

Google LLC
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America

WARNING ON TERMINATION OF ACTIONS (INACTION), WHICH CONTAIN SIGNS OF VIOLATION OF THE ANTIMONOPOLY LEGISLATION

Due to the presence in the actions (inaction) of Google LLC (1600, Amphitheater Parkway, Mountain View, California, 94043, United States of America), which has a dominant position in the market for distributing applications through application stores for subscriber devices running the Android operating system, expressed in the establishment in the Rules of the Google Play Developer Program¹ (hereinafter referred to as the Rules) (section Payments, paragraphs: 1, 2, 4, 8) of a ban on the offer and use in mobile applications running on the Android operating system and distributed through Google Play, of payment methods other than the Google Play payment system, which led (could lead) to the imposition of unfavorable terms of the contract on the developers of these applications, signs of a violation of paragraph 3 of part 1 of Article 10 of the Federal Law of July 26, 2006 No. 135-FZ "On Protection of Competition" (hereinafter referred to as the Law on Protection of Competition), FAS Russia on the basis of Article 39.1 of the Law on Protection of Competition warns Google LLC of the need to terminate these actions (inaction) by taking the following actions:

1) exclude from the Rules (clause 1 of the Payments section) the provisions obliging developers who charge funds for downloading applications from Google Play to use the Google Play payment system, and include provisions in the Rules that provide developers with the opportunity to use other payment methods for these purposes;

2) exclude from the Rules (clause 2 of the Payments section) the provisions obliging developers of applications distributed through Google Play that require or accept payment for access to functions or services, including any application functions, digital content or goods, to use the Google Play payment system for such transactions, and include in the Rules provisions that provide developers with the opportunity to use other payment methods for these purposes;

¹ <https://support.google.com/googleplay/android-developer/answer/11987217?hl=ru>

3) in conjunction with the actions specified in paragraph 2 of this warning, make appropriate changes to clause 8 of the Payments section of the Rules;

4) exclude from the Rules (clause 4 of the Payments section) the provisions that prohibit developers from offering other payment methods in applications, except for the Google Play payment system;

5) to properly inform (ensure receipt) all developers of mobile applications operating under the Android operating system and distributed through Google Play about the amendments to the Rules specified in paragraphs 1-4 of this warning. This information should contain explanations, from which it clearly follows that developers have the right, but are not obliged to use the Google Play payment system, the right to offer users other payment methods in applications.

These actions must be carried out within a month from the date of receipt² of this warning.

Notify the Federal Antimonopoly Service of the Russian Federation about the implementation of the warning within three days from the date of expiration of the period established for its implementation (with copies of supporting documents attached).

The Federal Antimonopoly Service draws the attention of Google LLC to the fact that, in accordance with Part 8 of Article 39.1 of the Law on Protection of Competition, in case of failure to comply with the warning within the prescribed period, if there are signs of violation of the antimonopoly law, the antimonopoly authority is obliged to decide on initiating a case on violation of the antimonopoly legislation.

² In accordance with Part 1 of Article 6 of Federal Law No. 236-FZ of July 1, 2021 “On the Activities of Foreign Persons on the Internet in the Territory of the Russian Federation”, a personal account is used by a foreign person operating on the Internet in the territory of the Russian Federation, in order to receive documents and other legally significant messages from the state bodies of the Russian Federation and transfer documents and (or) information to the indicated bodies. Documents and other legally significant messages are considered received by a foreign person operating on the Internet in the territory of the Russian Federation from the moment they are received in the personal account.