

(CAB-VON DER LEYEN)

From: WHELAN Anthony (CAB-VON DER LEYEN)
Sent: samedi 28 novembre 2020 19:23
To: [REDACTED] (CAB-VON DER LEYEN)
Subject: Spotify correspondence - to link to meeting minutes
Attachments: Ex-ante regulation_ Member States (Sept20).docx

From: [REDACTED] <[REDACTED]@spotify.com>
Sent: Thursday, September 24, 2020 4:00 PM
To: WHELAN Anthony (CAB-VON DER LEYEN) <[REDACTED]@ec.europa.eu>
Cc: [REDACTED] <[REDACTED]@spotify.com>
Subject: Ex Ante regulation Gatekeepers, and Coalition for App Fairness

Dear Anthony,

With apologies for this long email, I wanted to thank you again for our very open and discussion about platform regulation, and send you some information.

I include below some extracts from the OECD report I mentioned during our conversation, regarding the definition of online platforms. I also attach a summary of national positions based on the countries we have spoken to.

In addition, I wanted to inform you that a number of businesses and trade associations, including Spotify, have today launched The [Coalition for App Fairness](#).

The goal of this international Coalition is to advocate for freedom of choice and fair competition for app developers that rely on app stores, with a focus on Apple. The Coalition is centered around [10 App Store Principles](#) that app stores should respect.

European members so far include Spotify, Skydemon, Protonmail, Deezer, the European Publishers Council and News Media Europe. US members include Match Group, Epic Games and Tile among others. We expect more businesses - large and small - to join in the weeks and months to come.

You will find today's press release [here](#).

We are at your disposal should you have any questions on this initiative and on the information below, and look forward to continuing our dialogue with you.

Kind regards,

[REDACTED]

OECD report.

“Online platform”: an information society service provider that facilitates interactions between two or more distinct but interdependent sets of users (whether business or individuals) who interact through the service via the Internet. (OECD Report 2019, Online Platforms and their role in the Digital Environment)

This definition of an online platform aims to cover in particular online e-commerce marketplaces, application stores, online social media services, operating systems and search engines, irrespective of the technology used to provide such services. This definition should not cover connectivity services, cloud services or services that are inherently auxiliary to the intended interaction, e.g. payment services.

OECD report on online platforms [here](#), with interesting explanations on p.20 on how to define a platform, including:

A requisite condition for qualifying as a “platform” is serving two or more distinct sets of users who interact in at least one direction through the service. Taking an example from the offline world, traditional print newspapers are platforms that serve both advertisers and readers. The advertisers interact with the readers by paying the newspaper to place advertisements, which at least some of the readers see. Thus, the users’ interactions flow in one direction through the platform: from the advertiser side to the reader side. Advertisers typically do this because some of the readers will then purchase goods or services from them, but those transactions take place outside of the newspaper platform. The newspaper example, incidentally, shows that the term “user” can refer to businesses and individuals.(...) An example exclusively from the online world is video-sharing services. These are platforms that can have at least three sets of users who interact in multiple directions. The users include those who upload videos, those who watch them, and those who pay the platform to place advertisements. Interactions flow from video uploaders and advertisers to video consumers, but they also flow from consumers back to the uploaders in the form of ratings and comments. In addition, they can flow from consumers to other consumers (again in the form of comments, which themselves may receive positive or negative feedback).

[REDACTED] I [REDACTED] Spotify
out of scope

t: [REDACTED]

e: [REDACTED]@spotify.com I www.spotify.com



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