



February 28, 2022

R. de Rooij
Authority Consumer & Market
Muzenstraat 41
2511 WB The Hague

Dear Mr. De Rooij,

I appreciated the opportunity to meet with you and your team in person to discuss Apple's compliance with the ACM order. As I shared, Apple is committed to following the law in each and every market in which it does business. The Netherlands is no different. Apple has taken concrete and specific steps to implement in full the ACM's order since the court's decision on Christmas Eve. Since taking those steps, developers offering a dating app on the Dutch App Store have the option of using either Apple's In-App Purchase ("IAP") functionality, a third-party payment processor or a link out of their app to a website.

Our meeting focused on Apple's requirement that a developer submit a separate version of their dating app for the Dutch storefront, modified only to provide for the use of a third-party payment processor within their app or link-out to a web site to complete a purchase. This is a straightforward prerequisite that ensures that Apple complies with its legal obligations in the Netherlands while at the same time having the ability to maintain its standard terms and conditions in the rest of the world. Apple's global App Store rules and policies require developers of dating apps that are selling digital goods or services within their apps to use IAP functionality for those transactions, providing a safe, secure and consistent experience for users. That has always been true.

Apple runs a global App Store in the context of which apps are reviewed and approved for inclusion in potentially over 175 countries. To ensure the best experience for users Apple does not operate multiple versions of the App Store, there is just one store with many different storefronts. That has proven to be an incredible opportunity for developers. Apple built and engineered its store to allow developers to access consumers around the world with a single binary (or version) of an app. This provides developers immediate access to a global audience and ease of distribution.

Yet not every app is suitable for every storefront. Developers routinely offer separate binaries for different jurisdictions. Developers of some types of apps must submit separate versions of their apps to ensure compliance with local laws and regulations. We also see developers offer different versions of their apps in different jurisdictions for other reasons. For example, Match Group already offers different versions, or binaries, of their Pairs, Match and Our Time apps to accommodate for the different requirements or preferences in various jurisdictions.

To ensure that it is compliant with Dutch law, and that it does not apply Dutch law outside of the Netherlands, Apple has asked developers to submit a separate binary for the Netherlands storefront if they intend to use a payment service other than IAP. This approach is the same approach Apple and developers use in other jurisdictions where there are unique legal issues that require a different approach in a particular jurisdiction. This is not costly or difficult for a developer. Dating apps are familiar with this process and in fact engage in it voluntarily. The following table shows just three examples whereby Match Group has submitted separate binaries for different countries.

Match Group Apps	Binary 1	Binary 2	Binary 3
Our Time	Sweden United Kingdom	Brazil	United States Canada
Pairs	South Korea Taiwan	Japan	
Match	17 countries	match.com Latino (United States)	Match LatAm Relations Series (several South American countries)

The table demonstrates that it is not simply possible, but common, for a developer to submit different versions of the *same* app in different countries. A new binary for the Dutch storefront would simply require a minor technical change to an existing app consisting of a limited adjustment that allows a developer of a dating app to use a third party payment processor or insert a link to a website for purchase. There are no additional costs associated with this approach.

Dating app developers need to update their binary in order to take advantage of the new alternatives ordered by the ACM as the existing binaries of apps in the App Store do not contain third party processor or linking out capabilities. Apple's requirement therefore does not add any additional coding obligation on the developers but simply requires them to maintain the old binary for use outside of the Dutch storefront. With the changes Apple has implemented to comply with the ACM order, developers of dating apps in the Netherlands may update their binary now.

Apple believes its solution is fully compliant with Dutch law. Apple has a consistent and longstanding commitment to compliance in each and every country in which we do business. We take these obligations very seriously. I understand that currently we have a difference of opinion that may ultimately have to be resolved by a court. I hope we can find a mutually agreeable solution that will allow us to move past this issue. I appreciated the opportunity to share our perspective last week and I hope to continue our conversation in the spirit of constructive engagement, and for the benefit of our shared priority: Dutch consumers and developers.

Sincerely,



Kyle Andeer
Chief Compliance Officer, Apple Inc.