

On 16/06/2020, the Commission decided to initiate antitrust proceedings in case AT.40437 - Apple - App Store Practices (music streaming) within the meaning of Article 11(6) of Council Regulation No 1/2003 and Article 2(1) of Commission Regulation No 773/2004.

The proceedings were opened with a view to adopting a decision in application of Chapter III of Council Regulation No 1/2003 and concern the terms that govern the use of Apple's App Store by developers of music streaming apps in the European Economic Area and the conditions under which these developers can distribute their apps and their music streaming services to users of devices running on Apple's mobile operating system iOS (and since 2019 also on iPadOS in the case of tablets) ("iOS devices"). The investigation will, in particular, focus on the requirement that such developers – with whom Apple competes via its own music streaming service Apple Music - have to use Apple's in app purchase mechanism (or "IAP") for the distribution of paid content (i.e. subscriptions) within apps on iOS devices, through which Apple charges a commission fee, as well as restrictions on their ability to communicate with iOS users and inform them about potential alternative (cheaper) subscription possibilities outside of the app. The conduct in question may also dis-intermediate developers of competing music streaming services from important customer data, while Apple may obtain valuable data about the activities and offers of its competitors. Infringements within the meaning of Article 101 and/or 102 of the Treaty on the Functioning of the European Union and Article 53 and/or 54 of the EEA Agreement were allegedly committed by Apple Inc., its subsidiaries and all companies under their control, including Apple Distribution International.

The initiation of proceedings does not mean that the Commission has made a definitive finding of an infringement. It merely means that the Commission will deal with the case as a matter of priority.