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**DMA.100123 – Apple**

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**NON-CONFIDENTIAL SUMMARY TO  
APPLE'S DMA COMPLIANCE REPORT OF MARCH 7, 2025  
SUBMITTED PURSUANT TO ART. 11(1) DMA**

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**March 7, 2025**

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## Compliance Report

### Section 1 - Information about the reporting undertaking

- (1) Apple submits this Report on March 7, 2025 pursuant to Art. 11(1) of the Digital Markets Act (“DMA”).
  - 1.1 **Please provide the name of the undertaking submitting the Compliance Report (the “Undertaking”).**
    - (2) Apple Inc. and Apple Distribution International Limited.
    - 1.2 **Please provide the following information regarding the drafting of the Compliance Report:**
      - 1.2.1 **Identify the individuals responsible for drafting the Compliance Report or parts thereof, specifying the role they hold within the Undertaking;**
  - (3) Apple has provided in-house contacts for the purposes of this DMA Compliance Report to the European Commission (“EC”).
    - 1.2.2 **Provide contact details<sup>1</sup> of all external legal or economic counsel or external technical experts (together, “external counsel”) involved in drafting the Compliance Report and whether they present guarantees in terms of independence, qualifications and absence of conflicts of interests, similar to the approval requirements for monitoring trustees under EU merger control.<sup>2</sup> Provide also the original written Power of Attorney for such representative(s) (based on the model Power of Attorney available on the Commission’s website<sup>3</sup>).**
- (4) Apple has provided external contacts for the purposes of this DMA Compliance Report to the EC.
- (5) All defined terms and abbreviations used in this DMA Compliance Report are included in **Annex 1 to Section 1 – Glossary**.

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<sup>1</sup> Please use the “eRFI contact details template” on the DMA website: [https://digital-marketsact.ec.europa.eu/about-dma/practical-information\\_en#templates](https://digital-marketsact.ec.europa.eu/about-dma/practical-information_en#templates)

<sup>2</sup> In order to assess whether external counsels meet or not these characteristics, please refer to the conditions for approval of monitoring trustees under EU merger control as set out in paragraphs 123 to 127 to the Commission notice on remedies acceptable under Council Regulation (EC) No 139/2004 and under Commission Regulation (EC) No 802/2004 (2008/C 267/01). There is no obligation under Regulation (EU) 2022/1925 that compliance should be monitored by external consultants meeting these conditions.

<sup>3</sup> Accessible here: [https://digital-markets-act.ec.europa.eu/legislation\\_en](https://digital-markets-act.ec.europa.eu/legislation_en).

## Section 2 – Information on compliance with the obligations laid down in Arts. 5 to 7 of Regulation (EU) 2022/1925

### I. Introduction

- (1) The EC adopted a DMA designation decision, which Apple received on September 6, 2023.<sup>4</sup> This decision designated Apple as a gatekeeper under the DMA in relation to iOS, App Store<sup>5</sup>, and Safari.<sup>6</sup> In addition, the EC has adopted a separate designation decision with respect to iPadOS, which Apple received on April 30, 2024.<sup>7</sup> Pursuant to Art. 3(10) DMA, Apple had to comply with Arts. 5 to 7 DMA (to the extent applicable to Apple) by March 7, 2024 with respect to iOS, App Store, and Safari (“**iOS, App Store, and Safari DMA Compliance Date**”) and by November 4, 2024 with respect to iPadOS (“**iPadOS DMA Compliance Date**”).
- (2) Pursuant to Art. 11 DMA, the gatekeeper shall provide a DMA Compliance Report within six months after designation, and on an annual basis thereafter, describing the measures it has implemented to ensure compliance with Arts. 5 to 7 DMA.
- (3) Apple submitted its first Compliance Report in relation to iOS, App Store, and Safari to the EC on March 7, 2024, and a complementary Compliance Report in relation to iPadOS on November 1, 2024. Apple hereby submits its annually updated Compliance Report, encompassing each of its designated core platform services (“**CPSs**”).<sup>8</sup>
- (4) Apple’s compliance measures relevant to each applicable obligation under Arts. 5 and 6 DMA in relation to its designated CPSs are detailed in separate and standalone obligation-specific annexes — **Annexes 3–19 to this Section 2**. Art. 7 DMA does not apply to Apple.

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<sup>4</sup> Decision of September 5, 2023 of the European Commission to designate Apple as gatekeeper pursuant to Arts. 3(4) and 3(9) of Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (the “**iOS, App Store, and Safari Designation Decision**”).

<sup>5</sup> In this DMA Compliance Report and all of its Annexes, App Store refers to iOS App Store, iPadOS App Store, macOS App Store, tvOS App Store, watchOS App Store, and visionOS App Store. Apple considers that each of these App Stores is a separate CPS. References to the “App Store” are for convenience only.

<sup>6</sup> Certain aspects of this decision, notably in relation to the validity and application of Art. 6(7) DMA to iOS, are subject to challenge currently pending before the General Court of the EU.

<sup>7</sup> Decision of April 29, 2024 of the European Commission to add ‘(d) Apple’s operating system iPadOS’ to Article 2 of the **iOS, App Store, and Safari Designation Decision** (the “**iPadOS Designation Decision**”).

<sup>8</sup> This Compliance Report is a factual record of the measures Apple has put in place in connection with the DMA. It is not and should not be taken as any statement of Apple’s position on the validity, scope and proper application of the DMA provisions. Apple has been and remains in continuous dialogue with the EC regarding the DMA. The measures set out in this report reflect Apple’s desire to accommodate matters raised by the EC, without prejudice to Apple’s legal position (including in pending enforcement and court proceedings).

## II. Information applicable to all obligations

- (5) An overview of the changes that Apple has implemented to its business practices in the context of the DMA is provided as **Annex 1 to Section 2**.<sup>9</sup>
- (6) Apple has also identified certain data points related to applicable obligations. These data points should be read as informative only and not be taken to determine whether or not the measures Apple has introduced comply with the DMA (see **Annex 2 to Section 2**). The data points that are monitored might evolve over time.

## III. Information for each applicable obligation

- (7) For Apple's compliance with each applicable obligation in Arts. 5 and 6 DMA in relation to the designated CPSs, please refer to the respective standalone obligation-specific **Annexes 3–19 to Section 2**.
- (8) In the context of Apple's compliance with Arts. 5 and 6 DMA, Apple offers new business terms available for developers' apps in the EU. Although these terms are not themselves required in order to ensure Apple's compliance with the DMA, the new business terms for apps in the EU are necessary to support the DMA's requirements for alternative distribution and alternative payment processing. The new business terms are described in the obligation-specific **Annexes 3–19 to Section 2** to the extent relevant to the obligation at issue, and holistically here below.
- (9) Developers operating under the new business terms have the option to distribute their iOS and iPadOS apps from the App Store, alternative app marketplaces, and/or directly from a website owned by the developer ("**Web Distribution**"). These developers can also choose to use alternative payment options for their EU apps on the App Store.
- (10) The new business terms include a fee structure that reflects the many ways Apple creates value for developers – including distribution and discovery on the App Store, the App Store's secure payment processing and related commerce services, Apple's trusted and secure mobile platform, and all the tools and technology to build and share innovative apps with users around the world.
- (11) The new business terms for iOS and iPadOS apps in the EU include three elements:<sup>10</sup>

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<sup>9</sup> The EC has opened two non-compliance investigations specifically related to iOS. Apple is engaged in ongoing constructive conversations with the EC to understand the concerns underpinning those investigations. Apple has already contemplated changes to its plans to address stated concerns which Apple intends to implement across iOS and iPadOS. Apple will reflect any resulting changes for iOS that stem from these investigations also for iPadOS, as applicable.

<sup>10</sup> In June 2024, the EC opened an investigation regarding Apple's new business terms, including in relation to Apple's new fee structure.

- **Reduced commission** – iOS and iPadOS apps on the App Store pay a commission of either 10% (for the vast majority of developers, and for subscriptions after their first year) or 17% on transactions for digital goods and services, regardless of payment process system selected.
- **Payment processing fee** – iOS and iPadOS apps on the App Store can use the App Store's payment processing and related commerce services for an additional 3% fee. Developers can use a Payment Service Provider ("**PSP**") within their app or link users to a website to process payments for no additional fee from Apple.
- **Core Technology Fee ("CTF")** – For iOS and iPadOS apps distributed from the App Store, an alternative app marketplace, and/or Web Distribution, developers pay €0.50 for each first annual install ("**FAI**")<sup>11</sup> per year over a 1 million threshold. All developers in the ADP (except for providers of alternative app marketplaces) get one million free FAIs per app per calendar year. Under the new business terms for EU apps, Apple estimates that less than 1% of developers would pay a Core Technology Fee on their EU apps.

- (12) For apps on macOS, watchOS, tvOS, and visionOS, developers who process payments using a PSP or by linking out to website get a discounted commission of 3% based on the App Store's standard worldwide commission rate.
- (13) All developers are able to choose to adopt these business terms, or stay on Apple's existing terms. Developers operating under either set of business terms can continue to use the App Store's secure payment processing and share their apps on the App Store in the EU.

#### **IV. Obligations inapplicable to Apple**

- (14) According to Arts. 5(1) and 6(1) DMA, these articles apply "*with respect to each of [the gatekeeper's] core platform services listed in the designation decision pursuant to Article 3(9)*". According to Art. 7(1) DMA, that article applies "*where a gatekeeper provides number-independent interpersonal communication services that are listed in the designation decision pursuant to Article 3(9)*".
- (15) The EC has designated Apple in relation to 'operating systems' (iOS and iPadOS), an 'online intermediation service' (App Store) and a 'web browser' (Safari). Accordingly, Arts. 5(9), 5(10), 6(8), 6(11) and 7 DMA do not apply to Apple:
- Arts. 5(9), 5(10) and 6(8) DMA only apply to those gatekeepers designated for an 'online advertising service' provided to advertisers and publishers.

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<sup>11</sup> The first time an app is installed by an account in the EU in a 12-month period. After each first annual install, the app may be installed any number of times by the same account for the next 12 months with no additional charge.

- Art. 6(11) DMA only applies to those gatekeepers designated for an 'online search engine'.
- Art. 7 DMA only applies to those gatekeepers designated for a 'number-independent interpersonal communication service'.



### **Section 3 – Information about Apple's DMA compliance function and monitoring**

- (1) Apple introduced a compliance function (the “**DMA Compliance Function**”) immediately after the EC indicated it would designate Apple as a gatekeeper and prior to receipt of the iOS, App Store, and Safari Designation Decision. Apple: (a) established the DMA Compliance Function; (b) appointed the Head of the DMA Compliance Function; and (c) has built, maintains, develops and enhances Apple's DMA Compliance Program. The **Annex to Section 3** describes Apple's DMA Compliance Function and sets out the strategies and policies for managing and monitoring DMA compliance.

## Section 4 – Non-confidential summary

- 4.1 Provide a detailed, clear and comprehensive non-confidential summary of Sections 1 to 3 of the Compliance Report in line with the requirements in Article 11(2) and recital (68) of Regulation (EU) 2022/1925. The non-confidential summary must enable third parties to provide meaningful input to the Commission on the Undertaking's compliance with its obligations under Regulation (EU) 2022/1925. To this end, the non-confidential summary should:**
- a) comprise self-standing texts that give a faithful comprehensive and meaningful picture of the Compliance Report's content. Information may be omitted in the non-confidential summary only if it constitutes the Undertaking' business secrets or if the information is otherwise confidential.<sup>12</sup>**
  - b) follow the same structure as the Compliance Report, all headings should be visible, and all sections and sub-sections should be covered.**
  - c) specifically for Section 2 of the present template, the nonconfidential summary should be provided in separate and standalone annexes for each core platform service for which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925.**
  - d) For confidential underlying numerical data, please include meaningful ranges, baseline level for indicators measured in absolute terms and/or aggregated data rather than redacting entirely.**

**The Commission intends to publish the non-confidential summaries on its website for the Digital Markets Act ([https://digital-markets-act.ec.europa.eu/index\\_en](https://digital-markets-act.ec.europa.eu/index_en)).**

- (1) This non-confidential summary of Apple's DMA Compliance Report is publicly available at [apple.com/legal/dma](https://apple.com/legal/dma).

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<sup>12</sup> On the type of information which may be considered as 'business secrets and other confidential information' that the gatekeepers can take into account for the purpose of the 'clear and comprehensible non-confidential summary' that will be made 'publicly available' in line with recital (68) of Regulation (EU) 2022/1925, the gatekeepers can refer to the Commission's guidance in relation to antitrust and mergers procedures: [https://ec.europa.eu/competition-policy/document/download/ea2cbf27-412c-4394-b872-dd4b4e3a840b\\_en](https://ec.europa.eu/competition-policy/document/download/ea2cbf27-412c-4394-b872-dd4b4e3a840b_en); [https://ec.europa.eu/competition-policy/system/files/2021-03/guidance\\_on\\_preparation\\_of\\_public\\_versions\\_mergers\\_26052015.pdf](https://ec.europa.eu/competition-policy/system/files/2021-03/guidance_on_preparation_of_public_versions_mergers_26052015.pdf).

## Section 5 – Declaration

- (1) Apple has provided a declaration with respect to its Compliance Report to the EC.

## Annexes to the Compliance Report

Name
Annex to Section 1 – Glossary
Annex 1 to Section 2 – Overview of Apple's changes to its business practices in the context of the DMA
Annex 2 to Section 2 – Data points
Annex 3 to Section 2 – Art. 5(2) DMA
Annex 4 to Section 2 – Art. 5(3) DMA
Annex 5 to Section 2 – Art. 5(4) DMA
Annex 6 to Section 2 – Art. 5(5) DMA
Annex 7 to Section 2 – Art. 5(6) DMA
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Annex 9 to Section 2 – Art. 5(8) DMA
Annex 10 to Section 2 – Art. 6(2) DMA
Annex 11 to Section 2 – Art. 6(3) DMA
Annex 12 to Section 2 – Art. 6(4) DMA
Annex 13 to Section 2 – Art. 6(5) DMA
Annex 14 to Section 2 – Art. 6(6) DMA
Annex 15 to Section 2 – Art. 6(7) DMA
Annex 16 to Section 2 – Art. 6(9) DMA
Annex 17 to Section 2 – Art. 6(10) DMA
Annex 18 to Section 2 – Art. 6(12) DMA
Annex 19 to Section 2 – Art. 6(13) DMA
Annex to Section 3 – Apple's DMA Compliance Function

## Annex to Section 1 – Glossary

- (1) All defined terms and abbreviations used in this DMA Compliance Report are included in **Table 1** in this Annex.

**Table 1 – Defined Terms and Abbreviations**

Defined Terms/Abbreviations	Explanation	Link to website (if applicable)
<b>1P</b>	First-party	
<b>3P</b>	Third-party	
<b>ADA</b>	Apple Developer Agreement	<a href="https://developer.apple.com/support/downloads/terms/apple-developer-agreement/Apple-Developer-Agreement-20240610-English.pdf">https://developer.apple.com/support/downloads/terms/apple-developer-agreement/Apple-Developer-Agreement-20240610-English.pdf</a>
<b>ASA</b>	Apple Search Ads	
<b>ADSM</b>	Alternative Dispute Settlement Mechanism under Art. 6(12) DMA	
<b>Alternative App Marketplace Entitlement</b>	Alternative App Marketplace Entitlement reflects criteria for alternative app marketplaces that aim to create an environment in which alternative application marketplaces should be capable and have the incentives to ensure basic protections to complement and supplement Notarization	
<b>Alternative EU Terms Addendum</b>	EU-specific Alternate Terms Addendum for Apps in the EU	<a href="https://developer.apple.com/contact/request/download/alternate_eu_terms_addendum.pdf">https://developer.apple.com/contact/request/download/alternate_eu_terms_addendum.pdf</a>
<b>AMP</b>	Apple Media Products	
<b>APIs</b>	Application programming interfaces	
<b>App Store Commission</b>	Commission on sales of digital goods and services on the App Store	
<b>Apple</b>	Apple refers interchangeably to Apple Inc. and Apple Distribution International Limited	
<b>Apple Board</b>	The Board of Directors of Apple Inc.	
<b>Apps</b>	Software applications	
<b>ARB</b>	Apple's internal App Review Board	

Defined Terms/Abbreviations	Explanation	Link to website (if applicable)
<b>CEDR</b>	Centre for Effective Dispute Resolution	<a href="https://www.cedr.com/">https://www.cedr.com/</a>
<b>Choice Screen Requirement</b>	Implement a choice prompt upon first use of a virtual assistant, web browser, or online search engine if that service is designated as a CPS for that gatekeeper	
<b>CPSs</b>	Core Platform Services	
<b>CTF</b>	Core Technology Fee	
<b>Default Requirement</b>	Requirement to allow and technically enable end users to easily change default settings on the OS if end users are directed or steered to products or services provided by the gatekeeper (Art. 6(3) DMA)	
<b>DMA</b>	Digital Markets Act	
<b>DMA Compliance Function</b>	Apple introduced a compliance function prior to the iOS, App Store, and Safari Designation Decision	
<b>DMA Review</b>	Additional approval flow conducted by the Apple Legal team for data which may be in the scope of the DMA	
<b>DPLA</b>	Developer Program License Agreement	<a href="https://developer.apple.com/support/terms/apple-developer-program-license-agreement/">https://developer.apple.com/support/terms/apple-developer-program-license-agreement/</a>
<b>EC</b>	European Commission	
<b>EU</b>	European Union	
<b>ET</b>	Apple's Executive Team	
<b>FAI</b>	First Annual Install	
<b>GDPR</b>	Regulation (EU) 2016/679	
<b>Guidelines</b>	App Review Guidelines	<a href="https://developer.apple.com/app-store/review/guidelines/">https://developer.apple.com/app-store/review/guidelines/</a>
<b>HCE Entitlement</b>	Allows authorized app developers to implement host card emulation ("HCE") for contactless NFC transactions within their iOS apps.	<a href="https://developer.apple.com/support/hce-transactions-in-apps/">https://developer.apple.com/support/hce-transactions-in-apps/</a>
<b>IAP</b>	In-App Purchase system	
<b>iOS, App Store, and Safari DMA Compliance Date</b>	Date of March 7, 2024	

Defined Terms/Abbreviations	Explanation	Link to website (if applicable)
<b>iOS, App Store, and Safari Designation Decision</b>	Decision of September 5, 2023 of the European Commission to designate Apple as gatekeeper pursuant to Arts. 3(4) and 3(9) of Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828	
<b>iPadOS Designation Decision</b>	Decision of April 29, 2024 of the European Commission to add '(d) Apple's operating system iPadOS' to Art. 2 of the <b>iOS, App Store, and Safari Designation Decision</b> (the " <b>iPadOS Designation Decision</b> ").	
<b>iPadOS DMA Compliance Date</b>	Date of November 4, 2024	
<b>Mechanism</b>	Dispute settlement mechanism	
<b>MFi</b>	"Made for iPhone" licensing program	
<b>Notarization</b>	Baseline level of review that applies to all apps, regardless of their distribution channel, focused on platform policies for security and privacy and to maintain device integrity	
<b>OAuth</b>	Open Authentication	
<b>OS</b>	Operating system	
<b>PCI</b>	Payment Card Industry	<a href="https://www.pcisecuritystandards.org/document_library/">https://www.pcisecuritystandards.org/document_library/</a>
<b>PSD</b>	Payment Services Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market	<a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32015L2366">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32015L2366</a>
<b>PSP</b>	Payment Service Provider	
<b>SIWA</b>	Sign in with Apple	
<b>SLA</b>	Software License Agreement	<a href="https://www.apple.com/legal/sla/">https://www.apple.com/legal/sla/</a>
<b>Support Services</b>	Services in support of the relevant CPSs	

Defined Terms/Abbreviations	Explanation	Link to website (if applicable)
<b>Uninstallation Requirement</b>	Requirement to allow and technically enable end users to easily uninstall any software applications from the gatekeeper's OS, except for those applications that are essential for the functioning of the OS or the device and cannot be offered on a standalone basis by third parties (Art. 6(3) DMA)	
<b>Web Distribution</b>	Ability for authorized developers to distribute their iOS and iPadOS apps to users in the EU directly from a website owned by the developer	
<b>WWDR</b>	Apple Worldwide Developer Relations	



## Annex 1 to Section 2 – Overview of Apple's changes to its business practices in the context of the DMA

- (1) Apple has made significant changes to iOS, iPadOS, the App Store, and Safari to ensure compliance with the DMA.
- (2) The key changes are provided in **Table 1** below. For further information on the changes set out below, see the respective **Annexes 3–19 to Section 2**.

**Table 1 – Key changes made by Apple in the context of the DMA**

DMA	Description of key changes
Art. 5(2)	Apple <b>further streamlined data flows</b> to ensure that none of its services use more personal data than absolutely necessary.
Art. 5(4)	Apple announced new options for alternative payments on the App Store in the EU on January 25, 2024, which became available to developers on March 7, 2024. On August 8, 2024, Apple announced proposed changes to the ability of developers to communicate and promote offers available outside of the app from within the app for digital goods or services (" <b>Linking Out</b> "). Apple has not yet implemented any changes as it is engaged in ongoing constructive conversations with the EC about those changes.
Art. 5(5)	Apple continues to provide end users with the <b>ability to access</b> content, subscriptions, features or other items <b>purchased outside the app within the developer's app</b> . This is reflected in Apple's Multiplatform Rule and its Reader Rule included in Apple's Guidelines.
Art. 5(7) – In-App Purchases	<p>Apple offers developers a <b>new option for alternative payment solutions</b> that lets end users complete transactions within their app. Developers can <b>integrate</b> these alternative payment solutions into their apps as an <b>alternative to the App Store's IAP</b> on iOS, iPadOS, macOS, tvOS, visionOS, and watchOS.</p> <p>Using alternative payment solutions can create <b>threats to user security and privacy</b> and may compromise the user experience. This is why alternative payment solutions comply with a number of basic <b>security requirements</b> which help <b>to prevent fraudulent transactions</b>. To help end users understand that they are making a <b>conscious decision to leave the App Store</b> and contract directly with the developer, developers using alternative payment solutions are informing end users through <b>disclosure sheets</b> about leaving the App Store environment.</p> <p>For apps on iOS and iPadOS, developers who opt for <b>Apple's IAP</b> are charged an additional <b>payment processing fee of 3%</b> which reflects the value provided by Apple's own payment solution. For apps on macOS, watchOS, visionOS, and tvOS, developers who use <b>alternative payment processing</b> get a <b>3% discount</b> on the commission they owe to Apple.</p>

DMA	Description of key changes
Art. 5(7) – Sign in with Apple	<p>Apple provides business users with the <b>choice</b> to offer their own or a third-party sign-in service, as long as their solution includes a <b>privacy-friendly alternative of their choice</b>. This requirement <b>protects end users</b> from choices made by business users that could threaten their privacy on the iPhone and iPad. By ensuring that end users have at least one privacy-friendly identification service in addition to the other service(s) chosen by the business user, Apple also ensures <b>broader choices for end users</b>.</p>
Art. 6(2)	<p>Apple <b>reinforced its existing policies and technical safeguards</b> around the use of third-party data.</p>
Art. 6(3)	<p>Apple has provided end users with a <b>choice screen for browser apps</b>, containing a list of the main available web browsers upon first launch of Safari.</p> <p>Apple has provided end users on iOS 18.2 and iPadOS 18.2 with the option to replace Safari on the Dock or on the first page of Home Screen with the default browser selected on the choice screen.</p> <p>Apple offers <b>additional</b> default controls for users in Settings for <b>app marketplaces, browser apps</b> and for <b>contactless apps</b>:</p> <ul style="list-style-type: none"> <li>• App marketplace apps — Users are able to <b>manage their preferred default app marketplace</b>. Platform features for finding and using apps like Spotlight are integrated with a user's default app marketplace.</li> <li>• Browser apps — Users have <b>additional ways to manage their default browser app setting</b>. When iOS users in the EU first open Safari on iOS 17.4 or later, they are prompted to choose their default browser, and presented with a list of the main web browsers available in their market that can be selected as their default browser.</li> <li>• Contactless apps — Users are able to <b>manage their preferred default contactless app</b> through a new default setting, and select any eligible app adopting the HCE Entitlement as the default.</li> </ul> <p>Apple also offers default controls for users for calling, messaging, passwords &amp; codes, keyboards, and call filtering. In Spring 2025, Apple will add support for setting defaults for navigation and translation apps.</p> <p>Existing browser app default settings are the same for Safari and third-party browsers in Settings since May 2024.</p> <p>In a section at the top of iOS and iPadOS 18's Apps section in Settings, there is a centralized default settings page where users can manage their default settings easily.</p>

DMA	Description of key changes
	<p>On iOS 18.2 and iPadOS 18.2, Apple has made available an API that allows a browser app to check if it is currently the default browser app.</p> <p>Apple also enables users to completely delete additional apps from iOS and iPadOS should they wish to do so. As of iOS 18.2 and iPadOS 18.2, iOS and iPadOS allow the following app deletions for users in the EU: the App Store, Messages, Camera, Photos, and Safari apps.</p>
<p>Art. 6(4)</p>	<p>Apple provides for apps, on <b>iOS and iPadOS, different distribution options</b> in the EU:</p> <p>In addition to downloading them from the iOS and iPadOS App Stores, users can also download apps from <b>alternative app marketplaces</b> and directly from <b>the web</b>. Alternative app marketplaces can be downloaded from the respective developer's website. The same applies to apps from developers' eligible for web distribution.</p> <p>App developers are able to choose the distribution options through which they want to distribute their app (alternative app marketplaces, web distribution, the iOS and iPadOS App Stores, or any combination of these) in App Store Connect after agreeing to relevant business terms for apps in the EU via <a href="https://developer.apple.com">developer.apple.com</a>.</p> <p>Alternative app marketplaces can install and support software on iOS and iPadOS devices, access data across a catalog of apps, manage users' purchases and subscriptions, and more. Similarly, apps downloaded from the web can access data, manage users' purchases and subscriptions, and more.</p> <p>Users can manage their marketplace apps in Settings. Similarly, users can manage their list of websites allowed to download apps from the web.</p>
<p>Art. 6(7) and 5(7) – WebKit</p>	<p>Apple has built an engineering team focused on <b>assisting relevant teams within Apple to work towards providing third parties with effective interoperability</b> with newly released iOS and iPadOS hardware and software features.</p> <p>Apple provides a <b>request form</b> for developers to <b>request effective interoperability</b> with hardware and software features built into iOS, iPadOS, iPhone, and/or iPad for the limited number of interoperability requests that Apple may not capture in the normal course of business.</p>

DMA	Description of key changes
	<p>Apple provides a suite of functionalities that lets <b>alternative browser engines</b> — browser engines other than WebKit — <b>be installed and run on iOS and iPadOS</b> for use in dedicated browser apps and apps providing in-app browsing in the EU. Apple provides developers <b>access to technologies</b> within the system that enable critical functionality and help developers leverage high-performance modern browser engines. To help keep users safe online, Apple only authorizes developers to implement alternative browser engines after meeting specific criteria and if they commit to a number of ongoing <b>privacy and security requirements</b>.</p> <p>Apple also facilitates web browser developers' testing of alternative browser engines. It enables web browser developers located outside the EU to conduct on-device testing of their apps embedding third-party web browser engines.</p> <p>Apple also provides its browser choice screen solution which enables browser vendors to replace their WebKit-based web browser that is available on the choice screen with their non-WebKit-based browser.</p>
Art. 6(9)	<p>Apple provides the <b>data access and data portability features</b> available through its Data and Privacy Page, including continuous and real-time access to the relevant data through scheduled downloads as well as the option to have in-scope data transferred to and used by authorized third parties.</p> <p>Users have the ability to consent to exporting their data to authorized third parties including authorized alternative app marketplaces and developers. This gives users more control over the data Apple collects and uses.</p> <p>Apple is in addition developing a device switching solution that helps mobile operating system providers to develop more user-friendly solutions to transfer data from an iPhone to a non-Apple phone, and has developed a browser switching solution for exporting and importing relevant browser data into another browser on the same device.</p>
Art. 6(10)	<p>Apple has <b>expanded the scope of its existing tools to request data</b>, both in terms of data in <b>scope and level of granularity</b>, including continuous and real-time access to additional high quality data and metrics relating to end users' engagement with apps on the different App Stores and end users' use of third-party apps as well as the option to delegate access to service providers or agencies acting on their behalf.</p> <p>In addition, Apple has developed a solution that allows developers to access more granular user account data related to the App Store.</p>

DMA	Description of key changes
Art. 6(12)	<p>Apple has made available to EU developers a <b>mechanism to facilitate the settlement of disputes arising in the context of access to the App Store</b>, in the form of an EU-based, easily accessible mediation which is free of charge.</p> <p>This provides developers with the possibility to resolve any issues regarding the application of the Guidelines in their specific case.</p>
None	<p>To reflect the DMA's requirements for alternative distribution and payment processing, Apple has <b>new business terms for apps in the EU</b>. These terms reflect the value Apple provides to developers through tools, technologies and services. Apple's <b>ongoing investments</b> ensure that this value increases with time.</p> <p>Apple offers developers the <b>choice</b> to remain on Apple's existing terms or adopt new terms that reflect the new capabilities. Developers who prefer the existing terms can choose to stay on the App Store's current business terms, and no further action is needed.</p> <p>Under the new business terms, Apple is charging <b>separate fees</b> for the provision of its iOS and iPadOS technologies, its App Store services, and payment services, including:</p> <ul style="list-style-type: none"> <li>• a <b>CTF</b> — For iOS and iPadOS apps distributed from the App Store, an alternative app marketplace, and/or Web Distribution, developers pay €0.50 for each first annual install per year over a 1 million threshold. All developers (except for providers of alternative app marketplaces) get one million free FAs per app per calendar year. Under the new business terms for EU apps, Apple estimates that less than 1% of developers would pay a Core Technology Fee on their EU apps;</li> <li>• a <b>Reduced commission</b> — iOS and iPadOS apps on the App Store pay a commission of either 10% (for the vast majority of developers, and for subscriptions after their first year) or 17% on transactions for digital goods and services, regardless of whether they use IAP or a PSP, and;</li> <li>• a <b>Payment processing fee</b> — iOS and iPadOS apps on the App Store can use the App Store's payment processing and related commerce services for an additional 3% fee. Developers can use a PSP within their app or link users to a website to process payments for no additional fee from Apple.</li> </ul>

**Annex 2 to Section 2 – Data points**

- (1) Apple has identified certain data points (see **Table 1**), which should be read as informative only and not be taken to determine whether or not the measures Apple has introduced comply with the DMA. The data points might evolve over time.

**Table 1 – Description of Data points**

<b>DMA Art.</b>	<b>Subject of measurement</b>	<b>Data points</b>
5(4)	Use of tappable URLs in-app (providing so-called “ <b>link-outs</b> ” to the developer’s website)	# of apps that make use of link-outs
5(7)	Use of alternatives to Apple’s in-app purchase system IAP	# of apps that make use of third-party payment service providers
6(3)	Third-party browser apps selected as default on choice screen	% of end users who set a third-party browser app as default through choice screen
	Third-party apps set as default (outside of choice screen)	% of opt-in sampled devices on which any third-party app is set as default (for single selection defaults) % of opt-in sampled devices that have any third-party app on the top position (for ranked list defaults) % of opt-in sampled devices that have a third-party app selected (for multiple selection defaults)
6(4)	Use of alternative distribution	# of installations of third-party app marketplaces  # of developers who have selected option to distribute via alternative distribution
	Apps available via alternative distribution	# of app installations via alternative distribution
6(7)	Release of Art. 6(7) DMA functionalities to third-party developers	# and status of Art. 6(7) DMA interoperability requests
6(9)	Effective data portability options	# of App Store related Art. 6(9) DMA data portability requests from end users

DMA Art.	Subject of measurement	Data points
	Third parties authorized by end users can be granted access to data under Art. 6(9) DMA	# of third-party vetting requests denied (for security reasons, etc.)
	Third parties authorized by end users and vetted by Apple that can effectively access data under Art. 6(9) DMA	# of third-party requests (to access end user data) received under Art. 6(9) DMA
6(10)	Increase in data access	# of new Art. 6(10) DMA data reports made available to app developers  # of Art. 6(10) DMA data requests received from developers and third parties
6(12)	App Store access is fair, reasonable and non-discriminatory	# of app submissions for App Review  # of app submissions for App Review ultimately rejected (after App Review, appeal to ARB, or use of ADSM under Art. 6(12) DMA)  # of apps taken down (out of available apps)
	Use of the ADSM	# of ADSM proceedings initiated  # of ADSM proceedings concluded with / without the parties reaching an agreement

### Annex 3 to Section 2 – Art. 5(2) DMA

**2.1 For each core platform service in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each applicable obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>1</sup> please provide the following information:**

**2.1.1 The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: *'[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act's Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.'***

(1) Apple refers to **Section 5**.

**2.1.2 An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>2</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation. The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:**

**i) An explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, and**

(2) This “Annex 3 to Section 2 – Art. 5(2) DMA” sets out Apple’s compliance with Art. 5(2) DMA, which applies to Apple’s App Store, iOS, iPadOS, and Safari CPSs. Under Art. 5(2) DMA, a gatekeeper shall not do any of the following:

(a) process, for the purpose of providing online advertizing services, personal data of end users using services of third parties that make use of core platform services of the gatekeeper,

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<sup>1</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Art.s 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking’s relevant core platform service. If so, please explain why this is the case for the Undertaking.

<sup>2</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commissions requests this raw data.



- (b) combine personal data from the relevant core platform service with personal data from any further core platform services or from any other services provided by the gatekeeper or with personal data from third-party services,
- (c) cross-use personal data from the relevant core platform service in other services provided separately by the gatekeeper, including other core platform services, and vice versa; and
- (d) sign in end users to other services of the gatekeeper in order to combine personal data,

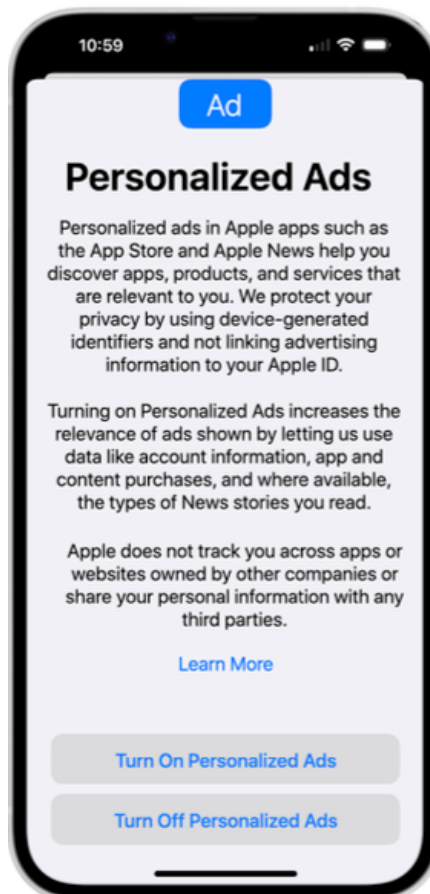
unless the end user has been presented with the specific choice and has given consent within the meaning of Art. 4(11), and Art. 7 of the GDPR, or unless one of the limited exceptions under Art. 5(2) DMA applies.

### **Practices before the designation as a gatekeeper**

- (3) Prior to its designation as a gatekeeper, Apple complied with the requirements in Art. 5(2)(a) and (d) DMA in relation to each of its designated CPSs, including iPadOS, as Apple does not process, for the purpose of providing online advertising services, personal data of end users using services of third parties that make use of Apple's CPSs within the meaning of Art. 5(2)(a) DMA, nor signs in end users to its other services in order to combine personal data within the meaning of Art. 5(2)(d) DMA.
- (4) Moreover, certain processing operations, potentially relevant to Art. 5(2)(b) and (c) DMA, already complied with the requirements of Art. 5(2) DMA, as set out in this section. However, given that Apple collects as little user data as possible, including with respect to its CPSs, there are few processing instances in the context of Apple's services that are potentially in scope of Art. 5(2) DMA.
- (5) An example of processing operations potentially relevant to Art. 5(2)(c) DMA that already complied with those requirements prior to Apple's designation as a gatekeeper are certain cross-services processing in the context of ASA. ASA allows app developers to purchase placements on the iOS and iPadOS App Stores to promote their apps that are already distributed on the respective App Store and to optimize ad campaigns by serving ads only to certain segments of users. For this purpose, segment information generated on AMP backend systems based on certain account information and App Store downloads and purchase data is shared with user devices and then available to Apple's ad platform ASA servers ("Ad Platforms") in a manner that is not linked to the user and is subsequently used by Ad Platforms via the user devices to display targeted Search Ads to the user.

- (6) When visiting the iOS App Store or iPadOS App Store for the first time, end users are prompted to indicate whether they prefer to receive Personalized Ads or non-personalized ads. If the user chooses to receive Personalized Ads, then their segment information will be available to Ad Platforms, using the privacy-preserving method described above to personalize their ads.
- (7) As such, even before Apple's designation as a gatekeeper, the processing described above was already compliant with Art. 5(2) DMA for each of its designated CPSs, including iPadOS, because (i) the relevant App Store data is de-identified before it is available to Ad Platforms, and (ii) end users are provided with an explicit choice whether to allow Personalized Ads and were presented with a screen that allows them to consent to the related processing in a clear and informed way, if they choose to do so (see **Figure 1**).

**Figure 1 – Consent screen ASA Personalized Ads (on iOS) before the iOS, App Store, and Safari DMA Compliance Date<sup>3</sup>**



<sup>3</sup> Design changes may apply.

## Changes to practices in the context of the DMA

- (8) In the context of the DMA, Apple implemented the following changes as of the iOS, App Store, and Safari DMA Compliance Date in relation to its designated CPSs, including iPadOS, except as otherwise provided below.

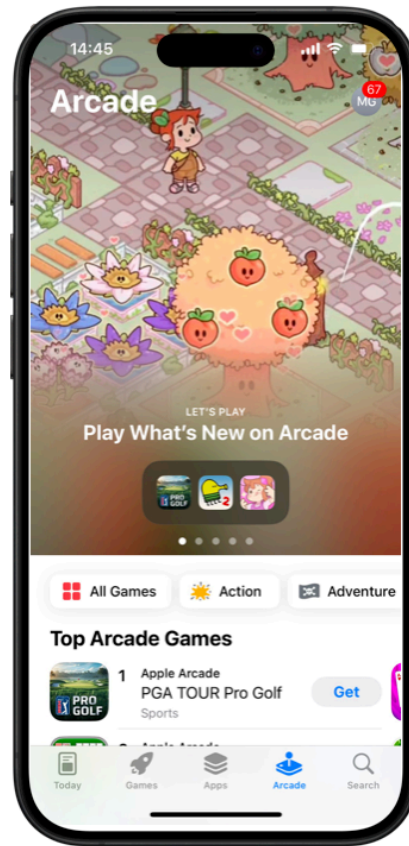
### I. Marketing emails

- (9) When creating an Apple Account, formerly Apple ID, users are asked whether they wish to receive announcements and messages on upcoming products or services from Apple via email. Where they agree, users receive different types of marketing emails based on different types of personal data, e.g., purchases in App Store, downloads and redownloads, yearly hardware and services spend (across Apple services), the devices signed in with the same Apple Account and the App Store associated with the user's account.
- (10) In addition to data from the use of App Store, depending on the specific marketing campaign, this underlying process may rely on data from the Apple Store (retail spend), and a user's spend on other Apple services and may therefore fall under Art. 5(2)(b) or (c) DMA.
- (11) Prior to designation as a gatekeeper, Apple's approach was to ask users in the EU if they agreed to receive announcements and messages via pre-ticked boxes, except in Germany where users had to actively tick the appropriate box(es).
- (12) To ensure compliance with Art. 5(2)(b) and (c) DMA, Apple has streamlined its data flows with regard to marketing messages. Apple no longer uses App Store-related data signals together with signals pertaining to other services in EU jurisdictions for the purposes of sending emails and push notifications where applicable.

### II. App Store – Apple Arcade

- (13) Apple Arcade is Apple's subscription-based service which gives users access to a wide range of innovative and engaging games of all genres. To access Apple Arcade, there is a designated tab within the interface of the App Store (see **Figure 2**). Games that the user has selected via Apple Arcade will appear as new icons on the Home Screen — similar to apps downloaded from the App Store.

Figure 2 – User interface for Apple Arcade (on iOS)<sup>4</sup>

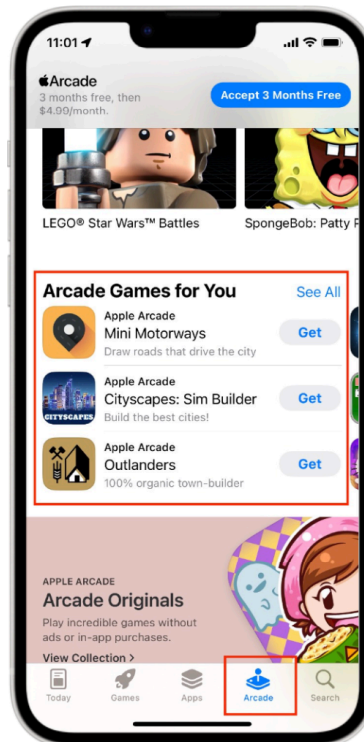


- (14) Before the iOS, App Store, and Safari DMA Compliance Date, where users had “Personalization” in App Store and other media platforms activated, Apple would use personal data, such as the games that a user previously purchased on the App Store, to offer users better recommendations in Apple Arcade and vice versa.
- (15) Arcade would also suggest games to users based on their use of and downloads in App Store, especially relating to games, in the “Apple Arcade Games for You” section (see **Figure 3**). As this data stays on the user’s device and remains under the users’ control, this processing does not fall within the scope of Art. 5(2) DMA.

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<sup>4</sup> Design changes may apply.

Figure 3 – “Arcade Games for You” user interface (on iOS)<sup>5</sup>



(16) To comply with Art. 5(2) DMA, Apple has carefully reviewed and modified the signals used for personalization in the App Store as well as Apple Arcade. Following this review, a user's downloads, purchases, in-app-purchases and engagement with third-party games from the App Store are no longer used for personalization in the Arcade tab and the “Apple Arcade Games for You” section. Conversely, engagement with the Arcade tab is not used to personalize other third-party content of the App Store.

ii) **specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>6</sup>) for each measure implemented in the context of Regulation (EU) 2022/1925, regarding:**

a) **the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;**

(17) Apple refers to **Section 2.1.2, i).**

**b) when the measure was implemented;**

<sup>5</sup> Design changes may apply.

<sup>6</sup> For example, this may be particularly relevant to illustrate changes impacting user journeys.

- (18) The changes described in **Section 2.1.2, i)** were made as of the iOS, App Store, and Safari DMA Compliance Date. The scope of the policy was extended to iPadOS as of September 2024.

**c) the scope of the measure in terms of the products/services/devices covered;**

- (19) The measures described in **Section 2.1.2, i)** apply to all of Apple's designated CPSs.

**d) the geographic scope of the measure (e.g., if the implementation of the measure extends beyond the EEA, please specify);**

- (20) The changes in relation to marketing emails and Arcade are available in the EU. The other changes described below in **Section 2.1.2, ii), e)** are available globally.

**e) any technical/engineering changes that were made in connection with the implementation of the measure concerned (e.g., on data flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation system (OS) functionalities, parameters of ranking algorithms and methodologies used to rank, classify or make results more prominent, or parameters of online advertising auctions);**

- (21) To ensure compliance with Art. 5(2)(b) and (c) DMA, Apple has streamlined its data flows with regard to marketing messages and Arcade.
- (22) Apple also implemented additional technical controls specifically aimed at restricting cross-use or combination of relevant personal data.

**Technical controls**

- (23) Where appropriate, Apple implemented additional technical controls specifically aimed at restricting cross-use or combination of relevant personal data.
- (24) Access to relevant systems and datasets is only granted on a need-to-know basis. Such access is subject to regular reapprovals to ensure that the data is still relevant to the purpose outlined in the initial request.

**DMA data use policy**

- (25) Apple established a policy covering the use of personal data relevant under the DMA. The scope of the policy was extended to iPadOS in September 2024. Under this policy, all Apple data processing activities are restricted from combining or cross-using personal data from a CPS with personal data from another service,

unless there is valid consent for a specific use case or if a legal exemption applies pursuant to Art. 5(2) subpara. 3 DMA. The policy also requires employees with access to personal data from a CPS to receive DMA awareness training.

### **DMA review process**

- (26) Apple has a privacy review process in place for the development or improvement of features, products, projects and services. Wherever such a development or improvement requires access to personal data, the requests submitted by the relevant teams are examined by both privacy engineering and privacy legal teams. These teams review diligently what data is involved, for which purposes it is requested, whether it is necessary for the said purpose, which safeguards are in place, and suggest privacy-enhancing measures (where necessary), to ensure that Apple's privacy-first approach is adhered to across the company and for every product or service which Apple ships.
- (27) Apple integrated a DMA review process with this existing and robust privacy review to ensure consistent practices which consider both applicable privacy and DMA requirements. For example, wherever a processing activity also involves personal data from one of Apple's CPSs, additional review is necessary to identify whether the processing involves a cross-use or combination with personal data from other services.
- f) any changes to the customer experience made in connection with the implementation of the measure concerned (e.g., changes in the customer interface, choice screens,<sup>7</sup> consent forms,<sup>8</sup> warning messages, system updates, functionalities available, or customer journey to access functionalities<sup>9</sup>);**
- (28) In light of the changes referred to above, customers receive less personalized marketing messages and may receive less relevant recommendations of games in Arcade.

- g) any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s), introduction of new fees, provisions and practices related to the business users' pricing policy,**

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<sup>7</sup> For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.

<sup>8</sup> This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a "form" or any other format.

<sup>9</sup> The Undertaking must provide a click-by-click description of the end user's interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.

**other remuneration flows between the Undertaking and the business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy policy, conditions for access and interoperability and any other relevant clauses);**

(29) Apple refers to **Section 2**.

**h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;**

(30) There are no relevant changes other than those described in **Section 2.1.2, ii), e) to g)** of this Annex.

**i) any consultation<sup>10</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high level description of the topic of the consultation with those users/parties;**

(31) Apple continuously engages with various stakeholders. For example, it made public announcements on its compliance plans in January 2024 and at later dates, held consultations with developers and participated in the public DMA workshop organized by the EC in March 2024. More generally, Apple has addressed and continues to address developer questions and feedback in particular following public announcements. Developers can provide feedback or seek assistance through a host of channels, including by contacting their WWDR partnership manager where applicable, or through Apple Developer Forums, or Feedback Assistant. Apple also encourages feedback on proposed changes ahead of their implementation. Lastly, any interested party can provide feedback to Apple by sending an email to [dmacompliance@apple.com](mailto:dmacompliance@apple.com).

**j) any involvement of external consultants in the elaboration of the measure, including a description of the consultants' mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable,**

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<sup>10</sup> This information should include a description of the methodology for the consultation.



**an explanation of the reasons why the recommendations made by the external consultants were not followed;**

(32) No external consultants were involved in the elaboration of Apple's measures to comply with Art. 5(2) DMA.

**k) any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards and/or state of the art implementations and the reasons for not choosing them;**

(33) Apple has engaged with the EC on its compliance plan with Art. 5(2) DMA.

**l) any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;**

(34) Apple refers to **Section 2.1.2, ii), i).**

**m) where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;**

(35) To the extent any measure is relevant to ensure compliance with Art. 5(2) DMA, Apple has described that measure in **Section 2.1.2, i).**

**n) where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;**

(36) Apple refers to **Section 2.**

**o) any type of market analysis or testing (in particular A/B testing<sup>11</sup>), business user surveys or consumer surveys or end user consent rates,<sup>12</sup> that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>13</sup>**

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<sup>11</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

<sup>12</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Arts. 5(2) and 6(10)).

<sup>13</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

(37) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.

**p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>14</sup>**

(38) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.

**q) a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are 'effective in achieving the objectives of this Regulation and of the relevant obligation', as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why the Undertaking considers these indicators to be the most suitable;**

(39) Apple has not identified any relevant data point for this obligation.

**r) any relevant data<sup>15</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an exact definition of the terms used and a detailed calculation explanation;**

(40) Apple refers to **Section 2.1.2, ii), q).**

**s) any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;**

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<sup>14</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>15</sup> Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.

(41) Apple and the DMA Compliance Function focus on building, maintaining and enhancing the DMA Compliance Program to ensure that Apple takes up, manages and monitors compliance with the DMA. As part of its DMA Compliance Program, Apple has developed a repository of the compliance measures taken to respond to all applicable DMA obligations, and identified associated controls for each obligation. It has identified control owners being accountable for managing compliance with applicable obligations. It collects data and indicators to further assess compliance as explained in **Annex 2 of Section 2** above. Apple continues to develop and scale its DMA Compliance Program as needed. For more information, Apple refers to **Section 3**.

**t) where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).**

(42) Apple refers to **Section 2.1.2, ii), e)**.

**2.1.3 A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).**

(43) Apple's DMA Compliance Function organizes, monitors and supervises Apple's compliance with its obligations under the DMA, through its DMA Compliance Program. This includes reviewing policies, documentation and changes to Apple's CPS associated with the DMA and ensuring compliance measures and corresponding controls are up to date. For more details, Apple refers to **Section 3**.

**2.1.4 A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of**

**non-compliance within the meaning of Article 28(4) of Regulation (EU) 2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.**

- (44) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple. Additionally, Apple's Product and Regulatory Legal teams report regularly and on an ad-hoc basis to Apple's management body and executives on the legal issues raised by the DMA.
- (45) The Head of the DMA Compliance Function directly reports to Apple's management body and has been providing updates periodically, on matters relating to DMA compliance. For more details, Apple refers to **Section 3**.

**2.1.5 A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>16</sup>**

- (46) Apple refers to **Section 2.1.2, ii), i)**.

**2.2 A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer). If revenues are not available or do not represent a suitable measure, please provide a list of top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.**

- (47) Apple refers to **Section 2**.

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<sup>16</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

**2.3** If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot by nature apply to the Undertaking's relevant core platform service (i.e., because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.

(48) Apple refers to **Section 2**.

## Annex 4 to Section 2 – Art. 5(3) DMA

**2.1 For each core platform service in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each applicable obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>17</sup> please provide the following information:**

**2.1.1** The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: *'[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act's Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.'*

(1) Apple refers to **Section 5**.

**2.1.2** An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>18</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation. The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:

i) An explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, and

(2) This “Annex 4 to Section 2 – Art. 5(3) DMA” sets out Apple’s compliance with Art. 5(3) DMA, which applies to Apple’s App Store CPS. Under Art. 5(3) DMA, a gatekeeper cannot “*prevent business users from offering the same products or services to end users through third-party online intermediation services or through their own direct online sales channels at prices or conditions that are different from those offered through the online intermediation services of the gatekeeper*”.

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<sup>17</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking’s relevant core platform service. If so, please explain why this is the case for the Undertaking.

<sup>18</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commissions requests this raw data.

- (3) Apple's contractual relationships with business users relevant to the App Store are governed by the DPLA<sup>19</sup>, the ADA<sup>20</sup>, and the Guidelines.<sup>21</sup> These terms do not include restrictions on developers that would prevent them from offering their digital goods and services outside the App Store at different prices or conditions than those offered through the App Store.
- (4) Many developers on the App Store offer different prices or conditions across channels, including their own websites. End users can then access such content purchased outside the App Store on their device.<sup>22</sup>
- ii) **specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>23</sup>) for each measure implemented in the context of Regulation (EU) 2022/1925, regarding:**
- a) **the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;**
- (5) Apple refers to **Section 2.1.2, i).**
- b) **when the measure was implemented;**
- (6) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.
- c) **the scope of the measure in terms of the products/services/devices covered;**
- (7) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.
- d) **the geographic scope of the measure (e.g., if the implementation of the measure extends beyond the EEA, please specify);**
- (8) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.

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<sup>19</sup> <https://developer.apple.com/support/terms/apple-developer-program-license-agreement/>.

<sup>20</sup> <https://developer.apple.com/support/downloads/terms/apple-developer-agreement/Apple-Developer-Agreement-20230605-English.pdf>.

<sup>21</sup> <https://developer.apple.com/app-store/review/guidelines/>.

<sup>22</sup> Thanks to the Multiplatform Rule (see Section 3.1.3(b) of the Guidelines). The scope of the Multiplatform Rule is further broadened to comply with Art. 5(5) DMA. See [Annex 6 to Section 2 – Art. 5\(5\) DMA](#).

<sup>23</sup> **For example, this may be particularly relevant to illustrate changes impacting user journeys.**

- e) **any technical/engineering changes that were made in connection with the implementation of the measure concerned (e.g., on data flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation system (OS) functionalities, parameters of ranking algorithms and methodologies used to rank, classify or make results more prominent, or parameters of online advertising auctions);**
- (9) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.
- f) **any changes to the customer experience made in connection with the implementation of the measure concerned (e.g., changes in the customer interface, choice screens,<sup>24</sup> consent forms,<sup>25</sup> warning messages, system updates, functionalities available, or customer journey to access functionalities<sup>26</sup>);**
- (10) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.
- g) **any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s), introduction of new fees, provisions and practices related to the business users' pricing policy, other remuneration flows between the Undertaking and the business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy policy, conditions for access and interoperability and any other relevant clauses);**
- (11) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.

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<sup>24</sup> For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.

<sup>25</sup> This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a "form" or any other format.

<sup>26</sup> The Undertaking must provide a click-by-click description of the end user's interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.



- h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;**
- (12) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.
- i) any consultation<sup>27</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high level description of the topic of the consultation with those users/parties;**
- (13) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.
- j) any involvement of external consultants in the elaboration of the measure, including a description of the consultants' mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable, an explanation of the reasons why the recommendations made by the external consultants were not followed;**
- (14) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.
- k) any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards and/or state of the art implementations and the reasons for not choosing them;**
- (15) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.
- l) any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;**
- (16) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.

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<sup>27</sup> This information should include a description of the methodology for the consultation.

**m) where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;**

(17) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.

**n) where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;**

(18) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.

**o) any type of market analysis or testing (in particular A/B testing<sup>28</sup>), business user surveys or consumer surveys or end user consent rates,<sup>29</sup> that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>30</sup>**

(19) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.

**p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>31</sup>**

(20) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.

**q) a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are**

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<sup>28</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

<sup>29</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Arts. 5(2) and 6(10)).

<sup>30</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>31</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

**'effective in achieving the objectives of this Regulation and of the relevant obligation', as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why the Undertaking considers these indicators to be the most suitable;**

(21) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.

**r) any relevant data<sup>32</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an exact definition of the terms used and a detailed calculation explanation;**

(22) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.

**s) any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;**

(23) Apple and the DMA Compliance Function focus on building, maintaining and enhancing the DMA Compliance Program to ensure that Apple takes up, manages and monitors compliance with the DMA. As part of its DMA Compliance Program, Apple has developed a repository of the compliance measures taken to respond to all applicable DMA obligations, and identified associated controls for each obligation. It has identified control owners being accountable for managing compliance with applicable obligations. And it collects data and indicators to further assess compliance as explained in **Annex 2 of Section 2** above. Apple continues to develop and scale its DMA Compliance Program as needed. For more information, Apple refers to **Section 3**.

**t) where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the**

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<sup>32</sup> Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.

**procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).**

(24) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.

**2.1.3 A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).**

(25) Apple's DMA Compliance Function organizes, monitors and supervises Apple's efforts that aim to ensure compliance with its obligations under the DMA, through its DMA Compliance Program. This includes reviewing policies, documentation and changes to Apple's CPS associated with the DMA and ensuring that compliance measures and corresponding controls are up to date. For more details, Apple refers to **Section 3**.

**2.1.4 A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of non-compliance within the meaning of Article 28(4) of Regulation (EU) 2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.**

(26) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple. Additionally, Apple's Product and Regulatory Legal teams report regularly and on an ad-hoc basis to Apple's management body and executives on the legal issues raised by the DMA.

(27) The Head of the DMA Compliance Function directly reports to Apple's management body and has been providing updates periodically, on matters relating to DMA compliance. For more details, Apple refers to **Section 3**.

**2.1.5 A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>33</sup>**

(28) Not applicable as Apple already complied with Art. 5(3) DMA prior to its designation as a gatekeeper.

**2.2 A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer). If revenues are not available or do not represent a suitable measure, please provide a list of top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.**

(29) Apple refers to **Section 2**.

**2.3 If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot by nature apply to the Undertaking's relevant core platform service (i.e., because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.**

(30) Apple refers to **Section 2**.

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<sup>33</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

## Annex 5 to Section 2 – Art. 5(4) DMA

**2.1 For each core platform service in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each applicable obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>34</sup> please provide the following information:**

**2.1.1** The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: *'[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act's Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.'*

(1) Apple refers to **Section 5**.

**2.1.2** An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>35</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation. The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:

i) An explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, and

(2) This "Annex 5 to Section 12 – Art. 5(4) DMA" sets out Apple's compliance with Art. 5(4), which applies to Apple's App Store CPS. Art. 5(4) DMA requires Apple to allow developers to "*communicate and promote offers*" to and "*to conclude contracts*" with end users acquired through the App Store or through other channels "*regardless of whether, for that purpose, they use the core platform services of the gatekeeper*".

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<sup>34</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Arts. 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking's relevant core platform service. If so, please explain why this is the case for the Undertaking.

<sup>35</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commissions requests this raw data.

## Practices before the designation as a gatekeeper

- (3) Prior to the iOS, App Store, and Safari DMA Compliance Date, developers had a broad range of ways to communicate offers and to contract for digital goods or services, with some limitations.
- (4) Developers have been (and continue to be) able to promote and communicate offers and purchasing methods to end users outside of apps.<sup>36</sup> Apple's App Store, like many other online platforms (such as Google's Play Store, Amazon, the Microsoft Store, Bol.com, PlayStation Store, Nintendo eShop, and Airbnb), limited the in-app promotion and communication of offers available outside of an app to end users.
- Developers have been (and continue to be) able to advertize offers (e.g. a premium subscription for a free app) directly to end users outside their apps. This includes via developers' own website, social media, traditional media and other third-party channels. Many developers have routinely sent communications to end users via email, text, or other channels. A developer will often leverage user information obtained via account registration in the app for these targeted communications. These communications can be triggered by users' in-app activity, including, for example, when they are looking at premium subscriptions. A developer may subsequently send an email about premium subscriptions directly to the end user or use other channels (online ads, social media, etc.).
  - Apple prevented developers from incorporating in-app advertizing encouraging users to make a purchase outside of the App Store. This includes calls to action such as buttons that link to a website or other external links in-app.<sup>37</sup>
  - Developers are able to advertize their services inside their apps by including marketing language such as "Upgrade to Premium". But they could not combine information about such offers with a direct link, i.e. a tappable URL to their website.
- (5) Developers have been (and continue to be) free to contract for digital goods or services with end users via multiple channels. Developers can contract with end

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<sup>36</sup> See Guidelines 3.1.3: "Developers can send communications outside of the app to their user base about purchasing methods other than in-app purchase."

<sup>37</sup> See previous version of Guidelines 3.1.1: "*If you want to unlock features or functionality within your app, (by way of example: subscriptions, in-game currencies, game levels, access to premium content, or unlocking a full version), you must use in-app purchase. Apps may not use their own mechanisms to unlock content or functionality, such as license keys, augmented reality markers, QR codes, cryptocurrencies and cryptocurrency wallets, etc. Apps and their metadata may not include buttons, external links, or other calls to action that direct customers to purchasing mechanisms other than in-app purchase, except as set forth in 3.1.3(a).*" See previous version of DPLA Schedule 1, 3.4 and DPLA Schedule 2, 3.11: "*provided that You do not link to or market external offers for such content within the Licensed Application*".

users when they purchase digital goods or services in-app or outside of the app (e.g. on the developer's website).

### **Changes to practices in the context of the DMA**

(6) Apple announced new options for alternative payments on the App Store in the EU on January 25, 2024, which became available to developers on March 7, 2024.<sup>38</sup> On August 8, 2024, Apple announced proposed changes to the ability of developers to communicate and promote offers available outside of the app from within the app for digital goods or services.<sup>39</sup> Apple has not yet implemented any changes as it is engaged in ongoing constructive conversations with the EU about those proposed changes.

**ii) specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>40</sup>) for each measure implemented in the context of Regulation (EU) 2022/1925, regarding:**

**a) the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;**

(7) Apple refers to **Section 2.1.2, i).**

**b) when the measure was implemented;**

(8) Apple refers to **Section 2.1.2, i).**

**c) the scope of the measure in terms of the products/ services/devices covered;**

(9) Apple refers to **Section 2.1.2, i).**

**d) the geographic scope of the measure (e.g., if the implementation of the measure extends beyond the EEA, please specify);**

(10) Apple refers to **Section 2.1.2, i).**

**e) any technical/engineering changes that were made in connection with the implementation of the measure concerned (e.g., on data flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation**

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<sup>38</sup> For more details see <https://developer.apple.com/support/dma-and-apps-in-the-eu/#payment-options>.

<sup>39</sup> For more details see <https://developer.apple.com/support/alternative-payment-options-on-the-app-store-in-the-eu/>.

<sup>40</sup> For example, this may be particularly relevant to illustrate changes impacting user journeys.



**system (OS) functionalities, parameters of ranking algorithms and methodologies used to rank, classify or make results more prominent, or parameters of online advertising auctions);**

(11) Apple refers to **Section 2.1.2, i).**

**f) any changes to the customer experience made in connection with the implementation of the measure concerned (e.g., changes in the customer interface, choice screens,<sup>41</sup> consent forms,<sup>42</sup> warning messages, system updates, functionalities available, or customer journey to access functionalities<sup>43</sup>);**

(12) Apple refers to **Section 2.1.2, i).**

**g) any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s), introduction of new fees, provisions and practices related to the business users' pricing policy, other remuneration flows between the Undertaking and the business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy policy, conditions for access and interoperability and any other relevant clauses);**

(13) Apple refers to **Section 2.1.2, i).**

**h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;**

(14) Apple refers to **Section 2.1.2, i).**

**i) any consultation<sup>44</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the**

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<sup>41</sup> For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.

<sup>42</sup> This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a "form" or any other format.

<sup>43</sup> The Undertaking must provide a click-by-click description of the end user's interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.

<sup>44</sup> This information should include a description of the methodology for the consultation.

**implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high level description of the topic of the consultation with those users/parties;**

(15) Apple is continuously engaging with various stakeholders. For example it made public announcements on its compliance plans in January 2024 and at later dates, held consultations with developers and participated in the public DMA workshop organized by the EC in March 2024. More generally, Apple has and continues to address developer questions and feedback in particular following public announcements. Developers can provide feedback or seek assistance through a host of channels, including by contacting their WWDR partnership manager where applicable, or through Apple Developer Forums, or Feedback Assistant. Apple also encourages feedback on proposed changes ahead of their implementation. Lastly, any interested party can provide feedback to Apple by sending an email to [dmacompliance@apple.com](mailto:dmacompliance@apple.com).

(16) Apple has proactively reached out to developers to inform them of upcoming changes. In August 2024, Apple gathered feedback from developers on its revised 5(4) compliance plan following its announcement on August 8, 2024<sup>45</sup>. Apple reached out to more than 1,000 developers across different app categories.

**j) any involvement of external consultants in the elaboration of the measure, including a description of the consultants' mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable, an explanation of the reasons why the recommendations made by the external consultants were not followed;**

(17) Apple refers to **Section 2.1.2, i)**.

**k) any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards and/or state of the art implementations and the reasons for not choosing them;**

(18) Apple refers to **Section 2.1.2, i)**.

**l) any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;**

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<sup>45</sup> <https://developer.apple.com/news/?id=szrqxadx>.

(19) Apple refers to **Section 2.1.2, i)**.

**m) where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;**

(20) Apple refers to **Section 2.1.2, i)**.

**n) where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;**

(21) Apple refers to **Section 2.**

**o) any type of market analysis or testing (in particular A/B testing<sup>46</sup>), business user surveys or consumer surveys or end user consent rates,<sup>47</sup> that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>48</sup>**

(22) Apple continuously evaluates the impact of its compliance measures, including by engaging externally. Apple refers to **Section 2.1.2, i)**.

**p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>49</sup>**

(23) Apple refers to **Section 2.1.2, i)**.

**q) a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are 'effective in achieving the objectives of this Regulation and of the relevant obligation', as required by Article 8 of**

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<sup>46</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

<sup>47</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Arts. 5(2) and 6(10)).

<sup>48</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>49</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

**Regulation (EU) 2022/1925, including an explanation why the Undertaking considers these indicators to be the most suitable;**

- (24) Apple refers to **para. 6 of Section 2**.
- (25) In its first Compliance Report, in relation to Art. 5(4) DMA, Apple had identified the following informative data point: the use of tappable URLs in-app (providing so-called “**link-outs**” to the developer’s website) through the “number of apps that make use of link-outs”.
- r) **any relevant data<sup>50</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an exact definition of the terms used and a detailed calculation explanation;**
- (26) In the year preceding this first annually updated Compliance Report, the EC opened a non-compliance investigation relating to Apple’s compliance with Art. 5(4) DMA. Because Apple’s Art. 5(4) DMA compliance was subject to potential change due to a pending investigation during this reporting period, Apple does not provide the data under the data points identified in **Section 2.1.2, ii), q)** relating to Art. 5(4) DMA in this Compliance Report.
- s) **any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;**
- (27) Apple and the DMA Compliance Function focus on building, maintaining and enhancing the DMA Compliance Program to ensure that Apple takes up, manages and monitors compliance with the DMA. As part of its DMA Compliance Program, Apple has developed a repository of the compliance measures taken to respond to all applicable DMA obligations, and identified associated controls for each obligation. It has identified control owners being accountable for managing compliance with applicable obligations. And it collects data and indicators to further assess compliance as explained in **Annex 2 of Section 2** above. Apple continues

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<sup>50</sup> Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.

to develop and scale its DMA Compliance Program as needed. For more information, Apple refers to **Section 3**.

**t) where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).**

(28) Apple refers to **Section 2.1.2, i)**.

**2.1.3 A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).**

(29) Apple's DMA Compliance Function organizes, monitors, and supervises Apple's efforts that aim to ensure compliance with its obligations under the DMA, through its DMA Compliance Program. This includes reviewing policies, documentation, and changes to Apple's CPS associated with the DMA and ensuring that compliance measures and corresponding controls are up to date. For more details, Apple refers to **Section 3**.

**2.1.4 A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of non-compliance within the meaning of Article 28(4) of Regulation (EU) 2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.**

(30) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple. Additionally, Apple's Product and Regulatory Legal teams report regularly and on an

ad-hoc basis to Apple's management body and executives on the legal issues raised by the DMA.

- (31) The Head of the DMA Compliance Function directly reports to Apple's management body and has been providing updates periodically, on matters relating to DMA compliance. For more details, Apple refers to **Section 3**.

**2.1.5 A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>51</sup>**

- (32) Apple refers to **Section 2.1.2, i)**.

**2.2 A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer). If revenues are not available or do not represent a suitable measure, please provide a list of top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.**

- (33) Apple refers to **Section 2**.

**2.3 If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot by nature apply to the Undertaking's relevant core platform service (i.e., because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.**

- (34) Apple refers to **Section 2**.

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<sup>51</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

## Annex 6 to Section 2 – Art. 5(5) DMA

**2.1 For each core platform service in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each applicable obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>52</sup> please provide the following information:**

**2.1.1 The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: '*[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act's Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.*'**

(1) Apple refers to **Section 5**.

**2.1.2 An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>53</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation. The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:**

**i) An explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, and**

(2) This “Annex 6 to Section 2 – Art. 5(5) DMA” sets out Apple’s compliance with Art. 5(5) DMA, which applies to Apple’s App Store CPS. Art. 5(5) DMA requires Apple to allow end users to “*access and use, through its core platform services, content, subscriptions, features or other items, by using the software application of a business user, including where those end users acquired such items from the relevant business user without using Apple’s core platform service*”.

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<sup>52</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Arts. 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking’s relevant core platform service. If so, please explain why this is the case for the Undertaking.

<sup>53</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commissions requests this raw data.

## Practices before the designation as a gatekeeper

- (3) Already before the iOS, App Store, and Safari DMA Compliance Date as well as the iPadOS DMA Compliance Date, Apple allowed developers to provide end users access to content, subscriptions, features or other items within the developer's app after making a purchase on the developer's website or on other platforms. This is reflected in Apple's Multiplatform Rule and its Reader Rule.<sup>54</sup>
- The **Multiplatform Rule** states: "*Apps that operate across multiple platforms may allow users to access content, subscriptions, or features they have acquired in your app on other platforms or your web site, including consumable items in multi-platform games, provided those items are also available as in-app purchases within the app.*"
  - The **Reader Rule** states: "*Apps may allow a user to access previously purchased content or content subscriptions (specifically: magazines, newspapers, books, audio, music, and video). Reader apps may offer account creation for free tiers, and account management functionality for existing customers. Reader app developers may apply for the External Link Account Entitlement to provide an informational link in their app to a web site the developer owns or maintains responsibility for in order to create or manage an account. Learn more about the [External Link Account Entitlement](#).*"

## Changes to practices in the context of the DMA

- (4) In the context of the DMA, Apple has amended the requirement that content is also available for purchases within the app through Apple's IAP only. As of the iOS, App Store, and Safari DMA Compliance Date, end users are able to use, within the app, content, subscriptions, features or other items purchased outside the app, even where these are not available for purchase through IAP but instead through alternative payment. The Reader Rule remains applicable.
- ii) **specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>55</sup>) for each measure implemented in the context of Regulation (EU) 2022/1925, regarding:**
    - a) **the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;**
- (5) Apple refers to **Section 2.1.2, i).**

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<sup>54</sup> Guidelines 3.1.3(b) for Multiplatform Services and 3.1.3(a) for Reader Apps.

<sup>55</sup> For example, this may be particularly relevant to illustrate changes impacting user journeys.



**b) when the measure was implemented;**

- (6) As of the iOS, App Store, and Safari DMA Compliance Date, end users are able to use, within the app, content, subscriptions, features or other items purchased outside the app, even where these are not available for purchase through IAP but instead through alternative payment.

**c) the scope of the measure in terms of the products/ services/devices covered;**

- (7) The measures described in **Section 2.1.2, i)** apply to Apple's App Store CPS.

**d) the geographic scope of the measure (e.g., if the implementation of the measure extends beyond the EEA, please specify);**

- (8) As of the iOS, App Store, and Safari DMA Compliance Date, end users in the EU are able to use, within the app, content, subscriptions, features or other items purchased outside the app, even where these are not available for purchase through IAP but instead through alternative payment.

**e) any technical/engineering changes that were made in connection with the implementation of the measure concerned (e.g., on data flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation system (OS) functionalities, parameters of ranking algorithms and methodologies used to rank, classify or make results more prominent, or parameters of online advertising auctions);**

- (9) There are no relevant technical or engineering changes.

**f) any changes to the customer experience made in connection with the implementation of the measure concerned (e.g., changes in the customer interface, choice screens,<sup>56</sup> consent forms,<sup>57</sup> warning messages, system updates, functionalities available, or customer journey to access functionalities<sup>58</sup>);**

- (10) Apple refers to **Section 2.1.2, i)**.

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<sup>56</sup> For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.

<sup>57</sup> This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a "form" or any other format.

<sup>58</sup> The Undertaking must provide a click-by-click description of the end user's interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.

**g) any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s), introduction of new fees, provisions and practices related to the business users' pricing policy, other remuneration flows between the Undertaking and the business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy policy, conditions for access and interoperability and any other relevant clauses);**

(11) Apple refers to **Section 2**.

**h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;**

(12) There are no relevant changes other than those described in **Section 2.1.2, ii), e) to g)**.

**i) any consultation<sup>59</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high level description of the topic of the consultation with those users/parties;**

(13) None, as Apple already allowed users to access content in their apps that they had purchased elsewhere, and the only change Apple made in the context of Art. 5(5) DMA was to clarify that such content must also be available for purchase in the app through IAP or 3P PSPs.

**j) any involvement of external consultants in the elaboration of the measure, including a description of the consultants' mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable, an explanation of the reasons why the recommendations made by the external consultants were not followed;**

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<sup>59</sup> This information should include a description of the methodology for the consultation.

- (14) None, as Apple already allowed users to access content in their apps that they had purchased elsewhere, and the only change Apple made in the context of Art. 5(5) DMA was to clarify that such content must also be available for purchase in the app through IAP or 3P PSPs.
- k) any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards and/or state of the art implementations and the reasons for not choosing them;**
- (15) Apple has engaged with the EC on its compliance plan with Art. 5(5) DMA.
- l) any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;**
- (16) Apple refers to **Section 2.1.2, ii), i).**
- m) where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;**
- (17) To the extent any measure is relevant to ensure compliance with Art. 5(5) DMA, Apple has described that measure in Section **2.1.2, i).**
- n) where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;**
- (18) Apple refers to **Section 2.**
- o) any type of market analysis or testing (in particular A/B testing<sup>60</sup>), business user surveys or consumer surveys or end user consent rates,<sup>61</sup> that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>62</sup>**

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<sup>60</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

<sup>61</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Arts. 5(2) and 6(10)).

<sup>62</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

(19) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.

**p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>63</sup>**

(20) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.

**q) a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are 'effective in achieving the objectives of this Regulation and of the relevant obligation', as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why the Undertaking considers these indicators to be the most suitable;**

(21) Apple has not identified any relevant data point for this obligation.

**r) any relevant data<sup>64</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an exact definition of the terms used and a detailed calculation explanation;**

(22) Apple has not identified any relevant data point for this obligation.

**s) any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;**

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<sup>63</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>64</sup> Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.

(23) Apple and the DMA Compliance Function focus on building, maintaining and enhancing the DMA Compliance Program to ensure that Apple takes up, manages and monitors compliance with the DMA. As part of its DMA Compliance Program, Apple has developed a repository of the compliance measures taken to respond to all applicable DMA obligations, and identified associated controls for each obligation. It has identified control owners being accountable for managing compliance with applicable obligations. And it collects data and indicators to further assess compliance as explained in **Annex 2 of Section 2** above. Apple continues to develop and scale its DMA Compliance Program as needed. For more information, Apple refers to **Section 3**.

**t) where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).**

(24) Apple has not provided any such access in the context of Art. 5(5) DMA.

**2.1.3 A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).**

(25) Apple's DMA Compliance Function organizes, monitors and supervises Apple's efforts that aim to ensure compliance with its obligations under the DMA, through its DMA Compliance Program. This includes reviewing policies, documentation and changes to Apple's CPS associated with the DMA and ensuring that compliance measures and corresponding controls are up to date. For more details, Apple refers to **Section 3**.

**2.1.4 A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of non-compliance within the meaning of Article 28(4) of Regulation (EU)**

**2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.**

(26) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple. Additionally, Apple's Product and Regulatory Legal teams report regularly and on an ad-hoc basis to Apple's management body and executives on the legal issues raised by the DMA.

(27) The Head of the DMA Compliance Function directly reports to Apple's management body and has been providing updates periodically, on matters relating to DMA compliance. For more details, Apple refers to **Section 3**.

**2.1.5 A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>65</sup>**

(28) Apple refers to **Section 2.1.2, ii), i)**.

**2.2 A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer). If revenues are not available or do not represent a suitable measure, please provide a list of top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.**

(29) Apple refers to **Section 2**.

**2.3 If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot**

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<sup>65</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

by nature apply to the Undertaking's relevant core platform service (i.e., because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.

(30) Apple refers to **Section 2**.

## Annex 7 to Section 2 – Art. 5(6) DMA

**2.1 For each core platform service in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each applicable obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>66</sup> please provide the following information:**

**2.1.1** The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: *'[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act's Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.'*

(1) Apple refers to **Section 5**.

**2.1.2** An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>67</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation. The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:

i) An explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, and

(2) This "Annex 7 to Section 2 – Art. 5(6) DMA" sets out Apple's compliance with Art. 5(6) DMA, which applies to Apple's App Store, iPadOS, and Safari CPSs. Under Art. 5(6) DMA, a gatekeeper cannot "*directly or indirectly prevent or restrict business users or end users from raising any issue of non-compliance with the relevant Union or national law by the gatekeeper with any relevant public authority, including national courts, related to any practice of the gatekeeper. This is without prejudice to the right of business users and gatekeepers to lay down in their agreements the terms of use of lawful complaints-handling mechanisms*".

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<sup>66</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Arts. 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking's relevant core platform service. If so, please explain why this is the case for the Undertaking.

<sup>67</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commissions requests this raw data.



- (3) Apple encourages third parties to report wrongdoing related to Apple, including breaches of internal policies, principles, or legal or regulatory obligations. Apple's external Ethics and Compliance website highlights Apple's commitment to ensuring that people have a way to report concerns,<sup>68</sup> and includes information on Apple's external ethics helpline.<sup>69</sup> The external helpline is available at any time, and provides online reporting as well as local, toll-free numbers that connect reporters to a multilingual reporting service. Apple's Global Whistleblowing Policy<sup>70</sup> sets out Apple's approach to protecting and supporting individuals who report potential misconduct, how concerns reported under the Apple Global Whistleblowing Policy are treated, and reiterates Apple's strict no retaliation policy.
- (4) Apple already complies with Art. 5(6) DMA with respect to each designated CPS and their applicable terms and conditions prior to the iOS, App Store, and Safari DMA Compliance Date and the iPadOS DMA Compliance Date. Apple does not prevent or restrict, directly or indirectly business users or end users from raising, with any relevant public authority, any issue of non-compliance with the relevant EU or national law applicable to Apple's practices concerning Apple's designated CPSs.
- ii) specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>71</sup>) for each measure implemented in the context of Regulation (EU) 2022/1925, regarding:**
- a) the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;**
- (5) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.
- b) when the measure was implemented;**
- (6) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.
- c) the scope of the measure in terms of the products/services/devices covered;**
- (7) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.

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<sup>68</sup> <https://www.apple.com/compliance/>.

<sup>69</sup> <https://secure.ethicspoint.com/domain/media/en/gui/48987/index.html>.

<sup>70</sup> <https://www.apple.com/compliance/pdfs/Apple-Global-Whistleblowing-Policy.pdf>.

<sup>71</sup> For example, this may be particularly relevant to illustrate changes impacting user journeys.

- d) the geographic scope of the measure (e.g., if the implementation of the measure extends beyond the EEA, please specify);**
- (8) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.
- e) any technical/engineering changes that were made in connection with the implementation of the measure concerned (e.g., on data flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation system (OS) functionalities, parameters of ranking algorithms and methodologies used to rank, classify or make results more prominent, or parameters of online advertising auctions);**
- (9) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.
- f) any changes to the customer experience made in connection with the implementation of the measure concerned (e.g., changes in the customer interface, choice screens,<sup>72</sup> consent forms,<sup>73</sup> warning messages, system updates, functionalities available, or customer journey to access functionalities<sup>74</sup>);**
- (10) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.
- g) any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s), introduction of new fees, provisions and practices related to the business users' pricing policy, other remuneration flows between the Undertaking and the business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy**

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<sup>72</sup> For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.

<sup>73</sup> This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a "form" or any other format.

<sup>74</sup> The Undertaking must provide a click-by-click description of the end user's interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.

**policy, conditions for access and interoperability and any other relevant clauses);**

(11) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.

**h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;**

(12) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.

**i) any consultation<sup>75</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high level description of the topic of the consultation with those users/parties;**

(13) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.

**j) any involvement of external consultants in the elaboration of the measure, including a description of the consultants' mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable, an explanation of the reasons why the recommendations made by the external consultants were not followed;**

(14) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.

**k) any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards and/or state of the art implementations and the reasons for not choosing them;**

(15) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.

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<sup>75</sup> This information should include a description of the methodology for the consultation.

**l) any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;**

(16) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.

**m) where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;**

(17) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.

**n) where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;**

(18) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.

**o) any type of market analysis or testing (in particular A/B testing<sup>76</sup>), business user surveys or consumer surveys or end user consent rates,<sup>77</sup> that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>78</sup>**

(19) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.

**p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>79</sup>**

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<sup>76</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

<sup>77</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Arts. 5(2) and 6(10)).

<sup>78</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>79</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

(20) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.

**q) a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are 'effective in achieving the objectives of this Regulation and of the relevant obligation', as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why the Undertaking considers these indicators to be the most suitable;**

(21) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.

**r) any relevant data<sup>80</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an exact definition of the terms used and a detailed calculation explanation;**

(22) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.

**s) any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;**

(23) Apple and the DMA Compliance Function focus on building, maintaining and enhancing the DMA Compliance Program to ensure that Apple takes up, manages and monitors compliance with the DMA. As part of its DMA Compliance Program, Apple has developed a repository of the compliance measures taken to respond to all applicable DMA obligations, and identified associated controls for each obligation. It has identified control owners being accountable for managing compliance with applicable obligations. And it collects data and indicators to further assess compliance as explained in **Annex 2 of Section 2** above. Apple continues

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<sup>80</sup> Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.

to develop and scale its DMA Compliance Program as needed. For more information, Apple refers to **Section 3**.

**t) where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).**

(24) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.

**2.1.3 A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).**

(25) Apple's DMA Compliance Function organizes, monitors and supervises Apple's efforts that aim to ensure compliance with its obligations under the DMA, through its DMA Compliance Program. This includes reviewing policies, documentation and changes to Apple's CPS associated with the DMA and ensuring that compliance measures and corresponding controls are up to date. For more details, Apple refers to **Section 3**.

**2.1.4 A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of non-compliance within the meaning of Article 28(4) of Regulation (EU) 2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.**

(26) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple.

Additionally, Apple's Product and Regulatory Legal teams report regularly and on an ad-hoc basis to Apple's management body and executives on the legal issues raised by the DMA.

- (27) The Head of the DMA Compliance Function directly reports to Apple's management body and has been providing updates periodically, on matters relating to DMA compliance. For more details, Apple refers to **Section 3**.

**2.1.5 A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>81</sup>**

- (28) Not applicable as Apple already complied with Art. 5(6) DMA prior to its designation as a gatekeeper.

**2.2 A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer). If revenues are not available or do not represent a suitable measure, please provide a list of top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.**

- (29) Apple refers to **Section 2**.

**2.3 If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot by nature apply to the Undertaking's relevant core platform service (i.e., because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.**

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<sup>81</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

(30) Apple refers to **Section 2**.



## Annex 8 to Section 2 – Art. 5(7) DMA

**2.1 For each core platform service in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each applicable obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>82</sup> please provide the following information:**

**2.1.1** The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: *'[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act's Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.'*

(1) Apple refers to **Section 5**.

**2.1.2** An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>83</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation. The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:

i) An explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, and

(2) This "Annex 8 to Section 2 – Art. 5(7) DMA" sets out Apple's compliance with Art. 5(7) DMA. Art. 5(7) DMA prevents Apple from requiring *"end users to use, or business users to use, to offer, or to interoperate with, an identification service, a web browser engine or a payment service, or technical services that support the provision of payment services, such as payment systems for in-app purchases, of that gatekeeper in the context of services provided by the business users using that gatekeeper's core platform services."*

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<sup>82</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Arts. 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking's relevant core platform service. If so, please explain why this is the case for the Undertaking.

<sup>83</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commissions requests this raw data.

- (3) Apple provides information on its compliance with Art. 5(7) DMA in three subsections below, namely in respect of technical services that support the provision of payment services, i.e. payment systems for in-app purchases, identification services, and web browser engines.

### **Payment systems for in-app purchases**

- (4) This section sets out Apple's compliance with the part of Art. 5(7) DMA that relates to payment systems for in-app purchases, which applies to Apple's App Store CPS. Art. 5(7) DMA prevents Apple from requiring "*end users to use, or business users to use, to offer, or to interoperate with [...] technical services that support the provision of payment services, such as payment systems for in-app purchases, of that gatekeeper in the context of services provided by the business users using that gatekeeper's core platform services.*" (emphasis added)
- (5) Prior to its designation as a gatekeeper, Apple required developers to use IAP for in-app purchases of digital goods or content on Apple's App Store.<sup>84</sup> Apple's IAP serves two core functions:
- IAP provides app developers with a means to monetize their apps, and end users with a single, secure, and easy to use system for in-app purchases of digital goods or services. And among the numerous commerce services that Apple offers with IAP, it is a tool Apple has used to enable a number of consumer protections which have resulted in significant benefits to consumers.
  - IAP is the mechanism through which Apple collects its commission and keeps track of App Store sales of digital goods or services by developers.
- (6) As of the iOS, App Store, and Safari DMA Compliance Date, Apple no longer requires developers distributing apps through EU storefronts of the App Store to use IAP. More specifically, for developers who agree to the Alternative EU Terms Addendum:
- Apple has removed the requirement to use IAP for in-app payments in EU storefronts of the App Store EU in order to comply with Art. 5(7) DMA. For their EU apps available on the App Store across Apple's OSs, including iOS, iPadOS, macOS, tvOS, watchOS, and visionOS, developers can use alternative payment processing that lets users complete transactions within their app.
  - When developers opt to no longer use IAP, they may choose to use alternative payment processing instead. Developers may choose to use alternative payment solutions with DMA-eligible users in one (existing) single app binary

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<sup>84</sup> Apple App Review Guidelines Section 3.1.1: "If you want to unlock features or functionality within your app, (by way of example: subscriptions, in-game currencies, game levels, access to premium content, or unlocking a full version), you must use in-app purchase."

worldwide. For this purpose, developers can call the relevant API (StoreKit External Purchase API) prior to (i) each payment flow; and (ii) each flow to enter end user payment information.

- Developers can opt for alternative payment processing as a native experience within the app. For this purpose, a developer may take users out of its app only to the extent legally required to go to a website or another app to complete the purchase.
  - Developers who do not wish to make use of the new alternative payment processing capabilities can continue to use IAP.
- (7) Apple has taken steps to ensure some basic standards of operation and other commerce requirements are met in an effort to maintain, insofar as possible, the safety and security standards end users expect from the the App Store:
- For the benefit of consumers, Apple requires that the provider of alternative payment processing complies with a number of basic security requirements (Level 1 PCI compliance for handling credit and debit card data<sup>85</sup> and compliance with the PSD when not handling credit and debit card data<sup>86</sup>). These basic security requirements offer some protection to end users acquired through the App Store.
  - To further ensure end user safety and security, the in-app payment flow of alternative payment processing may not contain any hidden, dormant or undocumented payment functionality or behavior.

### Identification services

- (8) This section sets out Apple's compliance with the part of Art. 5(7) DMA that relates to identification services, which applies to Apple's App Store, iOS, iPadOS, and Safari CPSs. Art. 5(7) DMA prevents Apple from requiring "*end users to use, or business users to use, to offer, or to interoperate with, an identification service, [...] of that gatekeeper in the context of services provided by the business users using that gatekeeper's core platform services.*" (emphasis added)
- (9) Apple already complied with Art. 5(7) DMA pre-designation.
- (10) Apple's current Guidelines do not contain any requirement to use or offer any identification service of Apple. The Guidelines also do not contain any requirement to use or offer SIWA.

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<sup>85</sup> For further information see [https://www.pcisecuritystandards.org/document\\_library/](https://www.pcisecuritystandards.org/document_library/).

<sup>86</sup> Revised Payment Services Directive: Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market.

- (11) For completeness, as of January 2024, Guideline 4.8 has replaced the former rule requiring SIWA under certain circumstances and instead provides as follows:

**“4.8 Login Services**

*Apps that use a third-party or social login service (such as Facebook Login, Google Sign-In, Sign in with Twitter, Sign In with LinkedIn, Login with Amazon, or WeChat Login) to set up or authenticate the user's primary account with the app must also offer as an equivalent option another login service with the following features:*

- the login service limits data collection to the user's name and email address;*
- the login service allows users to keep their email address private as part of setting up their account; and*
- the login service does not collect interactions with your app for advertizing purposes without consent.*

*A user's primary account is the account they establish with your app for the purposes of identifying themselves, signing in, and accessing your features and associated services.*

*Another login service is not required if:*

- Your app exclusively uses your company's own account setup and sign-in systems.*
- Your app is an alternative app marketplace, or an app distributed from an alternative app marketplace, that uses a marketplace-specific login for account, download, and commerce features.*
- Your app is an education, enterprise, or business app that requires the user to sign in with an existing education or enterprise account.*
- Your app uses a government or industry-backed citizen identification system or electronic ID to authenticate users.*
- Your app is a client for a specific third-party service and users are required to sign in to their mail, social media, or other third-party account directly to access their content.”*

- (12) Developers can fully comply with this rule without ever implementing SIWA. With this rule, Apple continues to ensure that end users always have a privacy-by-design alternative when signing into apps that offer data-hungry sign-in services.

## Web browser engines

- (13) This section sets out Apple's compliance with the part of Art. 5(7) DMA that relates to web browser engines, which apply to Apple's iOS and iPadOS CPSs. Art. 5(7) DMA prevents Apple from requiring "*end users to use, or business users to use, to offer, or to interoperate with [...] a web browser engine [...] of that gatekeeper in the context of services provided by the business users using that gatekeeper's core platform services.*" (emphasis added)
- (14) Prior to its designation as a gatekeeper, Apple's Guidelines provided that "*Apps that browse the web must use the appropriate WebKit framework and WebKit JavaScript" and apps that may contain or run code that is not embedded in the binary "only use capabilities available in a standard WebKit view [...] and use WebKit [...] to run third-party software"*.
- (15) Apple has amended the Guidelines to reflect that web browser apps or apps providing in-app browsing may use alternative web browser engines on iOS (as of the iOS, App Store, and Safari DMA Compliance Date) and iPadOS (as of September 16, 2024) in the EU.
- (16) As browser engines are constantly exposed to untrusted and potentially malicious content and have visibility of sensitive user data, they are one of the most common attack vectors for bad actors. To help keep users safe online, Apple will only authorize a developer to implement alternative browser engines if it meets specific criteria and commits to a number of ongoing privacy and security requirements, including timely security updates to address emerging threats and vulnerabilities. To use an alternative browser engine in their app, developers need to request and obtain the Web Browser Engine Entitlement (for browser apps that want to use alternative browser engines) or the Embedded Browser Engine Entitlement (for apps that provide in-app browsing experiences that want to use alternative browser engines).
- (17) Apple also facilitates web browser developers' testing of alternative browser engines. Since iOS 18.2 it enables web browser developers located outside the EU to conduct on-device testing of their apps embedding third-party web browser engines.
- (18) Finally, Apple has updated its browser choice screen solution to enable browser vendors to replace their WebKit-based web browser that is available on the choice screen with their non-WebKit-based browser.

**ii) specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>87</sup>) for each measure**

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<sup>87</sup>

For example, this may be particularly relevant to illustrate changes impacting user journeys.

implemented in the context of Regulation (EU) 2022/1925, regarding:

a) the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;

(19) In respect of payment systems for in-app purchases, identification services, and web browser engines, Apple refers to **Section 2.1.2, i)**.

b) when the measure was implemented;

(20) In respect of payment systems for in-app purchases, identification services, and web browser engines, Apple refers to **Section 2.1.2, i)**.

c) the scope of the measure in terms of the products/services/devices covered;

(21) The measures described in **Section 2.1.2, i)** in respect of (i) payment systems for in-app purchases apply to Apple's App Store CPS; (ii) identification services apply to all of Apple's CPSs, and (iii) web browser engine apply to Apple's iOS and iPadOS CPSs.

d) the geographic scope of the measure (e.g., if the implementation of the measure extends beyond the EEA, please specify);

(22) The measures described in **Section 2.1.2, i)** are available in the EU.

e) any technical/engineering changes that were made in connection with the implementation of the measure concerned (e.g., on data flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation system (OS) functionalities, parameters of ranking algorithms and methodologies used to rank, classify or make results more prominent, or parameters of online advertising auctions);

#### **Payment systems for in-app purchases**

(23) Apple refers to **Section 2.1.2, i)**.

#### **Identification services**

(24) Apple refers to **Section 2.1.2, i)**.

## Web browser engines

- (25) Apple enabled browser developers to also use their iOS and iPadOS devices outside the EU to develop and test browsers and apps providing in-app browsing based on alternative browser engines. The new solution allows development and testing on device through known and well-used means, i.e., Xcode and provisioning of profiles used for testing on devices within a developer's organization. Provisioned devices allow profile-signed apps to be installed, run, and access the features available to alternative browser engines, bypassing the general device eligibility checks on iOS. As a result, browser developers are able to develop and test the alternative browser engine of their own browser apps from outside the EU.
- (26) Additionally, Apple has updated its browser choice screen solution to enable browser vendors to replace their WebKit-based web browser that is available on the choice screen with their non-WebKit-based browser. As is the case today, each browser vendor is able to have only one app on the choice screen. Vendors of browsers on the choice screen are able to notify Apple when they want to switch the browser listed to their non-WebKit-based browser, and Apple will promptly make that change.

**f) any changes to the customer experience made in connection with the implementation of the measure concerned (e.g., changes in the customer interface, choice screens,<sup>88</sup> consent forms,<sup>89</sup> warning messages, system updates, functionalities available, or customer journey to access functionalities<sup>90</sup>);**

## Payment systems for in-app purchases

- (27) Apple makes end users of apps in EU storefronts of the App Store using alternative payment processing aware that they are no longer transacting through IAP. This is critical to helping end users understand the new threats to consumer security and privacy that may compromise the user experience. For this purpose, and to help end users understand whether an app contains alternative payment processing, the App Store displays an informational banner on the app's product page to identify the developer's enablement of this entitlement. When downloading an app, users are also informed if an app uses alternative payment processing on the purchase confirmation sheet. Apps that use alternative payment processing are required to

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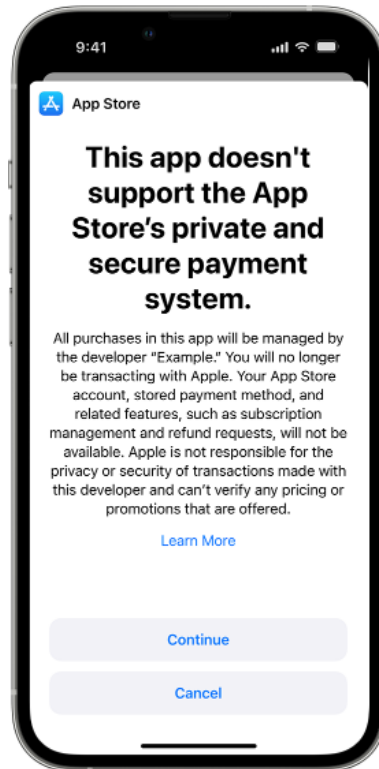
<sup>88</sup> For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.

<sup>89</sup> This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a "form" or any other format.

<sup>90</sup> The Undertaking must provide a click-by-click description of the end user's interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.

present users with a disclosure prior to each transaction to help users understand that they are no longer transacting with Apple (see **Figure 1**).

**Figure 1 – In-app System Disclosure Sheet on iOS<sup>91</sup>**



- (28) Developers need to agree to make a customer service process available for end users, including a process to dispute unauthorized transactions, manage subscriptions (if applicable), and request refunds.

### **Identification services**

- (29) Apple refers to **Section 2.1.2, i**).

### **Web browser engines**

- (30) For users in the EU, iOS and iPadOS support a choice screen that includes non-WebKit-based browsers if browser vendors who have a WebKit-based browser available on the choice screen choose to replace that WebKit-based browser with a non-WebKit-based browser.

**g) any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s)), introduction of new fees, provisions**

<sup>91</sup> Design changes may apply.



and practices related to the business users' pricing policy, other remuneration flows between the Undertaking and the business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy policy, conditions for access and interoperability and any other relevant clauses);

(31) In respect of payment systems for in-app purchases, identification services, and web browser engines, Apple refers to **Section 2**.

**h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;**

(32) There are no relevant changes other than those described in **Section 2.1.2, ii), e) to g)** of this Annex in respect of payment systems for in-app purchases, identification services, and web browser engines.

**i) any consultation<sup>92</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high level description of the topic of the consultation with those users/parties;**

(33) In respect of payment systems for in-app purchases, identification services, and web browser engines, Apple continuously engages with various stakeholders. For example it made public announcements on its compliance plans in January 2024 and at later dates, held consultations with developers and participated in the public DMA workshop organized by the EC in March 2024. More generally, Apple has addressed and continues to address developer questions and feedback in particular following public announcements. Developers can provide feedback or seek assistance through a host of channels, including by contacting their WWDR partnership manager where applicable, or through Apple Developer Forums, or Feedback Assistant. Apple also encourages feedback on proposed changes ahead of their implementation. Lastly, any interested party can provide feedback to Apple by sending an email to [dmacompliance@apple.com](mailto:dmacompliance@apple.com).

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<sup>92</sup> This information should include a description of the methodology for the consultation.

- (34) In respect of technical services that support web browser engines, Apple has also been engaging directly with Google and Mozilla throughout 2024, continuing the engagement in 2025. These engagements cover Apple's compliance plan to enable alternative web browser engines on iOS/iPadOS.
- j) **any involvement of external consultants in the elaboration of the measure, including a description of the consultants' mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable, an explanation of the reasons why the recommendations made by the external consultants were not followed;**
- (35) No external consultants were involved in the elaboration of Apple's measures to comply with Art. 5(7) DMA.
- k) **any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards and/or state of the art implementations and the reasons for not choosing them;**
- (36) Apple has engaged with the EC on its compliance plan with Art. 5(7) DMA.
- l) **any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;**
- (37) Apple refers to **Section 2.1.2, ii), i).**
- m) **where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;**
- (38) To the extent any measure is relevant to ensure compliance with Art. 5(7) DMA, Apple has described that measure in **Section 2.1.2, i).**
- n) **where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;**
- (39) Apple refers to **Section 2.**

- o) any type of market analysis or testing (in particular A/B testing<sup>93</sup>), business user surveys or consumer surveys or end user consent rates,<sup>94</sup> that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>95</sup>**
- (40) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.
- p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>96</sup>**
- (41) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.
- q) a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are 'effective in achieving the objectives of this Regulation and of the relevant obligation', as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why the Undertaking considers these indicators to be the most suitable;**
- (42) Apple refers to **para. 6 of Section 2.**
- (43) In respect of identification services and web browser engines, Apple has not identified any relevant data point for the obligations under Art. 5(7) DMA.
- (44) In its first Compliance Report, in respect of payment systems for in-app purchases, Apple had identified the following informative data points: (i) the use of third-party payment systems for in-app purchases by collecting data on the “number of apps that make use of alternative payment systems”; and (ii) offers of alternatives to

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<sup>93</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

<sup>94</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Articles 5(2) and 6(10)).

<sup>95</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>96</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

Apple's in-app purchase system IAP by collecting data on "third parties that offer alternative payment services to App Store developers".

- (45) Going forward, Apple will not monitor the number of third-party payment service providers that offer payment services to App Store developers as Apple does not systematically track this data point.

**r) any relevant data<sup>97</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an exact definition of the terms used and a detailed calculation explanation;**

- (46) In the year preceding this first annually updated Compliance Report, the EC opened non-compliance investigations relating to Apple's compliance with Art. 5(7) DMA.<sup>98</sup> Because Apple's 5(7) compliance was subject to potential change due to a pending investigation during this reporting period, Apple does not provide the data under the data points identified in **Section 2.1.2, ii), q)** relating to Art. 5(7) DMA in this Compliance Report.

**s) any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;**

- (47) Apple and the DMA Compliance Function focus on building, maintaining and enhancing the DMA Compliance Program to ensure that Apple takes up, manages and monitors compliance with the DMA. As part of its DMA Compliance Program, Apple has developed a repository of the compliance measures taken to respond to all applicable DMA obligations, and identified associated controls for each obligation. It has identified control owners being accountable for managing compliance with applicable obligations. And it collects data and indicators to further assess compliance as explained in **Annex 2 of Section 2** above. Apple continues

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<sup>97</sup> Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.

<sup>98</sup> Case DMA.100206 – Apple - new business terms.

to develop and scale its DMA Compliance Program as needed. For more information, Apple refers to **Section 3**.

- t) **where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).**

#### **Payment systems for in-app purchases**

- (48) Apple refers to **Section 2.1.2, i)**.

#### **Identification services**

- (49) Apple refers to **Section 2.1.2, i)**.

#### **Web browser engines**

- (50) Apple refers to **Section 2.1.2, ii), e)**.

**2.1.3 A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).**

- (51) Apple's DMA Compliance Function organizes, monitors and supervises Apple's efforts that aim to ensure compliance with its obligations under the DMA, through its DMA Compliance Program. This includes reviewing policies, documentation and changes to Apple's CPS associated with the DMA and ensuring that compliance measures and corresponding controls are up to date. For more details, Apple refers to **Section 3**.

**2.1.4 A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of non-compliance within the meaning of Article 28(4) of Regulation (EU)**

**2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.**

(52) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple. Additionally, Apple's Product and Regulatory Legal teams report regularly and on an ad-hoc basis to Apple's management body and executives on the legal issues raised by the DMA.

(53) The Head of the DMA Compliance Function directly reports to Apple's management body and has been providing updates periodically, on matters relating to DMA compliance. For more details, Apple refers to **Section 3**.

**2.1.5 A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>99</sup>**

(54) Apple refers to **Section 2.1.2, ii), i)**.

**2.2 A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer). If revenues are not available or do not represent a suitable measure, please provide a list of top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.**

(55) In respect of payment systems for in-app purchases, identification services, and web browser engines, Apple refers to **Section 2**.

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<sup>99</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

**2.3** If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot by nature apply to the Undertaking's relevant core platform service (i.e., because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.

(56) In respect of payment systems for in-app purchases, identification services, and web browser engines, Apple refers to **Section 2**.

## Annex 9 to Section 2 – Art. 5(8) DMA

2. **For each core platform service** in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 **and for each applicable obligation** laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>100</sup> please provide the following information:

2.1.1 The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: *'[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act's Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.'*

(1) Apple refers to **Section 5**.

2.1.2 An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>101</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation. The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:

i) An explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, **and**

(2) This "Annex 9 to Section 2 – Art. 5(8) DMA" sets out Apple's compliance with Art. 5(8) DMA, which applies to Apple's App Store, iOS, iPadOS, and Safari CPSs. Under Art. 5(8) DMA, a gatekeeper cannot *"require business users or end users to subscribe to, or register with, any further core platform services listed in the designation decision pursuant to Article 3(9) or which meet the thresholds in Article 3(2), point (b), as a condition for being able to use, access, sign up for or registering with any of that gatekeeper's core platform services listed pursuant to that Article"*.

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<sup>100</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking's relevant core platform service. If so, please explain why this is the case for the Undertaking.

<sup>101</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commissions requests this raw data.



## iOS and iPadOS

- (3) To use iOS and iPadOS, end users need to agree to the relevant OS SLA.<sup>102</sup> Business users – i.e., developers – need to enter into the ADA<sup>103</sup> and the Apple DPLA.<sup>104</sup>
- (4) There is no need for end users or business users to subscribe to or register with the App Store or Safari as a condition for being able to use, access, sign up for or register with iOS and iPadOS.

## Safari

- (5) To use Safari, end users do not need to enter into any additional agreements with Apple other than the applicable OS SLA for their device.<sup>105</sup> There are no separate agreements governing the relationship between Apple and business users – i.e., websites used in a commercial or professional capacity – in the context of Safari.
- (6) There is no need for business or end users to subscribe to or register with iOS, iPadOS or the App Store as a condition for being able to use or access Safari.

## App Store

- (7) To use the App Store, end users need to accept the Apple Media Services Terms and Conditions.<sup>106</sup> The App Store's business users — i.e., developers – need to enter into the ADA and the DPLA.
- (8) There is no need for business or end users to subscribe to or register with iOS, iPadOS<sup>107</sup> or Safari as a condition for being able to use or access the App Store.

**ii) specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>108</sup>) for each measure implemented in the context of Regulation (EU) 2022/1925, regarding:**

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<sup>102</sup> <https://www.apple.com/legal/sla/>.

<sup>103</sup> <https://developer.apple.com/support/downloads/terms/apple-developer-agreement/Apple-Developer-Agreement-20240610-English.pdf>.

<sup>104</sup> <https://developer.apple.com/support/terms/apple-developer-program-license-agreement/>.

<sup>105</sup> <https://www.apple.com/legal/sla/>.

<sup>106</sup> <https://www.apple.com/legal/internet-services/itunes/>.

<sup>107</sup> As with Safari, in order to use the iOS App Store or the iPadOS App Store, end users must access iOS or iPadOS and agree to the relevant OS Software License Agreements, which Apple understands is outside of the scope of Art. 5(8) DMA.

<sup>108</sup> For example, this may be particularly relevant to illustrate changes impacting user journeys.

**a) the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;**

(9) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**b) when the measure was implemented;**

(10) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**c) the scope of the measure in terms of the products/ services/devices covered;**

(11) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**d) the geographic scope of the measure (e.g., if the implementation of the measure extends beyond the EEA, please specify);**

(12) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**e) any technical/engineering changes that were made in connection with the implementation of the measure concerned (e.g., on data flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation system (OS) functionalities, parameters of ranking algorithms and methodologies used to rank, classify or make results more prominent, or parameters of online advertising auctions);**

(13) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**f) any changes to the customer experience made in connection with the implementation of the measure concerned (e.g., changes in the customer interface, choice screens,<sup>109</sup> consent forms,<sup>110</sup> warning messages, system**

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<sup>109</sup> For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.

<sup>110</sup> This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a "form" or any other format.

**updates, functionalities available, or customer journey to access functionalities<sup>111</sup>);**

(14) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**g) any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s), introduction of new fees, provisions and practices related to the business users' pricing policy, other remuneration flows between the Undertaking and the business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy policy, conditions for access and interoperability and any other relevant clauses);**

(15) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;**

(16) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**i) any consultation<sup>112</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high level description of the topic of the consultation with those users/parties;**

(17) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**j) any involvement of external consultants in the elaboration of the measure, including a description of the consultants'**

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<sup>111</sup> The Undertaking must provide a click-by-click description of the end user's interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.

<sup>112</sup> This information should include a description of the methodology for the consultation.

**mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable, an explanation of the reasons why the recommendations made by the external consultants were not followed;**

(18) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**k) any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards and/or state of the art implementations and the reasons for not choosing them;**

(19) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**l) any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;**

(20) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**m) where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;**

(21) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**n) where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;**

(22) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**o) any type of market analysis or testing (in particular A/B testing<sup>113</sup>), business user surveys or consumer surveys or**

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<sup>113</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

**end user consent rates,<sup>114</sup> that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>115</sup>**

(23) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>116</sup>**

(24) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**q) a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are 'effective in achieving the objectives of this Regulation and of the relevant obligation', as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why the Undertaking considers these indicators to be the most suitable;**

(25) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**r) any relevant data<sup>117</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an**

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<sup>114</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Articles 5(2) and 6(10)).

<sup>115</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>116</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>117</sup> Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.

**exact definition of the terms used and a detailed calculation explanation;**

(26) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**s) any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;**

(27) Apple and the DMA Compliance Function focus on building, maintaining and enhancing the DMA Compliance Program to ensure that Apple takes up, manages and monitors compliance with the DMA. As part of its DMA Compliance Program, Apple has developed a repository of the compliance measures taken to respond to all applicable DMA obligations, and identified associated controls for each obligation. It has identified control owners being accountable for managing compliance with applicable obligations. And it collects data and indicators to further assess compliance as explained in **Annex 2 of Section 2** above. Apple continues to develop and scale its DMA Compliance Program as needed. For more information, Apple refers to **Section 3**.

**t) where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).**

(28) Not applicable as Apple already complied with Art. 5(8) DMA prior to its designation as a gatekeeper.

**2.1.3 A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).**

(29) Apple's DMA Compliance Function organizes, monitors and supervises Apple's efforts that aim to ensure compliance with its obligations under the DMA, through its

DMA Compliance Program. This includes reviewing policies, documentation and changes to Apple's cCPS associated with the DMA and ensuring that compliance measures and corresponding controls are up to date. For more details, Apple refers to **Section 3**.

**2.1.4 A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of non-compliance within the meaning of Article 28(4) of Regulation (EU) 2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.**

(30) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple. Additionally, Apple's Product and Regulatory Legal teams report regularly and on an ad-hoc basis to Apple's management body and executives on the legal issues raised by the DMA.

(31) The Head of the DMA Compliance Function directly reports to Apple's management body and has been providing updates periodically, on matters relating to DMA compliance. For more details, Apple refers to **Section 3**.

**2.1.5 A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>118</sup>**

(32) Apple refers to **Section 2.1.2, ii), i)**.

**2.2 A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases**

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<sup>118</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

where there is no such person, the chief executive officer). If revenues are not available or do not represent a suitable measure, please provide a list of top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.

(33) Apple refers to **Section 2**.

**2.3** If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot by nature apply to the Undertaking's relevant core platform service (i.e., because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.

(34) Apple refers to **Section 2**.



## Annex 10 to Section 2 – Art. 6(2) DMA

**2.1 For each core platform service in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each applicable obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>119</sup> please provide the following information:**

**2.1.1 The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: *'[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act's Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.'***

(1) Apple refers to **Section 5**.

**2.1.2 An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>120</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation. The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:**

**i) An explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, and**

(2) This “Annex 10 to Section 2 – Art. 6(2) DMA” sets out Apple’s compliance measures with regard to Art. 6(2) DMA, which applies to Apple’s App Store, iOS, iPadOS, and Safari CPSs. Under Art. 6(2) DMA, a gatekeeper shall not use, in competition with business users, any data that is not publicly available that is generated or provided by those business users in the context of their use of the relevant CPSs or of the services provided together with, or in support of, the relevant CPSs (“**Support Services**”), including data generated or provided by the customers of those business users.

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<sup>119</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking’s relevant core platform service. If so, please explain why this is the case for the Undertaking.

<sup>120</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commissions requests this raw data.

## **Practices before the designation as a gatekeeper**

- (3) Prior to its designation as a gatekeeper, Apple already had in place processes and measures relevant to Art. 6(2) DMA.

### **I. Apple's organizational structure**

- (4) Apple's organizational structure ensures that individuals who are responsible for business decisions (or business development) regarding Apple services are structurally separated from the operation of the App Store, including from the App Review team.
- (5) The Apple Fellow responsible for leading the App Store team reports directly to the CEO. He is not a member of the ET. App Review is managed by Worldwide Developer Relations, which reports to a Senior Vice President who is a member of Apple's ET.
- (6) Third-party access to Apple's technology and OS features is managed separately from the App Store and App Review teams. An Apple Vice President is responsible for Application Program Interface development and developer tools among other responsibilities. He reports to a Senior Vice President who is a member of the ET.
- (7) Apple Music, Apple TV+, Apple Fitness+, Apple News, Apple Maps, Apple Pay, iCloud and other services are managed by their own Vice Presidents and report to a Senior Vice President who is a member of the ET.

### **II. Apple's data mapping framework**

- (8) As part of its broader data governance approach, Apple had already started its data inventory process before the iOS, App Store, and Safari DMA Compliance Date, with respect to each of its designated CPSs.

### **III. Apple's data use policies**

- (9) Data use at Apple is subject to stringent policies, including policies specific to the requirements of the DMA. These policies ensure that employees at Apple who have access to data collected by Apple comply with the highest standards in terms of data governance and data use. In particular, these policies make sure that data is only accessed and shared internally on a need-to-know basis, and that the processing is limited to data that is strictly necessary for the specific use case, which is subject to Apple's existing approval process (see below under **IV.**) and which is documented by Apple.

#### IV. Apple's data access approval process

- (10) When engineering and business teams consider that a legitimate need arises to access data in scope of Art. 6(2) DMA, they need to request access to such data. Access to relevant systems and datasets is granted via access groups and only on a need-to-know basis. These groups are set up and configured to appropriate access policies. Where (individual) requestors are not in an access group, they must provide a detailed justification as to why they require access to the data. Access to this data must be approved by Apple's Legal team.

#### Changes to practices in the context of the DMA

- (11) In the context of the DMA, except as otherwise provided below, Apple has further reinforced the existing safeguards for the use of 3P data that falls within the scope of Art. 6(2) DMA, for each of its designated CPSs.
- (12) Apple has also adopted a data use policy governing non-public business user data under the DMA. The scope of the policy was extended to iPadOS in September 2024. The policy informs employees of restrictions related to the sharing and use of non-public business user data. It also requires employees with access to relevant non-public business user data to receive DMA compliance training covering restrictions arising from Art. 6(2) DMA.
- (13) These trainings inform employees with access to non-public business user data about the restrictions that apply to such data. The trainings also cover the process for accessing and handling the relevant datasets.

ii) **specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>121</sup>) for each measure implemented in the context of Regulation (EU) 2022/1925, regarding:**

a) **the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;**

- (14) Apple refers to **Section 2.1.2, i).**

**b) when the measure was implemented;**

- (15) The measures described in **Section 2.1.2, i)** were made as of the iOS, App Store, and Safari DMA Compliance Date. The scope of the policy and processes were extended to iPadOS in September 2024.

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<sup>121</sup> For example, this may be particularly relevant to illustrate changes impacting user journeys.

**c) the scope of the measure in terms of the products/ services/devices covered;**

(16) The measures described in **Section 2.1.2, i)** apply to all of Apple's designated CPSs.

**d) the geographic scope of the measure (e.g., if the implementation of the measure extends beyond the EEA, please specify);**

(17) The measures described in **Section 2.1.2, i)** are available globally.

**e) any technical/engineering changes that were made in connection with the implementation of the measure concerned (e.g., on data flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation system (OS) functionalities, parameters of ranking algorithms and methodologies used to rank, classify or make results more prominent, or parameters of online advertising auctions);**

(18) All access to non-public third-party data is subject to stringent access controls and approval processes.

(19) Data access requests for non-public business user data must be approved by Apple Legal or by persons to which Apple Legal delegated the authority to approve such requests, which determines whether the intended use of the data complies with Art. 6(2) DMA.

(20) As a first step, a request for data access is checked as to whether the "Requestor"<sup>122</sup> is part of an "Access group"<sup>123</sup>. Apple's access tools automatically determine if a Requestor is already part of a respective Access Group for the dataset access is requested to. Requestors can be granted access and become part of an Access Group for a specific period of time only. After that period of time, that person would no longer be a member of that Access Group without approved renewal. In addition, the permissions for an Access Group can be set in such a way that if someone is no longer using the respective dataset, that person will be removed from the Access Group for that respective dataset.

(21) Where a team wishes to access certain data, they are asked to specify the data request for a specific use case. Where a request indicates that the data may be in

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<sup>122</sup> A "Requestor" is any person or any system account who requests access to a dataset containing data relevant to Art. 6(2) DMA.

<sup>123</sup> In the context of Art. 6(2) DMA, an Access Group is a directory group that is provisioned to access a corresponding dataset of a group of datasets. Such an Access Group consists of individual and / or system accounts approved to access such datasets for specific purposes.

scope of the DMA, it automatically triggers a DMA Review. In that context, Apple assesses, for the purposes of Art. 6(2) DMA, whether the 3P data constitutes “non-public data”, and whether the relevant use of this data can be considered as a use “in competition” with the business users who have provided or generated this data. Where the DMA Review indicates that a particular use case falls in scope of Art. 6(2) DMA, access to and the use of such data for that particular purpose is denied.

(22) Any updates or changes to the use case for which access to the relevant data has been approved requires a new review and approval process. Individual and system account access to 3P data is re-accredited at a regular interval.

**f) any changes to the customer experience made in connection with the implementation of the measure concerned (e.g., changes in the customer interface, choice screens,<sup>124</sup> consent forms,<sup>125</sup> warning messages, system updates, functionalities available, or customer journey to access functionalities<sup>126</sup>);**

(23) The measures described in this Annex did not cause any changes to the customer experience.

**g) any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s), introduction of new fees, provisions and practices related to the business users' pricing policy, other remuneration flows between the Undertaking and the business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy policy, conditions for access and interoperability and any other relevant clauses);**

(24) Apple refers to **Section 2**.

**h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;**

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<sup>124</sup> For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.

<sup>125</sup> This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a “form” or any other format.

<sup>126</sup> The Undertaking must provide a click-by-click description of the end user's interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.

- (25) There are no relevant changes other than those described in **Section 2.1.2, ii), e) to g)** of this Annex.
- i) any consultation<sup>127</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high level description of the topic of the consultation with those users/parties;**
- (26) Apple continuously engages with various stakeholders. For example it made public announcements on its compliance plans in January 2024 and at later dates, held consultations with developers and participated in the public DMA workshop organized by the EC in March 2024. More generally, Apple has addressed and continues to address developer questions and feedback in particular following public announcements. Developers can provide feedback or seek assistance through a host of channels, including by contacting their WWDR partnership manager where applicable, or through Apple Developer Forums, or Feedback Assistant. Apple also encourages feedback on proposed changes ahead of their implementation. Lastly, any interested party can provide feedback to Apple by sending an email to [dmacompliance@apple.com](mailto:dmacompliance@apple.com).
- j) any involvement of external consultants in the elaboration of the measure, including a description of the consultants' mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable, an explanation of the reasons why the recommendations made by the external consultants were not followed;**
- (27) No external consultants were involved in the elaboration of Apple's measures to comply with Art. 6(2) DMA.
- k) any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards and/or state of the art implementations and the reasons for not choosing them;**
- (28) Apple has engaged with the EC on its compliance plan with Art. 6(2) DMA.

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<sup>127</sup> This information should include a description of the methodology for the consultation.

**l) any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;**

(29) Apple refers to **Section 2.1.2, ii), i).**

**m) where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;**

(30) To the extent any measure is relevant to ensure compliance with Art. 6(2) DMA, Apple has described that measure in **Section 2.1.2, i).**

**n) where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;**

(31) Apple refers to **Section 2.**

**o) any type of market analysis or testing (in particular A/B testing<sup>128</sup>), business user surveys or consumer surveys or end user consent rates,<sup>129</sup> that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>130</sup>**

(32) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.

**p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>131</sup>**

(33) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.

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<sup>128</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

<sup>129</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Articles 5(2) and 6(10)).

<sup>130</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>131</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

q) **a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are 'effective in achieving the objectives of this Regulation and of the relevant obligation', as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why the Undertaking considers these indicators to be the most suitable;**

(34) Apple has not identified any relevant data point for this obligation.

r) **any relevant data<sup>132</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an exact definition of the terms used and a detailed calculation explanation;**

(35) Apple refers to **Section 2.1.2, ii), q).**

s) **any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;**

(36) Apple and the DMA Compliance Function focus on building, maintaining and enhancing the DMA Compliance Program to ensure that Apple takes up, manages and monitors compliance with the DMA. As part of its DMA Compliance Program, Apple has developed a repository of the compliance measures taken to respond to all applicable DMA obligations, and identified associated controls for each obligation. It has identified control owners being accountable for managing compliance with applicable obligations. And it collects data and indicators to further assess compliance as explained in **Annex 2 of Section 2** above. Apple continues to develop and scale its DMA Compliance Program as needed. For more information, Apple refers to **Section 3**.

t) **where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the**

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<sup>132</sup> Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.



**procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).**

(37) Apple refers to **Section 2.1.2, ii), e).**

**2.1.3 A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).**

(38) Apple's DMA Compliance Function organizes, monitors and supervises Apple's efforts that aim to ensure compliance with its obligations under the DMA, through its DMA Compliance Program. This includes reviewing policies, documentation and changes to Apple's CPS associated with the DMA and ensuring that compliance measures and corresponding controls are up to date. For more details, Apple refers to **Section 3.**

**2.1.4 A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of non-compliance within the meaning of Article 28(4) of Regulation (EU) 2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.**

(39) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple. Additionally, Apple's Product and Regulatory Legal teams report regularly and on an ad-hoc basis to Apple's management body and executives on the legal issues raised by the DMA.

(40) The Head of the DMA Compliance Function directly reports to Apple's management body and has been providing updates periodically, on matters relating to DMA compliance. For more details, Apple refers to **Section 3.**

**2.1.5 A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>133</sup>**

(41) Apple refers to **Section 2.1.2, ii), i).**

**2.2 A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer). If revenues are not available or do not represent a suitable measure, please provide a list of top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.**

(42) Apple refers to **Section 2.**

**2.3 If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot by nature apply to the Undertaking's relevant core platform service (i.e., because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.**

(43) Apple refers to **Section 2.**

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<sup>133</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

## Annex 11 to Section 2 – Art. 6(3) DMA

**2.1 For each core platform service in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each applicable obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>134</sup> please provide the following information:**

**2.1.1 The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: *'[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act's Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.'***

(1) Apple refers to **Section 5**.

**2.1.2 An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>135</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation. The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:**

**i) An explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, and**

(2) This “Annex 11 to Section 2 – Art. 6(3) DMA” sets out Apple’s compliance with Art. 6(3) DMA, which applies to Apple’s iOS, iPadOS, and Safari CPSs. Art. 6(3) DMA requires a gatekeeper of an OS to (i) allow and technically enable end users to easily change default settings on that OS if end users are directed or steered to products or services provided by the gatekeeper (the “Default Requirement”). This includes implementing a choice prompt upon first use of a virtual assistant, web browser, or online search engine if that service is designated as a CPS for that gatekeeper (the “Choice Screen Requirement”); and (ii) technically enable end

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<sup>134</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking’s relevant core platform service. If so, please explain why this is the case for the Undertaking.

<sup>135</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commissions requests this raw data.

users to easily uninstall any apps from the gatekeeper's OS, except for those applications that are essential for the functioning of the OS or the device and cannot be offered on a standalone basis by third parties (the "Uninstallation Requirement").

## **Practices before the designation as a gatekeeper**

### **I. Default Settings**

- (3) Prior to the iOS, App Store, and Safari DMA Compliance Date, Apple already had default settings in place for browser apps and email apps, which could be changed easily:
- a) **Browser apps default setting.** iOS and iPadOS included simple controls by which end users could change the default setting for browsers. A user could easily set as the default browser any browser app installed on the device that uses the default browser entitlement. To do this, the user could go to the Settings app, select the web browser from the list of apps under "Settings", tap "Default Browser App", and select any of the web browsers shown, which automatically included all web browsing apps installed on the device which supported being set as the default browser.
  - b) **Email default setting.** iOS and iPadOS users could also easily change the default setting for email apps. The steps to do so were the same as for browser apps. A user could set as their default email app any email app installed on the device that uses the default email entitlement. To do this, the user could go to the Settings app, select an email app from the list of apps under "Settings", tap "Default Email App", and select one of the mail apps shown, which automatically included all email apps installed by the user which support being set as the default email app.

### **II. Uninstallation of apps**

- (4) All of Apple's apps pre-installed on iOS and iPadOS could already be removed from the Home Screen without difficulty even before Apple's designation as a gatekeeper. Both removing apps from the Home Screen and deleting apps — where applicable — are simple processes. To remove an app from the Home Screen, users can simply press the app icon for a few seconds and select the option "Remove App". Users can then typically select either "Delete App", or "Remove from Home Screen" in a second step. Removing an app from the Home Screen fully enables end users' autonomy in making their own choices. This is because apps removed from Home Screen are not visible through the primary way in which users interact with apps on iOS and iPadOS (i.e., the Home Screen).

- (5) Prior to Apple's designation as a gatekeeper, only seven apps could be removed from the Home Screen on iOS but not deleted from the iPhone entirely: Settings, App Store, Phone, Messages, Safari, Camera and Photos.

### **Changes to practices in the context of the DMA**

- (6) Apple has implemented the following changes to its practices: (i) introduction of a prompt to choose a default browser app from a list of browser apps, (ii) creation of new defaults settings, as well as a centralized default settings page, and (iii) deletion of the App Store, Messages, Camera, Photos and Safari. Each of these changes are described in turn below.

#### **I. Prompt to choose from a list of browsers**

- (7) To reflect the DMA's changes, iOS 17.4 added an additional user prompt that presents choices for users to select their default browser app. When EU users open Safari for the first time after updating their device to iOS 17.4 or later, they are prompted to choose their default browser app and presented with a list of the main web browsers apps available in their EU member state that can be selected as their default browser app.
- (8) To be considered for inclusion in the list of browser app options on iOS, an app needs to meet the following criteria:
- Have the Default Browser Entitlement.<sup>136</sup>
  - Have been downloaded by at least 5,000 users across all the EU storefronts of the App Store on iPhone in the prior calendar year.
  - Be available on the App Store on iOS in the EU.
- (9) The eligibility criteria for browser developer apps to be included in the choice screen lists on iPadOS is generally the same as the iOS eligibility criteria, with a lower threshold of 4,000 downloads from iPadOS App Store in the previous calendar year for the relevant browser app.<sup>137</sup>
- (10) Up to 11 of the most downloaded browsers apps on iOS and iPadOS in that country in the prior year that meet the above criteria will be selected for the browser choice screen in addition to Safari. On iPadOS, if fewer than 11 browsers meet the criteria above in a particular country, the list for that country will be supplemented with additional browser apps available in that country on the basis of how many

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<sup>136</sup> <https://developer.apple.com/documentation/xcode/preparing-your-app-to-be-the-default-browser>.

<sup>137</sup> If a developer offers a version of their browser app with an alternative browser engine, the developer may opt to have the alternative browser engine version listed on the browser choice screen instead.

downloads they had across all EU storefronts of the App Store on that platform in the prior calendar year.

- (11) If a developer has multiple browser apps, only the most downloaded app will be eligible. Apple will update the list of browsers eligible to be shown on the choice screen once per calendar year.
- (12) The current list of browser apps shown on the browser choice screen for iOS per country are published on Apple's website.<sup>138</sup> The lists on Apple's website are in alphabetical order. Browsers apps will be shown in a randomized order per device on the browser choice screen.
- (13) The 18.2 update to iOS and iPadOS included the following changes to when the choice screen is displayed:
  - All users with Safari as their default browser app, including users who have already seen the choice screen prior to the update, are prompted with the choice screen upon first launch of Safari after installing iOS 18.2 and iPadOS 18.2.
  - The choice screen is not displayed if a user already has a browser other than Safari set as default.
  - The choice screen is shown once per device instead of once per user.
  - When migrating to a new device, if (and only if) the user's previously chosen default browser app was Safari, the user is required to reselect a default browser app (i.e. unlike other settings in iOS and iPadOS, the user's choice of default browser is not migrated if that choice was Safari).

## II. New default controls

- (14) In a special segment at the top of iOS and iPadOS 18's new Apps settings, there is a new Default Apps section in Settings where users can manage their default settings easily.
- (15) Apple created new default controls for app installation pursuant to Art. 6(4) DMA and contactless apps.
  - **App installation.** End users are able to manage their preferred default app marketplace app through a new default setting for app installation. Platform features for finding and using apps like Spotlight are integrated with a user's default app marketplace.

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<sup>138</sup> <https://developer.apple.com/support/browser-choice-screen/>.

- **Contactless apps.** End users are able to manage their preferred default contactless app through a new default control for contactless apps, and select any eligible app adopting the HCE Entitlement as the default.

(16) In December 2024, Apple introduced a new default control for users for calling, messaging, passwords & codes, keyboards, and call filtering. Apple also introduced a centralized default settings page. In Spring 2025, Apple will add support for default settings for navigation apps and translation.

(17) In relation to the existing default controls for web browsers, since May 2024, the default selection setting shows in the Safari settings at all times, including when Safari is already the default browser. Since December 2024, Apple has implemented changes so that deleting the default browser does not automatically revert to Safari.

### III. **Users are able to delete the App Store, Messages, Camera, Photos and Safari completely**

(18) Apple has made the App Store, Messages, Camera, Photos, and Safari apps deletable for users in the EU.

(19) Only Settings and Phone are not deletable. Settings is essential to the functioning of iOS and iPadOS and the iPhone and iPad, and cannot be replaced by any third-party apps on a standalone basis. Phone is essential to the functioning of iOS and the iPhone, and cannot be replaced by any third-party apps on a standalone basis. The Phone app is not available on iPadOS.

(20) The contribution of each of these apps to the core functionality of iOS and iPadOS and the device is as follows:

- **Settings:** The Settings app is the only interface through which a user can control essential iOS and iPadOS settings and hardware functions.
- **Phone:** Phone supports all of the required cellular standards to make or receive cellular phone calls on iOS.

ii) **specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>139</sup>) for each measure implemented in the context of Regulation (EU) 2022/1925, regarding:**

a) **the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;**

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<sup>139</sup>

For example, this may be particularly relevant to illustrate changes impacting user journeys.

(21) Apple refers to **Section 2.1.2, i)**.

**b) when the measure was implemented;**

(22) Apple introduced a prompt to end users, at the first launch of Safari, to choose from a list of available browser apps their default browser app on iOS 17.4 as of March 2024. Also as of iOS 17.4, Apple introduced new default settings for app marketplaces and contactless apps. With the release of the iOS and iPadOS 18.2 updates in December 2024, Apple implemented further changes to its browser choice screen on iOS and introduced the browser choice screen to iPadOS. As of December 2024, Apple has also introduced new default settings for users for calling, messaging, passwords & codes, keyboards, and call filtering and a new Default Apps section in Settings. As before, users are able to manage their default settings easily. As of December 2024, Apple has made the App Store, Messages, Camera, Photos and Safari apps deletable. In Spring 2025, Apple will add new default settings for navigation apps and translation.

**c) the scope of the measure in terms of the products/ services/devices covered;**

(23) The measures described in **Section 2.1.2, i)** apply to Apple's iOS and iPadOS CPSs.

**d) the geographic scope of the measure (e.g., if the implementation of the measure extends beyond the EEA, please specify);**

(24) The measures described in **Section 2.1.2, i)** are available in the EU.

**e) any technical/engineering changes that were made in connection with the implementation of the measure concerned (e.g., on data flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation system (OS) functionalities, parameters of ranking algorithms and methodologies used to rank, classify or make results more prominent, or parameters of online advertising auctions);**

(25) Starting from iOS 18.2 and iPadOS 18.2, developers of browser apps on the choice screen have access to a new set of data detailed in the "Browser Choice Screen Selection" reports.<sup>140</sup> These reports are provided through Apple's existing Analytics Reports API. This API is publicly documented<sup>141</sup>, and allows developers to collect a wide variety of data, including items such as selection rates on the choice screen

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<sup>140</sup> <https://developer.apple.com/documentation/analytics-reports/browser-choice-screen-selection>.

<sup>141</sup> <https://developer.apple.com/documentation/analytics-reports/default-browser-usage-rate>.



and information about default selection. Developers can use this data to understand their browser app's performance on the choice screen:

- How often users have chosen a given browser app among all the default selections made, as a percentage.
- Out of all instances where a user selected a given browser app, the proportion where that selection led to that browser app being installed on the device.
- Out of all instances where a user selected a given browser app, the proportion where the browser app was already installed on the device.
- Of devices that viewed a given browser app's product page, the proportion that ended up selecting that browser.
- Of devices that selected that browser app, the proportion that viewed the browser app's product page.

- (26) Apple shares this data with developers in a new report, designed especially for the new choice screen ("**Revised Choice Screen Report**"). This report is provided through Apple's existing Analytics Reports API. This API is publicly documented, and allows developers to collect a wide variety of data pertaining to the performance of their apps. Providing the data in reports offers developers significant analytical flexibility, including the ability to compare reports or to easily ingest the data into their systems.
- (27) A new API made available on iOS 18.2 and iPadOS 18.2 allows a browser app to check if it is currently the default browser app. With the release of iOS and iPadOS 18.4, Apple will enable browser apps to check whether they are set as default four times per year. It will be a matter for the browser developer as to when to perform each of the four checks per year.<sup>142</sup>
- (28) For the tracking of new metrics and other data points, Apple refers to **Section 3** and **Section 2.1.2, ii), q)** respectively.

**f) any changes to the customer experience made in connection with the implementation of the measure concerned (e.g., changes in the customer interface, choice screens,<sup>143</sup> consent forms,<sup>144</sup> warning messages, system**

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<sup>142</sup> [https://developer.apple.com/documentation/UIKit/UIApplication/isDefault\(\\_:\)](https://developer.apple.com/documentation/UIKit/UIApplication/isDefault(_:))

<sup>143</sup> **For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.**

<sup>144</sup> **This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a "form" or any other format.**

**updates, functionalities available, or customer journey to access functionalities<sup>145</sup>;**

**I. Browser Choice Screen**

- (29) With the launch of the browser choice screen on iOS 17.4 selecting Safari or selecting a third-party web browser takes the same number of taps, regardless of whether the browser selected is already installed.
- (30) iOS 18.2 and iPadOS 18.2 also include the following updates to the design of the choice screen:
- Users are able to select their default browser directly on the choice screen by tapping on their chosen browser, without seeing descriptive information on the App Store product page for that browser.
  - Browser descriptions on the choice screen include the app subtitle from the browser's App Store product page.
  - Users are able to review each browser's App Store product page by tapping on the chevron to the right.
  - Browser descriptions on the choice screen include the app subtitle from the browser's App Store product page.
  - Users are required to scroll through the full list of browser options before setting a browser as default.
  - If the chosen default browser is already on device, the chosen default browser will automatically open once chosen.
  - If the chosen default browser is not already downloaded on device, the choice screen will show the selected browser's download progress on the choice screen before automatically opening.
  - If Safari is currently in the user's Dock or on the first page of the Home Screen and the user selects a browser that is not currently installed on their device from the choice screen, the selected browser will replace the Safari icon in the user's Dock or in the Home Screen.
  - If the user selects a browser that is currently installed on their device from the choice screen but not on the first page of the Home Screen or the Dock, the user will be asked whether they want to move their default browser's icon to the location of the Safari icon.

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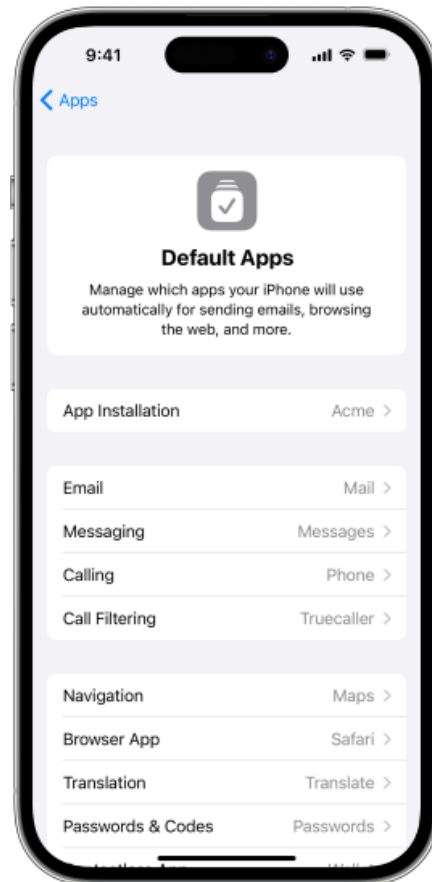
<sup>145</sup> The Undertaking must provide a click-by-click description of the end user's interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.

- (31) If Safari is currently in the user's Dock or on the first page of the Home Screen and the user had previously selected another browser as their default from the choice screen shipped in March 2024, users will be prompted once upon first launch of Safari about whether they want to swap Safari icon with the icon of their default browser. This is only if their default browser is not on the first page of the Home Screen or the Dock.

## II. Centralized Default Settings Page in Settings

- (32) Apple has implemented a unified page in Settings for defaults enabling users to change default settings in one place in Settings.
- (33) As shown in **Figure 1** below, users can reach the Default Apps menu through Settings > Apps > Default Apps.
- (34) Users have different ways to easily change their default settings. They may be prompted to do so by 3P apps. Developers can link users directly to the app's individual page in Settings. As of December 2024, developers can also include deep links in their apps to take users to Settings > Apps > Default Apps. Users can also get to the Default Apps section in Settings via the Settings app's search functionality.

Figure 1 – Centralized Defaults Settings



### III. Deletion of the App Store, Messages, Camera, Photos and Safari

(35) As of December 2024, users are able to delete the App Store, Messages, Camera, Photos, and Safari apps in the EU. Users are provided with information, as applicable, explaining the impact that the deletion of these apps may have on their device.

**g) any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s), introduction of new fees, provisions and practices related to the business users' pricing policy, other remuneration flows between the Undertaking and the business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy policy, conditions for access and interoperability and any other relevant clauses);**

- (36) There are no relevant changes in the context of Art. 6(3) DMA.
- h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;**
- (37) There are no relevant changes other than those described in **Section 2.1.2, ii), e) to g)** of this Annex.
- i) any consultation<sup>146</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high level description of the topic of the consultation with those users/parties;**
- (38) Apple continuously engages with various stakeholders. For example it made public announcements on its compliance plans in January 2024 and at later dates, held consultations with developers and participated in the public DMA workshop organized by the EC in March 2024. More generally, Apple has addressed and continues to address developer questions and feedback in particular following public announcements. Developers can provide feedback or seek assistance through a host of channels, including by contacting their WWDR partnership manager where applicable, or through Apple Developer Forums, or Feedback Assistant. Apple also encourages feedback on proposed changes ahead of their implementation. Lastly, any interested party can provide feedback to Apple by sending an email to [dmacompliance@apple.com](mailto:dmacompliance@apple.com).
- j) any involvement of external consultants in the elaboration of the measure, including a description of the consultants' mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable, an explanation of the reasons why the recommendations made by the external consultants were not followed;**
- (39) No external consultants were involved in the elaboration of Apple's measures to comply with Art. 6(3) DMA.
- k) any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards**

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<sup>146</sup> This information should include a description of the methodology for the consultation.

**and/or state of the art implementations and the reasons for not choosing them;**

(40) Apple has engaged with the EC on its compliance plan with Art. 6(3) DMA.

**l) any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;**

(41) Apple refers to **Section 2.1.2, i), i).**

**m) where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;**

(42) To the extent any measure is relevant to ensure compliance with Art. 6(3) DMA, Apple has described that measure in **Section 2.1.2, i).** For completeness, Apple has created new default controls for app installation pursuant to Art. 6(4) DMA. As explained at **para. 9, footnote 137** above, if a developer offers a version of their browser app with an alternative browser engine, the developer may opt to have the alternative browser engine version listed on the browser choice screen instead.

**n) where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;**

(43) Apple refers to **Section 2.**

**o) any type of market analysis or testing (in particular A/B testing<sup>147</sup>), business user surveys or consumer surveys or end user consent rates,<sup>148</sup> that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>149</sup>**

(47) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.

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<sup>147</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

<sup>148</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Articles 5(2) and 6(10)).

<sup>149</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

- p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>150</sup>
- (48) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.
- q) a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are 'effective in achieving the objectives of this Regulation and of the relevant obligation', as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why the Undertaking considers these indicators to be the most suitable;
- (49) Apple refers to **para. 6 of Section 2**.
- (50) In its first Compliance Report, in relation to Art. 6(3) DMA, Apple had identified the following informative data points: (i) for third-party browser apps selected on the choice screen, the "percentage of end users who set a third-party browser app as default through the choice screen" and (ii) for third-party apps set as default (outside of the choice screen), the "percentage of end users who have set a third-party app as default for each existing default setting".
- (51) Following engagement with the EC regarding Apple's Art. 6(3) DMA compliance plan described in **Section 2.1.2, ii), e) to g)**, Apple has amended the relevant data points it monitors. Going forward, Apple will monitor the informative data points for third-party browser apps selected on the choice screen as published on Apple's developer documentation.<sup>151</sup> For calling, messaging, mail, browser apps, and contactless apps (single selection defaults), Apple will monitor the percentage of opt-in sampled devices on which any third-party app is set as default for each existing default setting. For app marketplaces, (ranked list default, i.e. default displayed in order of preference), Apple will monitor the percentage of opt-in sampled devices that have any third-party app on the top position. For keyboards, passwords & codes and call filtering (multiple selection defaults), Apple will monitor the percentage of opt-in sampled devices that have a third-party app selected.

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<sup>150</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>151</sup> <https://developer.apple.com/documentation/analytics-reports/browser-choice-screen-selection>.

r) **any relevant data<sup>152</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an exact definition of the terms used and a detailed calculation explanation;**

(52) In the year preceding this first annually updated Compliance Report, the EC opened a non-compliance investigation relating to Apple's compliance with Art. 6(3) DMA.<sup>153</sup> Because Apple's Art. 6(3) DMA compliance was subject to potential change due to a pending investigation during this reporting period, Apple does not provide the data under the data points identified in **Section 2.1.2, ii), q)** relating to Art. 6(3) DMA in this Compliance Report.

s) **any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;**

(53) Apple and the DMA Compliance Function focus on building, maintaining and enhancing the DMA Compliance Program to ensure that Apple takes up, manages and monitors compliance with the DMA. As part of its DMA Compliance Program, Apple has developed a repository of the compliance measures taken to respond to all applicable DMA obligations, and identified associated controls for each obligation. It has identified control owners being accountable for managing compliance with applicable obligations. And it collects data and indicators to further assess compliance as explained in **Annex 2 of Section 2** above. Apple continues to develop and scale its DMA Compliance Program as needed. For more information, Apple refers to **Section 3**.

t) **where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions**

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<sup>152</sup> Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.

<sup>153</sup> Case DMA.100185 – Apple - Operating systems – iOS – Article 6(3).



**attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).**

(54) Apple refers to **Section 2.1.2, ii), e).**

**2.1.3 A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).**

(54) Apple's DMA Compliance Function organizes, monitors and supervises Apple's efforts that aim to ensure compliance with its obligations under the DMA, through its DMA Compliance Program. This includes reviewing policies, documentation and changes to Apple's CPS associated with the DMA and ensuring that compliance measures and corresponding controls are up to date. For more details, Apple refers to **Section 3.**

**2.1.4 A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of non-compliance within the meaning of Article 28(4) of Regulation (EU) 2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.**

(55) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple. Additionally, Apple's Product and Regulatory Legal teams report regularly and on an ad-hoc basis to Apple's management body and executives on the legal issues raised by the DMA.

(56) The Head of the DMA Compliance Function directly reports to Apple's management body and has been providing updates periodically, on matters relating to DMA compliance. For more details, Apple refers to **Section 3.**

**2.1.5 A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users**

established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>154</sup>

(57) Apple refers to **Section 2.1.2, ii), i)**.

**2.2 A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer). If revenues are not available or do not represent a suitable measure, please provide a list of top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.**

(58) Apple refers to **Section 2**.

**2.3 If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot by nature apply to the Undertaking's relevant core platform service (i.e., because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.**

(59) Apple refers to **Section 2**.

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<sup>154</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

## Annex 12 to Section 2 – Art. 6(4) DMA

**2.1 For each core platform service in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each applicable obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>155</sup> please provide the following information:**

**2.1.1 The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: *'[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act's Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.'***

(1) Apple refers to **Section 5**.

**2.1.2 An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>156</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation. The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:**

**i) An explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, and**

(2) This “Annex 12 to Section 2 – Art. 6(4) DMA” sets out Apple’s compliance with Art. 6(4) DMA, which applies to Apple’s iOS and iPadOS CPSs. Art. 6(4) DMA requires a gatekeeper to allow and technically enable the installation and effective use of native 3P apps or alternative app marketplaces<sup>157</sup> for EU users, and allow both to be accessed by means other than the gatekeeper’s own app marketplace.

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<sup>155</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking’s relevant core platform service. If so, please explain why this is the case for the Undertaking.

<sup>156</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commissions requests this raw data.

<sup>157</sup> For the purposes of this Report, alternative app marketplaces have the same meaning as “software application stores” as defined by Art. 2(14) DMA.

- (3) Prior to its designation as a gatekeeper, Apple allowed and enabled both the installation and the effective use of 3P apps on iOS and iPadOS. Apple has always been committed to making third-party content accessible to users on iOS and iPadOS by enabling 3P apps to run directly on iOS and iPadOS, while mitigating the risks native apps pose to the platform and users' security and privacy, through centralized distribution via the iOS App Store and iPadOS App Store.
- (4) In the context of the DMA, Apple allows **alternative app marketplaces** to operate as native apps on iOS and iPadOS. Apple also allows **Web Distribution**. To mitigate, insofar possible, the risks introduced by the allowance of alternative app marketplaces and Web Distribution on iOS and iPadOS, Apple has adopted a baseline level of review of iOS and iPadOS apps applicable regardless of the distribution channel (Notarization) and minimum standards for alternative app marketplaces (Alternative App Marketplace Entitlement) and developers requesting access to Web Distribution (Access to Web Distribution), designed to mitigate the significant risks created by Art. 6(4) DMA.
- ii) **specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>158</sup>) for each measure implemented in the context of Regulation (EU) 2022/1925, regarding:**
- a) **the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;**
- (5) Apple refers to **Section 2.1.2, i), e).**
- b) **when the measure was implemented;**
- (6) As of the iOS, App Store, and Safari DMA Compliance Date for iOS and as of September 16, 2024 for iPadOS, Apple enables alternative app marketplaces to operate as native apps on iOS and iPadOS. As of April 2024 for iOS, and September 16, 2024 for iPadOS, Apple enables Web Distribution.
- c) **the scope of the measure in terms of the products/services/devices covered;**
- (7) The measures described in **Section 2.1.2, i)** apply to Apple's iOS and iPadOS CPSs.
- d) **the geographic scope of the measure (e.g., if the implementation of the measure extends beyond the EEA, please specify);**

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<sup>158</sup>

For example, this may be particularly relevant to illustrate changes impacting user journeys.

- (8) Apple enables alternative app marketplaces to operate as native apps on iOS and iPadOS, and also enables Web Distribution, in the EU.
- e) any technical/engineering changes that were made in connection with the implementation of the measure concerned (e.g., on data flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation system (OS) functionalities, parameters of ranking algorithms and methodologies used to rank, classify or make results more prominent, or parameters of online advertising auctions);**
- (9) For developers, the iOS 17.4 and iPadOS 18.0 software development kit introduced new capabilities that let marketplace developers build and distribute marketplace iOS and iPadOS apps as part of an alternative app marketplace in the EU.
- These alternative app marketplace apps can install and support software on devices, access data across a catalog of apps, manage users' purchases and subscriptions, and more.
  - Authorized alternative app marketplace developers get access to app marketplace technologies that allow them to receive apps from other Apple Developer Program members securely, let users download and install their marketplace iOS and iPadOS apps from their marketplace developer's website, integrate with system functionality, backup and restore users' apps, and more.
  - Apple has adapted its developer interface for app distribution and management, App Store Connect<sup>159</sup>, for use with alternative app marketplaces. Apple does not impose any restrictions on developers' choice of alternative app marketplaces, such that a 3P app can be made available on one alternative app marketplace or simultaneously on several alternative app marketplaces.
  - Alternative app marketplaces can enable automatic updates for apps downloaded from those alternative app marketplaces, allowing users to receive bug fixes and other improvements for 3P apps installed from those alternative app marketplaces without manual intervention.
- (10) In addition, iOS and iPadOS provide access to APIs that facilitate the distribution of developers' apps from the web, integrate with system functionality, back up and restore users' apps, and more.

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<sup>159</sup> App Store Connect is Apple's interface for members of the Apple Developer Program, that enables app developers to easily upload, submit, track and manage apps on iOS App Store and iPadOS App Store. This suite of tools also lets these developers view various reports and analytics about their app performance and find opportunities for improvement.

- (11) Furthermore, apps downloaded from alternative app marketplaces or directly from the web benefit from many of the same features and capabilities as apps downloaded from the App Store, including the following:
- a) Developers of all apps are able to request entitlements to access specific capabilities or security permissions. Except for entitlements which are specific to the iOS App Store and/or iPadOS App Store (e.g., those about use of Apple's IAP), developers are able to request the same set of entitlements regardless of the marketplace they distribute their apps on.
  - b) All apps are also integrated with numerous features of iOS and iPadOS, such as:
    - i) Screen Time, which allows users to know how much time they spend in each app and place limits on how much time they spend in each app.
    - ii) Certain parental controls, which allows parents to limit which apps run on their children's devices.
    - iii) Spotlight, which allows users to easily look for and launch installed apps.
    - iv) Per-app cellular settings, which allow users to set which apps can use cellular data.
    - v) Launching apps via Siri.
  - c) All apps benefit from App Thinning<sup>160</sup> and Delta Updates<sup>161</sup>, Apple's proprietary distribution optimisation technology; and developers of all apps are able to use TestFlight<sup>162</sup> team-internal distribution, which developers use to distribute test versions of their apps to a small group of testers inside their company.
- (12) All apps for which a default setting exists can prompt users to set that app as their default, regardless of their distribution source. Users can change their default apps easily.

**f) any changes to the customer experience made in connection with the implementation of the measure**

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<sup>160</sup> App Thinning is a technology that ensures that an app binary only contains the resources and code necessary to run the app on a particular device, which minimizes its footprint on that device and provides a faster download, installation and update experience.

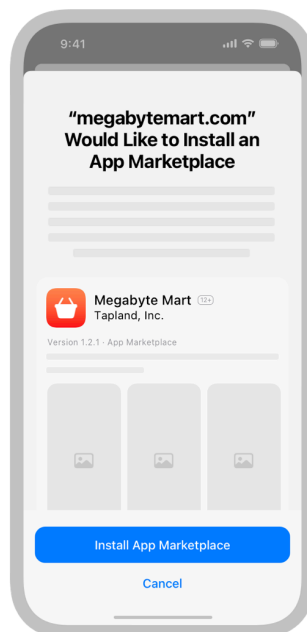
<sup>161</sup> Delta Updates are used to minimize the download size of updates to apps to reduce the amount of data required to download the update and allow users to install updates faster.

<sup>162</sup> TestFlight is an Apple development tool which allows the easy distribution of apps in development to testers and request feedback from them.

concerned (e.g., changes in the customer interface, choice screens,<sup>163</sup> consent forms,<sup>164</sup> warning messages, system updates, functionalities available, or customer journey to access functionalities<sup>165</sup>);

- (13) For users in the EU, iOS and iPadOS support an experience for app installation to help users authorize the installation of apps and alternative app marketplaces and understand more about apps before they download:
- Users can install alternative app marketplace apps on their iPhone or iPad from a website owned by the marketplace developer via a respective user flow which includes a system sheet with information developers have submitted to Apple for review, like the app name, developer name, app description, screenshots, and system age rating (see **Figure 1**).

**Figure 1 – Install sheet of an alternative app marketplace on iOS<sup>166</sup>**



- Users are able to research, browse through, download, install, and run 3P apps made available on their installed alternative app marketplaces (see **Figure 2**).

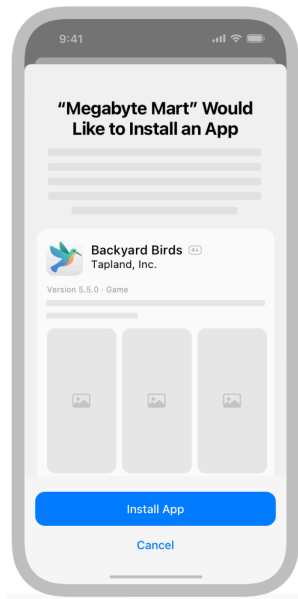
<sup>163</sup> For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.

<sup>164</sup> This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a “form” or any other format.

<sup>165</sup> The Undertaking must provide a click-by-click description of the end user’s interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.

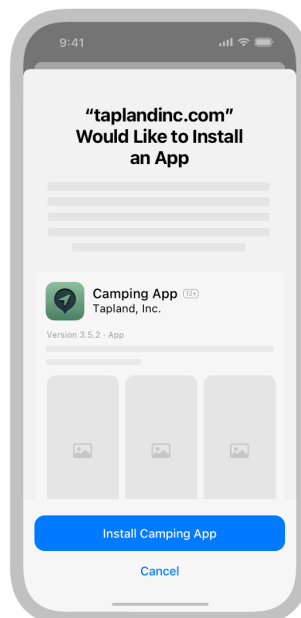
<sup>166</sup> Design changes may apply.

Figure 2 – Install sheet of a 3P app from an alternative app marketplace on iOS<sup>167</sup>



- Users can also install apps from a developer's website by approving the developer to install apps in Settings on their iPhone or iPad. When installing an app, a system sheet will display information that developers have submitted to Apple for review, like the app name, developer name, app description, screenshots, and system age rating (see **Figure 3**).

Figure 3 – Install sheet of an app from a developer's website<sup>168</sup>



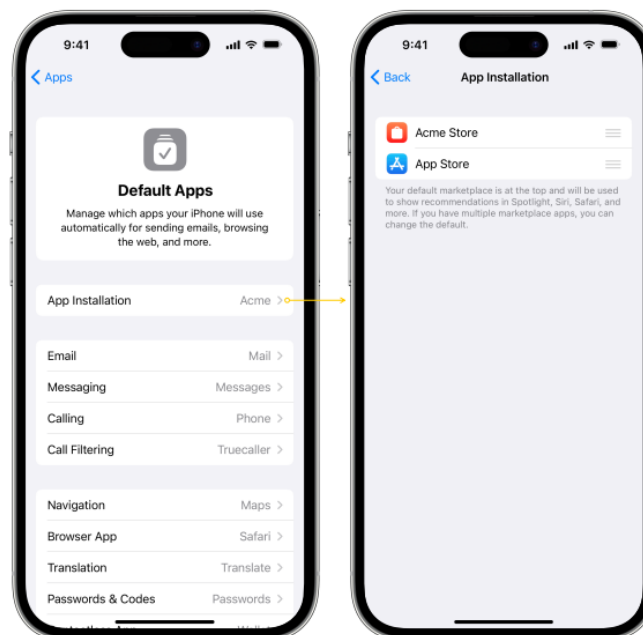
<sup>167</sup> Design changes may apply.

<sup>168</sup> Design changes may apply.



- Users can effectively download, access, and utilize alternatively distributed apps in much the same way as an app downloaded from the App Store. When a user installs an app from an alternative app marketplace or the web, iOS and iPadOS show the installation progress in the same way as if it were downloaded from the App Store. All installed apps, regardless of whether they were installed from the App Store, an alternative app marketplace, or the web, are accessible via icons on the iOS and iPadOS Home Screen. App installation sheets are automatically turned off for installations from a user's default marketplace.
- Alternative app marketplaces installed on iOS and iPadOS can prompt end users to decide whether they want to set that alternative app marketplace as their default. Users can manage their default marketplace through a new default setting and can change their default marketplace easily (see **Figure 4**).

**Figure 4 – Changing the default app marketplace on iOS<sup>169</sup>**



- Certain platform features for finding and using apps like Spotlight are integrated with a user's default marketplace.

**g) any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s)), introduction of new fees, provisions and practices related to the business users' pricing policy, other remuneration flows between the Undertaking and the**

<sup>169</sup> Design changes may apply.

**business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy policy, conditions for access and interoperability and any other relevant clauses);**

(14) Apple refers to **Section 2**.

**h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;**

(15) There are no relevant changes other than those described in **Section 2.1.2, ii), e) to g)** of this Annex.

**i) any consultation<sup>170</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high level description of the topic of the consultation with those users/parties;**

(16) Apple continuously engages with various stakeholders. For example it made public announcements on its compliance plans in January 2024 and at later dates, held consultations with developers and participated in the public DMA workshop organized by the EC in March 2024. More generally, Apple has addressed and continues to address developer questions and feedback, in particular following public announcements. Developers can provide feedback or seek assistance through a host of channels, including by contacting their WWDR partnership manager where applicable, or through Apple Developer Forums, or Feedback Assistant. Apple also encourages feedback on proposed changes ahead of their implementation. Lastly, any interested party can provide feedback to Apple by sending an email to [dmacompliance@apple.com](mailto:dmacompliance@apple.com).

(17) Apple has informed (and continues to inform) developers of upcoming changes and opportunities and encourages them to take advantage of the new measures. Apple has also organized several alternative app marketplace labs in Cork, where developers could request to attend or were proactively invited to attend a five-day, in-person lab to help develop their alternative app marketplace in the EU. Moreover,

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<sup>170</sup> This information should include a description of the methodology for the consultation.

developers continuously interact with Apple through App Store Connect and have the opportunity to provide feedback regarding the review of their apps or requests for the alternative app marketplace or Access to Web Distribution. Developers can also suggest changes to the App Review Guidelines, including the Notarization Guidelines, at any time by submitting a dedicated form and can always correspond with the App Review team to resolve issues before resubmitting a build. Lastly, developers can meet with the App Review team virtually to discuss the App Review Guidelines, including the Notarization Guidelines, and explore best practices for a smooth review process, seeking advice on how to avoid common issues.

**j) any involvement of external consultants in the elaboration of the measure, including a description of the consultants' mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable, an explanation of the reasons why the recommendations made by the external consultants were not followed;**

(18) No external consultants were involved in the elaboration of Apple's measures to comply with Art. 6(4) DMA.

**k) any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards and/or state of the art implementations and the reasons for not choosing them;**

(19) Apple refers to **Section 2.1.2, ii), i).**

**l) any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;**

(20) Apple refers to **Section 2.1.2, ii), i).**

**m) where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;**

(21) To the extent any measure is relevant to ensure compliance with Art. 6(4) DMA, Apple has described that measure in **Section 2.1.2, i).** For completeness, Apple notes the interaction between Arts. 6(4) and 6(3) DMA regarding default settings for marketplaces.

**n) where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation**

**(EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;**

(22) Apple refers to **Section 2**.

**o) type of market analysis or testing (in particular A/B testing<sup>171</sup>), business user surveys or consumer surveys or end user consent rates,<sup>172</sup> that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>173</sup>**

(23) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.

**p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>174</sup>**

(24) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.

**q) a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are 'effective in achieving the objectives of this Regulation and of the relevant obligation', as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why the Undertaking considers these indicators to be the most suitable;**

(25) Apple refers to **para. 6 of Section 2**.

(26) In its first Compliance Report, in relation to Art. 6(4) DMA, Apple had identified the following informative data points: (i) the use of third-party app marketplaces by collecting data on the "number of installations of third-party app marketplaces", and

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<sup>171</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

<sup>172</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Articles 5(2) and 6(10)).

<sup>173</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>174</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

on the “number of developers who have selected the option to distribute their apps in third-party app marketplaces”; and (ii) the number of apps available via third-party app marketplaces by collecting data on the “number of installations of apps from available third-party app marketplaces”.

- (27) Going forward, Apple will monitor the following informative data points: (i) the use of alternative distribution by collecting data on the “number of installations of third-party app marketplaces”, “number of installations from the web”, and on the “number of developers who have selected the option to distribute via alternative distribution”; and (ii) the number of apps available via alternative distribution by collecting data on the “number of installations via alternative distribution”.

**r) any relevant data<sup>175</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an exact definition of the terms used and a detailed calculation explanation;**

- (28) In the year preceding this first annually updated Compliance Report, the EC opened a non-compliance investigation relating to Apple’s compliance with Art. 6(4) DMA.<sup>176</sup> Because Apple’s Art. 6(4) DMA compliance was subject to potential change due to a pending investigation during this reporting period, Apple does not provide the data under the data points identified in **Section 2.1.2, ii), q)** relating to Art. 6(4) DMA in this Compliance Report.

**s) any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;**

- (29) Apple and the DMA Compliance Function focus on building, maintaining and enhancing the DMA Compliance Program to ensure that Apple takes up, manages and monitors compliance with the DMA. As part of its DMA Compliance Program, Apple has developed a repository of the compliance measures taken to respond to

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<sup>175</sup> Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.

<sup>176</sup> Case DMA.100206 – Apple - new business terms.

all applicable DMA obligations, and identified associated controls for each obligation. It has identified control owners being accountable for managing compliance with applicable obligations. And it collects data and indicators to further assess compliance. Apple continues to develop and scale its DMA Compliance Program as needed. For more information, Apple refers to **Section 3**.

**t) where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).**

(30) Apple refers to **Section 2.1.2, ii), e)**.

**2.1.3 A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).**

(31) Apple's DMA Compliance Function organizes, monitors and supervises Apple's efforts that aim to ensure compliance with its obligations under the DMA, through its DMA Compliance Program. This includes reviewing policies, documentation and changes to Apple's CPS associated with the DMA and ensuring that compliance measures and corresponding controls are up to date. For more details, Apple refers to **Section 3**.

**2.1.4 A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of non-compliance within the meaning of Article 28(4) of Regulation (EU) 2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.**

- (32) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple. Additionally, Apple's Product and Regulatory Legal teams report regularly and on an ad-hoc basis to Apple's management body and executives on the legal issues raised by the DMA.
- (33) The Head of the DMA Compliance Function directly reports to Apple's management body and has been providing updates periodically, on matters relating to DMA compliance. For more details, Apple refers to **Section 3**.

**2.1.5 A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>177</sup>**

- (34) Apple refers to **Section 2.1.2, ii), i)**.

**2.2 A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer). If revenues are not available or do not represent a suitable measure, please provide a list of top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.**

- (35) Apple refers to **Section 2**.

**2.3 If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot by nature apply to the Undertaking's relevant core platform service (i.e., because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of**

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<sup>177</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

**doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.**

(36) Apple refers to **Section 2**.



## Annex 13 to Section 2 – Art. 6(5) DMA

**2.1 For each core platform service in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each applicable obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>178</sup> please provide the following information:**

**2.1.1 The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: '*[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act's Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.*'**

(1) Apple refers to **Section 5**.

**2.1.2 An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>179</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation. The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:**

**i) An explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, and**

(2) This “Annex 13 to Section 2 – Art. 6(5) DMA” sets out Apple’s compliance with Art. 6(5) DMA, which applies to Apple’s App Store CPS. Under Art. 6(5) DMA, a gatekeeper cannot “*treat more favourably, in ranking and related indexing and crawling, services and products offered by the gatekeeper itself than similar*

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<sup>178</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking’s relevant core platform service. If so, please explain why this is the case for the Undertaking.

<sup>179</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commissions requests this raw data.

*services or products of a third party. The gatekeeper shall apply transparent, fair and non-discriminatory conditions to such ranking*".<sup>180</sup>

- (3) Apple does not reserve to its own apps a better position (or "relative prominence") through ranking (and/or related indexing and crawling) on any tabs available on the App Store.
- (4) The App Store has several tabs. These tabs differ per App Store available on each of iOS, iPadOS, macOS,<sup>181</sup> tvOS, visionOS, and watchOS. For the purpose of this Annex, the tabs described below<sup>182</sup> relate to the iOS and iPadOS App Stores.<sup>183</sup>

### **The Today tab**

- (5) The Today tab is a daily destination with original stories from Apple's App Store editors around the world, featuring exclusive premieres, new releases, a fresh look at all-time favorites, an App of the Day, a Game of the Day, and more. All apps in the Today tab are selected based on curation by Apple's App Store Editorial team without any preference of Apple's own apps.

### **The Games and Apps tabs**

- (6) The Games and Apps tabs provide dedicated experiences for games and apps. For both tabs, all apps are selected based on algorithmic relevance, on App Store Editorial curation, and on top charts. The latter is based on top downloads in the App Store.

### **The Search tab**

- (7) The Search tab allows users to find and discover apps, games, stories, categories, in-app purchases, and developers.
- (8) The search results algorithm is agnostic as to whether an app has been developed by Apple or a third-party developer. When customers search for an app, the App Store returns a list of apps that are ranked based on a number of objective

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<sup>180</sup> Art. 2(22) DMA defines "ranking" as "the relative prominence given to goods or services offered through online intermediation services [...] or the relevance given to search results [...] as presented, organized or communicated by the undertakings providing online intermediation services, [...] irrespective of the technological means used for such presentation, organization or communication and irrespective of whether only one result is presented or communicated".

<sup>181</sup> For example, on the macOS App Store, there is no Today tab, but a Discover tab.

<sup>182</sup> Apple also describes these tabs on its developer discovery webpage, available at <https://developer.apple.com/app-store/discoverability/>.

<sup>183</sup> Differences in App Store tabs have been described in Apple's Form GD at paragraphs 198, 201, 205, 208 and 213.

parameters, none of which offer differentiated or preferential treatment in ranking to Apple apps.<sup>184</sup>

- (9) In addition to the parameters above, the search results algorithm automatically provides *all* new third-party apps an initial, time-limited boost to have a better chance of appearing in search results. Apple's own apps do not benefit from this boost. Apple shares the main parameters for ranking with developers<sup>185</sup> as well as publicly.<sup>186</sup>
- (10) Promoted apps also appear in Search results through ASA.<sup>187</sup> ASA is a completely optional service available to developers, independent of developers' use of the App Store and its services. ASA allows third-party app developers to purchase placements on the App Store to promote their apps. Apple has made a policy decision not to promote its own apps through ASA.

**ii) specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>188</sup>) for each measure implemented in the context of Regulation (EU) 2022/1925, regarding:**

**a) the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;**

- (11) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

**b) when the measure was implemented;**

- (12) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

**c) the scope of the measure in terms of the products/ services/devices covered;**

- (13) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

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<sup>184</sup> These objective parameters are clearly set out on Apple's website at <https://developer.apple.com/app-store/discoverability/>.

<sup>185</sup> They are references in Exhibit D of Schedule 1 of the DPLA. Apple also gives developers the opportunity to test different elements of their app product page in the App Store to understand which elements result in the most user engagement (e.g., highlighting a particular feature, changing the app icon, or showcasing a certain value proposition, etc.). See <https://developer.apple.com/app-store/product-page-optimization/>.

<sup>186</sup> See for example <https://developer.apple.com/app-store/search/>.

<sup>187</sup> <https://searchads.apple.com/>.

<sup>188</sup> **For example, this may be particularly relevant to illustrate changes impacting user journeys.**

**d) the geographic scope of the measure (e.g., if the implementation of the measure extends beyond the EEA, please specify);**

(14) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

**e) any technical/engineering changes that were made in connection with the implementation of the measure concerned (e.g., on data flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation system (OS) functionalities, parameters of ranking algorithms and methodologies used to rank, classify or make results more prominent, or parameters of online advertising auctions);**

(15) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

**f) any changes to the customer experience made in connection with the implementation of the measure concerned (e.g., changes in the customer interface, choice screens,<sup>189</sup> consent forms,<sup>190</sup> warning messages, system updates, functionalities available, or customer journey to access functionalities<sup>191</sup>);**

(16) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

**g) any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s), introduction of new fees, provisions and practices related to the business users' pricing policy, other remuneration flows between the Undertaking and the business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy**

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<sup>189</sup> For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.

<sup>190</sup> This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a "form" or any other format.

<sup>191</sup> The Undertaking must provide a click-by-click description of the end user's interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.

**policy, conditions for access and interoperability and any other relevant clauses);**

(17) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

**h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;**

(18) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

**i) any consultation<sup>192</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high level description of the topic of the consultation with those users/parties;**

(19) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

**j) any involvement of external consultants in the elaboration of the measure, including a description of the consultants' mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable, an explanation of the reasons why the recommendations made by the external consultants were not followed;**

(20) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

**k) any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards and/or state of the art implementations and the reasons for not choosing them;**

(21) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

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<sup>192</sup> This information should include a description of the methodology for the consultation.

**l) any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;**

(22) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

**m) where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;**

(23) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

**n) where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;**

(24) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

**o) any type of market analysis or testing (in particular A/B testing<sup>193</sup>), business user surveys or consumer surveys or end user consent rates,<sup>194</sup> that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>195</sup>**

(25) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

**p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>196</sup>**

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<sup>193</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

<sup>194</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Articles 5(2) and 6(10)).

<sup>195</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>196</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

(26) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

**q) a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are 'effective in achieving the objectives of this Regulation and of the relevant obligation', as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why the Undertaking considers these indicators to be the most suitable;**

(27) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

**r) any relevant data<sup>197</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an exact definition of the terms used and a detailed calculation explanation;**

(28) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

**s) any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;**

(29) Apple and the DMA Compliance Function focus on building, maintaining and enhancing the DMA Compliance Program to ensure that Apple takes up, manages and monitors compliance with the DMA. As part of its DMA Compliance Program, Apple has developed a repository of the compliance measures taken to respond to all applicable DMA obligations, and identified associated controls for each obligation. It has identified control owners being accountable for managing compliance with applicable obligations. And it collects data and indicators to further assess compliance as explained in **Annex 2 of Section 2** above. Apple continues

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<sup>197</sup> Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.

to develop and scale its DMA Compliance Program as needed. For more information, Apple refers to **Section 3**.

t) **where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).**

(30) Not applicable as Apple already complied with Art. 6(5) DMA prior to its designation as a gatekeeper.

**2.1.3 A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).**

(31) Apple's DMA Compliance Function organizes, monitors and supervises Apple's efforts that aim to ensure compliance with its obligations under the DMA, through its DMA Compliance Program. This includes reviewing policies, documentation and changes to Apple's CPS associated with the DMA and ensuring that compliance measures and corresponding controls are up to date. For more details, see **Section 3**.

**2.1.4 A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of non-compliance within the meaning of Article 28(4) of Regulation (EU) 2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.**

(32) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple.



Additionally, Apple's Product and Regulatory Legal teams report regularly and on an ad-hoc basis to Apple's management body and executives on the legal issues raised by the DMA.

- (33) The Head of the DMA Compliance Function directly reports to Apple's management body and has been providing updates periodically, on matters relating to DMA compliance. For more details, Apple refers to **Section 3**.

**2.1.5 A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>198</sup>**

- (34) Apple refers to **Section 2.1.2, ii), i)**.

**2.2 A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer). If revenues are not available or do not represent a suitable measure, please provide a list of top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.**

- (35) Apple refers to **Section 2**.

**2.3 If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot by nature apply to the Undertaking's relevant core platform service (i.e., because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.**

- (36) Apple refers to **Section 2**.

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<sup>198</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

## Annex 14 to Section 2 – Art. 6(6) DMA

**2.1 For each core platform service in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each applicable obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>199</sup> please provide the following information:**

**2.1.1** The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: *'[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act's Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.'*

(1) Apple refers to **Section 5**.

**2.1.2** An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>200</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation. The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:

i) An explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, and

(2) This "Annex 14 to Section 2 – Art. 6(6) DMA" sets out Apple's compliance with Art. 6(6) DMA as of March 7, 2024, which applies to Apple's iOS, iPadOS, Safari and App Store CPSs. Under Art. 6(6) DMA, "*gatekeepers shall not restrict technically or otherwise the ability of end users to switch between, and subscribe to, different software applications and services that are accessed using the core platform services of the gatekeeper, including as regards the choice of Internet access services for end users*". As specified in Recital 53 DMA "*the mere offering of a given product or service to consumers, including by means of pre-installation, as well as*

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<sup>199</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking's relevant core platform service. If so, please explain why this is the case for the Undertaking.

<sup>200</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commissions requests this raw data.

*the improvement of the offering to end users, such as price reductions or increased quality, should not be construed as constituting a prohibited barrier to switching”.*

- (3) The terms and conditions applicable between Apple and end users for iOS, iPadOS, App Store and Safari do not restrict end users from switching between, or subscribing to, different software applications and services. These terms are set forth in the OS SLAs<sup>201</sup> (for iOS, iPadOS, and Safari) and in Apple's Media Service Terms and Conditions<sup>202</sup> (for App Store).<sup>203</sup>

**ii) specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>204</sup>) for each measure implemented in the context of Regulation (EU) 2022/1925, regarding:**

**a) the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;**

- (4) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.

**b) when the measure was implemented;**

- (5) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.

**c) the scope of the measure in terms of the products/services/devices covered;**

- (6) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.

**d) the geographic scope of the measure (e.g., if the implementation of the measure extends beyond the EEA, please specify);**

- (7) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.

**e) any technical/engineering changes that were made in connection with the implementation of the measure**

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<sup>201</sup> <https://www.apple.com/legal/sla/>.

<sup>202</sup> <https://www.apple.com/legal/internet-services/itunes/www/>.

<sup>203</sup> The question as to whether Art. 6(6) DMA is relevant just to iOS and iPadOS or also to Safari or App Store can be left open, because Apple does not restrict switching between, or subscribing to, different software applications and services.

<sup>204</sup> For example, this may be particularly relevant to illustrate changes impacting user journeys.

**concerned (e.g., on data flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation system (OS) functionalities, parameters of ranking algorithms and methodologies used to rank, classify or make results more prominent, or parameters of online advertising auctions);**

(8) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.

**f) any changes to the customer experience made in connection with the implementation of the measure concerned (e.g., changes in the customer interface, choice screens,<sup>205</sup> consent forms,<sup>206</sup> warning messages, system updates, functionalities available, or customer journey to access functionalities<sup>207</sup>);**

(9) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.

**g) any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s), introduction of new fees, provisions and practices related to the business users' pricing policy, other remuneration flows between the Undertaking and the business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy policy, conditions for access and interoperability and any other relevant clauses);**

(10) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.

**h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;**

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<sup>205</sup> For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.

<sup>206</sup> This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a "form" or any other format.

<sup>207</sup> The Undertaking must provide a click-by-click description of the end user's interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.

- (11) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.
- i) any consultation<sup>208</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high level description of the topic of the consultation with those users/parties;**
- (12) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.
- j) any involvement of external consultants in the elaboration of the measure, including a description of the consultants' mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable, an explanation of the reasons why the recommendations made by the external consultants were not followed;**
- (13) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.
- k) any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards and/or state of the art implementations and the reasons for not choosing them;**
- (14) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.
- l) any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;**
- (15) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.
- m) where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;**

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<sup>208</sup> This information should include a description of the methodology for the consultation.

(16) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.

**n) where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;**

(17) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.

**o) any type of market analysis or testing (in particular A/B testing<sup>209</sup>), business user surveys or consumer surveys or end user consent rates,<sup>210</sup> that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>211</sup>**

(18) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.

**p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>212</sup>**

(19) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.

**q) a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are 'effective in achieving the objectives of this Regulation and of the relevant obligation', as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why**

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<sup>209</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

<sup>210</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Articles 5(2) and 6(10)).

<sup>211</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>212</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

**the Undertaking considers these indicators to be the most suitable;**

(20) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.

**r) any relevant data<sup>213</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an exact definition of the terms used and a detailed calculation explanation;**

(21) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.

**s) any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;**

(22) Apple and the DMA Compliance Function focus on building, maintaining and enhancing the DMA Compliance Program to ensure that Apple takes up, manages and monitors compliance with the DMA. As part of its DMA Compliance Program, Apple has developed a repository of the compliance measures taken to respond to all applicable DMA obligations, and identified associated controls for each obligation. It has identified control owners being accountable for managing compliance with applicable obligations. And it collects data and indicators to further assess compliance as explained in **Annex 2 of Section 2** above. Apple continues to develop and scale its DMA Compliance Program as needed. For more information, Apple refers to **Section 3**.

**t) where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions**

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<sup>213</sup> Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.

**attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).**

(23) Not applicable as Apple already complied with Art. 6(6) DMA prior to its designation as a gatekeeper.

**2.1.3 A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).**

(24) Apple's DMA Compliance Function organizes, monitors and supervises Apple's efforts that aim to ensure compliance with its obligations under the DMA, through its DMA Compliance Program. This includes reviewing policies, documentation and changes to Apple's CPS associated with the DMA and ensuring that compliance measures and corresponding controls are up to date. For more details, see **Section 3**.

**2.1.4 A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of non-compliance within the meaning of Article 28(4) of Regulation (EU) 2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.**

(25) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple. Additionally, Apple's Product and Regulatory Legal teams report regularly and on an ad-hoc basis to Apple's management body and executives on the legal issues raised by the DMA.

(26) The Head of the DMA Compliance Function directly reports to Apple's management body and has been providing updates periodically, on matters relating to DMA compliance. For more details, Apple refers to **Section 3**.



**2.1.5 A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>214</sup>**

(27) Apple refers to **Section 2.1.2, ii), i).**

**2.2 A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer). If revenues are not available or do not represent a suitable measure, please provide a list of top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.**

(28) Apple refers to **Section 2.**

**2.3 If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot by nature apply to the Undertaking's relevant core platform service (i.e., because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.**

(29) Apple refers to **Section 2.**

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<sup>214</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

## Annex 15 to Section 2 – Art. 6(7) DMA

**2.1 For each core platform service in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each applicable obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>215</sup> please provide the following information:**

**2.1.1 The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: *'[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act's Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.'***

(1) Apple refers to **Section 5**.

**2.1.2 An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>216</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation. The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:**

**i) An explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, and**

(2) This “Annex 15 to Section 2 – Art. 6(7) DMA” sets out Apple’s compliance with Art. 6(7) DMA, which applies to Apple’s iOS and iPadOS CPSs. Art. 6(7) DMA requires a gatekeeper that provides a designated OS to (i) allow providers of services and providers of hardware, free of charge, effective interoperability with, and access for the purposes of interoperability to, the same hardware and software features accessed or controlled via the OS as are available to services or hardware provided by the gatekeeper, and (ii) allow business users and alternative providers of services provided together with, or in support of a CPS, free of charge, effective

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<sup>215</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking’s relevant core platform service. If so, please explain why this is the case for the Undertaking.

<sup>216</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commissions requests this raw data.

interoperability with, and access for the purposes of interoperability to, the same OS, hardware or software features, regardless of whether those features are part of the OS, as are available to, or used by, that gatekeeper when providing such services.

### **Practices before the designation as a gatekeeper**

- (3) Apple's iOS and iPadOS support a rich community of apps and hardware accessories that work well on the iPhone and iPad. The resources Apple has invested, and continues to invest, in programs that enable third parties to offer iOS and iPadOS applications and compatible hardware go well beyond the scope of effective interoperability as required by Art. 6(7) DMA. Developers have been able to flag to Apple demand for new functionalities through a range of channels including, for example, the Apple Developer Forums, Apple's Feedback Assistant tool, Apple's annual Worldwide Developer Conference, Apple's Worldwide Developer Relations organization, and social media.
- (4) Apple devices integrate an extensive variety of hardware and software features. As Apple has introduced these features, it has always worked hard to enable third parties to benefit from these hardware and software features, when it is able to do so in a safe, secure and privacy-friendly way. Apple offers effective interoperability through different solutions, many of which were not prompted by third-party requests.
- (5) Apple enables this third-party integration by providing developers with an extensive array of APIs that allow developers to use iOS and iPhone, as well as iPadOS and iPad technologies to build innovative apps. In addition, Apple has and continues to provide a wide range of development tools to help developers write software and offer hardware that interoperates with iOS and iPadOS.
- (6) Apple also operates MFi, which enables third parties to develop hardware accessories for both the iPhone and the iPad using Apple technologies. Under MFi, Apple gives third parties access to a broad range of technical specifications and resources needed to create accessories that communicate with Apple devices. The MFi certification process ensures that third-party accessories achieve a consistent level of quality and safety, and safeguard users' privacy and security.
- (7) Finally, Apple implements numerous industry standards developed by standards-setting organizations. Apple has been a strong proponent of many mobile industry standards that are used by iOS and iPadOS, providing a wide range of solutions not only between third-party software and hardware, but also across OSs. Apple implements many aspects of these standards in iOS and iPadOS. For instance, numerous third-party accessories, including headphones, game controllers, smart

lightbulbs and baby monitors connect to the iPhone and iPad via Bluetooth or other short-range technology standards. In addition to short-range technology standards, standards that Apple has incorporated into iOS and iPadOS include cellular communications standards such as LTE and 5G; internet standards such as HTML, JavaScript, and CSS; standards for hardware functionality such as Wi-Fi and USB; and various media standards, such as GIF, JPEG, HEVC, and MPEG, among others.

- (8) Apple is constantly expanding iOS and iPadOS interoperability.

### **Changes to practices in the context of the DMA**

- (9) Apple continues to make significant engineering efforts to expand effective interoperability in specific areas contemplated by the DMA, while to the extent possible preserving the integrity of iOS and the iPhone, as well as iPadOS and the iPad. Apple has also introduced new procedures to ensure that third-party developers have efficient and transparent means of seeking additional effective interoperability. In particular, Apple has introduced:

- a) An engineering team focused on ensuring that Apple provides third parties with effective interoperability with newly released iPhone and iOS, as well as iPad and iPadOS, hardware and software features, at least to the extent required by Art. 6(7) DMA (**Section I.**).
- b) A request form for developers to request additional interoperability with hardware and software features built into iPhone and iOS, as well as iPad and iPadOS (**Section II.**).
- c) New capabilities for alternative browser engines to interoperate with iOS and iPadOS (**Section III.**).

### **I. Engineering team**

- (10) Apple already develops and designs updates to the iOS and iPadOS platforms to enable iOS and iPadOS to be utilized by third parties, irrespective and beyond the scope of Art. 6(7) DMA. To further enhance its current practices, Apple has introduced an engineering team focused on ensuring that Apple provides third parties with effective interoperability with newly released iOS/iPhone and iPadOS/iPad hardware and software features, at least to the extent required by Art. 6(7) DMA. This team works to ensure that effective interoperability with iOS/iPhone and iPadOS/iPad hardware and software features is prioritized as part of Apple's regular iOS and iPadOS engineering and release process.

## II. Formal interoperability request process

- (11) For the limited number of interoperability requests that Apple may not have captured in the normal course of business involving the engineering team described in **Section I.**, Apple has introduced a request form for developers to request effective interoperability with hardware and software features built into iOS and iPhone, as well as iPadOS and iPad.
- (12) A cross-functional team within Apple evaluates the requests. Should the interoperability request require Apple to engineer new functionalities or interoperability frameworks, those will be delivered in line with Apple's release cycles.

### a. Submission of requests

- (13) Developers can submit a request for effective interoperability through a request form on Apple's Developer portal at [developer.apple.com](https://developer.apple.com). The developer's Apple Developer Program membership must be in good standing and the developer must have entered into the current terms of the Apple Developer Program License Agreement.
- (14) A dedicated web page on the portal explains the nature and sequence of the process, contains general information on the DMA and on Art. 6(7) DMA and includes an FAQ section. Apple asks developers several questions to gather structured information on the requests and to be able to efficiently assess interoperability requests. **Figure 1** below illustrates the dedicated interoperability web page and the questions asked of developers.

Figure 1 – Interoperability request process<sup>217</sup>

The screenshot shows the Apple Developer website's 'Request for interoperability with iOS and iPadOS in the European Union' form. The form is titled 'Request for interoperability with iOS and iPadOS in the European Union' and includes a sub-header 'Article 6(7) of the European Union Digital Markets Act (EU Regulation 2022/1925) provides for effective interoperability with iOS, iPadOS, iPhone, and/or iPad features/features under certain circumstances. Submit the form below to request an interoperability solution for your product. Please make sure your request is as complete as possible. This information will be used to evaluate your request for interoperability.' Below the header is a section for 'Account Information' with fields for Name (Jamie Dickinson), Email (jzd@ow3@gmail.com), and Team (Jamie Dickinson - V58NVX8Z2U). The main form area is divided into three columns. The first column is for the main request, with a 2000-character limit. The second column is for 'Additional information (Optional)', also with a 2000-character limit and a file upload option. The third column is for 'iPhone and/or iPad feature', with a 2000-character limit and a radio button for 'Where do you offer or will you offer these products?' with options: Worldwide, European Union, United States, and Other. A 'Submit' button is at the bottom right.

## b. Initial assessment

- (15) After a request is submitted, Apple will evaluate whether, based on an initial assessment of the available information, the request appears to be in scope of Art. 6(7) DMA. Apple may contact the developer if additional information is required to evaluate their request. Once the evaluation is complete, Apple will inform the requesting developer about the outcome of this assessment, including its reasoning.

## c. Introduction of interoperability solutions

- (16) If, based on Apple's initial assessment of the available information, the request appears to fall within Art. 6(7) DMA, Apple will start working on designing a solution for effective interoperability with the requested feature. Apple considers multiple factors when designing effective interoperability solutions. The integrity of iOS and iPadOS will always be a guiding principle for Apple, as provided for in Art. 6(7) DMA.

## d. Development and release of the interoperability solution

- (17) To the extent an effective interoperability solution under the DMA is feasible and appropriate, Apple will subsequently develop the solution. Development is highly specific to each request. Apple will notify the developer when their interoperability request is addressed in a prerelease or software update. Additionally, Apple will

<sup>217</sup> Design changes may apply.

release the relevant technical documentation describing how developers can access each solution. Once developed, Apple expects that most interoperability solutions will be available to all eligible third-party developers of iOS and iPadOS apps with no prior approval required. A limited number of interoperability solutions may be available through managed entitlements. In those cases, a developer's access to the interoperability solution is subject to transparent, necessary and proportionate eligibility criteria. Those criteria are specific to each interoperability solution which requires an entitlement.

- (18) If — despite Apple's best efforts to scope the request — an interoperability solution ultimately cannot reasonably be developed (e.g., because of supervening integrity concerns which cannot be mitigated by necessary and proportionate measures, or other impacts on Apple's property rights or operations), Apple will inform the developer accordingly and provide reasoning.

### **III. Effective interoperability solution for third-party web browser engines**

- (19) Apple has introduced a suite of functionalities that lets browser apps and apps providing in-app browsing using alternative browser engines — other than WebKit to be installed and run on iOS and iPadOS in the EU. Apple provides authorized developers access to technologies within the system that enable critical functionality and help developers leverage high-performance modern browser engines. These technologies include Just-in-Time compilation (which provides performance benefits by helping browsers to quickly and efficiently render JavaScript content), multiprocessing support, and more. Third-party browser apps using third-party web browser engines can support and run web apps.
- (20) However, as browser engines are constantly exposed to untrusted and potentially malicious content and have visibility of sensitive user data, they are one of the most common attack vectors for bad actors. To help keep users safe online, Apple will only authorize a developer to implement an alternative browser engine if it meets specific criteria and commits to a number of ongoing privacy and security requirements, including timely security updates to address emerging threats and vulnerabilities. This helps ensure insofar as possible the integrity of iOS/iPhone and iPadOS/iPad. Entitlement programs are used by Apple to ensure that only apps which need access to certain functionalities on the device as part of the services they provide users are granted such access to limit the potential for abuse. Entitlement requirements are applied for access to features that Apple already makes available. To integrate with features requiring managed entitlements, developers need to request and obtain the appropriate entitlement from Apple and agree to a relevant addendum to the Apple Developer Program License Agreement. Apple reviews each application using predefined criteria. The entitlement criteria are

clearly defined. If a request meets the criteria, Apple will add the entitlement to the developer's account. To use an alternative browser engine in their app, developers need to request and obtain the Web Browser Engine Entitlement (for browser apps that want to use alternative browser engines) or the Embedded Browser Engine Entitlement (for apps that provide in-app browsing experiences that want to use alternative browser engines). The entitlement criteria are available at <https://developer.apple.com/support/alternative-browser-engines/>. To qualify for the entitlement:

- The app must be available on iOS or iPadOS in the EU only.
- The app must meet specific functional and security requirements;
- The program must adhere to particular security and privacy requirements;
- Other clearly defined requirements must be met depending on the entitlement applied for.

(21) The criteria somewhat mitigate the risks posed by web browsers and apps providing in-app browsing using third-party web browser engines to security and privacy. The required security and privacy standards do not go beyond the standards that are offered by WebKit.

(22) Apple does not levy any charge specifically for access to the features made available through these two entitlements.

ii) **specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>218</sup>) for each measure implemented in the context of Regulation (EU) 2022/1925, regarding:**

a) **the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;**

(23) Apple refers to **Section 2.1.2, i).**

**b) when the measure was implemented;**

(24) As of the iOS, App Store, and Safari DMA Compliance Date for iOS and as of September 16, 2024 for iPadOS, Apple implemented the changes described in **Section 2.1.2, i).** Apple implemented further measures with respect to the interoperability request portal on January 25, 2024.

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<sup>218</sup> For example, this may be particularly relevant to illustrate changes impacting user journeys.



**c) the scope of the measure in terms of the products/ services/devices covered;**

(25) The measures described in **Section 2.1.2, i)** apply to Apple's iOS and iPadOS CPSs.

**d) the geographic scope of the measure (e.g., if the implementation of the measure extends beyond the EEA, please specify);**

(26) Apple has introduced a suite of functionalities that lets alternative browser engines be installed and run on iOS and iPadOS for use in dedicated browser apps and apps providing in-app browsing in the EU.

(27) The interoperability request process is available to developers that provide services or hardware in the EU.

**e) any technical/engineering changes that were made in connection with the implementation of the measure concerned (e.g., on data flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation system (OS) functionalities, parameters of ranking algorithms and methodologies used to rank, classify or make results more prominent, or parameters of online advertising auctions);**

(28) As described in **para. 9** above, Apple continues to make significant engineering efforts to expand effective interoperability in specific areas contemplated by the DMA, while to the extent possible preserving the integrity of iOS and the iPhone, as well as iPadOS and the iPad. Apple has also introduced new procedures to ensure that third-party developers have efficient and transparent means of seeking additional effective interoperability.

**f) any changes to the customer experience made in connection with the implementation of the measure concerned (e.g., changes in the customer interface, choice screens,<sup>219</sup> consent forms,<sup>220</sup> warning messages, system updates, functionalities available, or customer journey to access functionalities<sup>221</sup>);**

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<sup>219</sup> For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.

<sup>220</sup> This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a "form" or any other format.

<sup>221</sup> The Undertaking must provide a click-by-click description of the end user's interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.

(29) Apple refers to **Section 2.1.2, i)** regarding the changes resulting from the introduction of an interoperability request form and the browser engine solution.

**g) any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s), introduction of new fees, provisions and practices related to the business users' pricing policy, other remuneration flows between the Undertaking and the business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy policy, conditions for access and interoperability and any other relevant clauses);**

(30) Apple refers to **Section 2.**

**h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;**

(31) There are no relevant changes other than those described in **Section 2.1.2 ii), e) to g).**

**i) any consultation<sup>222</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high level description of the topic of the consultation with those users/parties;**

(32) Apple continuously engages with various stakeholders. For example it made public announcements on its compliance plans in January 2024 and at later dates, held consultations with developers and participated in the public DMA workshop organized by the EC in March 2024. More generally, Apple has addressed and continues to address developer questions and feedback in particular following public announcements. Developers can provide feedback or seek assistance through a host of channels, including by contacting their WWDR partnership manager where applicable, or through Apple Developer Forums, or Feedback Assistant. Apple also encourages feedback on proposed changes ahead of their

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<sup>222</sup> This information should include a description of the methodology for the consultation.

implementation. Lastly, any interested party can provide feedback to Apple by sending an email to [dmacompliance@apple.com](mailto:dmacompliance@apple.com).

**j) any involvement of external consultants in the elaboration of the measure, including a description of the consultants' mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable, an explanation of the reasons why the recommendations made by the external consultants were not followed;**

(33) No external consultants were involved in the elaboration of Apple's measures to comply with Art. 6(7) DMA.

**k) any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards and/or state of the art implementations and the reasons for not choosing them;**

(34) Apple has engaged with the EC on its compliance plan with Art. 6(7) DMA.

**l) any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;**

(35) Apple refers to **Section 2.1.2, ii), i).**

**m) where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;**

(36) To the extent any measure is relevant to ensure compliance with Art. 6(7) DMA, Apple has described that measure in **Section 2.1.2, i).** For completeness, Apple notes the interaction between Arts. 5(7) and 6(7) DMA.

**n) where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;**

(37) Apple refers to **Section 2.**

- o) any type of market analysis or testing (in particular A/B testing<sup>223</sup>), business user surveys or consumer surveys or end user consent rates,<sup>224</sup> that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>225</sup>**
- (38) Apple engages through developer communication with developers, seeking or receiving feedback on measures implemented for compliance with Art. 6(7).
- p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>226</sup>**
- (39) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.
- q) a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are 'effective in achieving the objectives of this Regulation and of the relevant obligation', as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why the Undertaking considers these indicators to be the most suitable;**
- (40) Apple refers to **para. 6 of Section 2.**
- (41) In its first Compliance Report, in relation to Art. 6(7) DMA, Apple had identified the following informative data points: the release of Art. 6(7) DMA functionalities to third-party developers through the “number of Art. 6(7) DMA functionalities made available upon request (NFC, WebKit and future requests)”.
- (42) Going forward, Apple will monitor the “number and status of Art. 6(7) DMA interoperability requests”.

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<sup>223</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

<sup>224</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Articles 5(2) and 6(10)).

<sup>225</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>226</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

r) any relevant data<sup>227</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an exact definition of the terms used and a detailed calculation explanation;

(43) In the year preceding this first annually updated Compliance Report, the EC opened specification proceedings relating to Apple's compliance with Art. 6(7) DMA.<sup>228</sup> Pending those proceedings, Apple does not provide the data under the data points identified in **Section 2.1.2, ii), q)** relating to Art. 6(7) DMA in this Compliance Report.

s) any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;

(44) Apple and the DMA Compliance Function focus on building, maintaining and enhancing the DMA Compliance Program to ensure that Apple takes up, manages and monitors compliance with the DMA. As part of its DMA Compliance Program, Apple has developed a repository of the compliance measures taken to respond to all applicable DMA obligations, and identified associated controls for each obligation. It has identified control owners being accountable for managing compliance with applicable obligations. And it collects data and indicators to further assess compliance as explained in **Annex 2 of Section 2** above. Apple continues to develop and scale its DMA Compliance Program as needed. For more information, Apple refers to **Section 3**.

t) where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions

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<sup>227</sup> Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.

<sup>228</sup> Case DMA.100203 – Apple – Operating systems – iOS – Article 6(7) – SP – Features for Connected Physical Devices, and Case DMA.100204 SP – Apple - Article 6(7) - Process.

**attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).**

(45) Apple refers to **Section 2.1.2 ii), e).**

**2.1.3 A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).**

(46) Apple's DMA Compliance Function organizes, monitors and supervises Apple's efforts that aim to ensure compliance with its obligations under the DMA, through its DMA Compliance Program. This includes reviewing policies, documentation and changes to Apple's CPS associated with the DMA and ensuring that compliance measures and corresponding controls are up to date. For more details, Apple refers to **Section 3.**

**2.1.4 A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of non-compliance within the meaning of Article 28(4) of Regulation (EU) 2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.**

(47) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple. Additionally, Apple's Product and Regulatory Legal teams report regularly and on an ad-hoc basis to Apple's management body and executives on the legal issues raised by the DMA.

(48) The Head of the DMA Compliance Function directly reports to Apple's management body and has been providing updates periodically, on matters relating to DMA compliance. For more details, Apple refers to **Section 3.**

**2.1.5 A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users**

established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>229</sup>

(49) Apple refers to **Section 2.1.2, ii), i)**.

**2.2 A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer). If revenues are not available or do not represent a suitable measure, please provide a list of top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.**

(50) Apple refers to **Section 2**.

**2.3 If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot by nature apply to the Undertaking's relevant core platform service (i.e., because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.**

(51) Apple refers to **Section 2**.

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<sup>229</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

## Annex 16 to Section 2 – Art. 6(9) DMA

**2.1 For each core platform service in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each applicable obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>230</sup> please provide the following information:**

**2.1.1 The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: '*[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act's Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.*'**

(1) Apple refers to **Section 5**.

**2.1.2 An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>231</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation. The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:**

**i) An explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, and**

(2) This “Annex 16 to Section 2 – Art. 6(9) DMA” sets out Apple’s compliance with Art. 6(9) DMA. Art. 6(9) DMA requires a gatekeeper to provide end users and authorized third parties with portability of data provided by the end user or generated through the activity of the end user in the context of the use of the relevant CPS.

### **Practices before the designation as a gatekeeper**

(3) Prior to its designation as a gatekeeper, Apple already provided end users with effective portability of their data, including data in scope of Art. 6(9) DMA.

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<sup>230</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking’s relevant core platform service. If so, please explain why this is the case for the Undertaking.

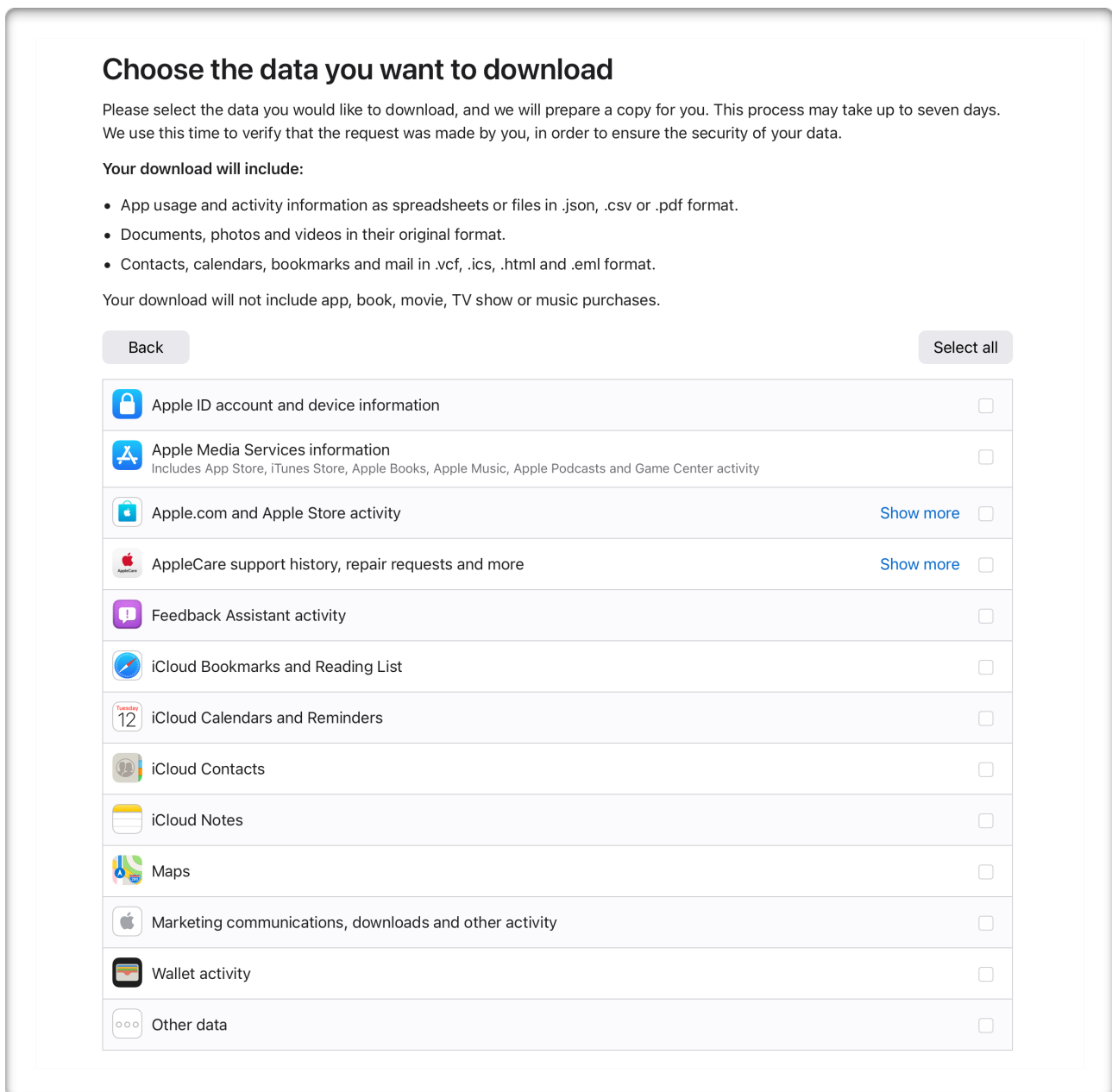
<sup>231</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commissions requests this raw data.



## I. Process of providing end user access to their data

- (4) To receive access to and / or a copy of their personal data collected by Apple, end users can sign in to Apple's Data and Privacy Page using their Apple Account, formerly Apple ID. They can then select the "Obtain a copy of your data" option to receive, at a granular level, a copy of their personal data they are interested in. They have the option to request access to individual categories of data, or request access to all data by clicking on the "select all" button (see **Figure 1**).

**Figure 1 – "Obtain a copy of your data" option on Apple's Data and Privacy Page** <sup>232</sup>



- (5) Once a user has submitted a request, Apple performs a security check to ensure that the request is not of a fraudulent nature, e.g., with a view to committing identity theft and prepares a file containing the user's personal data. Once the security check is complete, the personal data which the end user requested is prepared and made available for download. If end users wish to receive access to their data on a regular basis, they have to renew their request, triggering a new data preparation process.
- (6) In addition, through the Data and Privacy Page, users can also select the "*Transfer a copy of your data*" option, to directly transfer all of their photos and videos which they store on iCloud to Google Photos or to directly transfer playlists in their Apple Music account to their Google account on Google's YouTube Music service.

## II. Data provided to end users through Apple's Data and Privacy Page

- (7) Through Apple's Data and Privacy Page end users can request a copy of the data that Apple collects and stores and which is associated with their Apple Account, formerly Apple ID.<sup>233</sup>

### a. Personal data collected by Apple server-side

- (8) Apple only facilitates end user access to personal data in relation to which it is considered a so-called "data controller", i.e. in relation to personal data it collects server-side. This follows from the fact that end users are generally only entitled to make access requests to their personal data *vis-à-vis* the controller of their data.<sup>234</sup> Accordingly, on-device data which is not accessible to any third party, including Apple, and which is not controlled by Apple, is not provided to end users via Apple's Data and Privacy Page.
- (9) Insofar as relevant to the DMA, Apple's Data and Privacy Page only covers access to App Store data, not iOS, iPadOS or Safari data. For clarity, this includes activity from the App Store on iOS and the App Store on iPadOS. The categories of data made available prior to the iOS, App Store, and Safari DMA Compliance Date are listed in the table below (see **Table 1**).

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<sup>233</sup> <https://support.apple.com/en-us/102208>.

<sup>234</sup> Cf. Art. 15 GDPR which states that "[t]he data subject shall have the right to obtain from the controller confirmation [...] and [...] access to the personal data".

**Table 1 – Data which end users could access via Apple's Data and Privacy Page before the iOS, App Store, and Safari DMA Compliance Date**

CPS	Data	Description
App Store	Apple Media Products Welcome Page Action History	This file contains information about when the user has seen the Welcome Page for a given app.
App Store	Appstore Clickstream Activity	This file contains information related to the user's activity in the App Store.
App Store	Concerns	This file contains details related to any "report a concern" issues the user has raised regarding content reviews.
App Store	In-App Subscription Family Sharing History	This file contains a detailed history of a user's family sharing status of third party subscription(s) with an account.
App Store	iTunes and App Store Hidden Purchases	This file contains details of purchases that should not be displayed in the "Purchased" sections in the iTunes and App Store apps.
App Store	Pre-order History	This file contains information about App Store, iTunes Store, and Book Store items that the user preordered.
App Store	Report a Problem Illegal or Abusive Content Submissions	This file contains information related to the user's submissions regarding refund requests, dispute requests, quality reports and trust and safety reports. Trust and safety means offensive, illegal or abusive content; or a scam or fraud.
App Store	Report a Problem Refund and Dispute History	This file contains information about the user's submissions regarding refund, dispute requests as well as quality and trust and safety concerns (e.g., scam, fraud, or offensive, illegal or abusive content).
App Store	Reported Concerns – User Reviews	This file contains a detailed history of the user's reported concerns about reviews submitted by others (for example, that a review is offensive or is inapplicable to the reviewed item).
App Store	Review Profile	This file contains user profile information related to the social aspects of the iTunes & App Stores, including ratings & reviews.
App Store	Reviews	This file contains information about the user's submitted ratings and reviews for various types of content (books, podcasts, music, and so on).
App Store	Store Redownload and Update History	This file contains information about when the user redownloaded or updated their apps, books, or music.
App Store	Store Transaction History	This file contains a detailed history of the user's purchases.
App Store	Store Transaction History Free Apps	This file contains a detailed history of free Apps the user downloaded.
App Store	Subscription Click Activity	This file contains information related to the user's actions in the Manage Subscriptions within Settings and resulted server events.
App Store	Subscription History	This file contains a detailed history of a user's subscriptions.
App Store	Third Party In-App Consumption History	This file contains a detailed history of the user's consumption of in-app purchases.
App Store	Votes	This file contains information about the user's votes on customer content ratings and reviews (for example, reviews of Apps, music, books, and so on).

- (10) Safari, iOS, and iPadOS data are not available via Apple's Data and Privacy Page because Apple does not collect data from end users when they use Safari, iOS or iPadOS in a way that personally identifies individual users.

(11) iOS and iPadOS diagnostics data (i.e., data relating to how users use their devices) which is available to Apple server-side is collected by Apple in a way which does not identify individual end users. As a consequence, Apple cannot provide it back to end users, because it does not know which end user the data relates to.

**b. Data that would adversely affect the rights and freedoms of Apple or others end users are excluded**

(12) Apple provides all personal data it collects server-side to end users, upon their request. The sole exception is in relation to user data that would adversely affect users' or Apple's rights and freedoms (as allowed under Art. 15(4) and Art. 20(4) GDPR and in line with the Charter of Fundamental Rights).

**Changes to practices in the context of the DMA**

**III. Updates to Apple's Data and Privacy Page**

(13) The existing data access and portability features available through Apple's Data and Privacy Page provided a strong basis which Apple updated to comply with Art. 6(9) DMA.

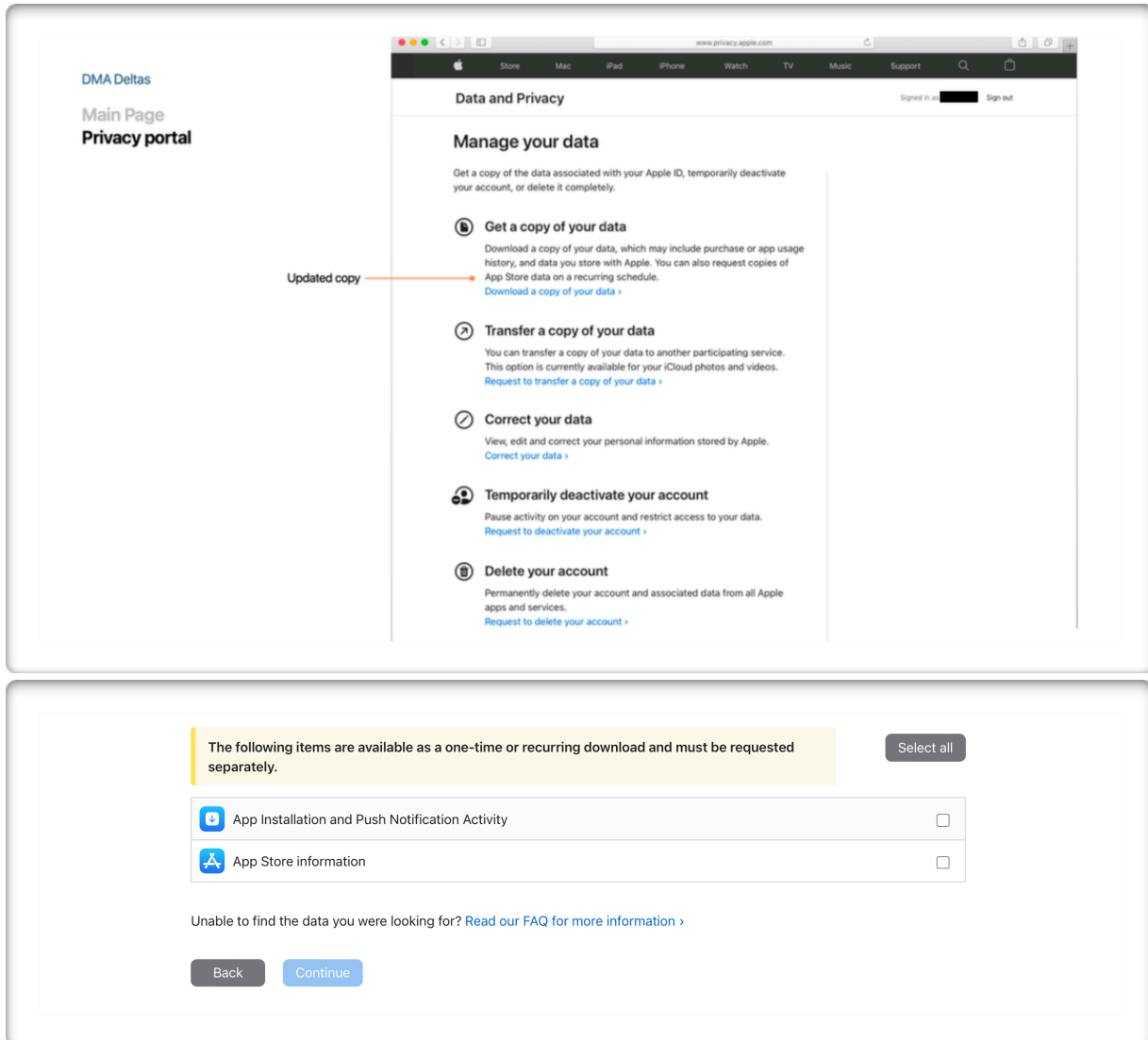
(14) This section sets out how Apple has updated the pre-existing interfaces for compliance with Art. 6(9) DMA (see under **a.** below); which data are provided to end users and third parties authorized by end users (see under **b.** below); the format of the data provided to users (see under **c.** below); how Apple facilitates continuous and real-time access to the end user data (see under **d.** below); and describes Apple's approach to facilitating portability of relevant user data to authorized third parties (see under **e.** below).

**a. Description of main changes to the existing access and portability features available through Apple's Data and Privacy Page**

(15) All data in scope of Art. 6(9) DMA as further explained under **b.** below are provided to end users and third parties authorized by end users through Apple's Data and Privacy Page and through dedicated API solutions which allow for effective portability of end user data. Apple also facilitates continuous and real-time access to the relevant data through scheduled downloads, providing end users with multiple options with regard to download intervals.

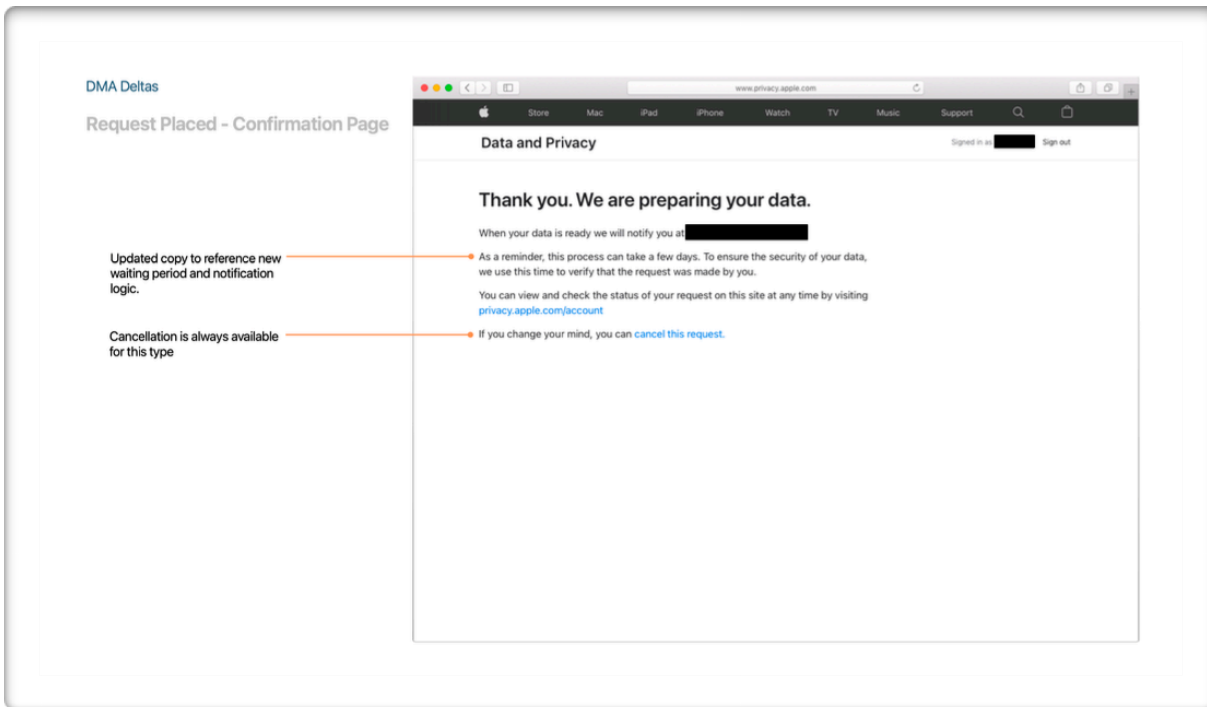
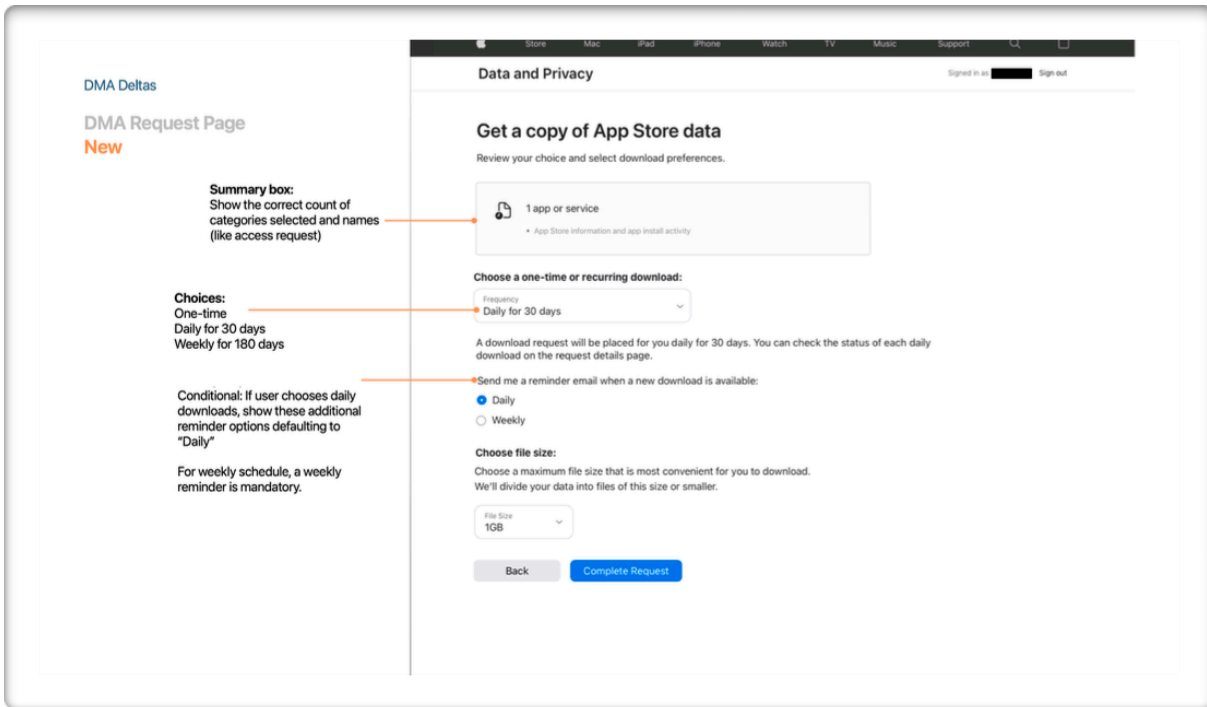
(16) The changes to Apple's Data and Privacy Page which Apple implemented for compliance with Art. 6(9) DMA are shown as examples on the following screenshots (see **Figure 2**):

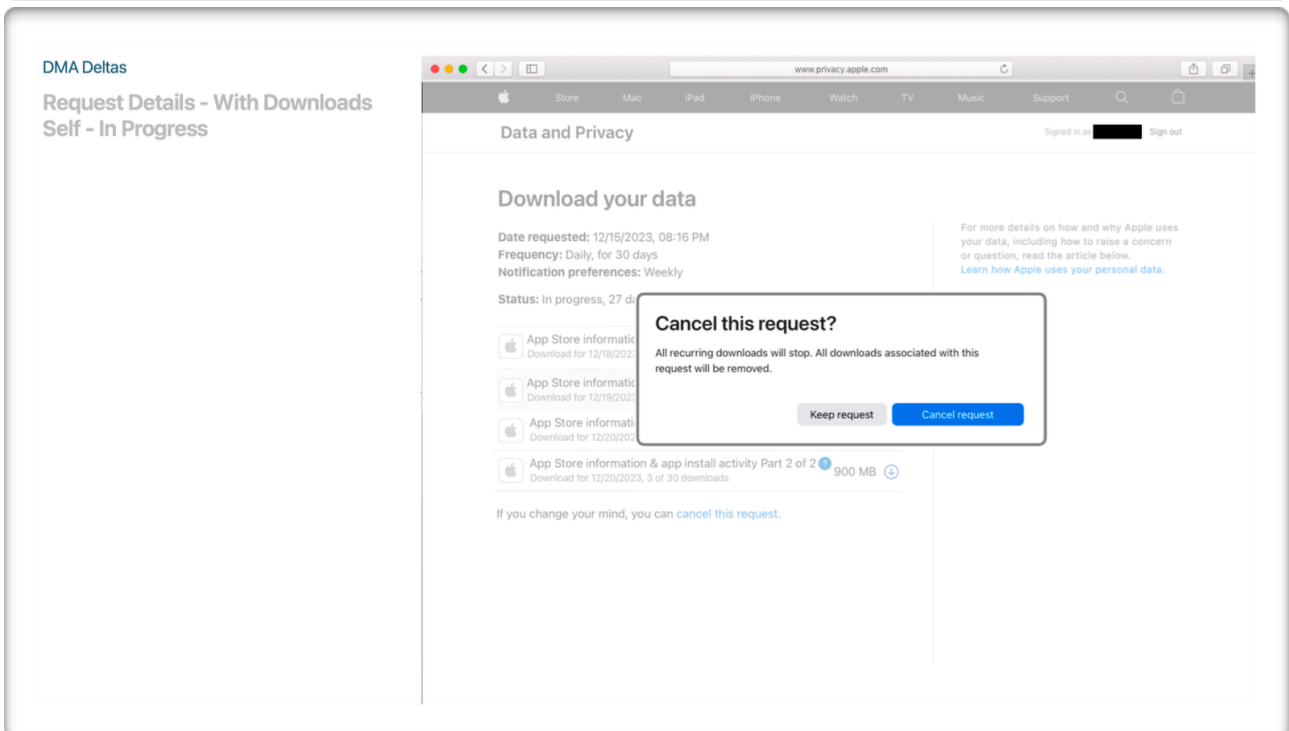
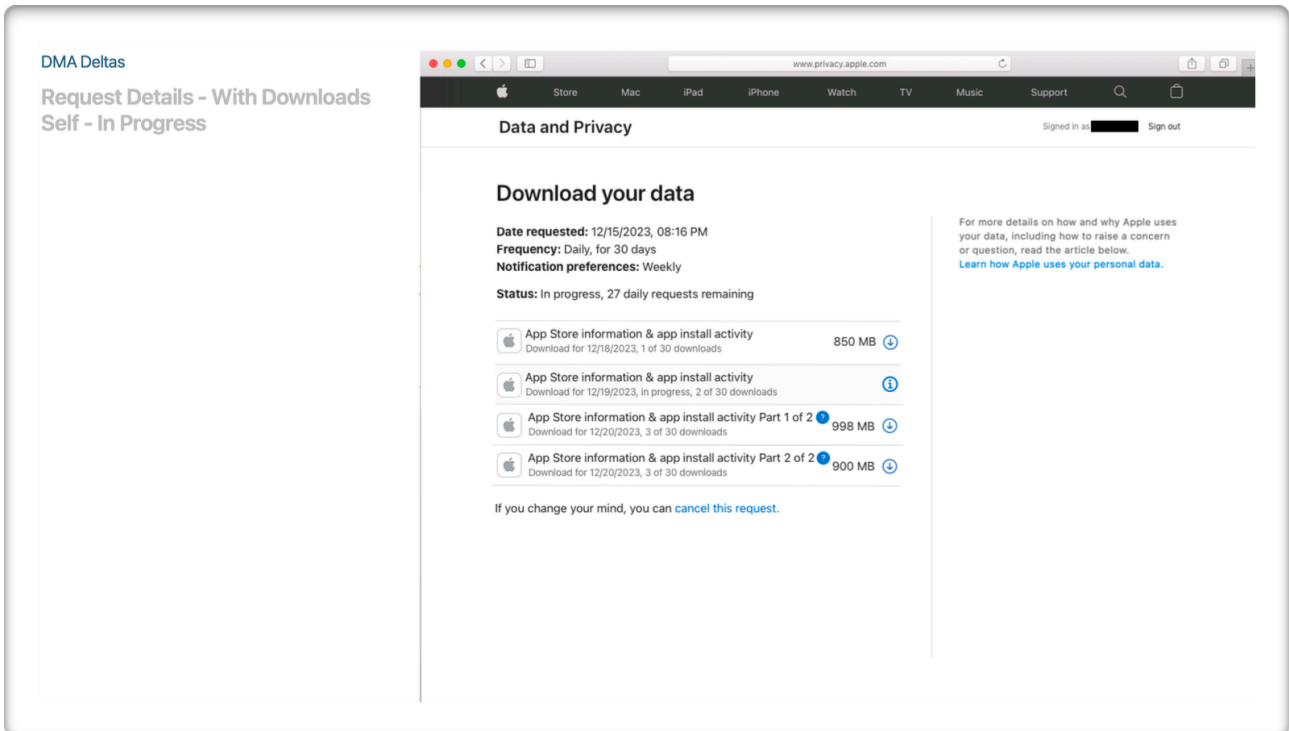
Figure 2 – Changes to Apple's Data and Privacy Page to ensure compliance with Art. 6(9) DMA <sup>235</sup>

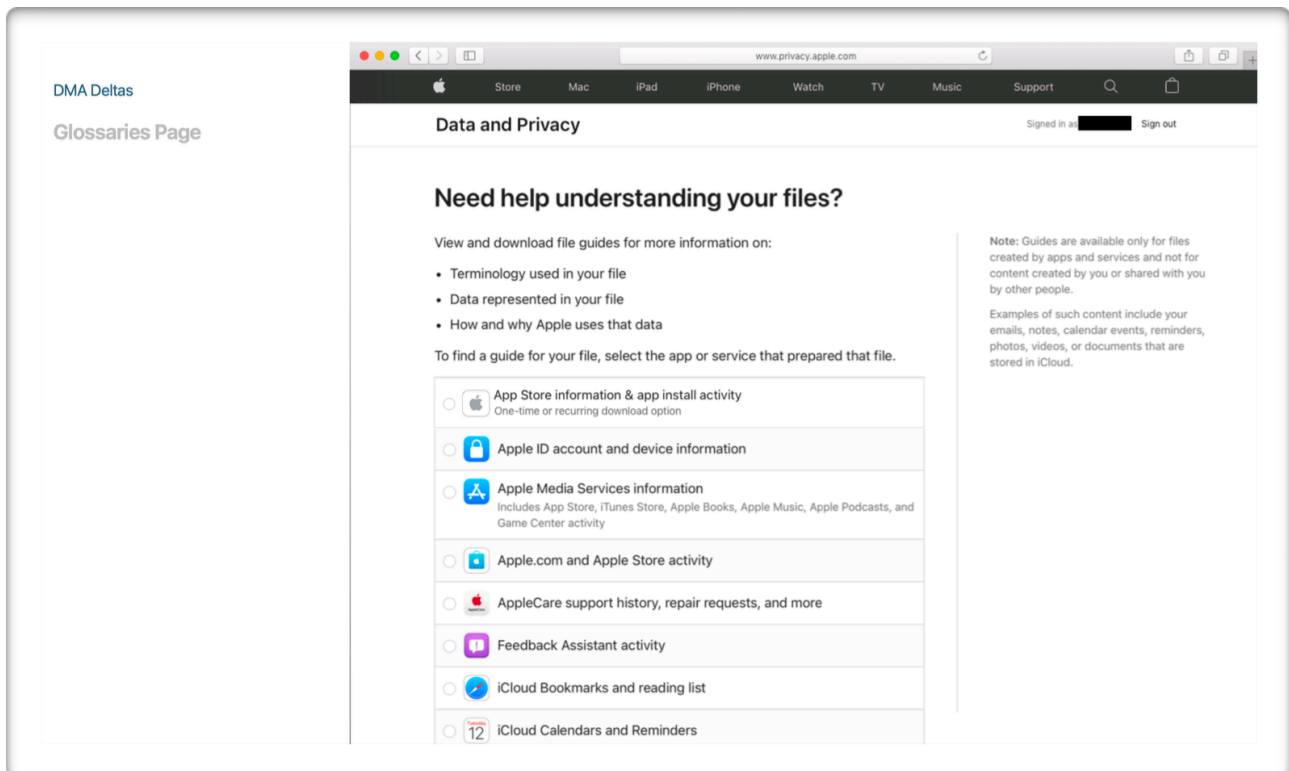


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Design changes may apply.







(17) Further, Apple has also updated the user interface shown in **Figure 4** below through which users review and revoke access to third parties.

**b. Data in scope**

(18) Apple provides to end users all of their data relating to an Apple designated CPS that was already available on Apple's Data and Privacy Page prior to the iOS, App Store, and Safari DMA Compliance Date, with respect to each of its designated CPSs, including iPadOS.

**(i) App Store**

(19) The relevant App Store data that Apple makes available through Apple's Data and Privacy Page is explained in detail and updated on an ongoing basis in Apple's file guides.<sup>236</sup>

(20) To the extent Apple excluded user data that would adversely affect users' or Apple's rights and freedoms (as allowed under Art. 15(4) and 20(4) GDPR and in line with the Charter of Fundamental Rights) from before the iOS, App Store, and Safari DMA Compliance Date, as described under **II.b.** above, Apple will keep this approach under Art. 6(9) DMA.

<sup>236</sup> Available at <https://privacy.apple.com/file-guides>



**(ii) iOS and iPadOS**

- (21) Since Apple does not collect any iOS or iPadOS data in a way that identifies individual users, neither iOS nor iPadOS data is provided to end users under Art. 6(9) DMA.

**(iii) Safari**

- (22) Safari data is not collected by Apple in a way that personally identifies individual users. Therefore, no Safari data is provided under Art. 6(9) DMA.

**c. Format of the data**

- (23) The data in scope of Art. 6(9) DMA is provided in .json and .csv formats.

**d. Continuous and real-time access to the data through scheduled downloads**

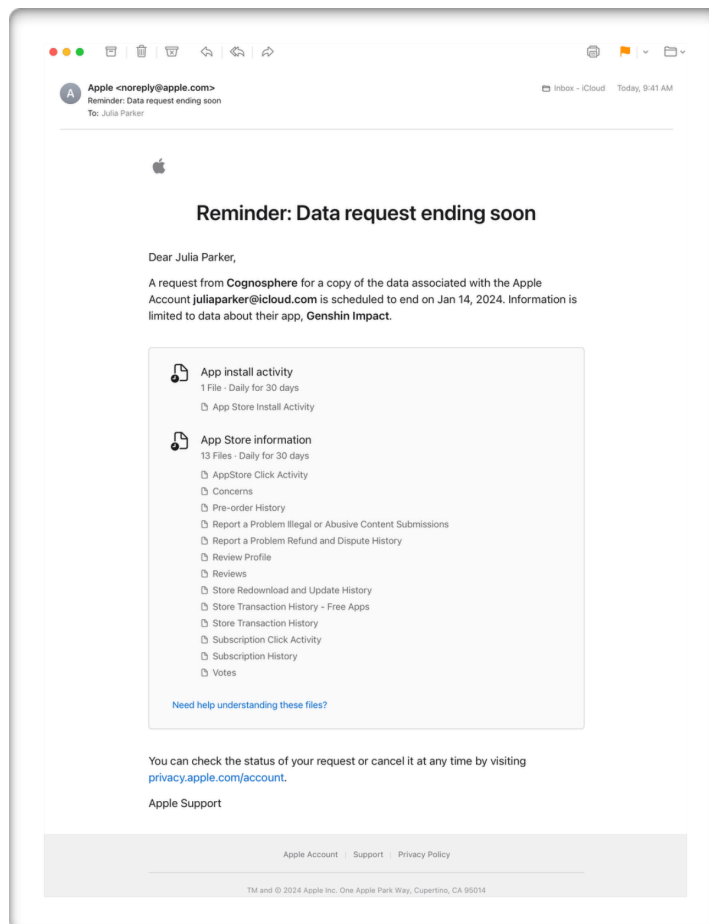
- (24) To facilitate compliance with Art. 6(9) DMA, the relevant API allows users to receive their personal data on an ongoing basis (i.e. without having to submit multiple requests to receive access to their data on a continuous basis). End users can initiate the transfer of their data either through Apple's Data and Privacy Page or via an authorized third party's interface (where the third party provides for such an option).
- (25) Through daily or weekly scheduled downloads (depending on the preference of the user), Apple ensures that data provided corresponds to the data available to Apple at the time of a user's request. Therefore, any updates or alterations to an end user's data in Apple's systems will be shared without unreasonable delay. Apple has chosen these intervals because, generally, an end user's account will show no significant engagement over the course of a 24-hour period.
- (26) End users can schedule daily downloads of their relevant CPS data for thirty days or weekly downloads for one hundred and eighty days following an initial check. These time limits ensure that personal data is not continuously transferred to the user (or any authorized third-party) for an unlimited time period, for example in instances where users have (i) forgotten that they have initiated a continuous data transfer or (ii) do not take the action to log in via Apple's Data and Privacy Page to alter the data transfer they have previously requested.
- (27) To this end, Apple provides the user with a notification once the transfer begins, for recurring requests, one notification a week before the transfer ends and one notification to confirm that a request is completed. End users can submit new requests once the schedule of delivery is complete.

e. **Third-party access to end user data**

(i) **Technical approach to facilitate third-party data access**

- (28) Apple has updated its existing tools to allow end users to request portability of their data to third parties, by allowing third parties to integrate such requests into their own user interfaces.
- (29) Technically, third-party access is facilitated through two sets of APIs as explained in more detail below in **Section 2.1.2, ii), e)**.
- (30) Apple will remind end users that third-party access is in progress via periodic notifications by email (see **Figure 3**).

**Figure 3 – Reminder of third-party access<sup>237</sup>**



237 Design changes may apply.

**(ii) Technical and organizational measures to ensure that data is only provided to *authorized* third parties**

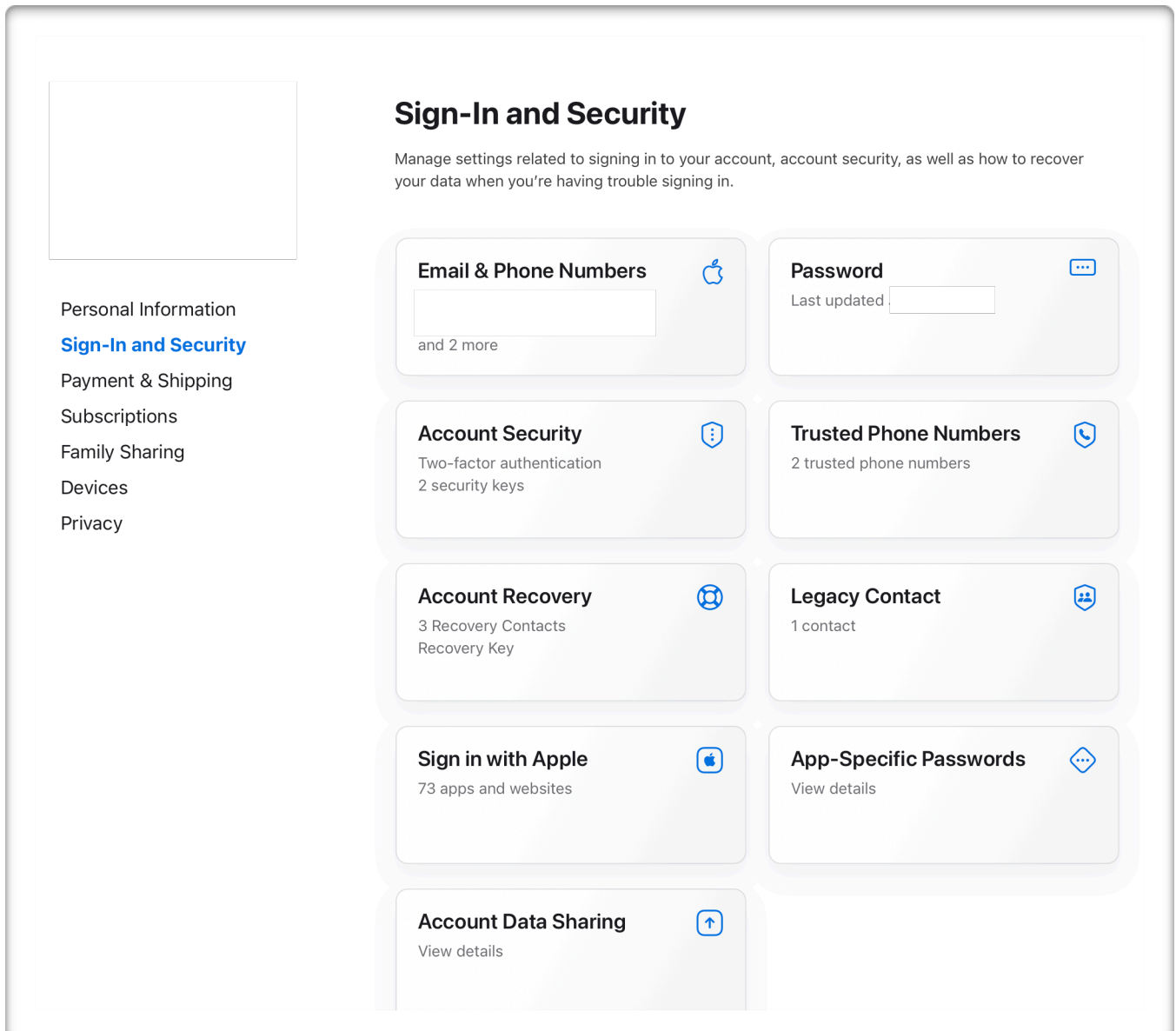
- (31) Apple is highly cognizant that providing potentially sensitive user data to a broad audience of potential recipients, on an ongoing basis, comes with inherent risks from both a privacy and a broader security perspective. Apple, in developing its approach to data access under the DMA, has carefully considered both the known security and privacy risks and how these are currently tackled in the context of Apple's data sharing capabilities, but also potential additional risks which may be introduced through the DMA's data access requirements. This applies in particular with regard to providing user data to authorized third parties. Data brokers and even fraudsters are constantly evolving strategies to harvest data to match data points to individual users.
- (32) Apple has addressed those risks by (i) implementing a robust user authentication and authorization mechanism which ensures that the data transfer has indeed been authorized by the end user the relevant data is associated with, and (ii) requiring a self assessment process aimed at excluding third parties in instances in which there is a high risk that the relevant data would be used to the detriment of the relevant user. Specifically, these measures aim to exclude third parties that intend to request portability of personal data through Apple's APIs for the sake of selling or licensing such personal data to third parties with whom the respective end users have no relation.

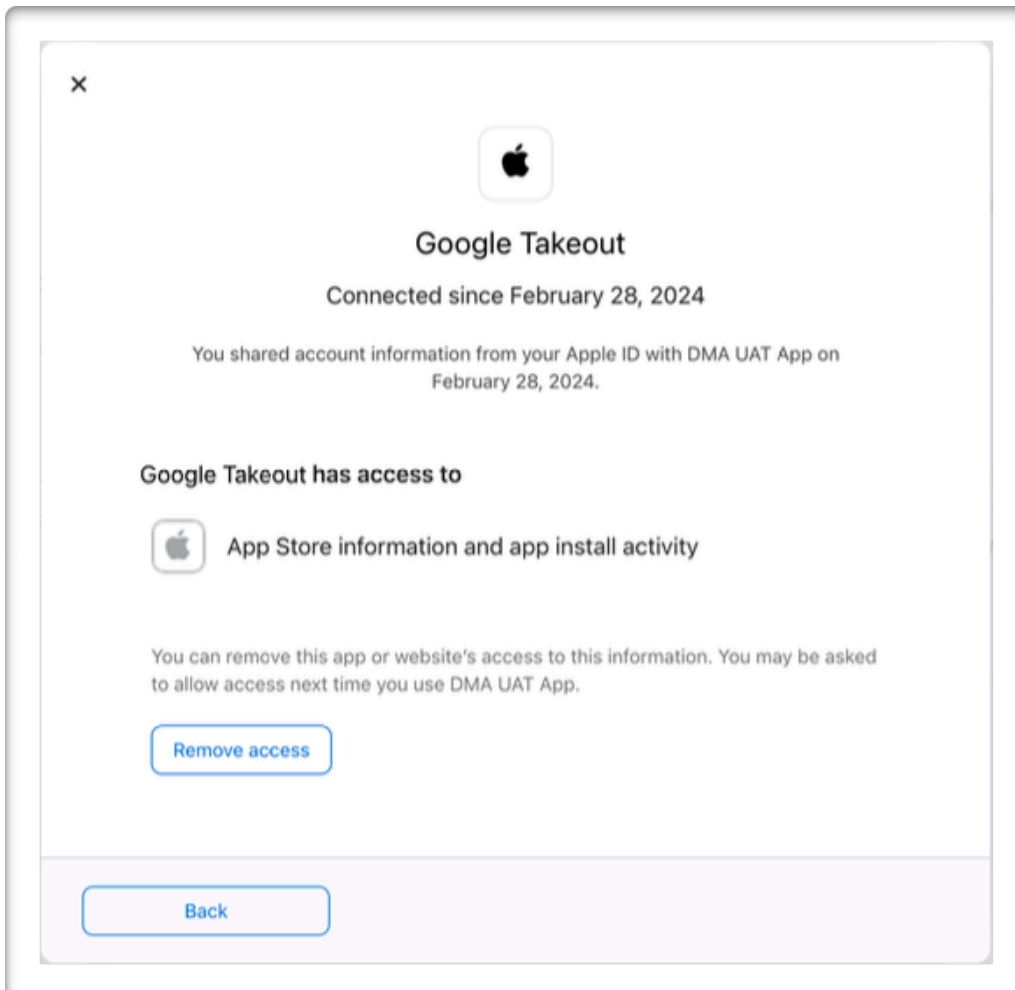
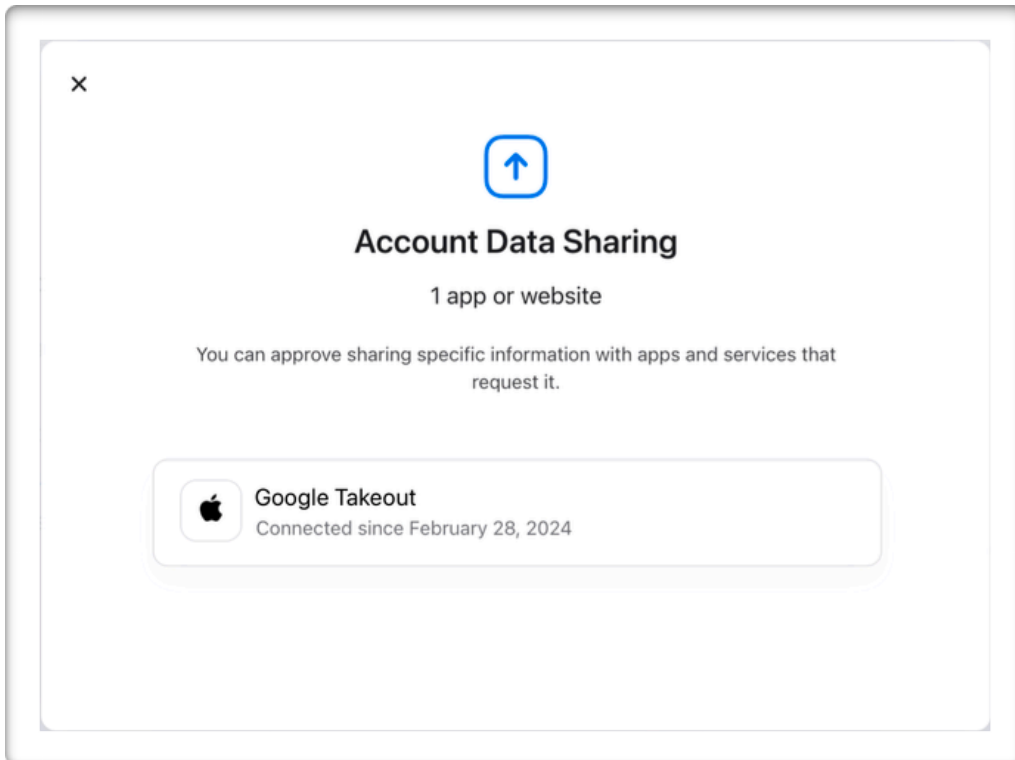
**(iii) End user authentication and authorization mechanism**

- (33) Apple's compliance approach for data portability under Art. 6(9) DMA includes a user authentication and authorization mechanism. When a user navigates to a relevant third party's website or uses a third-party app, they can request portability of their Apple CPS data via the third party's user interface. In order to ensure the third party is indeed duly authorized by the end user, the end user is re-directed to Apple via a frame (i.e. without having to leave the third-party app or service from which they initiate the data transfer), where the end user is asked to authenticate themselves through their Apple Account, formerly Apple ID. This step, which is enabled using the OAuth standard, allows the integration of a two factor authentication.
- (34) Once the authentication and authorization steps are complete, the third party receives access tokens from Apple, allowing them to continuously pull the end user's personal data from Apple at the same frequency that applies to downloads to the end user.

(35) Apple's portability mechanism aims to ensure that, throughout the entire process, Apple's users remain in control of their data transfers. Via Apple's Data and Privacy Page, Users to cancel an ongoing transfer at any time before it is delivered. Users are also able to review and revoke the portability of their data to third parties. To this end, Apple has introduced the user interface shown in **Figure 4**.

**Figure 4 – User interface for reviewing and revoking the portability of their data to third parties**





**(iv) Third-party enrollment process**

- (36) Third parties requesting portability of end user data under Art. 6(9) DMA have to go through Apple's third-party enrollment process which is comprised of three key elements: (i) a questionnaire which all third parties must answer, (ii) a review for requests where third parties have indicated in the questionnaire that they either are or have been subject to a relevant investigation or final court decision, or intend to sell or license the personal data which they receive through Apple's relevant API and (iii) a complaint mechanism for denied requests.

**II. Device switching solution**

- (37) Apple is developing a device switching solution that will help the providers of other handset and tablet OSs to develop additional user-friendly solutions to securely transfer all envisaged data from iOS and iPadOS to another OS. However, such a solution requires working with other OS providers and accordingly is dependent on such work progressing in a consistent manner. This is a complex undertaking that Apple will seek to ensure is as user friendly and secure as possible. The solution cannot be implemented at the cost of security.

**III. Browser switching solution**

- (38) Apple has developed a solution for exporting and importing data into another browser on the same device on iOS and iPadOS.
- (39) The following data is available for export: bookmarks, browsing history, saved passwords and user names, list of installed extensions (to support automatic installation of extensions), and credit card data.

**ii) specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>238</sup>) for each measure implemented in the context of Regulation (EU) 2022/1925, regarding:**

**a) the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;**

- (40) Apple refers to **Section 2.1.2, i)**.

**b) when the measure was implemented;**

- (41) The measures described in **Section 2.1.2, i)** were made as of the iOS, App Store, and Safari DMA Compliance Date. The browser switching solution is available as of

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<sup>238</sup> For example, this may be particularly relevant to illustrate changes impacting user journeys.

iOS and iPadOS 18.2. Apple aims to have completed its work on the functionalities of the device switching solution for which Apple is responsible by fall 2025.

**c) the scope of the measure in terms of the products/ services/devices covered;**

- (42) The measures described in **Section 2.1.2, i)** apply to all of Apple's designated CPSs.

**d) the geographic scope of the measure (e.g., if the implementation of the measure extends beyond the EEA, please specify);**

- (43) EU and UK<sup>239</sup> users can access their data on an ongoing basis via the Data and Privacy Page. The browser switching solution is already available globally, while the device switching solution will be available globally in the future.

**e) any technical/engineering changes that were made in connection with the implementation of the measure concerned (e.g., on data flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation system (OS) functionalities, parameters of ranking algorithms and methodologies used to rank, classify or make results more prominent, or parameters of online advertising auctions);**

- (44) The changes to Apple's Data and Privacy Page required significant engineering work in order to make data available to users on an ongoing basis. In addition, Apple has had to develop a new API and process allowing third parties to access data on behalf of users. Technically, third-party access is facilitated through two sets of APIs:

- The first API enables authorized third parties who provide their users with the option to import certain Apple data to their service or platform, to link the account the user has on their service or platform with that user's Apple account by invoking Apple's OAuth, i.e. an open industry-standard, APIs. This allows them to authenticate the user and to request portability of the user's Apple data on behalf of the user, i.e. it provides the third party with the required tokens for portability.
- The second API is essentially a DMA transfer specific API. It enables the third party to place a recurring or one-time request for transferring data from the user's Apple account to the user's linked third-party account. It also allows third parties to resubmit a data portability request, to fetch the relevant data and to

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<sup>239</sup> For UK users, the solution was made available starting November 2024.

cancel a previously placed request for recurring data portability. This is necessary in case the user indicates to the third party that they withdraw their consent. The user can do so directly via the Data and Privacy Page.

- (45) In addition, the device switching solution and the browser switching solution are new tools, which both required extensive engineering work, with regard to planning, development and testing of the solutions.

**f) any changes to the customer experience made in connection with the implementation of the measure concerned (e.g., changes in the customer interface, choice screens,<sup>240</sup> consent forms,<sup>241</sup> warning messages, system updates, functionalities available, or customer journey to access functionalities<sup>242</sup>);**

- (46) As part of the measures referred to above, customers have or will have access to new functionalities, i.e. new options for access to their App Store data via the Data and Privacy page, the device switching and browser switching functionalities, which are described in detail in **Section 2.1.2. i)**.

**g) any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s), introduction of new fees, provisions and practices related to the business users' pricing policy, other remuneration flows between the Undertaking and the business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy policy, conditions for access and interoperability and any other relevant clauses);**

- (47) Apple refers to **Section 2.**

**h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;**

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<sup>240</sup> For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.

<sup>241</sup> This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a "form" or any other format.

<sup>242</sup> The Undertaking must provide a click-by-click description of the end user's interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.



- (48) There are no relevant changes other than those described in **Section 2.1.2, ii), e) to g)** of this Annex.
- i) any consultation<sup>243</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high level description of the topic of the consultation with those users/parties;**
- (49) Apple continuously engages with various stakeholders. For example it made public announcements on its compliance plans in January 2024 and at later dates, held consultations with developers and participated in the public DMA workshop organized by the EC in March 2024. More generally, Apple has addressed and continues to address developer questions and feedback in particular following public announcements. Developers can provide feedback or seek assistance through a host of channels, including by contacting their WWDR partnership manager where applicable, or through Apple Developer Forums, or Feedback Assistant. Apple also encourages feedback on proposed changes ahead of their implementation. Lastly, any interested party can provide feedback to Apple by sending an email to [dmacompliance@apple.com](mailto:dmacompliance@apple.com).
- (50) Regarding the browser switching solution, Apple's WWDR team has been in contact with browser developers, informing them of the new solution and welcoming their feedback.
- j) any involvement of external consultants in the elaboration of the measure, including a description of the consultants' mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable, an explanation of the reasons why the recommendations made by the external consultants were not followed;**
- (51) No external consultants were involved in the elaboration of Apple's measures to comply with Art. 6(9) DMA.
- k) any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards**

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<sup>243</sup> This information should include a description of the methodology for the consultation.

**and/or state of the art implementations and the reasons for not choosing them;**

(52) Apple has engaged with the EC on its compliance plan with Art. 6(9) DMA.

**l) any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;**

(53) Apple refers to **Section 2.1.2, ii), i).**

**m) where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;**

(54) To the extent any measure is relevant to ensure compliance with Art. 6(9) DMA, Apple has described that measure in Section 2.1.2, i).

**n) where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;**

(55) Apple refers to **Section 2.**

**o) any type of market analysis or testing (in particular A/B testing<sup>244</sup>), business user surveys or consumer surveys or end user consent rates,<sup>245</sup> that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>246</sup>**

(56) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.

**p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of**

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<sup>244</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

<sup>245</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Articles 5(2) and 6(10)).

<sup>246</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

**the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>247</sup>**

(57) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.

**q) a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are 'effective in achieving the objectives of this Regulation and of the relevant obligation', as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why the Undertaking considers these indicators to be the most suitable;**

(58) Apple refers to **para. 6 of Section 2.**

(59) In relation to Art. 6(9) DMA, Apple has identified the following informative data points:

- Number of App Store related Art. 6(9) DMA data portability requests from end users;
- Number of third-party vetting requests denied (for security reasons, etc.); and
- Number of third-party requests received under Art. 6(9) DMA.

**r) any relevant data<sup>248</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an exact definition of the terms used and a detailed calculation explanation;**

(61) Apple has provided data under the data points identified in **Section 2.1.2, ii), q)** to the EC.

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<sup>247</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>248</sup> Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.

**s) any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;**

(60) Apple and the DMA Compliance Function focus on building, maintaining and enhancing the DMA Compliance Program to ensure that Apple takes up, manages and monitors compliance with the DMA. As part of its DMA Compliance Program, Apple has developed a repository of the compliance measures taken to respond to all applicable DMA obligations, and identified associated controls for each obligation. It has identified control owners being accountable for managing compliance with applicable obligations. And it collects data and indicators to further assess compliance as explained in **Annex 2 of Section 2** above. Apple continues to develop and scale its DMA Compliance Program as needed. For more information, Apple refers to **Section 3**.

**t) where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).**

(61) Apple refers to **Section 2.1.2, ii), e)**.

**2.1.3 A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).**

(62) Apple's DMA Compliance Function organizes, monitors and supervises Apple's efforts that aim to ensure compliance with its obligations under the DMA, through its DMA Compliance Program. This includes reviewing policies, documentation and changes to Apple's CPS associated with the DMA and ensuring that compliance measures and corresponding controls are up to date. For more details, Apple refers to **Section 3**.

**2.1.4 A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of non-compliance within the meaning of Article 28(4) of Regulation (EU) 2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.**

- (63) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple. Additionally, Apple's Product and Regulatory Legal teams report regularly and on an ad-hoc basis to Apple's management body and executives on the legal issues raised by the DMA.
- (64) The Head of the DMA Compliance Function directly reports to Apple's management body and has been providing updates periodically, on matters relating to DMA compliance. For more details, Apple refers to **Section 3**.

**2.1.5 A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>249</sup>**

- (65) Apple refers to **Section 2.1.2, ii), i)**.

**2.2 A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer). If revenues are not available or do not represent a suitable measure, please provide a list of top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.**

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<sup>249</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

(66) Apple refers to **Section 2**.

**2.3** If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot by nature apply to the Undertaking's relevant core platform service (i.e., because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.

(67) Apple refers to **Section 2**.

## Annex 17 to Section 2 – Art. 6(10) DMA

**2.1 For each core platform service in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each applicable obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>250</sup> please provide the following information:**

**2.1.1 The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: *'[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act's Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.'***

(1) Apple refers to **Section 5**.

**2.1.2 An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>251</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation. The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:**

**i) An explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, and**

(2) This “Annex 17 to Section 2 – Art. 6(10) DMA” sets out Apple’s compliance with Art. 6(10) DMA, which applies to each of Apple’s CPSs. Art. 6(10) DMA requires a gatekeeper to provide business users and third parties authorized by business users with data provided for or generated in the context of the use of the relevant CPSs or services provided together with, or in support of, the relevant CPSs by those business users and the end users engaging with the products or services provided by those business users.

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<sup>250</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking’s relevant core platform service. If so, please explain why this is the case for the Undertaking.

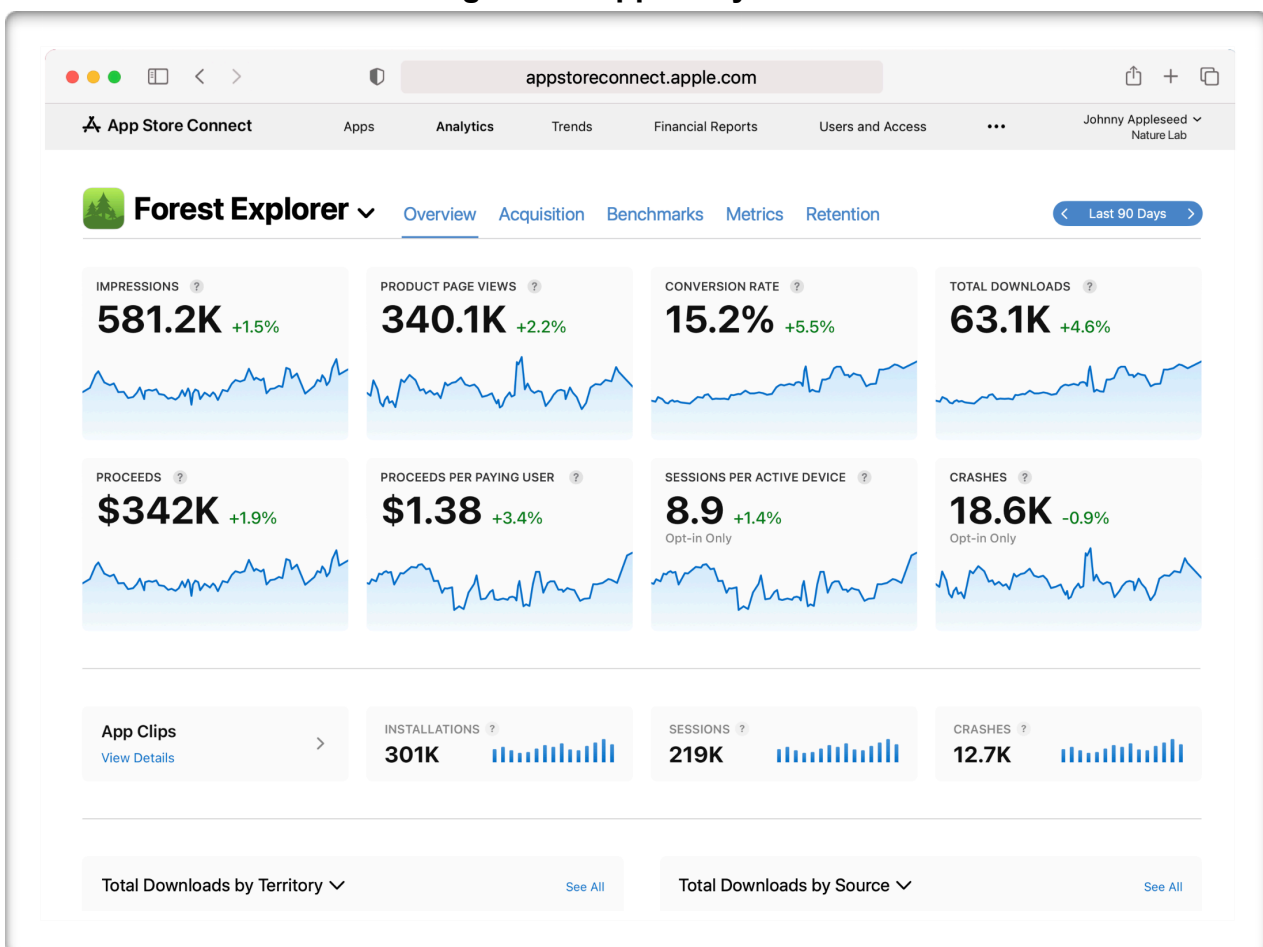
<sup>251</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commissions requests this raw data.

## Practices before the designation as a gatekeeper

### I. Developer tools to access users' data

- (3) Prior to its designation as a gatekeeper, Apple already has been making available relevant data, via a comprehensive set of reports and dashboards, which business users could access through APIs and user interfaces.
- (4) Such access has relied on different tools such as App Analytics, Sales & Trends or Xcode.
- (5) By way of illustration, App Analytics has always allowed developers to understand how users engage with their apps in the different App Stores and on their devices (see **Figure 1**). Data made available via App Analytics encompasses data such as app downloads and redownloads, in-app event performance and app engagement and usage (for users who had opted in to share data with developers when setting up their device or subsequently via Settings > Privacy & Security > Analytics & Improvements).

**Figure 1 – App Analytics**<sup>252</sup>

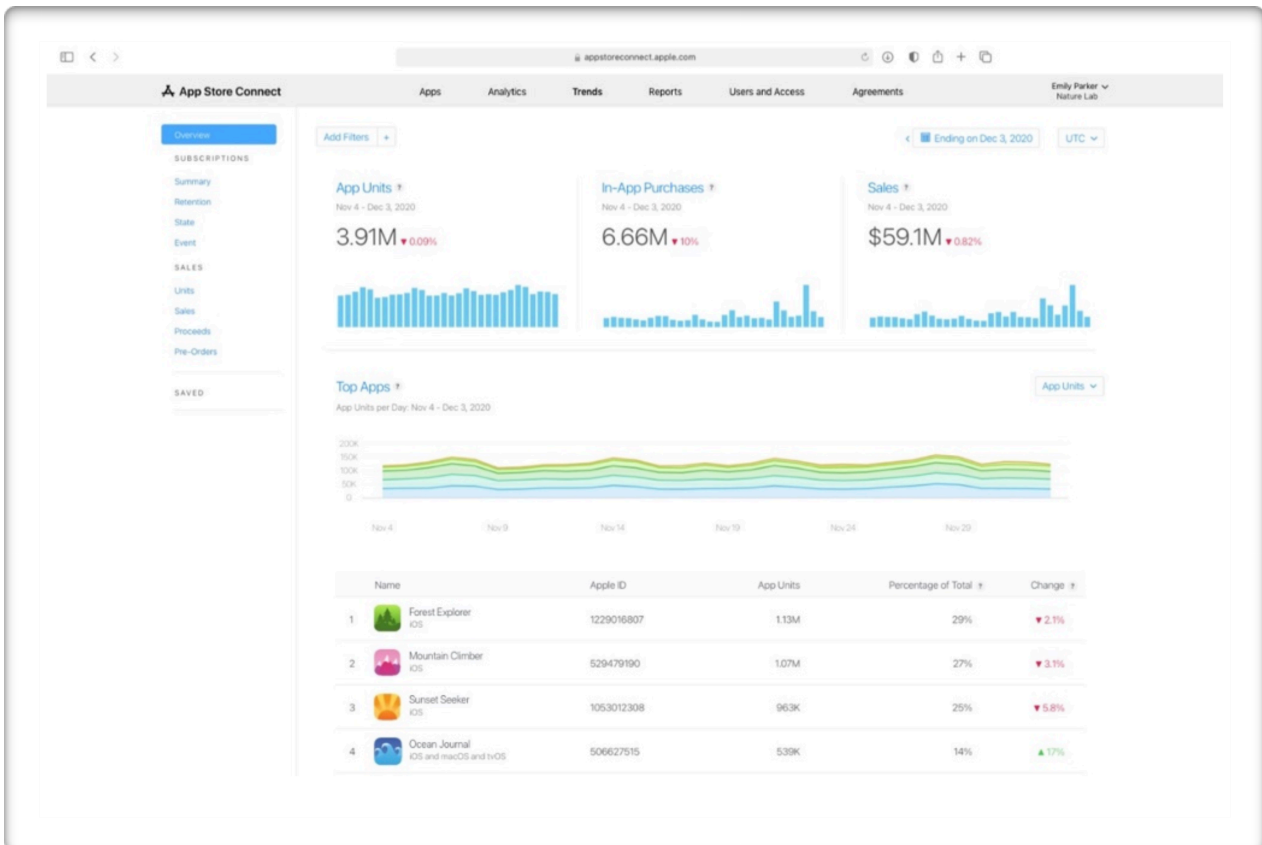


<sup>252</sup> For illustrative purposes only. Design changes may apply.



- (6) For transaction-related data, including free app downloads, paid app purchases, in-app transactions, and subscription activity, Sales & Trends provides developers with next-day sales and unit data so that developers can measure the performance of their free or paid apps, as well as any associated in-app purchases (see **Figure 2**). Through Apple's Reporter tool, the App Store Connect API<sup>253</sup> or App Store Connect web interface, developers can download eight different types of reports relating to such transaction-related data.<sup>254</sup>

**Figure 2 – Sales & Trends<sup>255</sup>**



- (7) The tools made available by Apple provide developers with access to significant amounts of data relating to both the use of the designated CPS by business users and by end users engaging with the products or services provided by those business users through the CPS in question. The categories of data and the relevant tools are set out below (see **Table 1**):

<sup>253</sup> The App Store Connect API allows developers, authenticated by an API Key (see [https://developer.apple.com/documentation/appstoreconnectapi/generating\\_tokens\\_for\\_api\\_requests](https://developer.apple.com/documentation/appstoreconnectapi/generating_tokens_for_api_requests); each API request authorized by a token, see [https://developer.apple.com/documentation/appstoreconnectapi/generating\\_tokens\\_for\\_api\\_requests](https://developer.apple.com/documentation/appstoreconnectapi/generating_tokens_for_api_requests)), to download the report as gzip file by using a https-secured GET web request, see [https://developer.apple.com/documentation/appstoreconnectapi/download\\_finance\\_reports](https://developer.apple.com/documentation/appstoreconnectapi/download_finance_reports).

<sup>254</sup> See <https://developer.apple.com/help/app-store-connect/view-sales-and-trends/download-and-view-reports>.

<sup>255</sup> For illustrative purposes only. Design changes may apply.

**Table 1 – Categories of data provided to developers prior to the gatekeeper designation and relevant tools**

CPS	Category of data	Tool(s)	Description
<b>App Store</b>	App Store commerce	Depending on the data: App Analytics, Sales & Trends, Payments and financial Reports (all via the App Store Connect UI), App Store Connect API, Reporter CLI tool, App Store Server API, App Store Server Notifications	This category contains data related to commerce conducted on App Store and in-app such as, <ul style="list-style-type: none"> <li>• Business performance (incl. app downloads, sales etc.),</li> <li>• Paying users (e.g. unique paying users per week etc.),</li> <li>• Payments and financial reports (e.g. financial proceeds broken out by territory and currency),</li> <li>• Pre-orders (number of pre-orders broken down by territory, source type etc.), or</li> <li>• Subscription activity (e.g. number of active paid subscribers, new customers per day etc.).</li> </ul>
<b>App Store</b>	App Store engagement	App Analytics (App Store Connect UI)	This category contains data related to user's engagement in the App Store related to the developer's apps such as, <ul style="list-style-type: none"> <li>• App Clip performance (e.g. data about usage of App Clips, how people invoke it etc.),</li> <li>• App Store performance (e.g. how people find apps, app downloads etc.),</li> <li>• In-app event performance (e.g. event page views, reminders, number of downloads driven by the event etc.),</li> <li>• Marketing campaigns (e.g. number of downloads from smart app banners, social media, paid advertizing etc.), or</li> <li>• Peer group benchmarks.</li> </ul>
<b>App Store</b>	Developer-provided data	App Store Connect (UI and API)	Developers can retrieve the data they provided for their apps such as app-related information and metadata, data on builds, app clips, in-app purchases and subscriptions (e.g. price schedules, submissions for review, offer codes etc.), TestFlight data (e.g. data about beta testers etc.).
<b>App Store</b>	Review and ratings data	App Store Connect (UI and API)	Using App Store Connect, developers can access the review text of individual reviews left by end users in App Store. Developers can access the data either via the App Store Connect UI or API. Using the API, developers get access to various data related to the review such as the rating, the nickname of the reviewer, the created and last modified date and the review text itself.
<b>iOS</b>	App engagement and usage	Depending on the data: App Analytics (App Store Connect UI), App Store Connect API, MetricsKit, Xcode Organizer	If end users opt-in to share their data with developers (in addition to "share with Apple"), developers can measure a variety of data relating to app engagement and usage. This category includes the following types of data: <ul style="list-style-type: none"> <li>• Diagnostic reports (such as crashes, disk writes, hangs reports etc.), or</li> <li>• Telemetry metrics (such as battery usage, launch times, scrolling speeds etc.).</li> </ul>

CPS	Category of data	Tool(s)	Description
iPadOS	App engagement and usage	Depending on the data: App Analytics (App Store Connect UI), App Store Connect API, MetricsKit, Xcode Organizer	If end users opt-in to share their data with developers (in addition to "share with Apple"), developers can measure a variety of data relating to app engagement and usage. This category includes the following types of data: <ul style="list-style-type: none"> <li>• Diagnostic reports (such as crashes, disk writes, hangs reports etc.), or</li> <li>• Telemetry metrics (such as battery usage, launch times, scrolling speeds etc.).</li> </ul>

## II. Third-Party Access

- (8) Via the App Store Connect (UI and API), developers are able to delegate access to third parties by creating users and API keys for App Store Connect.<sup>256</sup> Developers can create up to 50 additional “users” for the App Store Connect UI and API, allowing them to access the relevant data. In App Store Connect, developers can choose between different roles for users, with different permissions and different API keys. This allows developers to grant granular access to specific types of data instead of full access only. For the App Store Server API, the process to create API keys is similar to the process for the App Store Connect API.<sup>257</sup>

### Changes to practices in the context of the DMA

- (9) To facilitate compliance with Art. 6(10) DMA, Apple has updated its existing APIs provided to developers and third parties to facilitate access to in-scope data.

#### I. Developers have access to additional data and metrics relating to their apps

- (10) Developers are provided with at least 16 additional<sup>258</sup> reports relating to engagement with apps in App Store. Most of these reports contain several metrics, which have been combined into one report for the purposes of usability.<sup>259</sup> In addition, developers are provided with well in the excess of 100 additional<sup>260</sup> reports relating to engagement with apps on iOS and iPadOS which are provided to

<sup>256</sup> See <https://developer.apple.com/help/account/manage-your-team/invite-team-members/> and [https://developer.apple.com/documentation/appstoreconnectapi/invite\\_a\\_user](https://developer.apple.com/documentation/appstoreconnectapi/invite_a_user) for details how to invite users via UI and the API, and [https://developer.apple.com/documentation/appstoreconnectapi/creating\\_api\\_keys\\_for\\_app\\_store\\_connect\\_api](https://developer.apple.com/documentation/appstoreconnectapi/creating_api_keys_for_app_store_connect_api) for how to create API keys.

<sup>257</sup> See [https://developer.apple.com/documentation/appstoreserverapi/creating\\_api\\_keys\\_to\\_use\\_with\\_the\\_app\\_store\\_server\\_api](https://developer.apple.com/documentation/appstoreserverapi/creating_api_keys_to_use_with_the_app_store_server_api).

<sup>258</sup> Compared to the provision of data prior to the gatekeeper designation.

<sup>259</sup> For example, the App Store Discover and Engagement Report contains metrics such as Impressions, Product Page Views, In-App Event Page Views, Store Sheet Page Views, App Version History Page Views, App Privacy Page Views, Developer Page Views, Clicks on Get, Update, Redownload, Open, etc. This report in fact combines more than 10 different reports.

<sup>260</sup> Compared to the provision of data prior to the gatekeeper designation.

developers via APIs. Specifically regarding iPadOS, Apple has modified the reports which it made available following the iOS, App Store, and Safari Compliance Date, to also include data from iPadOS. Compared to data access via user interfaces, such reports offer developers more flexibility to analyse the data. The reports with data on engagement with apps in App Store primarily allow developers to view the relevant data holistically, without limitations of the number of dimensions applied to the relevant data set. This provides them with more comprehensive access to their data, in addition to an enhanced level of granularity and enhanced quality of their data. The reports with data relating to engagement with apps on iOS and iPadOS contain data which was not made available to developers at all prior to the gatekeeper designation.

**a. Apple provides developers and third parties with additional metrics and less aggregated data via DMA reports**

- (11) For facilitating DMA-compliance, Apple provides developers with the following additional categories or additional degree of granularity of data in the DMA reports which can be downloaded via the API<sup>261</sup> as CSV files (see **Table 2**):

**Table 2 – Additional data categories or additional degree of data in the DMA reports provided to developers**

CPS	Data category	Description
App Store	App Store engagement	<p>Developers receive less aggregated data for the already provided data points as listed in <b>Table 1</b> above.</p> <p>In addition, they receive new data sets, e.g. on</p> <ul style="list-style-type: none"> <li>• Buy/open/update clicks,</li> <li>• Engagement with App Video,</li> <li>• App privacy page opens,</li> <li>• App version history opens,</li> <li>• App sharing, and</li> <li>• Developer Product page opens.</li> </ul>
App Store	App Store commerce	<p>Developers do not receive new data points but less aggregated data, <i>inter alia</i>, for the following data sets:</p> <ul style="list-style-type: none"> <li>• Transactions,</li> <li>• Downloads,</li> <li>• Redownloads,</li> <li>• In-app purchases,</li> <li>• Subscriptions, and</li> <li>• Pre-orders.</li> </ul>

<sup>261</sup> For details, see Section “Developers and third parties receive in-scope data and DMA reports via APIs” below.

CPS	Data category	Description
iOS	App engagement and usage	Developers receive the following new telemetry data points: <ul style="list-style-type: none"> <li>• App Foreground time,</li> <li>• Install type (e.g. re-install)</li> <li>• Install channel (e.g. App Store or alternative app marketplace)</li> <li>• App failures, and</li> <li>• Framework usage (e.g., app system calls, API usage, widget use and configuration).</li> </ul>
iPadOS	App engagement and usage	Developers receive the following new telemetry data points: <ul style="list-style-type: none"> <li>• App Foreground time,</li> <li>• Install type (e.g. re-install)</li> <li>• Install channel (e.g. App Store or alternative app marketplace)</li> <li>• App failures, and</li> <li>• Framework usage (e.g., app system calls, API usage, widget use and configuration).</li> </ul>

**b. Developers and third parties receive in-scope data and DMA reports via APIs**

- (12) Regardless of the channel through which developers distribute their app on iOS or iPadOS, the new data, i.e., the DMA reports, are made available through the App Store Connect API.
- (13) Apple has leveraged the different tools which have been available to developers already pre-DMA for compliance with Art. 6(10) DMA. These tools (as explained further below in **Section 2.1.2, ii), e)**) allow Developers to access the data either on an on-going basis with daily updates, or to request one-time history snapshots of the relevant data.
- (14) Developers can also choose to list their analytics reports access requests by sending a request to the respective endpoint. Developers are able to retrieve a list of available reports, which can be requested via the Analytics Reports API.
- (15) In addition, the API allows developers to apply filters, e.g. to pick up a particular report by name or category such as “commerce”.

## II. Apple provides continuous and real-time access to in-scope data

- (16) Apple facilitates “continuous” access through managed provision of data on specified schedules (i.e. daily, weekly, monthly, yearly, depending on the tool used to access the data).<sup>262</sup>
- (17) “Real-time” access is facilitated through making data available to business users, once it is available to Apple in a form in which it can be provided. Apple provides business users with access to their data, once Apple has collected this data from the user’s device, and the data is cleaned, enriched and aggregated, where necessary and appropriate to preserve users’ privacy.<sup>263</sup> For some data in scope of Art. 6(10) DMA, this means that the relevant data is made available only within a certain timeframe after it has been generated by the user, as the data is not collected “live”. By way of example, device analytics data is typically aggregated on-device over a 24-hour period and only then sent to Apple (if a relevant device has wireless connection enabled). This data is then aggregated server-side before it is provided to business users in due course, in order to be usable for analytics.
- (18) For in-app purchases or refunds data, developers can retrieve the data “live” via the App Store Server API. Developers can also subscribe to notifications via the App Store Server Notifications to get updates in real-time when the status of in-app purchases and refunds changes.<sup>264</sup>

## III. Measures to protect users’ privacy

### a. Sharing of aggregated data where appropriate

- (19) Apple shares duly aggregated data (and not personal data) with developers and third parties which request data on behalf of the developers where it is appropriate to do so in an individual case.
- (20) There is only very limited personal data relating to products or services provided by business users through Apple’s designated CPS that is accessible to Apple in a way that personally identifies individual users. The only CPS in relation to which Apple processes data in a way that identifies individual users is App Store. Only for a subset of App Store data, namely the App Store engagement data, Apple shares the data as aggregated data (as opposed to record level data), even though it is available to Apple as personal data. Engagement data relates to activities that a user takes on the App Store in respect of the products and services offered by developers through the App Store, for example opening a product page, browsing

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<sup>262</sup> For completeness, in addition to the option to receive continuous access, business users may also choose to retrieve one-off historical snapshots of their data.

<sup>263</sup> See in **Section III** below: “*Privacy measures applied to in-scope data with a re-identification risk*”.

<sup>264</sup> For details, see <https://developer.apple.com/documentation/appstoreservernotifications>.

the developer's privacy page or playing videos from a product page. Apple provides all these data points as daily aggregates.

- (21) iOS and iPadOS data is also aggregated when provided as an additional layer of privacy protection even though it is collected in a non-personally identifiable manner. However, Apple cannot be privy to what additional data a third party may have at their disposal that could allow for the possible identification of a user if such data was provided in a non-aggregated manner.

**b. Privacy measures applied to in-scope data with a re-identification risk**

- (22) Apple applies targeted privacy measures to in-scope data to preserve the utility of the data for business users while protecting users' privacy. These measures are only applied for reports with a re-identification risk<sup>265</sup>, i.e., reports which contain a metric which could be used for re-identification of the user (e.g. reports containing a web referrer<sup>266</sup> which could potentially disclose the sexual orientation or religious beliefs of a user in the hands of a third party).

**Figure 3 – Sample report containing data with re-identification risk<sup>267</sup>**

Date	Country	Device	OS Version	App Version	App Download Date	Source	Page Type	Referrer	Page Name	Unique Devices	Sessions	Session Duration (s)
1.1.24	Germany	iPhone	iOS 15.7	10.1.1	1.10.23	App Referrer	Product Page	Tinder	Social - Men	5	7	67
1.1.24	Germany	iPhone	iOS 15.7	10.1.1	1.10.23	Web Referrer	Product Page	facebook.com	Spring Challenge	41	54	2445
1.1.24	Italy	iPhone	iOS 15.7	10.1.1	1.10.23	Web Referrer	Product Page	muslimmatch.com	Social - Muslims	8	11	322
1.1.24	Germany	iPhone	iOS 15.7	10.1.1	1.10.23	App Referrer	Product Page	Instagram	Default Page	203	321	10228
1.1.24	Germany	iPhone	iOS 15.7	10.1.1	1.10.23	App Referrer	Product Page	Tinder	Spring Challenge	19	23	76
1.1.24	Germany	iPhone	iOS 15.7	10.1.1	1.10.23	App Referrer	Product Page	Instagram	Social - Women	6	6	71
1.1.24	France	iPhone	iOS 16.1	10.1.3	1.10.23	Web Referrer	Product Page	muslimmatch.com	Social - Men	5	6	32
1.1.24	France	iPhone	iOS 16.1	10.1.3	1.10.23	App Referrer	Product Page	Tinder	Social - Women	71	98	1009
1.1.24	France	iPhone	iOS 16.1	10.1.3	1.10.23	App Referrer	Product Page	Instagram	Social - Women	8	12	199
1.1.24	France	iPhone	iOS 16.1	10.1.3	1.10.23	App Referrer	Product Page	Instagram	Spring Challenge	108	132	5998
1.1.24	France	iPhone	iOS 16.1	10.1.3	1.10.23	App Referrer	Product Page	Instagram	Spring Challenge	16	22	89
1.1.24	France	iPhone	iOS 16.1	10.1.3	1.10.23	App Referrer	Product Page	Instagram	Default Page	5	5	151

- (23) Depending on the level of the risk, Apple applies one or both of the following industry-accepted privacy measures:

- Crowd Anonymity (thresholds),
- Noise Addition.

<sup>265</sup> For example, for App Analytics around 20% of the requests contain such protected data.

<sup>266</sup> The web referrer is the web domain which led the user, e.g. to the product page in the App Store. Web referrers can be categoric (e.g. [grindr.com](http://grindr.com) or [catholic.org](http://catholic.org)) or highly individualized ([user23842385923.trackingdomain.com](http://user23842385923.trackingdomain.com)).

<sup>267</sup> Design changes may apply.

- (24) Crowd Anonymity reduces the risk of re-identification by requiring that user counts for specific metrics reach minimum thresholds in order to be included in the reports. The minimum threshold applied by Apple to in-scope data with a re-identification risk is five (5), i.e., at least five (5) users need to share the same metric in order that the developer will see data on the specific metric in the report.
- (25) Noise Addition is a privacy technique which adds noise (i.e., fake data) to the dataset in order to avoid users being singled out. For reports containing data with a heightened risk of re-identification, this technique is applied in addition to Crowd Anonymity. That means, where despite adding the noise the user count for a metric is still below five (5), data will not be shown. Apple applies a normally distributed, discrete gaussian noise<sup>268</sup> with a standard deviation of two (2). For around 70% of the in-scope data, this results in a standard deviation for the whole dataset of less than two (2).
- (26) Both measures were designed to ensure utility of the data provided. For both, the threshold and noise levels, the lowest possible values which are suitable to preserve privacy are applied. The applied measures do not impact the possible conclusions developers can draw from the data. Applying the measures to in-scope data results in the exclusion of some data (in particular outliers) which have a very high-risk of re-identification. As developers use the provided data to analyse trends, outliers are generally irrelevant because averages are important. For averages, the added noise gets cancelled out over time as the percentage of noise in relation to real data will decrease to nearly zero.
- (27) As a result of the application of these techniques, developers cannot be provided with *all* data for every user to avoid re-identification by e.g. singling out users with unique characteristics or fingerprinting.

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<sup>268</sup> For details, see *Canonne/Kamath/Steinke*, The Discrete Gaussian Noise for Differential Privacy, January 18, 2021, available at <https://arxiv.org/pdf/2004.00010.pdf>.



**Figure 4 – Approximate % of events provided incl. average errors for App Store engagement data<sup>269</sup>**

**Based on observed Engagement data\***

Possible variations of +/- 5% for events provided

	% events provided	mean absolute error, avg  true - noised	# of apps that receive more than 90% of events **
<b>Daily</b>	~70%	~2 (top 50k: ~1.5)	~5 thousand
<b>Weekly</b>	~80%	expected to be small	~20 thousand
<b>Monthly</b>	~90%	expected to be small	~50 thousand

\* An entire month of data, except for the mean absolute error, which is based on daily samples.

\*\* Error is the mean difference between true and noised metric for provided data rows per app. Directional statistics; based on one metric of Engagement. Results may vary depending on data category and metric and the specific utility criteria used.

**IV. Developer access to end user personal data**

- (28) As explained under II. above, Apple shares aggregated data with developers where it is appropriate to do so.
- (29) Apple launched a solution allowing developers to get access to their end users' personal data – to the extent it is available to Apple – on iOS and iPadOS. For this, developers will have to prompt end users to obtain consent for getting access to their data. When an end user provides their consent, Apple will segment the relevant personal data by that developer and provide only the personal data relating to the end user's use of that respective developer's app or apps.<sup>270</sup>
  - ii) **specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>271</sup>) for each measure implemented in the context of Regulation (EU) 2022/1925, regarding:**
    - a) **the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;**

- (30) Apple refers to **Section 2.1.2, i).**

<sup>269</sup> Design changes may apply.

<sup>270</sup> Additional information is available on Apple's developer page under <https://developer.apple.com/documentation/AppDataTransfer>.

<sup>271</sup> For example, this may be particularly relevant to illustrate changes impacting user journeys.

**b) when the measure was implemented;**

- (31) The changes described in **Section 2.1.2, i)** were made as of the iOS, App Store, and Safari DMA Compliance Date. Additional data relevant to iPadOS was made available in September 2024.
- (32) The solution enabling developers to access user personal data is available since December 2024.

**c) the scope of the measure in terms of the products/ services/devices covered;**

- (33) The measures described in **Section 2.1.2, i)** apply to all of Apple's designated CPSs.

**d) the geographic scope of the measure (e.g., if the implementation of the measure extends beyond the EEA, please specify);**

- (34) The reports referred to above are available to developers worldwide. The toggle to share analytics data was modified for users in the EU. Users in the EU can allow developers to access their personal data.

**e) any technical/engineering changes that were made in connection with the implementation of the measure concerned (e.g., on data flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation system (OS) functionalities, parameters of ranking algorithms and methodologies used to rank, classify or make results more prominent, or parameters of online advertising auctions);**

- (35) Regardless of the channel through which developers distribute their app on iOS or iPadOS, the new data, i.e., the DMA reports, are made available through the App Store Connect API.
- (36) Apple has leveraged the different tools which have been available to developers already pre-DMA for compliance with Art. 6(10) DMA. Developers (and authorized third parties<sup>272</sup>) have access to data in scope of Art. 6(10) DMA via the following APIs<sup>273</sup>:
- App Store Connect API,
  - App Store Server API.

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<sup>272</sup> Developers need to delegate access to third parties before they are able to access the data to make sure they are "authorized" third parties.

<sup>273</sup> These APIs already existed prior Apple's designation as a gatekeeper.

- (37) The documentation for both APIs is publicly available.<sup>274</sup>
- (38) The additional reports that Apple makes available under Art. 6(10) DMA are made available via the Analytics Reports API, which is an extension of the App Store Connect API. The new App Data Transfer API, which allows developers to access personal data of users is also documented publicly.<sup>275</sup>
- (39) Developers are able to access the data either on an on-going basis with daily updates, or to request one-time history snapshots of the relevant data. To do so, they have to send a request to the Analytics Reports API, defining the access type (i.e. on-going or one-time snapshot), and indicating the app ID for which they are requesting the data. This automatically triggers the provision of the requested data corresponding to the selected access type.
- f) any changes to the customer experience made in connection with the implementation of the measure concerned (e.g., changes in the customer interface, choice screens,<sup>276</sup> consent forms,<sup>277</sup> warning messages, system updates, functionalities available, or customer journey to access functionalities<sup>278</sup>);**

#### **I. User controls for sharing of analytics data**

- (40) Certain underlying data (i.e., analytics data, as set out in the above table for iOS and iPadOS) is collected from end users in a way that does not personally identify them, and only when they agree to share such data with Apple and developers. Only if end users decide to share their data with Apple, Apple has access to it and is able to make it available to developers. Before the update to iOS 17.4 in March 2024, end users could choose, via their Settings, whether to provide analytics data from the use of their devices to Apple and developers separately (see **Figure 5**).

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<sup>274</sup> See <https://developer.apple.com/documentation/appstoreconnectapi> (App Store Connect API) and <https://developer.apple.com/documentation/appstoreserverapi> (App Store Server API).

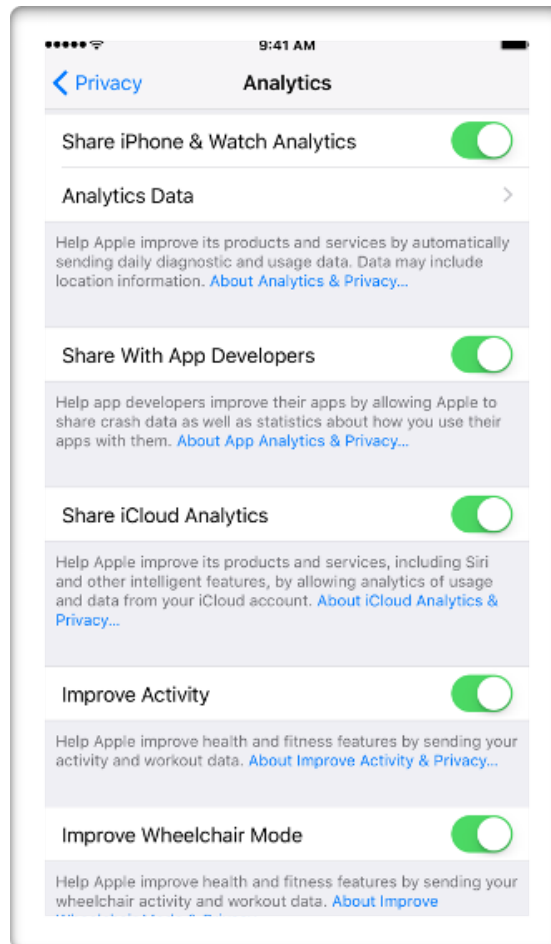
<sup>275</sup> See <https://developer.apple.com/documentation/AppDataTransfer>

<sup>276</sup> For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.

<sup>277</sup> This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a “form” or any other format.

<sup>278</sup> The Undertaking must provide a click-by-click description of the end user’s interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.

Figure 5 – Analytics Settings on iOS before the gatekeeper designation<sup>279</sup>



- (41) Apple has implemented a single toggle, so that end users are only able to choose between sharing data with Apple and third-party developers, or sharing data with nobody (see below **Figure 6**). This approach was also rolled out to iPadOS 18 in September 2024. It ensures that where Apple receives access to device analytics data including business user data, this data is also passed along to the business users.
- (42) For the avoidance of doubt, where end users choose to share their data with neither Apple nor third-party developers, developers can still collect analytics data on their own, through their apps (to which Apple would have no access). This is independent of the user choice made through Apple's device analytics page.

<sup>279</sup> Design changes may apply.

Figure 6 – Updated Setup Assistant (left) and analytics toggle (right) (on iOS)<sup>280</sup>



(43) In addition, end users can, upon receiving a prompt from a developer, decide to share personal data relevant to the developer with that developer, to the extent such personal data is available to Apple. This is explained in more detail above in **Section 2.1.2. i) under III.**

**g) any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s), introduction of new fees, provisions and practices related to the business users' pricing policy, other remuneration flows between the Undertaking and the business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy policy, conditions for access and interoperability and any other relevant clauses);**

(44) Apple refers to **Section 2.**

<sup>280</sup> Design changes may apply.

- h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;**
- (45) There are no relevant changes other than those described in **Section 2.1.2, ii), e) to g)** of this Annex.
- i) any consultation<sup>281</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high level description of the topic of the consultation with those users/parties;**
- (46) Apple continuously engages with various stakeholders. For example it made public announcements on its compliance plans in January 2024 and at later dates, held consultations with developers and participated in the public DMA workshop organized by the EC in March 2024. More generally, Apple has addressed and continues to address developer questions and feedback in particular following public announcements. Developers can provide feedback or seek assistance through a host of channels, including by contacting their WWDR partnership manager where applicable, or through Apple Developer Forums, or Feedback Assistant. Apple also encourages feedback on proposed changes ahead of their implementation. Lastly, any interested party can provide feedback to Apple by sending an email to [dmacompliance@apple.com](mailto:dmacompliance@apple.com).
- j) any involvement of external consultants in the elaboration of the measure, including a description of the consultants' mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable, an explanation of the reasons why the recommendations made by the external consultants were not followed;**
- (47) No external consultants were involved in the elaboration of Apple's measures to comply with Art. 6(10) DMA.
- k) any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards and/or state of the art implementations and the reasons for not choosing them;**

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<sup>281</sup> This information should include a description of the methodology for the consultation.

- (48) Apple has engaged with the EC on its compliance plan with Art. 6(10) DMA.
- l) any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;**
- (49) Apple refers to **Section 2.1.2, ii), i).**
- m) where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;**
- (50) To the extent any measure is relevant to ensure compliance with Art. 6(10) DMA, Apple has described that measure in Section 2.1.2, i).
- n) where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;**
- (51) Apple refers to **Section 2.**
- o) any type of market analysis or testing (in particular A/B testing<sup>282</sup>), business user surveys or consumer surveys or end user consent rates,<sup>283</sup> that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>284</sup>**
- (52) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.
- p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>285</sup>**

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<sup>282</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

<sup>283</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Articles 5(2) and 6(10)).

<sup>284</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>285</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

(53) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.

**q) a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are 'effective in achieving the objectives of this Regulation and of the relevant obligation', as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why the Undertaking considers these indicators to be the most suitable;**

(54) Apple refers to **para. 6 of Section 2.**

(55) In relating to Art. 6(10) DMA, Apple has identified the following informative data points: (i) the number of new Art. 6(10) DMA data reports made available to app developers; and (ii) the number of Art. 6(10) DMA data requests received from developers and third parties.

**r) any relevant data<sup>286</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an exact definition of the terms used and a detailed calculation explanation;**

(58) Apple has provided data under the data points identified in **Section 2.1.2, ii), q)** to the EC.

**s) any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;**

(56) Apple and the DMA Compliance Function focus on building, maintaining and enhancing the DMA Compliance Program to ensure that Apple takes up, manages and monitors compliance with the DMA. As part of its DMA Compliance Program, Apple has developed a repository of the compliance measures taken to respond to all applicable DMA obligations, and identified associated controls for each

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<sup>286</sup> Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.



obligation. It has identified control owners being accountable for managing compliance with applicable obligations. And it collects data and indicators to further assess compliance as explained in **Annex 2 of Section 2** above. Apple continues to develop and scale its DMA Compliance Program as needed. For more information, Apple refers to **Section 3**.

**t) where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).**

(57) Apple refers to **Section 2.1.2, ii), e)**.

**2.1.3 A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).**

(58) Apple's DMA Compliance Function organizes, monitors and supervises Apple's efforts that aim to ensure compliance with its obligations under the DMA, through its DMA Compliance Program. This includes reviewing policies, documentation and changes to Apple's CPS associated with the DMA and ensuring that compliance measures and corresponding controls are up to date. For more details, Apple refers to **Section 3**.

**2.1.4 A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of non-compliance within the meaning of Article 28(4) of Regulation (EU) 2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.**

- (59) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple. Additionally, Apple's Product and Regulatory Legal teams report regularly and on an ad-hoc basis to Apple's management body and executives on the legal issues raised by the DMA.
- (60) The Head of the DMA Compliance Function directly reports to Apple's management body and has been providing updates periodically, on matters relating to DMA compliance. For more details, Apple refers to **Section 3**.

**2.1.5 A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>287</sup>**

- (61) Apple refers to **Section 2.1.2, ii), i)**.

**2.2 A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer). If revenues are not available or do not represent a suitable measure, please provide a list of top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.**

- (62) Apple refers to **Section 2**.

**2.3 If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot by nature apply to the Undertaking's relevant core platform service (i.e., because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of**

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<sup>287</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

**doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.**

(63) Apple refers to **Section 2**.

## Annex 18 to Section 2 – Art. 6(12) DMA

**2.1 For each core platform service in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each applicable obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>288</sup> please provide the following information:**

**2.1.1 The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: *'[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act's Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.'***

(1) Apple refers to **Section 5**.

**2.1.2 An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>289</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation. The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:**

**i) An explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, and**

(2) This "Annex 18 to Section 2 – Art. 6(12) DMA" sets out Apple's compliance with Art. 6(12) DMA, which applies to Apple's App Store CPS. Under Art. 6(12) DMA, a gatekeeper "*shall apply fair, reasonable, and non-discriminatory general conditions of access for business users to its software application stores, online search engines and online social networking services listed in the designation decision pursuant to Article 3(9). For that purpose, the gatekeeper shall publish general conditions of access, including an alternative dispute settlement mechanism. The*

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<sup>288</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking's relevant core platform service. If so, please explain why this is the case for the Undertaking.

<sup>289</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commissions requests this raw data.

*Commission shall assess whether the published general conditions of access comply with this paragraph.”*

### **Practices before the designation as a gatekeeper**

- (3) The conditions of access for developers to Apple's App Store are governed by the Guidelines<sup>290</sup> as applied in the App Review process. These conditions of access were already compliant with Art. 6(12) DMA before the iOS, App Store, and Safari DMA Compliance Date (**Section I**).
- (4) Apple charges a commission on sales of digital goods and services on the App Store. The App Store Commission remunerates Apple for the value provided to developers and was already compliant with Art. 6(12) DMA before the iOS, App Store, and Safari DMA Compliance Date (**Section II**).

## **I. Guidelines and App Review**

### **a. Guidelines**

- (5) The Guidelines aim to *“provide a safe experience of users to get apps and a great opportunity for developers to be successful”*.<sup>291</sup> They provide clear and transparent guidance to all developers, allowing them to determine which apps can be distributed on the App Store, and at the same time ensure that users have a similarly safe and trusted experience across all Apple devices.
- (6) The Guidelines are non-discriminatory and apply to all developers distributing apps on the App Store.
- (7) All developers who want to distribute apps in the App Store must comply with the Guidelines, which provide requirements for apps to be approved and remain available on the App Store. The five pillars of the Guidelines are:
  - a) Safety: apps should not cause physical harm for end users, damage the device, or contain upsetting or offensive content.<sup>292</sup>
  - b) Performance: apps should work well technically, allowing for a good user experience.<sup>293</sup>

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<sup>290</sup> See: <https://developer.apple.com/app-store/review/guidelines/>.

<sup>291</sup> See: <https://developer.apple.com/app-store/review/guidelines/>.

<sup>292</sup> Sections 1.1-1.7 of the Guidelines.

<sup>293</sup> Sections 2.1-2.5 of the Guidelines.

- c) Business: Apple supports developers in monetising their apps in multiple ways, but there are some restrictions on certain app business models, for example where end users are being ripped off or manipulated (e.g., bait and switch).<sup>294</sup>
  - d) Design: apps should align with the expectation of Apple customers, who want to enjoy a simple and seamless user experience.<sup>295</sup>
  - e) Legal: compliance with all applicable laws (including protections of end users' privacy).<sup>296</sup>
- (8) These requirements provide clear and objective criteria. They are based on fair and reasonable considerations which benefit both end users and the developer community. They have been developed and refined over more than 15 years of experience reviewing millions of apps, and are rooted in practical experience and related learnings.
- (9) Apple makes sure that the Guidelines are easily understandable by all developers worldwide. The Guidelines are a living document. Apple regularly clarifies and updates the Guidelines in response to developer feedback or new issues which Apple detects through the App Review process. Developers therefore help improve the Guidelines and help Apple ensure that they are appropriate for new and emerging issues and risks. Developers can suggest Guidelines changes to Apple through the Apple Developer Program portal. To ensure transparency, Apple communicates all changes to the Guidelines to developers via email and publishes them separately in the "News and Updates" section of its Developer Program website.<sup>297</sup>

#### **b. App Review**

- (10) The App Review team evaluates all new apps and app updates<sup>298</sup> for compliance with the terms applicable to developers distributing apps on the App Store including the Guidelines. Submissions are uploaded via App Store Connect. The goal of App Review is to provide a fair and transparent review process to developers. App Review works with developers to help them access the App Store while meeting Apple's high standards for user experience, safety, security and privacy.
- (11) Every app or app update uploaded is subject to automated and human review.

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<sup>294</sup> Sections 3.1-3.2 of the Guidelines.

<sup>295</sup> Sections 4.1-4.9 of the Guidelines.

<sup>296</sup> Sections 5.1-5.6 of the Guidelines.

<sup>297</sup> See for example <https://developer.apple.com/news/?id=3cwqvk28> for the update dated June 5, 2023.

<sup>298</sup> For example, when an app introduces a new version, adds new features, extends to new platforms, or uses an additional Apple technology.

- (12) The App Review automated process includes static binary analysis, asset analysis, and runtime analysis via automated on-device install, launch, and exploration tests. The aim of these automated processes is to efficiently gather information that can be interpreted by machine learning algorithms and analysed for threats and signals (for example, the presence of malicious URLs or executable code) that provide relevant app information to the human review component.
- (13) After the automated review process, the app is evaluated by an App Review specialist. Apple conducts standardized training for all reviewers on how to apply the Guidelines. Each app is routed to a reviewer with relevant experience and training in reviewing apps of the same nature. As a result, the same reviewer sees similar issues and is able to make consistent, and more informed decisions on those issues.
- (14) The time it takes to complete App Review for any particular app or app update depends on factors such as the complexity and novelty of the issues raised. Some may need further escalation internally. App Review strives to reach decisions for the greatest number of apps and app updates as quickly as possible, without compromising the safety and security of the App Store (and therefore its users). Apple reviews approximately 120,000 new apps and app updates each week. On average, Apple currently reviews 90% of app submissions in less than 24 hours, and almost all within 48 hours.
- (15) If there are no violations, the app is approved for publication in the App Store. If it is determined that the submission is not in compliance, the submission is rejected. If an app submission is rejected, App Review provides a response to the developer which details an explanation, including the specific terms that the app submission does not comply with. Developers can correspond with App Review to resolve the issues. Developers can and are encouraged to resubmit their app to App Review after making the necessary changes to bring it into compliance.<sup>299</sup> Most apps that are initially rejected ultimately make it onto the App Store.
- (16) Developers of apps that did not pass review, and who feel that Apple misunderstood their app's concept and functionality, or that they were treated unfairly by Apple in the course of their review, can submit an appeal to Apple's ARB.<sup>300</sup> The vast majority of developers are able to resolve any issues that may lead to app rejections without having to appeal to the ARB. The ARB appeal process provides

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<sup>299</sup> If an app submission that is subject to App Review is for an app that is already being distributed (i.e. an update), the existing app will remain live during the course of App Review.

<sup>300</sup> See section Contacting us > Appeals at: <https://developer.apple.com/app-store/review/>. Apple continuously makes efforts to educate developers on the appeal process, including by proactively informing them about the appeal options throughout their review process, and updating the appeal form to enhance their appeal submission experience. In addition to appealing to the ARB following an app rejection, developers can also appeal in relation to app removals, or content provider termination.

for a second, in-depth review of app submissions. On appeal, apps are reviewed by senior App Review specialists who investigate the claims asserted in the appeal, the history of the app and interactions with the developer, and seek input from specialized functions where appropriate. In the few cases where the ARB requires longer than the usual few days to reach a decision, it is often because it is a complex and/or novel case may require additional information from the developer (which may take some time to provide) and or guidance from specialized functions at Apple. Notably, the submission of an appeal does not prevent the developer from continuing to work with the App Review team to resolve the issue outside of the ARB process. In fact, developers sometimes submit an appeal but simultaneously resolve the underlying issue themselves, such that the app is approved by App Review before the ARB has had a chance to consider the appeal.

## **II. App Store Commission**

- (17) The pricing conditions applicable to sales of digital goods and services on the App Store (which applied to all developers across all Apple App Stores before the iOS, App Store, and Safari DMA Compliance Date) are compliant with Art. 6(12) DMA. Apple charges a 30% baseline App Store Commission on the sale of digital goods and services on the App Store. The vast majority of developers pay no App Store Commission because they do not sell digital content. Developers participating in the Small Business Program pay a reduced rate of 15%. A 15% rate is also paid by developers enrolled in other programs, such as the Video Partner Program and the News Partner Program, and on recurring subscriptions after 1 year. The App Store Commission remunerates Apple for the value and services it provides to developers.

### **Changes to practices in the context of the DMA**

#### **I. Changes to Guidelines and Addendum to DPLA on Alternate Terms for Apps in the EU**

- (18) Apple has published certain changes to the Guidelines and an Alternative EU Terms Addendum.<sup>301</sup> This Addendum, which developers may choose to accept, specifies the terms applicable in the EU, including how the Guidelines will apply to those EU developers who want to avail themselves of the alternative distribution and payment opportunities offered under the DMA. None of the changes to the Guidelines or in the Alternative EU Terms Addendum were required by Art. 6(12) DMA. To the extent these changes were made in the context of Apple's compliance with the DMA, they were made to ensure compliance with other obligations than Art. 6(12) DMA, for example Arts. 5(4), 5(7) or 6(4) DMA.

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<sup>301</sup> The Addendum is available at [https://developer.apple.com/contact/request/download/alternate\\_eu\\_terms\\_addendum.pdf](https://developer.apple.com/contact/request/download/alternate_eu_terms_addendum.pdf).



## II. iOS and iPadOS App Store Commission<sup>302</sup>

- (19) Apple applies an EU-specific fee structure in response to the DMA's requirements for alternative distribution and payment processing. This includes an App Store Commission for the EU storefronts of the iOS and iPadOS App Stores applicable to in-app transactions.<sup>303</sup> The standard commission applicable to sales of digital goods and services is 17%. The commission for sales of digital goods and services for developers participating in the Small Business Program and for recurring subscriptions after 1 year relating to apps distributed on the iOS App Store and iPadOS App Store is 10%.
- (20) Most apps, including those distributed on EU storefronts, will continue to pay no commission to Apple.
- (21) The iOS and iPadOS App Store Commission applicable to developers who have signed the Alternative EU Terms Addendum represents fair remuneration for the highly valuable services which Apple provides specifically through its iOS App Store and iPadOS App Store.

## III. Alternative dispute settlement mechanism

- (22) According to Recital 62 DMA, the general conditions of access to the App Store should provide for *“a Union based alternative dispute settlement mechanism that is easily accessible, impartial, independent and free of charge for the business user, without prejudice to the business user's own cost and proportionate measures aimed at preventing the abuse of the dispute settlement mechanism by business users. The dispute settlement mechanism should be without prejudice to the right of the business users to seek redress before judicial authorities in accordance with Union and national law.”*
- (23) Apple offers a Mechanism, in the form of mediation, for developers established in the EU who distribute, or intend to distribute, apps on EU storefronts of the App Store. If their appeal to the ARB, made on or after March 7, 2024, is unsuccessful,

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<sup>302</sup> This App Store Commission will only apply to apps distributed through the iOS and iPadOS App Stores. Apps distributed through the macOS, tvOS, visionOS, and watchOS remain unchanged, i.e. 30% commission and 15% commission for participants of the small business program and for recurring subscriptions after 1 year. For apps on macOS, tvOS, vision OS, watchOS, and for iOS and iPadOS apps that stay on Apple's existing terms, developers who use alternative payment processing will get a 3% discount on the commission they owe to Apple.

<sup>303</sup> Apple applies a different commission structure on transactions following link-outs, as described in Annex 5 to Section 2 – Art. 5(4) DMA.

developers of apps rejected from EU storefronts of the App Store as a result of the App Review process are able to start mediation, which is provided by the CEDR.<sup>304</sup>

(24) The Mechanism:

- a) serves to review that Apple appropriately applied the conditions of access to the App Store in the specific case. Mediation does not serve to review these conditions of access to the App Store themselves or their compliance with Art. 6(12) DMA. Art 6(12) DMA explicitly reserves this assessment for the EC. As explained in **Section I** above, these conditions of access to the App Store are compliant with Art. 6(12) DMA; and
- b) is EU-based, easily accessible, impartial, independent, and free of charge for developers (i.e., developers do not have to pay for the mediation, but only for any legal costs that they choose to incur).

(25) The Mechanism involves the following key steps:

- Submission of the request for mediation through a link to the CEDR on Apple's website.
- Appointment of an independent mediator by the CEDR from a panel list of mediators.
- The mediator — within a reasonable timeframe — communicates the procedural timeline to the parties, schedules a date for the (virtual) mediation meeting and fixes a deadline for the parties to submit case summaries, additional relevant documents as well as a list of attendees to the mediation.
- Submission of case summaries and additional relevant documents as well as a list of attendees, as requested by the mediator. The parties and the mediator agree terms for the mediation and attendees.
- Mediation phase, including a mix of private and joint meetings, as deemed appropriate by the mediator and the parties in the particular circumstances of the case.
- If the parties reach a mutually acceptable agreement, the terms are documented in a final and binding settlement agreement. If no agreement is reached, the mediation will be concluded without result unless the parties agree to extend the

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<sup>304</sup> For more details see <https://www.cedr.com/>. Mediation is administered by the Centre for Effective Dispute Resolution Services Europe Limited, a company incorporated and registered in Ireland with company number 652805 and trading as CEDR, whose registered office is at 3 Cavendish Row, Dublin 1, Dublin, D014 2T5, Republic of Ireland. Any potential mediation agreement between a developer, Apple and CEDR, would be entered into solely with the Centre for Effective Dispute Resolution Services Europe Limited.

duration of the mediation to facilitate reaching an agreement within a specified further period of time.

- (26) The parties are free to initiate judicial proceedings at any time. The parties can also continue engagement outside the mediation process and may reach a resolution in that context.
- ii) **specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>305</sup>) for each measure implemented in the context of Regulation (EU) 2022/1925, regarding:**
    - a) **the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures compliance with the obligations laid down in Articles 5 to 7 of Regulation (EU) 2022/1925;**
- (27) Apple refers to **Section 2.1.2, i)**.
- b) **when the measure was implemented;**
- (28) The changes to Apple's practices described in **Section 2.1.2, i)** were made as of the iOS, iPadOS, and Safari DMA Compliance Date.
- c) **the scope of the measure in terms of the products/services/devices covered;**
- (29) The changes to Apple's practices described in **Section 2.1.2, i)** apply to Apple's App Store CPS.
- d) **the geographic scope of the measure (e.g., if the implementation of the measure extends beyond the EEA, please specify);**
- (30) The measures described in **Section 2.1.2, i)** are available in the EU.
- e) **any technical/engineering changes that were made in connection with the implementation of the measure concerned (e.g., on data flows and internal data usage policies, security aspects, tracking of new metrics, Application Programming Interfaces (APIs), operation system (OS) functionalities, parameters of ranking algorithms and methodologies used to rank, classify or make results more prominent, or parameters of online advertising auctions);**
- (31) The implementation of the measures described in **Section 2.1.2, i)** did not involve any technical or engineering changes.

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<sup>305</sup> For example, this may be particularly relevant to illustrate changes impacting user journeys.

- f) any changes to the customer experience made in connection with the implementation of the measure concerned (e.g., changes in the customer interface, choice screens,<sup>306</sup> consent forms,<sup>307</sup> warning messages, system updates, functionalities available, or customer journey to access functionalities<sup>308</sup>);
- (32) The implementation of the measures adopted by Apple to comply with Art. 6(12) DMA do not result any changes to the customer experience.
- g) any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s), introduction of new fees, provisions and practices related to the business users' pricing policy, other remuneration flows between the Undertaking and the business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy policy, conditions for access and interoperability and any other relevant clauses);
- (33) Apple refers to **Section 2**.
- h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;
- (34) There are no relevant changes other than those described in **Section 2.1.2, ii), e) to g)**.
- i) any consultation<sup>309</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high level

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<sup>306</sup> For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.

<sup>307</sup> This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a "form" or any other format.

<sup>308</sup> The Undertaking must provide a click-by-click description of the end user's interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.

<sup>309</sup> This information should include a description of the methodology for the consultation.

**description of the topic of the consultation with those users/parties;**

(35) Apple continuously engages with various stakeholders. For example it made public announcements on its compliance plans in January 2024 and at later dates, held consultations with developers and participated in the public DMA workshop organized by the EC in March 2024. More generally, Apple has addressed and continues to address developer questions and feedback in particular following public announcements. Developers can provide feedback or seek assistance through a host of channels, including by contacting their WWDR partnership manager where applicable, or through Apple Developer Forums, or Feedback Assistant. Apple also encourages feedback on proposed changes ahead of their implementation. Lastly, any interested party can provide feedback to Apple by sending an email to [dmacompliance@apple.com](mailto:dmacompliance@apple.com).

**j) any involvement of external consultants in the elaboration of the measure, including a description of the consultants' mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable, an explanation of the reasons why the recommendations made by the external consultants were not followed;**

(36) No external consultants were involved in the elaboration of Apple's measures to comply with Art. 6(12) DMA.

**k) any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards and/or state of the art implementations and the reasons for not choosing them;**

(37) Apple has engaged with the EC on its compliance plan with Art. 6(12) DMA.

**l) any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;**

(38) Apple refers to **Section 2.1.2, ii), i)**.

**m) where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;**

(39) To the extent any measure is relevant to ensure compliance with Art. 6(12) DMA, Apple has described that measure in **Section 2.1.2, i)**.

- n) where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;
- (40) Apple refers to **Section 2**.
- o) any type of market analysis or testing (in particular A/B testing<sup>310</sup>), business user surveys or consumer surveys or end user consent rates,<sup>311</sup> that have been carried out to estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>312</sup>
- (41) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.
- p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>313</sup>
- (42) Apple continuously evaluates the impact of its compliance measures, including by engaging externally.
- q) a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are 'effective in achieving the objectives of this Regulation and of the relevant obligation', as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why the Undertaking considers these indicators to be the most suitable;
- (27) Apple refers to **para. 6 of Section 2**.

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<sup>310</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

<sup>311</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Articles 5(2) and 6(10)).

<sup>312</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>313</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

(28) In its first Compliance Report, in relation to Art. 6(12) DMA, Apple had identified the following informative data points:

- Number of app submissions for App Review;<sup>314</sup>
- Number of app submissions for App Review ultimately rejected (after App Review, appeal to ARB and/or use of ADSM);<sup>315</sup>
- Number of apps taken down (out of available apps);
- Number of ADSM proceedings initiated; and
- Number of disputes resolved / not resolved via the ADSM.

(29) For clarity, Apple has amended the relevant subject of measurement and data point it monitors. Going forward, Apple will monitor the “Use of the ADSM” by collecting data on the “number of ADSM proceedings concluded with / without the parties reaching an agreement.

**r) any relevant data<sup>316</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an exact definition of the terms used and a detailed calculation explanation;**

(28) Apple has provided data under the data points identified in **Section 2.1.2, ii), q)** to the EC.

**s) any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;**

(29) Apple and the DMA Compliance Function focus on building, maintaining and enhancing the DMA Compliance Program to ensure that Apple takes up, manages

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<sup>314</sup> For completeness, Apple previously referred to this indicator as “number of apps submitted for App Review”.

<sup>315</sup> For completeness, Apple previously referred to this indicator as “number of apps submitted for App Review ultimately rejected (after App Review, unsuccessful appeal to App Review or unsuccessful use of ADSM)”.

<sup>316</sup> **Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.**

and monitors compliance with the DMA. As part of its DMA Compliance Program, Apple has developed a repository of the compliance measures taken to respond to all applicable DMA obligations, and identified associated controls for each obligation. It has identified control owners being accountable for managing compliance with applicable obligations. And it collects data and indicators to further assess compliance as explained in **Annex 2 of Section 2** above. Apple continues to develop and scale its DMA Compliance Program as needed. For more information, Apple refers to **Section 3**.

**t) where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).**

(30) Apple refers to **Section 2.1.2, ii), e)**.

**2.1.3 A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).**

(31) Apple's DMA Compliance Function organizes, monitors and supervises Apple's efforts that aim to ensure compliance with its obligations under the DMA, through its DMA Compliance Program. This includes reviewing policies, documentation and changes to Apple's CPS associated with the DMA and ensuring that compliance measures and corresponding controls are up to date. For more details, Apple refers to **Section 3**.

**2.1.4 A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of non-compliance within the meaning of Article 28(4) of Regulation (EU) 2022/1925 and of the management body's replies to those reports,**



**including a list and description of the measures taken in response to those reports.**

- (32) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple. Additionally, Apple's Product and Regulatory Legal teams report regularly and on an ad-hoc basis to Apple's management body and executives on the legal issues raised by the DMA.
- (33) The Head of the DMA Compliance Function directly reports to Apple's management body and has been providing updates periodically, on matters relating to DMA compliance. For more details, Apple refers to **Section 3**.

**2.1.5 A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>317</sup>**

- (34) Apple refers to **Section 2.1.2, ii), i)**.

**2.2 A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer). If revenues are not available or do not represent a suitable measure, please provide a list of top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.**

- (35) Apple refers to **Section 2**.

**2.3 If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot by nature apply to the Undertaking's relevant core platform service (i.e.,**

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<sup>317</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

**because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.**

(36) Apple refers to **Section 2**.

## Annex 19 to Section 2 – Art. 6(13) DMA

**2.1 For each core platform service in relation to which the Undertaking has been designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 and for each applicable obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925,<sup>318</sup> please provide the following information:**

**2.1.1 The following statement confirming compliance with the obligation in line with Article 8(1) of Regulation (EU) 2022/1925: '[Name of the Undertaking] confirms that as of [DATE] it has ensured compliance with the obligation laid down in Article [reference to the Digital Markets Act's Article/paragraph specifying the obligation] of Regulation (EU) 2022/1925.'**

(1) Apple refers to **Section 5**.

**2.1.2 An exhaustive explanation of how the Undertaking complies with the obligation, including any supporting data<sup>319</sup> and internal documents. Please provide a detailed description of any measures that ensure such compliance, indicating whether such measures were already in place pre-designation or if they were implemented post-designation. The description of all the above-mentioned measures must enable the Commission to verify whether the Undertaking has demonstrated compliance pursuant to Article 8(1) of Regulation (EU) 2022/1925 and should, at a minimum, include:**

**i) An explanation on how the Undertaking complies with the obligation based on all measures that were already in place pre-designation or that the Undertaking has implemented post-designation, and**

(2) This "Annex 19 to Section 2 – Art. 6(13) DMA" sets out Apple's compliance with Art. 6(13) DMA, which applies to Apple's App Store CPS. Under Art. 6(13) DMA, a gatekeeper cannot "*have general conditions for terminating the provision of a core platform service that are disproportionate*" and is required to "*ensure that the conditions of termination can be exercised without undue difficulty*".

(3) Art. 6(13) DMA applies to subscriptions or contracts related to the provision of CPSs by gatekeepers. Business users and end users should be able to unsubscribe or terminate their contractual relationship, where appropriate. "*Gatekeepers should not*

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<sup>318</sup> The information listed in Section 2 may be omitted for the obligations that are listed in response to Section 2.3 on condition that it can be established that a specific obligation laid down in Arts. 5 to 7 of Regulation (EU) 2022/1925 cannot, by nature, apply to the Undertaking's relevant core platform service. If so, please explain why this is the case for the Undertaking.

<sup>319</sup> The Undertaking shall have any underlying raw data ready to be made available to the Commission in the event the Commissions requests this raw data.

*be allowed to make it unnecessarily difficult or complicated*" (Recital 63 of the DMA).

- (4) Already before the iOS, App Store, and Safari DMA Compliance Date as well as iPadOS DMA Compliance Date, Apple complied with Art. 6(13) DMA regarding its App Store. Art. 6(13) DMA is not relevant to Apple's other designated CPSs — iOS, iPadOS and Safari, which are not provided in the framework of a cancellable subscription. iOS and iPadOS control the basic function of the iPhone and iPad, and cannot be terminated. Safari is not a subscription-based service.
- (5) When creating an Apple developer account, developers agree to the ADA<sup>320</sup> as part of the enrollment into the Apple Developer Program. Developers that wish to distribute free or paid apps on the App Store enter into the standard Apple DPLA<sup>321</sup> with Apple. If developers no longer want to distribute their apps through the App Store, they are free to remove their apps from the App Store, at any time, and for any reason. If they wish, developers can also terminate the DPLA, and their membership to the Developer Program. Developers can also terminate the ADA. The conditions of termination, as included in the ADA and DPLA, are not disproportionate. They can be exercised by developers without undue difficulty. In particular:
  - a) Clause 11.2 DPLA: Developers have the right to terminate the license agreement and end their developer program membership at any time, and for any reason, by simply notifying Apple in writing.
  - b) Clause 10 ADA: Developers can terminate their participation as registered Apple Developers at any time, and for any reason, by simply notifying Apple in writing.
- (6) The relationships between Apple and end users of the App Store are governed by Apple's Media Services Terms and Conditions.<sup>322</sup> Apple's Media Services Terms and Conditions do not limit the ability of end users to stop using Apple's App Store.

**ii) specific information (including, if applicable, data points, visual illustrations and recorded demos<sup>323</sup>) for each measure implemented in the context of Regulation (EU) 2022/1925, regarding:**

**a) the relevant situation prior to the implementation of the measure and how the newly introduced measure ensures**

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<sup>320</sup> <https://developer.apple.com/support/downloads/terms/apple-developer-agreement/Apple-Developer-Agreement-20230605-English.pdf>.

<sup>321</sup> <https://developer.apple.com/support/terms/apple-developer-program-license-agreement/>.

<sup>322</sup> <https://www.apple.com/legal/internet-services/itunes/ww/>.

<sup>323</sup> For example, this may be particularly relevant to illustrate changes impacting user journeys.

**compliance with the obligations laid down in Articles 5 to 7  
of Regulation (EU) 2022/1925;**

(7) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.

**b) when the measure was implemented;**

(8) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.

**c) the scope of the measure in terms of the products/  
services/devices covered;**

(9) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.

**d) the geographic scope of the measure (e.g., if the  
implementation of the measure extends beyond the EEA,  
please specify);**

(10) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.

**e) any technical/engineering changes that were made in  
connection with the implementation of the measure  
concerned (e.g., on data flows and internal data usage  
policies, security aspects, tracking of new metrics,  
Application Programming Interfaces (APIs), operation  
system (OS) functionalities, parameters of ranking  
algorithms and methodologies used to rank, classify or  
make results more prominent, or parameters of online  
advertising auctions);**

(11) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.

**f) any changes to the customer experience made in  
connection with the implementation of the measure  
concerned (e.g., changes in the customer interface, choice  
screens,<sup>324</sup> consent forms,<sup>325</sup> warning messages, system  
updates, functionalities available, or customer journey to  
access functionalities<sup>326</sup>);**

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<sup>324</sup> For instance, the specific design of the choice screen, what information is prompted to the users in the choice screen, including the consequences of making a selection; the users to which the choice screen is shown and when.

<sup>325</sup> This applies to all types of consent required under Regulation (EU) 2022/1925, regardless of whether this is via a "form" or any other format.

<sup>326</sup> The Undertaking must provide a click-by-click description of the end user's interaction with the user interface. The Undertaking may submit visual illustrations and/or recorded demos.

(12) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.

**g) any changes to (i) the remuneration flows in connection with the use of the Undertaking's core platform service (e.g. fee structure, level of the fees, revenue share for the relevant service(s), introduction of new fees, provisions and practices related to the business users' pricing policy, other remuneration flows between the Undertaking and the business users or end users, as applicable) and (ii) the other terms and conditions provided to end users and business users (or individually negotiated agreements with business and/or end users), or where applicable, changes to existing terms and conditions, required by the implementation of the measure concerned (e.g. privacy policy, conditions for access and interoperability and any other relevant clauses);**

(13) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.

**h) any other relevant changes made in connection with the implementation of the measure concerned not covered by points e) to g) above;**

(14) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.

**i) any consultation<sup>327</sup> with end users, business users and/or any interested parties that has been carried out in the context of (i) the elaboration of the measure and/or (ii) the implementation of the measure, and how the input of these consulted parties has been taken into account. Provide a list of end users, business users and/or any interested parties consulted in this context and a high level description of the topic of the consultation with those users/parties;**

(15) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.

**j) any involvement of external consultants in the elaboration of the measure, including a description of the consultants' mission, whether they are independent from the Undertaking, a description of both their output and the methodology used to reach that output and, if applicable, an explanation of the reasons why the recommendations made by the external consultants were not followed;**

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<sup>327</sup> This information should include a description of the methodology for the consultation.

- (16) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.
- k) any alternative measures whose feasibility or implications has been assessed and the reasons for not choosing them and, in particular, where relevant (e.g., interoperability), the results of the evaluation of existing open standards and/or state of the art implementations and the reasons for not choosing them;**
- (17) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.
- l) any action taken to inform end users and/or business users of the measure, their feedback; and any changes to the measure implemented on the basis of this feedback;**
- (18) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.
- m) where applicable, the interaction with measures the Undertaking has implemented to ensure compliance with other obligations under Regulation (EU) 2022/1925;**
- (19) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.
- n) where applicable, all actions taken to protect integrity, security or privacy (e.g., data access, data retention policies) pursuant to the relevant provisions in Regulation (EU) 2022/1925 and why these measures are strictly necessary and justified and there are no less restrictive means to achieve these goals;**
- (20) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.
- o) any type of market analysis or testing (in particular A/B testing<sup>328</sup>), business user surveys or consumer surveys or end user consent rates,<sup>329</sup> that have been carried out to**

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<sup>328</sup> A/B testing is an experiment where the audience is randomly split to test a number of variations of a measure and determine which performs better. A/B testing and consumer surveys may be particularly well-suited to demonstrate: (i) compliance with obligations which include a change to an end-user interface and (ii) the absence of dark patterns, which could jeopardize the effectiveness of the proposed measure.

<sup>329</sup> End user consent rates refer to the percentage of end users who provided consent to the data processing for which end user consent is required under Regulation (EU) 2022/1925 (for instance Articles 5(2) and 6(10)).

**estimate the expected impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>330</sup>**

(21) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.

**p) any type of market analysis or testing (in particular A/B testing), business user surveys or consumer surveys or end user consent rates, that have been or are expected to be carried out to evaluate the actual impact or evolution of the impact of the measure on the objectives of Regulation (EU) 2022/1925;<sup>331</sup>**

(22) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.

**q) a set of indicators which allow or will allow based on their future evolution the assessment of whether the measures implemented by the Undertaking to ensure compliance are 'effective in achieving the objectives of this Regulation and of the relevant obligation', as required by Article 8 of Regulation (EU) 2022/1925, including an explanation why the Undertaking considers these indicators to be the most suitable;**

(23) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.

**r) any relevant data<sup>332</sup> which can inform whether the measure is or will be effective in achieving the objectives of Regulation (EU) 2022/1925, such as, depending on the circumstances, data on the evolution of the number of active end users and active business users for the relevant core platform service and, for each relevant obligation, the interaction of end users with choice screens and consent forms, the amount of in-app purchases, the number of pre-installed defaults as well as yearly revenues from payments related to those pre-installed defaults, counts of end users who switch, counts of business users who obtain data access, etc. Provide an exact definition of the terms used and a detailed calculation explanation;**

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<sup>330</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>331</sup> The full methodology for any analysis, testing or survey shall be included in the Compliance Report.

<sup>332</sup> Reported on a sufficiently disaggregated basis to be informative (for example, by reference to each business user) and, if applicable, per type of device.



(24) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.

**s) any internal systems and tools used to monitor the effectiveness of the measure and the output of such internal systems and tools;**

(25) Apple and the DMA Compliance Function focus on building, maintaining and enhancing the DMA Compliance Program to ensure that Apple takes up, manages and monitors compliance with the DMA. As part of its DMA Compliance Program, Apple has developed a repository of the compliance measures taken to respond to all applicable DMA obligations, and identified associated controls for each obligation. It has identified control owners being accountable for managing compliance with applicable obligations. And it collects data and indicators to further assess compliance as explained in **Annex 2 of Section 2** above. Apple continues to develop and scale its DMA Compliance Program as needed. For more information, Apple refers to **Section 3**.

**t) where applicable, when compliance requires granting third parties (e.g., business users), access to data, interfaces or other technical features of the service: describe the procedure for third parties to obtain such access (including how third parties will be informed of this possibility), the scope (including terms and conditions attached to the access), the format, and the frequency (e.g. real time) and any other relevant information (e.g. whether the shared data/interface or other technical feature can be independently audited, data access policies, data retention policies and measures to enable secure data access).**

(26) Not applicable as Apple already complied with Art. 6(13) DMA prior to its designation as a gatekeeper.

**2.1.3 A detailed explanation of how the Undertaking has assessed compliance with the obligation, including whether any assessment projects, such as external or internal audits have been carried out. For all such assessment projects, provide information about the identity and the role of the people involved and whether they are independent from the Undertaking, the assessment methodology and timeline for the relevant assessment project, and any output (e.g., audit reports or compliance plans).**

(27) Apple's DMA Compliance Function organizes, monitors and supervises Apple's efforts that aim to ensure compliance with its obligations under the DMA under the DMA, through its DMA Compliance Program. This includes reviewing policies, documentation and changes to Apple's CPS associated with the DMA and ensuring

that compliance measures and corresponding controls are up to date. For more details, see **Section 3**.

**2.1.4 A list and description of any reports prepared by the head of the compliance function for the management body of the Undertaking in relation to Regulation (EU) 2022/1925 and, in particular, on risks of non-compliance within the meaning of Article 28(4) of Regulation (EU) 2022/1925 and of the management body's replies to those reports, including a list and description of the measures taken in response to those reports.**

(28) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple. Additionally, Apple's Product and Regulatory Legal teams report regularly and on an ad-hoc basis to Apple's management body and executives on the legal issues raised by the DMA.

(29) The Head of the DMA Compliance Function directly reports to Apple's management body and has been providing updates periodically on matters relating to DMA compliance. For more details, Apple refers to **Section 3**.

**2.1.5 A list and a summary of any feedback (e.g., complaints) of the Undertaking's business users established in the Union or end users established or located in the Union concerning the Undertaking's compliance with the obligations. Where this feedback exceeds ten (10) instances, please group them to the extent possible (e.g., per topic). Please also provide an explanation of any action that the Undertaking has taken based on this feedback.<sup>333</sup>**

(30) Apple refers to **Section 2.1.2, ii), i)**.

**2.2 A list of the Undertaking's core platform service's top fifteen (15) business users per core platform service based on revenues established in the EEA for the last year, as defined in Article 2, point (21) of and in the Annex to Regulation (EU) 2022/1925, and, for these business users provide: the name, address, telephone number and e-mail address of the head of their legal department (or other person exercising similar functions; and in cases where there is no such person, the chief executive officer). If revenues are not available or do not represent a suitable measure, please provide a list of**

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<sup>333</sup> The Undertaking should ask about and respect the decision of the company submitting feedback to preserve the anonymity of its submission or to keep certain parts confidential. The Undertaking should inform the Commission of any such anonymity or confidentiality requests. In any case, the Undertaking should describe any actions taken based on the relevant feedback in a non-confidential form.

**top business users based on an alternative relevant proxy and explain why it is the most relevant one to assess the importance of business users for the specific core platform service.**

(31) Apple refers to **Section 2**.

**2.3 If applicable, the reasons why the Undertaking considers that a specific obligation laid down in Articles 5 to 7 of Regulation (EU) 2022/1925 cannot by nature apply to the Undertaking's relevant core platform service (i.e., because it is clear from the text of Regulation (EU) 2022/1925 that a specific obligation does not apply to a core platform service). For the avoidance of doubt, this section does not cover situations governed by Articles 9 or 10 of Regulation (EU) 2022/1925.**

(32) Apple refers to **Section 2**.

## Annex to Section 3 – Apple's DMA Compliance Function

### 3.1 With respect to the compliance function provided for under Article 28 of Regulation (EU) 2022/1925, please provide the following information:

#### 3.1.1 A description of the role of the head of the compliance function in the preparation, drafting and approval of the Compliance Report;

- (1) The DMA Compliance Function has been supporting internal teams at Apple including the Regulatory Legal team in coordinating, preparing, ensuring internal review and ultimately submitting this Compliance Report.
- (2) The Head of the DMA Compliance Function has considered this Compliance Report in the drafting process, and is satisfied that it accurately describes Apple's current DMA compliance measures.

#### 3.1.2 A description of the compliance function (including the composition, allocation of tasks, position within the Undertaking, reporting lines, activities in particular with respect to the elaboration and monitoring of the measures described in Section 2.1.2 and how the compliance function's role is explained in the Undertaking's annual report);

##### I. Composition of the Compliance Function

- (3) The DMA Compliance Function is part of Apple's Compliance & Business Conduct team. It is composed of a Head of the DMA Compliance Function, officers and a team with expertise and experience in compliance.
- (4) Apple ensures that the DMA Compliance Function is adequately resourced and supported by a global cross-functional group to carry out its role.

##### II. Access to Apple's Management Body

- (5) The Head of the DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple. This includes matters relating to DMA compliance.
- (6) Apple's management body — which is composed of members of Apple's ET with responsibilities that span the products, services and functionalities impacted by DMA — is regularly updated on:
  - the steps taken by Apple to comply with the DMA;
  - any known or foreseeable risks of non-compliance with the DMA;

- the efforts and strategies for taking up, managing and monitoring Apple's ongoing compliance with the DMA.
- (7) Apple's executives are actively reviewing and approving Apple's strategies and policies for managing compliance with the DMA.
- (8) The wider ET is involved and updated as required on DMA related matters.
- (9) Apple's management body:
- Periodically approves and reviews the strategies and policies for managing and monitoring Apple's compliance with the DMA.
  - Determines annually the resources (including technological, budgetary and personnel resourcing) to be made available to the DMA Compliance Function in connection with the discharge of its tasks.
  - Defines, oversees and is accountable for the implementation of Apple's governance arrangements to ensure the independence of the DMA Compliance Function, including the division of responsibilities and the prevention of conflicts of interest.

### III. Role of the Compliance Function

- (10) The DMA Compliance Function organizes, monitors and supervises Apple's efforts that aim to ensure compliance with its obligations under the DMA, including by reviewing policies, documentation and changes to Apple's CPSs associated with the DMA.
- (11) To carry out its duties, the DMA Compliance Function coordinates with relevant stakeholders on DMA related matters. As part of that effort, it has established and runs a cross-functional working group that meets weekly.

#### **3.1.3 Contact details of the head of the compliance function, including name, address, telephone number and e-mail address and an explanation of how it is ensured that this person is an independent senior manager with distinct responsibility for the compliance function as required by Article 28(3) of Regulation (EU) 2022/1925;**

- (12) Apple has provided contact details for the Head of Apple's DMA Compliance Function to the EC.
- (13) The Head of the DMA Compliance Function is an independent senior manager within Apple's Legal Compliance Department who, supported by members of the DMA Compliance Function, has distinct responsibility for monitoring Apple's compliance with the DMA.

- (14) The role of the Head of the Compliance Function is distinct and entirely independent from the operational functions in connection with the services subject to the DMA.
- (15) Apple acknowledges that the Head of the DMA Compliance Function may not be removed from their position as Head of the DMA Compliance Function without prior approval of Apple's management body. Personnel responsible for the operational functions in connection with services subject to the DMA have no involvement in the appraisal process, promotion, remuneration, or other employment/labour law determinations for any DMA Compliance Function personnel, including the Head of DMA Compliance Function. For the avoidance of doubt, this includes any determinations by Apple's management body relating to the resources (including technological, budgetary and personnel resourcing) to be made available to the DMA Compliance Function.

**3.1.4 A list of any compliance officers other than the head of the compliance function, including an explanation of how it is ensured that they have the professional qualifications, knowledge, experience and ability necessary to fulfil the tasks referred to in Article 28(5) of Regulation (EU) 2022/1925; and**

- (16) Apple's DMA Compliance Function personnel, including but not limited to Apple's DMA Compliance Officer, have the professional qualifications, knowledge, experience, and ability necessary to organize and monitor Apple's DMA compliance measures.
- (17) In addition, the team is able to leverage a great variety of resources internally.

**3.1.5 An explanation why the Undertaking considers that the compliance function is independent from the operational functions of the Undertaking and why the Undertaking deems it to have sufficient authority, stature and resources (e.g., budget, staff, etc.), as well as access to the management body of the Undertaking to monitor the compliance of the Undertaking with Regulation (EU) 2022/1925.**

- (18) The DMA Compliance Function sits within the Legal Compliance Department. This team is wholly separate from the operational side of Apple's business. It is, by its very design, independent with no operational responsibility. Personnel responsible for the operational functions in connection with services subject to the DMA have no involvement in the appraisal process, promotion, remuneration, or other employment/labour law determinations for any DMA Compliance Function personnel.

- (19) The DMA Compliance Function has sufficient authority, stature, and resources within Apple, to monitor Apple's compliance with the DMA and to support the execution of Apple's DMA compliance strategies. Apple has ensured that the DMA Compliance Function is adequately resourced and supported by a global cross-functional group, to carry out its role. And the DMA Compliance Function is entitled to engage external legal or economic counsel, experts or consultants.
- (20) The DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting and/or escalation as necessary, which is consistent with existing reporting procedures in connection with other compliance matters at Apple.
- (21) The Head of the DMA Compliance Function has direct access to Apple's management body for regular and ad-hoc reporting as necessary, which includes matters relating to DMA compliance and is able to raise concerns and warn the management body about risks of non-compliance. The Head of the Compliance Function meets with members of the ET with sufficient regularity so that they are able to ensure the ET is briefed on Apple's DMA compliance plans on an ongoing basis. The wider ET is involved and updated as required.

**3.2 With respect to the strategies and policies for taking up, managing and monitoring the compliance with Regulation (EU) 2022/1925 as provided for under Article 28(8) of Regulation (EU) 2022/1925, please provide the following information:**

**3.2.1 a description of the content of these strategies and policies (including, e.g., information on internal staff trainings on compliance) and of any major changes compared to the previous periodic review by the Undertaking's management body; and**

- (22) Apple's executives are actively reviewing and approving Apple's strategies and policies for managing compliance with the DMA.
- (23) Apple's management body:
- Periodically approves and reviews the strategies and policies for managing and monitoring Apple's compliance with the DMA.
  - Determines annually the resources (including technological, budgetary and personnel resourcing) to be made available to the DMA Compliance Function in connection with the discharge of its tasks.
  - Defines, oversees and is accountable for the implementation of Apple's governance arrangements to ensure the independence of the DMA Compliance

Function, including the division of responsibilities and the prevention of conflicts of interest.

- (24) The DMA Compliance Function has been building, maintaining, developing and enhancing the DMA Compliance Program. The DMA Compliance Function and the Head of the DMA Compliance Function have been providing regular and ad-hoc reporting on the work undertaken to monitor and oversee activities on DMA compliance.

**3.2.2 copies of all related internal documents approved by the Undertaking's management body in their most recent periodical review and the date, list of participants and any agenda or minutes for the meeting during which these internal documents have been approved.**

- (25) Apple has provided the EC with copies of relevant documents.