Minutes of meeting between Cabinet Bieńkowska and Google on 15 February 2018

Subject: Google Play Store operations in the context of the Initiative relating to B2B relations on Online Platforms.

Participants

[redacted]	Director, Google Play Legal
[redacted]	Manager, EU Public Policy & Government Relations
[redacted]	Manager, EU Public Policy & Government Relations
Kristian Hedberg	Deputy Head of Cabinet Bieńkowska
Fabrice Comptour	Member of Cabinet Bieńkowska
[redacted]	DG GROW/E4

Mr Hedberg welcomed Google and advised that he and Mr Comptour had seen the report of the meeting held at Services Level the day before and that as decisions had not been taken in relation to the platforms to business (P2B) initiative, the Commission is interested in hearing the views of all market players and the meeting had fallen at an opportune time.

I. Introduction to Google Play

Ms [redacted] provided an introduction to Google Play, highlighting the priority given to user trust and safety within the app store and the desire to limit the bad actors.

Ms [redacted] advised of the support given to app developers, namely through the Developer's Console. This provided developers with information on the number of purchases, where purchases originated from, access to a cloud based optimiser (to ensure the app works well) and also advises where developers can get support. In addition to the console, they offer troubleshooting, developer days, workshops and showcasing of developer stories, to help the app developers.

Ms [redacted] advised that on the legal side, they produce one agreement for all developers and in addition, developer policies. They have worked in recent months to make the developer policies more user friendly, using examples and making it more interactive. This information is available upfront, before a developer decides to use Google Play to market their app.

Ms [redacted] advised of the initial check on apps before they go on the market, which can lead to rejection or suspension. She emphasised the importance placed on speed to distribution in the app store, where they use a light touch approach to perform an (automated) check of the app's compliance with their policies. Ms [redacted] also went on to explain that while an app is available on Google Play, they have a continual review process which may be triggered by substantive updates to the app, user flags, user reviews or press reports. Working with developers, they have developed a more flexible approach, which gives app developers the opportunity to improve the app to address concerns raised by Google Play, to enable the app to go on the market as an alternative to rejection or suspension. What method is used, is determined by the gravity of the problem.

II. Internal Redress

Ms [redacted] introduced the mechanisms available for app developers to appeal. She advised that developers were notified of the opportunity through the Developer's Console as well as in the notice for rejection/suspension and that all appeals were dealt with by humans. She also advised that even if an app was rejected, this did not bar the developer from resubmitting the app.

In response to a question on whether such internal processes were standard across all app stores, Ms [redacted] advised that their system had been developed based on feedback from developers on how they wanted the appeals system to work, which advised them of the weaknesses of other app stores systems.

In response to a question on what volumes of complaints are dealt with by the internal system, Ms [redacted] advised that they have a large team that deals with the review process and that this also feeds what is learned through this process, into policy development. The large team was also necessary, given that their aim is have quick turnaround times. However, Ms [redacted] also advised that not all developers used the opportunity to make an appeal and Google Play was sometimes chasing developers to remind them of their option to do so.

In response to a question on the origin of the internal redress mechanism, Ms [redacted] advised that it had been put in place before she took over responsibility for it. However, she did advise that as the app environment is dynamic, the appeals process was a means for Google Play to keep appraised of developments and was used as an opportunity to learn what they could improve.

In response to a question on reasons for appeal, Ms [redacted] advised that there are multiple reasons for appeal. There was no drop down menu and it was often personalised.

Ms [redacted] advised that Google Play liked the internal redress system to be the starting point for developers to air grievances. She felt that by providing too many opportunities for alternative means of redress, developers would not use the most developed means that would be the best to help them. As such, both she and Ms [redacted] emphasised that redress systems should start with what already exists, i.e. the internal procedure.

In response to a question on the number of problems that were not resolved through the appeals process, Ms [redacted] advised that the majority were resolved. She advised that it was rare to receive a letter from a lawyer, but when she did, it usually related to a complaint about unequal treatment (e.g. where a developer is suspended for breach of a rule, but complains that other apps are still permitted even though they violate the same rule) and where the developer feels that the policy in place is unfair. Mr [redacted] advised that the majority of complaints through the internal system was something that had been confirmed in the Ecorys study.

III. Ranking

Ms [redacted] advised that tensions do arise in relation to preference given to own services. However, they do not receive many complaints on this.

Ms [redacted] gave an introduction to how ranking is organised. In particular pointing out that the philosophy is to get the user what he/she wants quickly. She advised that in practice, most users perform targeted searches for a particular app. Sme users do browse and so they arrange the store to accommodate this through top charts and use merchandisers (similar to other commercial stores) to organise clusters of apps on thematic grounds.

Ms [redacted] advised that concerns about ranking were less prevalent in relation to the app store than other Google services.

IV. Concerns about the P2B proposal

In response to a question on how the proposal may affect their business, Ms [redacted] and Ms [redacted] advised that they were worried it would entail changes to their current system. They were reluctant to make changes as they were happy with what they have in place particularly in relation to internal redress. In particular, they expressed concern that EU requirements would limit the evolution of their systems in the manner they wanted and feared that it would affect their ability to address developers' needs.

In addition, Ms [redacted] expressed concern that if the scope was extended outside of what the fact-finding work had focused on in the last two years (i.e. starting from the basis of contractual relationships), they feel they have had the opprotunity to engage with the Commission on this basis. They expressed a concern on how they would handle new obligations where there is no contractual relationship if the scope was extended to include search.

[redacted]