

CASE SUMMARY

CASE DMA.100204 – ARTICLE 6(7) – APPLE – IOS AND IPADOS – SP

PROCESS

The Commission has designated Apple as a gatekeeper under the Digital Markets Act (DMA) for its operating systems iOS and iPadOS. Consequently, Apple must (among other obligations) provide third parties with effective interoperability, free of charge, with the same hardware and software features that are available to Apple and accessed or controlled via iOS and iPadOS.

To comply with the obligation to provide interoperability, Apple has introduced a process by which developers can submit requests to Apple to obtain interoperability with features of iOS and iPadOS. The DMA requires interoperability to be available by design. In fact, a request-based process can lead to important limitations for third parties, in particular it delays the availability of interoperability opportunities and it presents the risks of making developers dependent on the gatekeeper's discretion.

At the same time, it might be challenging in practice for Apple to immediately ensure effective interoperability with all existing features and functionalities that were released before the DMA. Against this background, the Commission considers it appropriate to build on Apple's existing request-based process for pre-existing features and specify measures to ensure that such process is fair, transparent and overall conducive to effective interoperability within a reasonable timeframe.

Gatekeepers choosing to comply with Article 6(7) DMA by implementing a request-based approach have a responsibility to ensure that developers' ability and incentives to innovate are preserved.

On this basis, the Commission has devised a number of measures with which Apple should comply in relation to existing features and functionalities. Apple has the opportunity to make its remarks on the envisaged measure which are also put in public consultation to obtain third parties' feedback and input.

These measures apply to all stages of the request process, and concern in particular:

- Information on frameworks, libraries, and daemons: Developers should have a better view of the iOS/iPadOS components that provide features and functionalities reserved to Apple.
- Support for developers interested in interoperability: Developers should have more information about the request-based process and how Apple will handle the requests, e.g. a clear description of the different phases, deadlines and the criteria and considerations that Apple would apply or consider in its assessment of the request.
- Communication updates and feedback on the requests: A dedicated contact should be provided to developers in relation to their request. Developers should receive regular updates and be able to give and receive feedback throughout the process, in particular regarding the effectiveness of the interoperability solution envisaged by Apple.
- Rejection of requests: Where Apple would reject a request, it should inform the developer and state reasons.

- Conciliation process: developers should have access to a fair and impartial conciliation mechanism to address disagreement with Apple on technical issues.
- Availability and future proofness of released interoperability solutions: Apple should provide effective interoperability solutions that are available to any developer, adequately documented and maintained over time.
- Timeline: Apple should have pre-determined timelines for handling interoperability requests to ensure predictability to developers.
- Information about developer requests and public reporting: Appropriate level of transparency vis à vis the developer community and the public at large.

The document “**Proposed measures**” includes in detail the specific proposed measures listed in this summary. Input from third parties is paramount to ensure that the measures are effective at guaranteeing that the process for requesting interoperability is transparent, timely and fair.