

Brussels, 21 November 2013

Ms Carlota Reyners Fontana  
Member of Cabinet  
European Commission Vice President Neelie Kroes

Cc: Josephine Wood, Member of Cabinet  
[REDACTED] DG CNECT

Dear Carlota,

On behalf of [REDACTED] and myself, I would like to thank you for taking the time to meet with us last week (12 November). I do hope you found our arguments compelling about the need for action to curtail Google's anti-competitive business practices in both the search markets in Europe.

On our side we very much appreciated your questions and critiques, and found our discussion fruitful and challenging. We would be happy to discuss further at your convenience as our analysis progresses with regard to Google's second package of proposed commitments.

Although we touched on the new commitments during our meeting, I would like to stress that we are convinced that these new commitments neither offer effective remedies to the Commission's concerns as set out 18 months ago in [May 2012](#), nor do they represent a fundamental overhaul of the first package of commitments, which you may recall were unanimously condemned by FairSearch and all 20+ complainants<sup>1</sup> to the European Commission.

The commitments remain fatally flawed as they contribute nothing to restoring competition in search, the gateway to the internet and to business and consumer services that are building the digital economy. If formally accepted by the European Commission as a settlement, consumers and businesses that rely on Google as the gateway to the internet would suffer serious harm as the proposed commitments do nothing to prevent Google's favouritism and diversion from suppressing the most relevant information – resulting in reduced choice, higher prices and lost innovation.

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<sup>1</sup> **Confirmed complaints:** FairSearch members Foundem, Twenga, Expedia and Microsoft but also Ciao, eJustice, 1plusV, AEDE (Spanish Publishers), BDZ (German Publishers), German Federation of Magazine Publishers (VDZ), Eurocities, Hotmaps, Streetmaps, Tripadvisor, Odiego, Elfvoetbal.nl, Dealdjour.pro, Visual Meta, Verband Freier Telefonbuch – und Auskunftsmédien, Interactive lab, Nnpt.it

Moreover, if the Commission accepts these proposed commitments as a settlement, they will allow Google to continue its anti-competitive practices while at the same time ensuring the transition of all (free) organic search into paid search.

FairSearch is not alone in its negative appraisal of these commitments which is shared by a remarkable coalition of complainants and other stakeholders notably the [European Publishers Association](#), and the US's [Consumer Watchdog](#), the organisation that also released the [full commitment package](#).

We remain convinced that an effective and future-proof remedy lies in imposing the principle of equal treatment by Google on both its own and competing services.

In this respect and as promised here is the [link](#) to the blog we mentioned written by John Battelle, co-founder of *Wired*, about his recent visit to and concerns about Google's future developments, *Google Now*. According to Battelle, "Now is Google's attempt at becoming the real time interface to our lives – moving well beyond the siloed confines of 'search' and into the far more ambitious world of 'experience.'"

Again sincere thanks for your time, and if you do have any follow up questions, we would be happy to provide the answers.

kind regards,

[Redacted]

[Redacted]

[Redacted] FairSearch Europe

[Redacted]

[Redacted]

[Secretariat@fairsearcheurope.org](mailto:Secretariat@fairsearcheurope.org)

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