Från: Eva Ljungbert
Skickat: den 19 oktober 2021 16:19
Till: Aurelien Maehl <amaehl@duckduckgo.com>
Kopia: Håkan Hillefors <hakan.hillefors@regeringskansliet.se>
Ämne: Sv: Joint letter: Support is Growing to end Google's Preset Search Defaults in DMA

Dear Aurélien,

Thank you for the information regarding your joint letter, which we have taken part of and forwarded to relevant persons inside the Government Offices.

With reference to the situation in the negotiations of DMA, the workload connected to that and several queries from stakeholders, it is difficult for us to hold meetings at the moment. We are always open for written comments though.

Best regards,

Eva Ljungbert

Eva Ljungbert
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Government Offices of Sweden

Från: Aurelien Maehl <amaehl@duckduckgo.com>
Skickat: den 14 oktober 2021 12:57
Till: Eva Ljungbert <eva.ljungbert@regeringskansliet.se>
Kopia: Marcus Boklund <marcus.boklund@regeringskansliet.se>; Hedvig Landahl

<hedvig.landahl@regeringskansliet.se>; Håkan Hillefors <hakan.hillefors@regeringskansliet.se>
Ämne: Joint letter: Support is Growing to end Google's Preset Search Defaults in DMA

Dear all,

Last week, we published an open letter calling on EU lawmakers to take action in the Digital Markets Act against Google's abusive defaults. The letter was co-signed by DuckDuckGo, Ecosia, Qwant and Lilo. Consumer rights org **BEUC** came in support of the initiative, as well as MEP Yon-Courtin (ECON rapporteur, Renew Europe).

Politico (below) and Techcrunch, among others, reported on the story.

Building on the existing choice screen on Android, "the DMA should enshrine in law a requirement for a search engine preference menu that would effectively ban Google from acquiring [preset] default search access points of the operating systems and the browsers of gatekeepers," the letter reads.

I would be glad to discuss with you how we could translate these proposals into concrete amendments in the context of the ongoing DMA negotiations. In particular, we would like to suggest appropriate wording together with BEUC.

Please let me know if you're available for a call in the coming weeks.

Best regards,
Aurélien

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Search engines see opportunity to lure users away from Google
By Pieter Haeck · October 7, 2021 7:00 AM · View in your browser

Search engines are hoping the EU's upcoming digital competition rules can help them chip away at Google's domination.

Both the European Parliament and the Council of the EU are reworking the EU's proposal meant to ensure competition in digital markets. According to MEPs and Slovenia, which holds the Council's rotating presidency, a top item on the agenda is to ensure consumers have the power to change their preferences, like for search engines, on mobile operating systems like Android, which is run by Google, and Apple's iOS.

Four search engines — DuckDuckGo, Ecosia, Qwant, and Lilo — sent a letter, seen by POLITICO, to the European Commission on Thursday, urging it to prevent the biggest companies, known as gatekeepers, "from suppressing search engine competition." The letter was backed by consumer rights group BEUC.
The bill, known as the Digital Markets Act, or DMA, "should enshrine in law a requirement for a search engine preference menu that would effectively ban Google from acquiring default search

access points of the operating systems and the browsers of gatekeepers," the letter said. Further, it should allow users to change their search engines easily, and at any time "via prompts from competing search engine apps or websites."

The search engines' demands follow from a 2018 case that resulted in Google setting up a search engine preference page when a user sets up a new Android device. Not only do the companies want to require that by law, but they also want to expand on that requirement.
Lawmakers in Parliament and Council are open to the demands, and are already working on adding them to the bill.

Andreas Schwab and Stéphanie Yon-Courtin — MEPs who will shape the Parliament's position — have amended the bill to require that gatekeepers "allow and technically enable" users to change default settings on an operating system that directs or steers end users to services or products offered by the gatekeeper, according to documents seen by POLITICO, like an Android device that prompts users to use Google search.

But they also want consumers to be able to switch at any other time too. "If a consumer wants to use a different search engine like ours that protects their privacy, Google suppresses competition by making it unnecessarily difficult to switch," Gabriel Weinberg, CEO of DuckDuckGo said. "It takes for example over 15 clicks on Android."

Google declined to comment for this article.

Lawmakers are also considering requiring operating systems to allow users to download apps from competing app stores on their phones, a practice called "sideloading," and making those apps the default. But Apple is lobbying hard against it, arguing that it would degrade privacy and security.

It's unclear how many of these proposals will make it to the final bill, with months of negotiations ahead, and Google still fighting a €4.3 billion fine over Android's alleged abuse of its dominant position.

But the search engines believe something has to give. "If the DMA fails to address this fundamental issue, we believe the status quo will continue, leaving the root cause of this problem unchanged."

Aurélien Mähl
DuckDuckGo

From: Eva Ljungbert <eva.ljungbert@regeringskansliet.se>
Sent: Thursday, July 8, 2021 12:08 PM
To: Aurelien Maehl <amaehl@duckduckgo.com>
Cc: Marcus Boklund <marcus.boklund@regeringskansliet.se>; Hedvig Landahl <hedvig.landahl@gov.se>; Håkan Hillefors <hakan.hillefors@regeringskansliet.se>
Subject: Sv: DMA meeting request: amendments to impact Google search domination

That sounds very good. Please send us a zoom-link and include Marcus and Hedvig, that are copied in this e-mail, as well.

Best regards,

Eva Ljungbert

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Från: Aurelien Maehl <amaehl@duckduckgo.com>
Skickat: den 8 juli 2021 12:00
Till: Eva Ljungbert <eva.ljungbert@regeringskansliet.se>
Kopia: Marcus Boklund <marcus.boklund@regeringskansliet.se>; Hedvig Landahl <hedvig.landahl@gov.se>; Håkan Hillefors <hakan.hillefors@regeringskansliet.se>
Ämne: RE: DMA meeting request: amendments to impact Google search domination

Dear Ms Ljungbert,

Thank you, Wednesday 18 August works well. Would you like me to send a Zoom link?

Best regards,

Aurélien Mähl
DuckDuckGo

From: Eva Ljungbert <eva.ljungbert@regeringskansliet.se>
Sent: Thursday, 8 July 2021 10:33
To: Aurelien Maehl <amaehl@duckduckgo.com>
Cc: Marcus Boklund <marcus.boklund@regeringskansliet.se>; Hedvig Landahl <hedvig.landahl@gov.se>; Håkan Hillefors <hakan.hillefors@regeringskansliet.se>
Subject: Sv: DMA meeting request: amendments to impact Google search domination

Dear Mrs. Maehl,

Thank you for your comments on DMA and your meeting request. We could certainly set up a meeting in the middle of August. Marcus from the Ministry of Infrastructure is also interested to join and I will also

invite a colleague from the Ministry of Foreign Affairs, Hedvig Landahl. If you like, we can preliminary book Wednesday the 18th at 14.00 if that would suit you.

Best regards,

Eva Ljungbert

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Från: Aurelien Maehl <amaehl@duckduckgo.com>
Skickat: den 6 juli 2021 18:43
Till: Eva Ljungbert <eva.ljungbert@regeringskansliet.se>
Kopia: Marcus Boklund <marcus.boklund@regeringskansliet.se>
Ämne: FW: DMA meeting request: amendments to impact Google search domination

Dear Ms Ljungbert,

Please find below a meeting request & our views on the DMA, which Marcus Boklund in cc has suggested that I forward to you.

I am happy to set up a meeting on August 17, 18 or 19 in the afternoon – or the week after.

Kind regards,

Aurélien Mähl
DuckDuckGo

From: Marcus Boklund <marcus.boklund@regeringskansliet.se>
Sent: Tuesday, 6 July 2021 17:23
To: Aurelien Maehl <amaehl@duckduckgo.com>
Cc: Lena Carlsson <lena.carlsson@regeringskansliet.se>
Subject: Sv: DMA meeting request: amendments to impact Google search domination

Dear Aurelien,

Thanks for sharing your position on the DMA. We would welcome a meeting. The earliest we could set this up would be from mid-August onwards, Ms Eva Ljungbert, who is in charge of the file at the Ministry of Enterprise, informs me. You can contact her directly.

Best regards,
Marcus

Från: Aurelien Maehl <amaehl@duckduckgo.com>
Skickat: den 6 juli 2021 15:55
Till: Marcus Boklund <marcus.boklund@regeringskansliet.se>; Pia Högset <pia.hogset@regeringskansliet.se>
Ämne: DMA meeting request: amendments to impact Google search domination

Dear Mr Boklund, Dear Ms Hogset,

I represent the Internet privacy company and search engine DuckDuckGo. We have a first-hand experience of the exclusionary practices put in place by Google and have been writing extensively about search competition, in particular following the 2018 Android decision, here: https://spreadprivacy.com/tag/preference/

Last month, Google announced a half-measure to improve the EU Android search default. Google's effort still falls far short - see our reaction here and more details on Techcrunch — and doesn't even reach other critical Google defaults such as on the Chrome desktop browser or Apple devices. In DuckDuckGo's position on the Digital Markets Act (here the annex with our amendments compared to the Commission's proposal), we propose a way forward to end Google's unfair practices in the search engine market:

- Prohibit gatekeepers from securing and establishing defaults for their search engine across the search access points of a gatekeeping operating system.
- Facilitate the switching of default settings. For instance, users should be able to change all of their device's search defaults at once when downloading a new search app.

Below are our two most important amendments. **Are you available in the next couple of weeks for a virtual meeting on the DMA?**

Best regards,
Aurélien Mähl

—

Link to DuckDuckGo's position on the DMA & *Link to Annex with our amendments compared to the Commission's proposal*

1. Add a new article 6.1(bb) in order to prevent search gatekeepers from securing or establishing default positions across the search access points of an operating system:

- o *(bb) refrain from securing or establishing default positions for the online search engines of the gatekeeper across the search access points of the operating systems owned by any gatekeeper.*

2. In a new recital after (46), indicate that the regulator should substitute these default positions with a preference menu that lets users choose their search default on their device:
    - o *(46a) Securing or establishing defaults positions across the search access points of an operating system, such as the pre-installed browser or another, dominant browser, the home screen bar widget, or the voice assistant, can entrench the dominant position of an established online search engine and prevent contestability on the online search engine market. Even where users can change the default manually, they rarely do so, due to behavioral bias for inertia. In order to ensure contestability, end users should be able to select their preferred online search engine default through a preference menu when they set up their device. The preference menu should comprise the most popular online search engines on a given market, on the basis of objective criteria such as market share, and should be designed in a fair and non-discriminatory manner to ensure that end users are not nudged to select a particular provider. The preference menu should be effective, that is the end user's choice of a search engine default should immediately apply across the search access points of the operating system. End users must subsequently be able to access such preference menu after the device is set up, including through a prompt on another online search engine's website or software application.*

Aurélien Mähl
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