitted the "Fair Digital Competition Bill" to the Chamber of Deputies — a proposal that assigns Conselho Administrativo de Defesa Econômica (CADE) a central role in the regulation of digital markets, including through the creation of a dedicated superintendence to address the issue.

More than that, the case reveals the emergence of a new arena of dispute for journalism and for civil society organizations that, for years, have been producing knowledge, building coalitions, and insisting on the relationship between the erosion of journalism's business model and the concentration of power in the hands of big tech companies. In this sense, the public consultation process carried out by CADE represented an unusual exercise in participation and engagement, mobilizing representative sector associations, researchers, and organizations that have historically remained at the margins of competition-related debates.

At the same time, the decision also signals an important shift in the Brazilian debate: the understanding that the problem can no longer be reduced solely to the use of journalistic content by platforms, but also involves the way technology companies have come to manage the very architecture of informational intermediation, concentrating power over visibility, attention, distribution, and monetization in the digital environment.

International experience — particularly in South Africa — demonstrates that antitrust authorities are looking beyond competition between platforms and examining their effects on adjacent sectors as well. Recommendation algorithms that reduce the visibility of news content, advertising strategies that concentrate revenues in the hands of a few intermediaries, and the use of journalistic content to train generative AI systems without compensation are all issues that may be framed as competition concerns.

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