Meta - Preliminary Investigation

* **Facebook changed the manner in which in presents links to press content.**
* **UOKiK has initiated preliminary investigation concerning the case in question.**
* **It will check whether the actions of Meta may infringe competition.**

**[Warsaw, 22 October 2024]** UOKiK launched a preliminary investigation after the changes introduced in Facebook by the company managing this social platform belonging to the American-based Meta Group (Meta Platforms Ireland**). Contents of Polish publishers on the platform are displayed as a single link and not as before, as a visual preview of the material in question. The change could result in lower interest in journalistic content and reduce the number of views of the articles. The Authority has initiated a preliminary investigation concerning the case, in order to review the practices of social media owners, in particular, whether in this way, Meta could have abused its position on the market.**

**Negative Results**

- From the perspective of press publishers, Facebook is a significant channel for content distribution. Many of those registered on the platform use it to search for current events in Poland and the region. Meta’s actions could significantly impact the decrease of reader engagement and have a negative effect on the number of views of press materials. That is why I initiated an investigation procedure in the case - says Tomasz Chróstny President of UOKiK.

The preliminary investigation is conducted *in rem* and not against specific businesses. If the materials collected during the proceedings confirm the reservations of the Authority, it will launch antitrust proceedings and bring charges against particular entities. Practices that restrict competition carry a financial penalty in the amount of up to 10% of turnover.

According to antitrust laws, entrepreneurs with a dominant position on a given market cannot use it to the detriment of other entities, e.g. by creating onerous contract conditions for them. The launched activities aim to check whether practices employed by Meta could be prohibited under the act on competition and consumer protection. The ongoing proceedings do not constitute a position in a possible dispute or negotiations between publishers and social media owners.

**Copyright Amendment**

A change in the manner of displaying certain content on Facebook may be Meta’s reaction to Poland’s implementation of the EU Copyright Directive (DSM). The amendment guarantees remuneration for press publishers and audiovisual creators for making their content available on digital platforms. The law assumes the possibility to negotiate the amounts received for publishing materials, as well as to demand fees for using the materials in search results or content aggregators. If the publishers and digital platforms cannot reach an agreement, the amendment stipulates a mediation mechanism. The competent authority in such a case is the President of the Office of Electronic Communications (UKE). A party to the mediation may apply to the UKE President to issue a ruling on the amount of remuneration.

**Similar Practices**

Disputes between Meta and press publishers also took place in other countries. In Canada, in connection with the obligation of remuneration for local publishers, Facebook blocked access to their contents completely. In order to avoid a similar situation, negotiations were launched in Australia. In Italy, Meta appealed the copyright amendment to the Court of Justice of the European Union (CJEU). The case is still in its early stages.

**Inform the Authority**

Everyone has the right to submit written explanations, either on their own initiative or upon request of UOKiK, concerning essential circumstances of a given case. Additionally, we would like to remind you that we have a programme in place for obtaining information from whistleblowers. Do you wish to inform UOKiK about competition restricting practices? Visit <https://uokik.whiblo.pl/> or scan the QR code below and use the simple form. The system we use guarantees full anonymity, including from UOKiK.