



DMA Enforcement Workshops Apple

Brussels, 18 March 2024

Agenda

9:00 – 9:15	Introductory remarks by the Commission
09:15 – 10:20	Session 1 – Apple iOS – choice screens and default settings (Article 6(3) DMA)
10:20 – 10:40	Coffee break
10:40 – 13:00	Session 2 – Apple App Store and app distribution on iOS (Articles 5(4), 6(4) and 6(12) DMA)
13:00 – 14:00	Lunch break
14:00 – 15:10	Session 3 – Apple iOS – interoperability (Article 6(7) DMA) and tying (Article 5(7) DMA)
15:10 – 15:30	Coffee break
15:30 – 16:40	Session 4 – Data-related provisions (Articles 5(2), 6(9) and 6(10) DMA)
16:40 – 17:00	Closing remarks
17:00	End of workshop

Rules of engagement

- Always state your **name and organisation** (in room and via slido)
- Questions and comments should be
 - **clear and short = 2 min max,**
 - **relevant and on-topic of the specific DMA obligation,**
 - **constructive.**
- **One question or comment** per intervention
- **Written submissions** can be sent to EC-DMA@ec.europa.eu



Online questions and comments via:
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Session 1

Apple iOS – choice screens
and default settings (Article
6(3) DMA)

Art. 6(3) DMA – choice screens and default settings

“The gatekeeper shall allow and technically enable end users to **easily un-install any software applications** on the operating system of the gatekeeper, without prejudice to the possibility for that gatekeeper to restrict such un-installation in relation to software applications that are essential for the functioning of the operating system or of the device and which cannot technically be offered on a standalone basis by third parties.

The gatekeeper shall allow and technically enable end users to **easily change default settings** on the operating system, virtual assistant and web browser of the gatekeeper that direct or steer end users to products or services provided by the gatekeeper. That includes **prompting end users**, at the moment of the end users’ first use of an online search engine, virtual assistant or web browser of the gatekeeper listed in the designation decision pursuant to Article 3(9), **to choose, from a list of the main available service providers**, the online search engine, virtual assistant or web browser to which the operating system of the gatekeeper directs or steers users by default, and the online search engine to which the virtual assistant and the web browser of the gatekeeper directs or steers users by default.”



Using alternative payment options About the browser choice screen


Understanding the CTF MarketplaceKit Fee calculator

Getting ready for Web Distribution Using alternative browser engines

Manage distribution on an alternative app marketplace

HCE-based contactless transactions Developer landing page

Requesting interoperability Choosing terms for your apps in the EU

A background image showing two women in a modern office environment. One woman is seated at a desk, pointing at a laptop screen, while the other stands beside her, looking at the screen. They are both wearing lanyards. The office has large windows and other people are visible in the background.

Apple Developer Forums
Feedback Assistant
Developer Technical Support
One-on-One Consultations
Developer Labs
Worldwide Developers Conference

Web distribution First-party alternative app marketplaces

Delete Safari More flexibility on in-app promotions

Revised browser choice screen **Switch back to old terms**

Alternative to letter of credit More data analytics

Removed corporate grouping requirement

Additional data portability solutions Home Screen web apps

Choice Screen

Default Apps



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Coffee break

Session 2

Apple App Store and app distribution on iOS (Articles 5(4), 6(4) and 6(12) DMA)

Art. 5(4) DMA – prohibition of anti-steering provisions

“The gatekeeper shall allow business users, **free of charge, to communicate and promote offers**, including under different conditions, **to end users** acquired via its core platform service or through other channels, and **to conclude contracts with those end users**, regardless of whether, for that purpose, they use the core platform services of the gatekeeper.”

Art. 6(4) DMA – sideloading

“The gatekeeper shall allow and technically enable the **installation and effective use of third-party software applications or software application stores** using, or interoperating with, its operating system and allow those software applications or software application stores to be accessed by means other than the relevant core platform services of that gatekeeper. The gatekeeper shall, where applicable, **not prevent** the downloaded third-party software applications or software application stores from prompting end users to decide whether they want **to set that downloaded software application or software application store as their default**. The gatekeeper shall technically enable end users who decide to set that downloaded software application or software application store as their default to carry out that change easily.

The gatekeeper shall not be prevented from taking, to the extent that they are **strictly necessary and proportionate, measures** to ensure that third-party software applications or software application stores **do not endanger the integrity of the hardware or operating system** provided by the gatekeeper, provided that such measures are **duly justified by the gatekeeper**.

Furthermore, the gatekeeper shall not be prevented from applying, to the extent that they are **strictly necessary and proportionate, measures and settings other than default settings**, enabling end users to **effectively protect security** in relation to third-party software applications or software application stores, provided that such measures and settings other than default settings are **duly justified by the gatekeeper**.”

Art. 6(12) DMA – access at FRAND conditions

“The 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 Commission shall assess whether the published general conditions of access comply with this paragraph.”

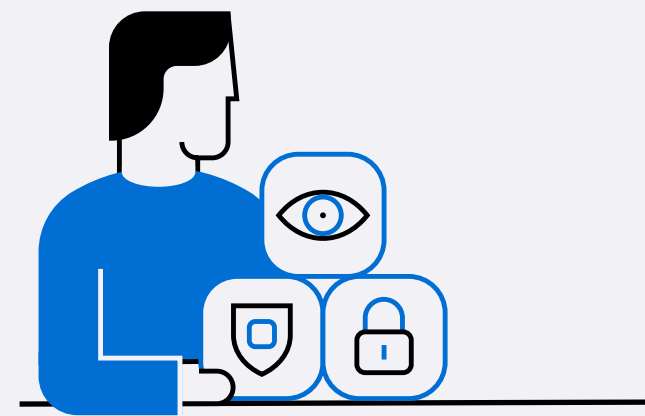


Alternative Distribution

Alternative Payments

New Business Terms

Alternative Distribution



Complying with the Digital Markets Act

Apple's Efforts to Protect User Security
and Privacy in the European Union

February 2024

Notarization

6 million

annual app submissions

100,000

weekly updates

90%

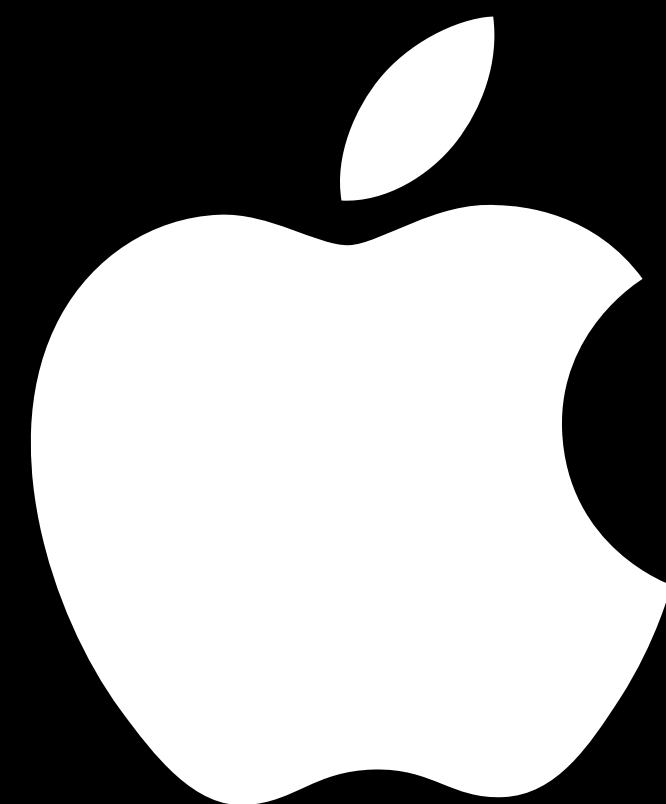
reviewed within 24 hours



Alternative Distribution

Alternative Payments

New Business Terms



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Lunch break

Session 3

Apple iOS – interoperability
(Art. 6(7) DMA) and tying
(Art. 5(7) DMA)

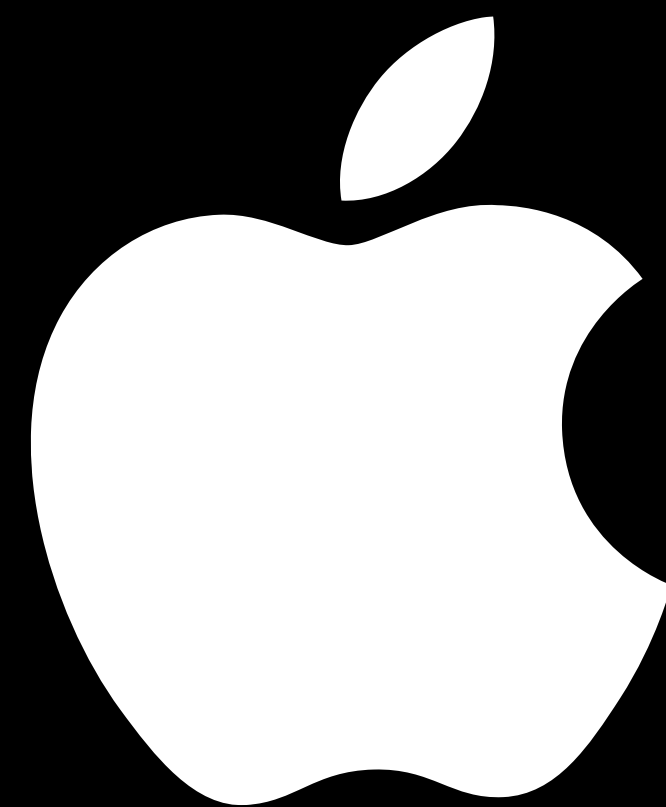
Art. 6(7) DMA – interoperability

“The gatekeeper shall 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 operating system or virtual assistant listed in the designation decision pursuant to Article 3(9) **as are available to services or hardware provided by the gatekeeper**. Furthermore, the gatekeeper shall allow **business users and alternative providers of services provided together with, or in support of, core platform services**, free of charge, effective **interoperability with**, and access for the purposes of interoperability to, **the same operating system, hardware or software features, regardless of whether those features are part of the operating system**, as are available to, or used by, that gatekeeper when providing such services.

The gatekeeper shall not be prevented from taking **strictly necessary and proportionate measures to ensure that interoperability does not compromise the integrity** of the operating system, virtual assistant, hardware or software features provided by the gatekeeper, provided that such measures are duly justified by the gatekeeper.”

Art. 5(7) DMA – tying

“The gatekeeper shall **not require** 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.”



Interoperability

250,000

Developer APIs

Interoperability

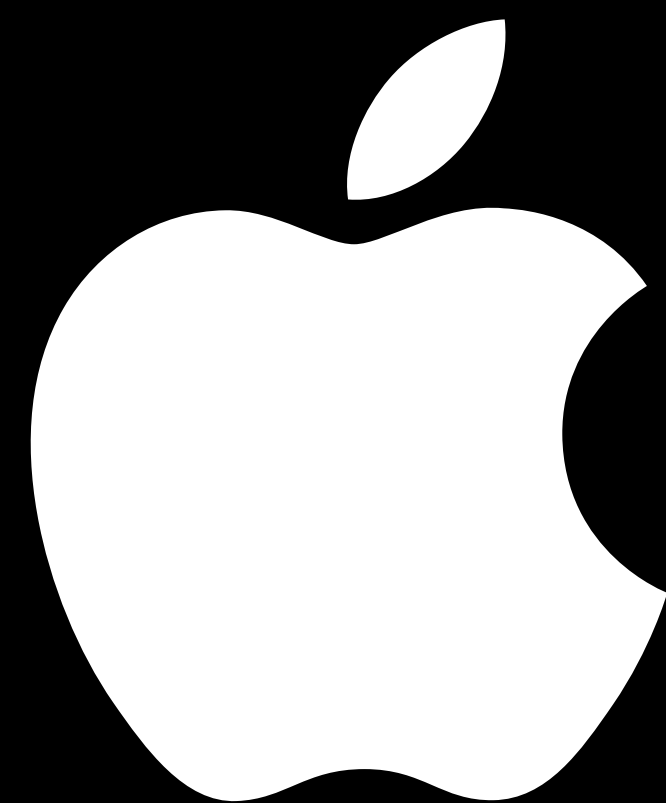
Dedicated Interoperability Process for Developers of iOS Apps in the EU



Alternative web browser engines



NFC Access



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Coffee break

Session 4

Data-related provisions
(Art. 5(2), 6(9) and 6(10)
DMA

Art. 5(2) DMA – opt-in for the use of personal data

“The gatekeeper shall **not do** any of the following:

- a) **process**, for the purpose of providing online advertising services, personal data of end users using services of third parties that make use of core platform services of the gatekeeper;
- 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 Article 4, point (11), and Article 7 of Regulation (EU) 2016/679.

Where the consent given for the purposes of the first subparagraph has been refused or withdrawn by the end user, the gatekeeper shall **not repeat its request for consent for the same purpose more than once within a period of one year**.

This paragraph is without prejudice to the possibility for the gatekeeper to rely on Article 6(1), points (c), (d) and (e) of Regulation (EU) 2016/679, where applicable.”

Art. 6(9) and 6(10) DMA – data portability

Art. 6(9) DMA: “The gatekeeper shall **provide end users and third parties authorised by an end user**, at their request and **free of charge**, with **effective 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 core platform service, including by providing, free of charge, tools to facilitate the effective exercise of such data portability, and including by the provision of continuous and real-time access to such data.”

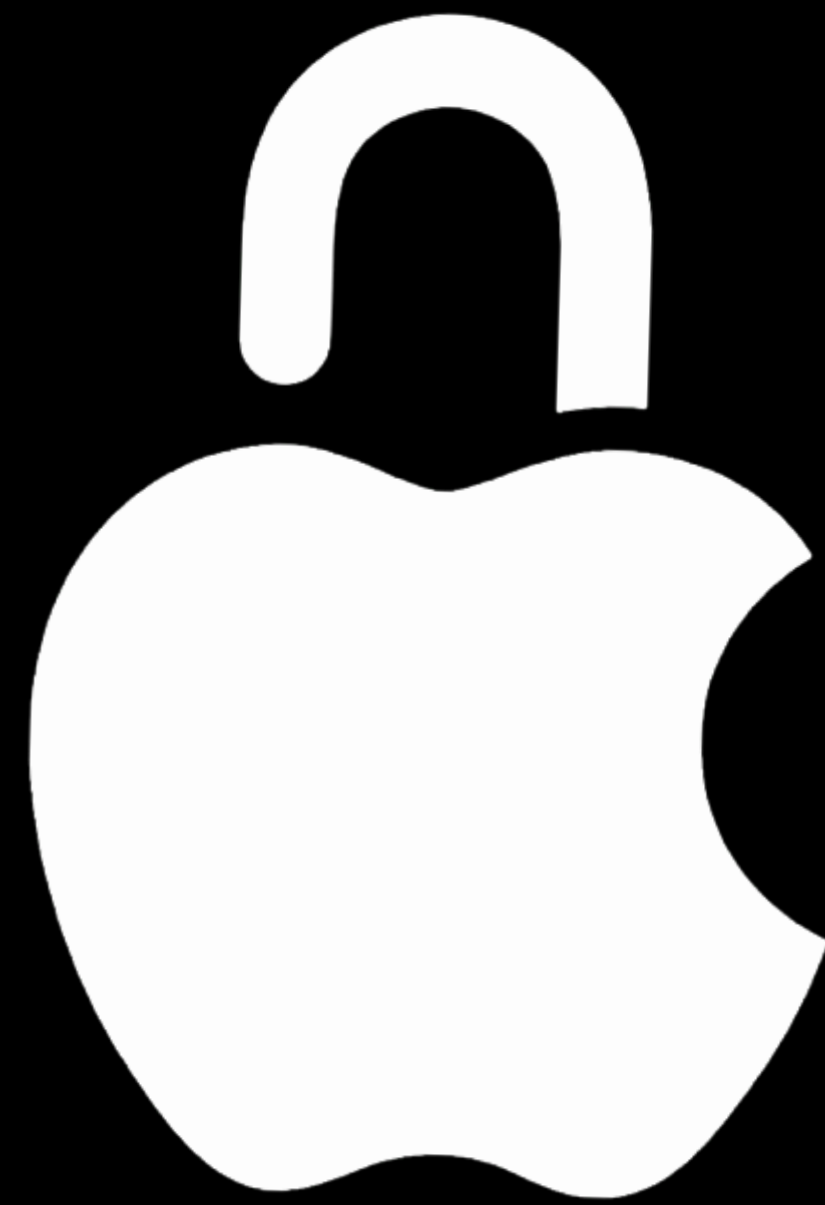
Art. 6(10) DMA: “The gatekeeper shall provide **business users and third parties authorised by a business user**, at their request, **free of charge**, with **effective, high-quality, continuous and real-time access to, and use of, aggregated and non-aggregated data**, including personal data, that is provided for or generated in the context of the use of the relevant core platform services or services provided together with, or in support of, the relevant core platform services by those business users and the end users engaging with the products or services provided by those business users. With regard to personal data, the gatekeeper shall provide for such access to, and use of, personal data only where the data are directly connected with the use effectuated by the end users in respect of the products or services offered by the relevant business user through the relevant core platform service, and when the end users opt in to such sharing by giving their consent.”



Protecting User Privacy

Data Analytics

Data Portability



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Thank you

