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European Commission
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18 July 2018

Dear Commissioner Bienkowska,

I am writing to you regarding today's European Commission decision in the Google Android case. We previously spoke about the mobile economy and the potential impact of this decision on European businesses and consumers before, and I would like to take this opportunity to share with you our views on this case. You can find these summarized in our online blogpost, which is attached to this letter.

We respectfully disagree with today's decision and believe it fails to understand the competitive dynamics of the mobile economy. Consumers today benefit from increasingly high-quality phones and a range of prices thanks to Android.

Android is open-source software, which means anyone can use it and modify it however they want. Android provides an unlimited choice for thousands of hardware manufacturers and mobile network operators and millions of consumers, too. Android has enabled new opportunities for millions of application developers who have built new businesses using Android, including more than 1.6 million developers in Europe.

Because of Android, there's a choice of 24,000 devices, at every price point, from more than 1,300 different brands, including Dutch, Finnish, French, German, Hungarian, Italian, Latvian, Polish, Romanian, Spanish and Swedish phone makers.

Competition is thriving on mobile devices and choice is unrestricted. Hardware manufacturers and carriers who put Google applications like Search and Chrome on their devices can offer competing services, too. Furthermore, consumers can easily download alternative applications

and remove pre-installed apps. The average consumer downloads roughly 50 apps, in addition to the 40 or so that come preinstalled on a typical Android phone. Previous decisions of the Commission and the General Court of the European Union have acknowledged how easily consumers can download alternative services. The decision here failed to recognize this new reality.

We've always said that with size comes responsibility, and that we're open to scrutiny. A healthy Android ecosystem is in everyone's interest, and we've shown we're willing to make changes. But we are concerned that the Commission's decision will upset the careful balance that we and our many partners have struck with Android, and that it sends a troubling signal in favour of proprietary systems over open platforms. Rapid innovation, wide choice, falling prices and inclusive access are classic hallmarks of robust competition and Android has enabled all of them. Today, the Commission applauded the open-source Android platform while rejecting the business model that supports it. We think today's decision will lead to less choice, not more, and we intend to appeal.

We remain committed to Europe and to helping realize the potential of the Digital Single Market. We will continue to work closely with the European institutions and stakeholders across the EU to ensure our services work and benefit consumers, small businesses, and the wider European economy and society. I am at your disposal for further discussions with you or your team members.

Yours sincerely,

Senior Vice President, Global Affairs & Chief Legal Officer

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