

By E-mail

European Commission
Hearing Office
Rue Joseph II/ Jozef II Straat 79 01/049
B-1049 Brussels
BELGIQUE/ BELGIË

3 June 2016

Case AT.40099 - Request to be recognised as an interested third party

Dear Mr. Stragier,

By this letter, the European DIGITAL SME Alliance¹ ("**DIGITAL SME**") applies to be heard as an interested third party in the above-referenced case. DIGITAL SME believes it meets the legal requirements for admission as an interested third party as interpreted and applied by the European Commission in past practice, and believes its admission will enable it to make a constructive contribution to the procedure.

First, DIGITAL SME has a direct and sufficient interest in the outcome of the proceedings. DIGITAL SME is a European association formed in 2007 representing the interests of the SME community in the Information and Communication Technologies ("**ICT**") sector. Currently 28 national and regional associations from 18 EU Member States and neighbouring countries are members, representing 20,000 ICT SME companies in Europe, active in a broad range of ICT activities, including mobile applications ("**app**") development. DIGITAL SME is concerned about the impact of Google's behaviour on the distribution of Android apps. App developers, including members of DIGITAL SME, need access to app stores in order to distribute their apps and are therefore particularly concerned that the lack of competition in app distribution has a direct impact on developers' ability effectively to reach consumers. Among other things, reduced competition among app stores negatively affects the terms under which app developers can distribute their apps and generate revenue, and has implications for developers' control over and use of data generated by usage of their apps.

¹ Formally Pan European eBusiness & ICT Network for SMEs, PIN-SME a.i.s.b.l.

European DIGITAL SME Alliance (PIN-SME a.i.s.b.l.)
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In partnership with:



UNION EUROPEENNE DE L'ARTISANAT ET DES PETITES ET MOYENNES ENTREPRISES
EUROPÄISCHE UNION DES HANDWERKS UND DER KLEIN- UND MITTELBETRIEBE
EUROPEAN ASSOCIATION OF CRAFT, SMALL AND MEDIUM-SIZED ENTERPRISES
UNIONE EUROPEA DELL' ARTIGIANATO E DELLE PICCOLE E MEDIE IMPRESE



Second, DIGITAL SME is well-placed to contribute to establishing the truth and relevance of the facts and circumstances of the proceedings, as DIGITAL SME represents a variety of information technology interests, including mobile and app developer interests.

DIGITAL SME therefore respectfully requests to be admitted as an interested third party in Case COMP/AT.40099. Should you have any questions regarding this application, please do not hesitate to contact me or our Secretary General, Sebastiano Toffaletti (sebastiano.toffaletti@digitalsme.eu, tel. +32 22307599).

Yours sincerely,



Oliver Grün
European DIGITAL SME Alliance, President

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