

From: [REDACTED] (CAB-KROES)
Sent: lundi 8 septembre 2014 17:25
To: REYNERS FONTANA Carlota (CAB-KROES); [REDACTED] (CNECT)
Subject: FW: FairSearch Europe team for 15h meeting on 9 September

FYI, please. The list of participants of the meeting tomorrow with FairSearch Europe at 15:00.

Kind regards,
[REDACTED]

From: secretariat@fairsearcheurope.org [<mailto:secretariat@fairsearcheurope.org>]
Sent: Monday, September 08, 2014 5:20 PM
To: [REDACTED] (CAB-KROES)
Cc: [REDACTED]
Subject: FairSearch Europe team for 15h meeting on 9 September

Dear [REDACTED],

For tomorrow's meeting with Ms Reyners at 15h, the FairSearch team will be

- Shivaun Raff, Co-founder and CEO of Foundem
- Leo Baumann, Nokia
- [REDACTED], FairSearch [REDACTED]
- [REDACTED], [REDACTED] FairSearch, [REDACTED]
- [REDACTED] FairSearch, associate Clifford Chance
- [REDACTED] FairSearch Europe Secretariat, [REDACTED]

Please note that as I am trying to switch carriers, my mobile is not working at all times. The best way of contacting me tomorrow morning is through my B-M email copied here and above: [REDACTED]

See you tomorrow

Kind regards
[REDACTED]

[REDACTED] FairSearch Europe
[REDACTED]

Secretariat@fairsearcheurope.org

From: [REDACTED] [@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu) [[mailto:\[REDACTED\]@ec.europa.eu](mailto:[REDACTED]@ec.europa.eu)]
Sent: 28 July 2014 16:50
To: secretariat@fairsearcheurope.org
Subject: RE: Meeting Request from FairSearch Europe

Thank you very much for the information!

Kind regards,
[redacted]

From: secretariat@fairsearcheurope.org [<mailto:secretariat@fairsearcheurope.org>]
Sent: Monday, July 28, 2014 4:33 PM
To: [redacted] (CAB-KROES)
Subject: RE: Meeting Request from FairSearch Europe

Yes, I am sure that Legal Counsel as well as several FairSearch members will attend as well.

I will send you a list of participants closer to the time.

Kind regards
[redacted]

From: [redacted] [@ec.europa.eu](mailto:[redacted]@ec.europa.eu) [[mailto:\[redacted\]@ec.europa.eu](mailto:[redacted]@ec.europa.eu)]
Sent: 28 July 2014 15:36
To: secretariat@fairsearcheurope.org
Subject: RE: Meeting Request from FairSearch Europe

Dear [redacted],

Thank you or your reply. 9th September at 15:00 is fine. May I ask if someone else will join you for the meeting?

Thank you in advance.

Best regards,
[redacted]

From: secretariat@fairsearcheurope.org [<mailto:secretariat@fairsearcheurope.org>]
Sent: Monday, July 28, 2014 1:20 PM
To: [redacted] (CAB-KROES)
Cc: [redacted]
Subject: RE: Meeting Request from FairSearch Europe

Dear [redacted],

I unfortunately am taking a late vacation this year – leaving the last week of August. So could I suggest a meeting slightly later in September – on Tuesday, 9 September at 15:00 for example?

Kind regards
[redacted]

[redacted] FairSearch Europe

[redacted]
secretariat@fairsearcheurope.org

Dear _____,

Thank you and kind regards,



Kind regards

FairSearch Europe

Secretariat@fairsearcheurope.org

From: [redacted] [\[redacted\]@ec.europa.eu](mailto:[redacted]@ec.europa.eu)
[[mailto:\[redacted\]@ec.europa.eu](mailto:[redacted]@ec.europa.eu)]
Sent: 27 March 2014 11:26
To: secretariat@fairsearcheurope.org
Cc: [redacted] [\[redacted\]@ec.europa.eu](mailto:[redacted]@ec.europa.eu)
Subject: RE: Meeting Request

Dear [redacted],

Thanks for your call a minute ago. As just discussed I suggest you take contact again once you have seen the pre-rejection letter from COMP and the survey you are conducting is finished. I copy my assistant [redacted] who you can also put in copy next time so she makes sure we follow-up on the request!

Best regards,

Carlota

From: secretariat@fairsearcheurope.org
[<mailto:secretariat@fairsearcheurope.org>]
Sent: Tuesday, March 25, 2014 4:55 PM
To: REYNERS FONTANA Carlota (CAB-KROES)
Subject: Re: Meeting Request

Carlota Reyners Fontana, Member of Cabinet
Cabinet of Digital Commissioner Neelie Kroes

Dear Carlota,

This is simply to make sure that you have received a copy of the letter [redacted] [redacted] sent to all European Commissioners yesterday. [redacted] would be happy to meet with you (and/or your Commissioner) to further discuss the threatened impact of the proposed settlement with Google.

If you are interested in a meeting, I could suggest the following times. If they are not convenient, I am happy to find other times.

- Wednesday, 9 April: 9.30-13.30 and 15.30-17.30
- Thursday, 10 April: 9 – 10:30 and 14:00 – 17:30

Hoping to hear from you, but in the interests of time, I will contact your office later in the week to discuss the possibilities.

Kind regards

[Redacted]



Secretariat@fairsearcheurope.org

From: secretariat@fairsearcheurope.org
[<mailto:secretariat@fairsearcheurope.org>]
Sent: 24 March 2014 18:03
To: [Redacted]@ec.europa.eu'
Subject: Letter from FairSearch Europe



FairSearch Europe Secretariat

E: secretariat@fairsearcheurope.org
W: www.fairsearcheurope.org
@FairSearch

24 March 2014

Re: Google's third package of proposed commitments

Dear Vice President Kroes,

Google's anti-competitive practices have already led to the elimination of competition in video search, blog search and mapping, nearly eradicated product-price-comparison markets in Europe, and are now on their way to eliminating competition in travel search and financial price comparison. Only by restoring fair competition to the market can we stop this monopolisation of search. However, tragically, the settlement proposed by Google – its third attempt – will not achieve this objective.

After an in-depth review of Google's third package of proposed commitments, [FairSearch Europe](#)^[1] and its members, a group of European and US businesses that have come together to promote and defend competition in both the search and mobile markets, have determined that Europe is confronted with an unprecedented situation. Not only do the proposed commitments fail to redress Google's anti-trust violation, consisting in the first place of diverting search traffic away from rivals towards its own vertical (specialised) services, but they additionally require market operators to *pay* to benefit from the offered remedy via the proposed auction mechanism. The proposed commitments will increase revenues to the infringer while devastating competition, particularly in the previously thriving online travel and financial reporting sectors.

In light of the devastating consequences of the commitments, I would welcome a meeting with you to discuss this deeply troublesome settlement proposal. Below is an overview of our main concerns, which I would be happy to discuss with you in further detail.

As Google has become the gatekeeper to the Internet, with a 95% market share in Europe, it stands accused by some 18 formal complainants of manipulating its search results to systematically favour its own services and demote or exclude those of its rivals. Given Google's overwhelming dominance of search and search advertising, these practices have a devastating impact on competition, consumer choice and innovation.

Google's proposal is seriously flawed in numerous ways, for example by excluding maps. This note however focuses on Google's proposed auction mechanism introduced as a remedy to Google's search bias (which the European Commission recognised as an abuse of its dominant position in a [21 May 2012 Statement](#) by Vice President Almunia.) By requiring competitors to pay to be visible in the Google search results, this remedy will wreak devastation on key elements of Europe's on-line economy, as well providing an unprecedented additional revenue stream (as a *remedy* for a *competition law infringement*) for Google.

Under the proposed auction mechanism, Google will select the three rivals to display their services on the search results page, based on both the level of the various bids and the expected click through rate for the competing service. These two elements will maximise the revenue that Google makes by displaying these ads.

The auction winners will be those who generate the biggest revenue for Google, not the most innovative SMEs, nor those providing the cheapest, best or most relevant products for consumers. Moreover, new entrants are specifically excluded from the auction due to an imposed minimum traffic threshold. Additionally, critical and popular consumer services are wholly excluded from this remedy, such as other map providers, social service providers, general purpose search engines, merchants, and payment services. These are critical services to Internet consumers and there is no pro-competitive reason for their exclusion. Let me explain in more detail:

^[1] FSE members: European firms [Allegro](#), [Foundem](#), [InsideGuides](#), [Nokia](#), [Twenga](#); Brazil's [Buscapé](#) and US firms Expedia, TripAdvisor, Oracle, Microsoft, Hotwire, Level.com, [LookSmart](#), ShopCity, [admarketplace.com](#), [thefind](#) and the Travel Tech Association.

- The draft commitment in essence creates an additional "paid advertising" space on the page, in addition to the ones already in existence.
- For existing paid advertising space, only a limited number of links can be displayed. For these links, there are numerous bidders in the form of online services, because Google is the critical entry point for consumers to find these online services. The rivals already pay to be included in this advertising space.
- The remedy's introduction of a new paid advertising box, which displays the three rival links, does not mean a provider of rival links can stop bidding (or bid less) for the existing advertising boxes already on Google's search results page (SERP): all these rivals and particularly those financially able to do so will want to bid for every opportunity to be displayed on the Google page for fear of losing traffic to other rivals.
- This competitive bidding for rival links will all but erase profit margins for online operators, in particular for SMEs. Meanwhile, Google can continue to preference its own specialised services at no cost.
- In travel search, among others, the remedy not only fails to eliminate the abuse, but turns competitors into additional revenue sources for Google. ETTSA, representing the European online travel sector, has assessed (using public sources) that for the top 20 travel sites alone, Google will generate an additional incremental revenue of up to euro 240 million/dollars 330 million per year thanks to the auction mechanism. Extrapolating this amount to other sectors, such as travel and car insurance or mortgages, the additional revenue for Google from these proposed commitments could easily reach euro 1 billion per year. This settlement, therefore, not only fails to remedy Google's abusive behaviour, but would also create new abuses of dominance, and create a new revenue stream for Google.

We genuinely would prefer for the European Commission to do nothing than to adopt this current set of Google's proposed commitments in a settlement. It undoubtedly would be unfortunate for the Commission to fail, after so much time and effort spent on this investigation, to address Google's abuses, but it would be far better for the Commission to refrain from acting than to make matters dramatically worse.

Thank you for your attention and consideration of our arguments. I would be happy to meet with you at your convenience to provide additional information.

Yours sincerely,

[Redacted]
 FairSearch Europe [Redacted]
 [Redacted]
