EUROPEAN COMMISSION

CASE DMA.100014 – Apple – Online intermediation services – Verticals; DMA.100045 – Apple – Online advertising services

(Only the English text is authentic)

Digital Markets Act

Regulation (EU) 2022/1925 of the European Parliament and of the Council

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Article 3(3) Regulation (EU) 2022/1925

Date: 05/02/2026

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EUROPEAN COMMISSION

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Apple Inc.
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Cupertino, CA 95014
United States

Subject: **Cases DMA.100014 – Apple – Online intermediation services – Verticals; DMA.100045 – Apple – Online advertising services**
Letter concerning Apple's notifications under Article 3(3) of Regulation (EU) 2022/1925
Only the English text is authentic

Dear Sir or Madam,

1. INTRODUCTION

(1) Pursuant to Article 3(4) 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 (Digital Markets Act), ([1]) the Commission shall designate as a gatekeeper an undertaking providing core platform services ("CPSs") that meet the thresholds set out in Article 3(2) of that Regulation.

(2) On 27 November 2025, Apple Inc. notified the Commission, pursuant to Article 3(3), first subparagraph, of Regulation (EU) 2022/1925, that Apple Inc., together with all legal entities directly or indirectly controlled by Apple Inc. ("Apple" or the "Undertaking"), ([2]) meets all the thresholds laid down in Article 3(2) of that Regulation in relation to Apple's online intermediation CPS Apple Maps, ([3]) and that it meets the thresholds laid down in Article 3(2), points (a) to (c), of that Regulation, as regards the quantitative thresholds pertaining to market capitalisation and end users, but submits that it does not meet the thresholds laid down in Article 3(2), points (b) and (c), of that Regulation insofar as it concerns yearly active business users, in relation to its online advertising CPS Apple Ads. ([4]) Apple further submits that, in relation to its online advertising CPS Apple Ads and without prejudice to its position that under the appropriate

([1]) OJ L 265, 12.10.2022, p. 1-66.
([2]) See Article 2, point (27), of Regulation (EU) 2022/1925.
([3]) Form GD on Apple Maps.
([4]) Form GD on Apple Ads.

counting methodology it does not meet the yearly active business user thresholds, it would in fact meet these thresholds under an alternative counting methodology.

(3) On 19 December 2025, the Commission sent a letter to Apple laying out its preliminary views on Apple's notifications under Article 3(3) of Regulation (EU) 2022/1925. On 7 January 2026, Apple submitted a response to the Commission's letter of 19 December 2025 ("Apple's reply of 7 January 2026").

(4) Together with its notifications, Apple presented arguments pursuant to Article 3(5) Regulation (EU) 2022/1925 aimed at demonstrating that, although it meets all the thresholds laid down in Article 3(2) of that Regulation in relation to Apple Maps and, in the event that the Commission would in fact consider all these thresholds to be met also in relation to Apple Ads, it exceptionally does not satisfy the requirements listed in Article 3(1) of that Regulation due to the circumstances in which Apple Maps and Apple Ads operate. ([5])

2. THE UNDERTAKING

(5) Apple designs, manufactures, and markets mobile communication and media devices, personal computers, and portable digital music players. It sells a variety of related software, services, peripherals, networking solutions, and third-party digital content and applications. Apple sells its products worldwide through its retail stores, online stores, and direct sales force, as well as through third-party cellular network carriers, wholesalers, retailers, and value-added resellers.

(6) Apple's parent company, Apple Inc., is headquartered in Cupertino, California, United States of America. It develops and provides the underlying technology of Apple Maps and Apple Ads. Its wholly owned subsidiary Apple Distribution International Ltd. acts as the operator of Apple Maps and Apple Ads for regulatory purposes in the EU. Apple Distribution International Ltd. is headquartered in Hollyhill, Cork, Ireland.

3. LEGAL FRAMEWORK FOR THE DESIGNATION OF GATEKEEPERS PURSUANT TO REGULATION (EU) 2022/1925

(7) Article 3 of Regulation (EU) 2022/1925 sets out the rules for the designation of gatekeepers. An undertaking shall be designated as a gatekeeper under that Regulation if it satisfies the requirements set out in Article 3(1) thereof. An undertaking shall be presumed to satisfy those requirements where it meets the quantitative thresholds laid down in Article 3(2) of Regulation (EU) 2022/1925. Pursuant to Article 3(9) of Regulation (EU) 2022/1925, the designation decision shall list the relevant CPSs that are provided by the undertaking and that are an important gateway for business users to reach end users as referred to in Article 3(1), point (b), of that Regulation.

3.1. The delineation of CPSs

(8) Article 2, point (2), of Regulation (EU) 2022/1925 lists ten CPS categories, namely: (a) online intermediation services, (b) online search engines, (c) online social networking services, (d) video-sharing platform services, (e) number-independent interpersonal communications services, (f) operating systems,

([5]) Form GD on Apple Maps, Annex 2; Form GD on Apple Ads, Annex 2.

(g) web browsers, (h) virtual assistants, (i) cloud computing services, and (j) online advertising services, including any advertising networks, advertising exchanges and any other advertising intermediation services, provided by an undertaking that provides any of the CPSs listed in points (a) to (i).

(9) In order to determine whether a service provided by an undertaking is a CPS that meets the requirement set out in Article 3(1), point (b), of Regulation (EU) 2022/1925 it is necessary, as a preliminary step, to proceed to the delineation of this service. To delineate a service, a number of provisions in Regulation (EU) 2022/1925 are of relevance, including in particular the following.

(10) Section D, paragraph 2, of the Annex to Regulation (EU) 2022/1925 provides that, for the purpose of calculating the number of 'active end users' and 'active business users' under Article 3(2), point (b), of that Regulation:

- undertakings shall not identify CPSs that belong to the same category of CPS pursuant to Article 2, point (2), of Regulation (EU) 2022/1925 as distinct mainly on the basis that they are provided using different domain names, whether country code top-level domains (ccTLDs) or generic top-level domains (gTLDs), or any geographic attributes; ([6])

- undertakings shall consider as distinct those CPSs that either (i) do not belong to the same category of CPS pursuant to Article 2, point (2), of Regulation (EU) 2022/1925, even if they are offered in an integrated way; ([7]) or (ii) are used for different purposes by either their end users or their business users, or both, even if their end users and/or business users may be the same, even if the CPSs belong to the same category pursuant to Article 2, point (2), of that Regulation, and even if they are offered in an integrated way. ([8])

(11) In light of the foregoing, CPSs may be considered distinct even if they fall within the same category of CPS. In such cases, a relevant criterion for identifying distinct CPSs within the same category of CPS is the purpose for which the service is used by either end users or business users, or both. ([9]) Furthermore, different services may constitute a single CPS, if they are used for the same purpose from both an end user and a business user perspective, unless they belong to different categories of the CPSs listed in Article 2, point (2), of Regulation (EU) 2022/1925.

(12) Moreover, Article 13(1) of Regulation (EU) 2022/1925 provides that no practice by an undertaking providing CPSs which consists of segmenting, dividing, subdividing, fragmenting or splitting those services through contractual, commercial, technical or any other means in order to circumvent the quantitative thresholds laid down in Article 3(2) of that Regulation shall prevent the Commission from designating it as a gatekeeper pursuant to Article 3(4) of that Regulation.

(13) As Recital (11) of the preamble to Regulation (EU) 2022/1925 points out, that Regulation pursues an objective that is complementary to, but different from, that of EU competition rules, which is to protect undistorted competition on any given market. Consequently, the application of EU competition rules, including

([6]) Annex to Regulation (EU) 2022/1925, Section D, point 2(a).
([7]) Annex to Regulation (EU) 2022/1925, Section D, point 2(c)(i).
([8]) Annex to Regulation (EU) 2022/1925, Section D, points 2(b) and (c)(ii).
([9]) The same applies when the undertaking provides CPSs in an integrated way.

competition law precedents, is without prejudice to the application of Regulation (EU) 2022/1925, and vice versa. Accordingly, the delineation of CPSs under Regulation (EU) 2022/1925 has no bearing on the definition of the relevant market for the purpose of applying EU competition rules (and vice versa) and those two types of analyses may thus lead to different results.

3.2. The designation of gatekeepers pursuant to Article 3 of Regulation (EU) 2022/1925

(14) According to Article 3(1) of Regulation (EU) 2022/1925, the Commission is to designate an undertaking as a gatekeeper if it fulfils three cumulative requirements, namely: (a) it has a significant impact on the internal market; (b) it provides a CPS which is an important gateway for business users to reach end users; and (c) it enjoys an entrenched and durable position, in its operations, or it is foreseeable that it will enjoy such a position in the near future.

(15) Article 3(2) of Regulation (EU) 2022/1925 lays down a presumption that those requirements are satisfied where certain quantitative thresholds are met, namely:

(a) an undertaking is presumed to have a significant impact on the internal market where it achieves an annual EU turnover equal to or above EUR 7.5 billion in each of the last three financial years, or where its average market capitalisation or its equivalent fair market value amounted to at least EUR 75 billion in the last financial year, and it provides the same CPS in at least three Member States;

(b) an undertaking is presumed to provide a CPS which is an important gateway for business users to reach end users where it provides a CPS that, in the last financial year, had at least 45 million monthly active end users established or located in the EU and at least 10 000 yearly active business users established in the EU, identified and calculated in accordance with the methodology and indicators set out in the Annex to Regulation (EU) 2022/1925;

(c) an undertaking is presumed to enjoy an entrenched and durable position, in its operations, or it is foreseeable that it will enjoy such a position in the near future, where the thresholds in point (b) were met in each of the last three financial years.

(16) Pursuant to Article 3(3) of Regulation (EU) 2022/1925, an undertaking providing CPSs that meets all of the thresholds in Article 3(2) is to notify the Commission without delay and in any event within two months after those thresholds are met, by providing it with the relevant information referred to in Article 3(2). Pursuant to Article 3(4) of Regulation (EU) 2022/1925, the Commission is to designate the undertaking as a gatekeeper without undue delay and at the latest within 45 working days after receiving the complete information referred to in Article 3(3) of that Regulation.

(17) Pursuant to Article 3(8), first subparagraph of Regulation (EU) 2022/1925, an undertaking that does not satisfy each of the thresholds laid down in Article 3(2) but meets each of the requirements of Article 3(1) of that Regulation is to be designated as a gatekeeper in accordance with the procedure laid down in Article 17.

3.3. The rebuttal of the presumptions of Article 3(2) pursuant to Article 3(5) of Regulation (EU) 2022/1925

(18) Once the conditions for the applicability of the presumptions laid down in Article 3(2) of Regulation (EU) 2022/1925 are met in relation to a CPS, the undertaking concerned is deemed to be a gatekeeper in relation to that CPS, unless the undertaking concerned rebuts these presumptions pursuant to Article 3(5), first subparagraph, of Regulation (EU) 2022/1925. Pursuant to the latter provision, an undertaking that meets all the thresholds laid down in Article 3(2) of Regulation (EU) 2022/1925 may present, with its notification, arguments to demonstrate that, although it meets all those thresholds, it exceptionally does not satisfy the requirements laid down in Article 3(1) of that Regulation due to the circumstances in which the relevant CPS operates.

(19) As explained in Recital (23) of the preamble to Regulation (EU) 2022/1925, the undertaking concerned bears the burden of adducing the evidence rebutting the presumptions. Moreover, as Recital (23) of Regulation (EU) 2022/1925 further explains, the arguments taken into account by the Commission in that regard should relate directly to the quantitative criteria laid down in Article 3(2) of that Regulation. Accordingly, any justification on economic grounds such as those related to market definition or to efficiencies should be discarded, because it is not relevant to the designation as a gatekeeper.

(20) Article 3(5), second subparagraph of Regulation (EU) 2022/1925 provides that if the arguments submitted are not sufficiently substantiated because they do not manifestly call into question the presumptions set out in Article 3(2) of that Regulation, the Commission may reject the arguments within 45 working days after receiving the complete information referred to in Article 3(3) of that Regulation. By contrast, pursuant to Article 3(5), third subparagraph, of Regulation (EU) 2022/1925, if the undertaking presents sufficiently substantiated arguments manifestly calling into question the above-mentioned presumptions, the Commission may open a market investigation pursuant to Article 17(3) of that Regulation.

(21) In situations in which the Commission considers that the submitted evidence is sufficient to demonstrate that the requirements laid down in Article 3(1) of Regulation (EU) 2022/1925 are not fulfilled, it may accept the rebuttal without opening a market investigation.

4. THE NOTIFIED CPSS: APPLE MAPS AND APPLE ADS

(22) Apple submitted two Forms GD, each of them referring to one CPS that meets the thresholds laid down in Article 3(2) of Regulation (EU) 2022/1925: its online intermediation service Apple Maps and its online advertising service Apple Ads.

4.1. Apple's online intermediation service Apple Maps

4.1.1. CPS qualification and delineation

4.1.1.1. The Undertaking's view

(23) Apple describes Apple Maps as a mapping and navigation service. The Apple Maps app is available exclusively on Apple devices, namely on the iPhone, iPad,

Mac, and Apple Watch. On these devices, Apple Maps comes as the pre-installed and default mapping app. ([10]) On other devices, end users can only access the browser version. The browser version has been available on desktop since July 2024 and on mobile phones since 2025. ([11])

(24) End users can use Apple Maps to plan routes and navigate to locations. When requesting directions, end users can view taxi and ride-hailing options leading to any taxi or ride-hailing app they have installed on their device to complete the booking. Finally, end users can enter queries for places, prompting Apple Maps to provide a list of matching results. ([12])

(25) Any point of interest on the map or in the list of search results can be tapped to show a Place Card that contains information about the tapped place, such as opening hours or contact details. Any user of Apple Maps can request Apple to create a Place Card for a location, including for a business. Since 2023, businesses can claim a Place Card via Apple Business Connect, provided they accept the Business Connect Terms of Service. A business user can customise its claimed Place Cards, for example, by modifying the description of its business. ([13])

(26) Place Cards may also include Action Links. These are interactive buttons that direct end users to external websites of third-party intermediaries to carry out transactions such as meal orders or hotel reservations. [Reference to details of Apple's monetisation model for Apple Maps]. ([14])

(27) Apple submits that Apple Maps is not an online intermediation service in terms of Article 2, point (5), of Regulation (EU) 2022/1925, and therefore not a CPS. In this regard, Apple points out that the definition of an online intermediation service requires the existence of an information society service which is a service that is "*normally provided for remuneration*". ([15]) In Apple's view, Apple Maps does not constitute an online intermediation service because it is not normally provided for remuneration.

(28) *First*, according to Apple, it does not monetise Apple Maps via the sale of hardware devices. In particular, Apple argues that there is no direct link between the setting of the price of Apple devices and their pre-installed software applications, including Apple Maps. Also, its devices can be used without Apple Maps and Apple Maps can also be used via any web browser from non-Apple devices.

(29) *Second*, Apple submits that [it only receives limited payment for Apple Maps]. Considering this "*de minimis proportion*", Apple concludes that Apple Maps is not normally provided for remuneration.

(30) *Third*, Apple argues that the fact that other mapping services are offered for remuneration is irrelevant for the qualification of Apple Maps. In this regard,

([10]) Form GD on Apple Maps, paragraphs 14-18. The default setting determines which mapping app will open when an end user taps on an address recognised by Data Detectors, for example, in a text message.
([11]) Form GD on Apple Maps, paragraph 8.
([12]) Form GD on Apple Maps, paragraphs 10, 11 and 13.
([13]) Form GD on Apple Maps, paragraph 12.
([14]) Form GD on Apple Maps, paragraphs 22-26.
([15]) For the definition of an online intermediation service, Article 2, point (5), of Regulation (EU) 2022/1925 refers to Article 2, point (2), of Regulation (EU) 2019/1150 which in turn refers to Article 1(1), point (b), of Directive (EU) 2015/1535 for the definition of an information society service.

Apple points out that the expression "*normally provided for remuneration*" refers to the individual activity and not the category of the activity. ([16])

4.1.1.2. The Commission's assessment

(31) Article 2, point (2), subpoint (a), of Regulation (EU) 2022/1925 lists online intermediation services as one of the categories of CPSs within the meaning of that Regulation. Article 2, point (5), of Regulation (EU) 2022/1925 defines "*online intermediation services*" by cross-referring to Article 2, point (2), of Regulation (EU) 2019/1150. According to this provision, online intermediation services are services that meet all of the following requirements: (a) they constitute an information society service within the meaning of Article 1(1), point (b), of Directive (EU) 2015/1535; (b) they allow business users to offer goods or services to consumers, with a view to facilitating the initiating of direct transactions between those business users and consumers, irrespective of where those transactions are ultimately concluded; and (c) they are provided to business users on the basis of contractual relationships between the provider of those services and business users which offer goods or services to consumers.

(32) Based on the information provided by Apple, the Commission considers that Apple Maps fulfils the definition of an online intermediation service laid down in Article 2, point (5), of Regulation (EU) 2022/1925 and, hence, constitutes a CPS.

(33) *First*, contrary to Apple's views, the Commission considers that Apple Maps constitutes an information society service within the meaning of Article 1(1), point (b), of Directive (EU) 2015/153, that is, a service that is normally provided for remuneration.

(34) *In the first place*, Apple's claim that the payment of a fee is the only means through which Apple Maps can be monetised is unfounded. The Court of Justice of the European Union has interpreted the concept of remuneration broadly, as including not only direct payment for the service itself but also other forms of *indirect* remuneration, such as through the sale of associated devices. In addition, according to settled case law, such remuneration does not have to be paid directly by the recipient of the service. ([17]) To begin with, Apple Maps is overwhelmingly used in the app, with the browser version of Apple Maps still being nascent, limited in functionality and garnering "*negligible*" to "*non-existent*" usage. ([18]) As already described in paragraph (23), the Apple Maps app comes pre-installed and can only be used on Apple devices, which are sold to consumers. Therefore, end users buy Apple devices not only for the hardware itself (e.g., iPhone; iPad; Mac; Apple Watch), but also for Apple's software applications that go with it, including the Apple Maps app, as an overall package. Therefore, Apple can be said to receive remuneration for Apple Maps through the sale of Apple devices, which are the primary means for end users to have Apple Maps available to them.

(35) *In the second place*, as explained in paragraph (26), Apple [reference to details of Apple's monetisation model for Apple Maps]. Unlike Apple suggests, that

([16]) Form GD on Apple Maps, paragraphs 19-26; Apple's reply of 7 January 2026, paragraphs 41-52.

([17]) Judgment of the Court of Justice of 15 September 2016, *Tobias Mc Fadden v Sony Music Entertainment Germany GmbH*, C-484/14, EU:C:2016:689, paragraphs 41 and 42; Judgment of the Court of Justice of 11 September 2014, *Sotiris Papasavvas v O Fileleftheros Dimosia Etaireia Ltd and Others*, C-291/13, EU:C:2014:2209, paragraphs 28 and 29; Judgment of the Court of Justice of 11 April 2000, *Deliège v Ligue francophone de Judo et disciplines Associées Asb*, joined cases C-51/96 and C-191/97 EU:C:2000:199, paragraphs 52 and 56.

([18]) Form GD on Apple Maps, Annex 2, paragraphs 16, 23 and 65.

remuneration is not negligible, given that it amounted to around EUR [0-5] million of EU revenues in FY 2025. Apple's contention that this constitutes only a small proportion of its aggregate EU revenue in FY 2025 does not change this assessment, in particular since the definition of online intermediation services refers to "*remuneration*" in general terms, and not to a certain level of remuneration. Whether or not a service is provided for remuneration cannot depend on the number and revenue of other, potentially unrelated products and services offered by the same undertaking.

(36) Furthermore, the requirement to be "*normally*" provided for remuneration does not mean, as Apple argues, that most use of the service results in a remuneration. Rather, it means that similar services are usually provided for remuneration. In this case, the fact that Alphabet's Google Maps is paid for through advertising on that online intermediation service, ([19]) corroborates the Commission's finding that online intermediation services like Apple Maps are "*normally provided for remuneration.*"

(37) *Second*, Apple Maps allows business users to offer goods or services to consumers, with a view to facilitating the initiation of direct transactions between those business users and consumers, irrespective of where those transactions are ultimately concluded. Namely, Apple Maps aids consumers in finding business users and information about them, including their locations and, in some cases, the possibility to engage in digital transactions with them through Action Links. It allows business users to modify and add information about their establishments in Place Cards and to add Action Links to them, all of which facilitates the initiation of transactions between business users and consumers. Apple Maps also enables transactions between end users and transportation services by providing information on the duration and costs of different transportation options on routes end users want to take to certain destinations.

(38) *Third*, Apple Maps is provided to business users on the basis of contractual relationships between the provider of the online intermediation service, i.e., Apple, and business users which offer goods or services to consumers through that service, since (i) business users must accept Apple's Business Connect Terms of Service to claim a Place Card and (ii) intermediaries who place Action Links within Place Cards must conclude [type of agreement] with Apple to do so.

(39) In line with the information provided by Apple, the Commission further considers that Apple Maps should be considered as an online intermediation service in its entirety, irrespective of the device through which that service can be accessed.

(40) For the reasons set out above, the Commission concludes that Apple Maps constitutes an online intermediation service within the meaning Article 2, point (5), of Regulation (EU) 2022/1925 and therefore a CPS within the meaning of Article 2, point (2), subpoint (a), of that Regulation.

4.1.2. Thresholds laid down in Article 3(2) of Regulation (EU) 2022/1925

4.1.2.1. The Undertaking's view

(41) Apple indicates that it meets the thresholds laid down in Article 3(2), point (a), of Regulation (EU) 2022/1925, because it had an average market capitalisation in

([19]) Alphabet's response to RFI 1 of 13 November 2025, submitted on 16 December 2025, paragraph 14.

the last FY of [>75] billion. (20) In addition, Apple Maps is provided in all EU Member States. (21)

(42) Apple further indicates that Apple Maps meets the monthly active end users and yearly active business users thresholds laid down in Article 3(2), points (b) and (c), of Regulation (EU) 1925/2022.

(43) Apple explains that it is unable to calculate the precise number of monthly active end users because Apple Maps was designed in such a manner that it does not allow any association of the end user's data with the end user's Apple Account. Consequently, Apple cannot identify individual end users while they use Apple Maps over different sessions. In addition, Apple submits that, due to [technical event], it is unable to provide data for the estimation of monthly active end users for the period between July 2023 and December 2024. However, according to Apple, there are no indications that Apple Maps' number of monthly active end users would have been materially lower in FY 2023 and FY 2024 than it was in FY 2025. (22)

(44) To approximate the number of monthly active end users for FY 2025 in the EU, Apple estimated the number of active iPhones located in the EU that, between January and September 2025, opened the Apple Maps app at least once in a month for more than 5 seconds. On that basis, the number of monthly active end users is estimated to [>45] million in 2025. Apple considers any usage below this duration fails to amount to an effective and deliberate engagement with Apple Maps. For completeness, Apple submits that, if this criterion was not applied, the estimated number of monthly active end users would increase from [>45] million to [>45] million. (23)

(45) As regards yearly active business users, Apple took into account unique businesses with at least one location listed on Apple Maps in the EU for which a Place Card was (i) claimed by that business via Apple Business Connect and (ii) updated at least once within the year. (24)

(46) Following these methodologies, Apple submits the figures shown in Table 1 below.

Table 1: Monthly active end users and yearly active business users of Apple Maps in the last three financial years

FY	MAEUs	YABUs
2023	>45 million	[>10,000]
2024	>45 million	[>10,000]
2025	[>45] million	[>10,000]

Source: Form GD, Tables 4 and 5.

4.1.2.2. The Commission's assessment

(47) Based on the information provided by Apple, the Commission concludes that Apple Maps meets the thresholds laid down in Article 3(2) of Regulation (EU) 2022/1925.

(20) Form GD on Apple Maps, Table 3.
(21) Form GD on Apple Maps, paragraph 30.
(22) Form GD on Apple Maps, paragraph 34 and 37.
(23) Form GD on Apple Maps, paragraphs 35-37 and footnote 19.
(24) Form GD on Apple Maps, paragraph 41.

(48) As regards the thresholds laid down in Article 3(2), point (b), of Regulation (EU) 2022/1925, it is not necessary to determine whether Apple's approach to identifying and estimating monthly active end users and yearly active business users of its online intermediation CPS Apple Maps is sufficiently inclusive in line with the relevant definition in Section E of the Annex to Regulation (EU) 2022/1925, given that the aforementioned thresholds are met based on the information provided by Apple.

4.1.3. Assessment pursuant to Article 3(5) of Regulation (EU) 2022/1925

(49) In line with Article 3(5) of Regulation (EU) 2022/1925, together with its notification, Apple put forward a number of arguments that, in its view, demonstrate that, the requirements laid down in Article 3(1) of Regulation (EU) 2022/1925 are not satisfied in case of Apple Maps, even though Apple meets the thresholds laid down in Article 3(2) of that Regulation, in relation to Apple Maps.

4.1.3.1. The Undertaking's view

(50) Apple's main arguments for showing that Apple Maps exceptionally does not satisfy the requirement laid down in Article 3(1), point (b), of Regulation (EU) 2022/1925 can be summarised as follows:

(51) *First*, Apple argues that Apple Maps is competing with a variety of services with a broader reach. Particularly, competing mapping services, like Google Maps, are available across Apple and Android devices as well as web browsers, whereas the Apple Maps app is exclusively available on Apple devices and its browser version is virtually non-existent. ([25])

(52) *Second*, Apple argues that Apple Maps is a late entrant and has only recently started building a business user base, especially when compared to Google Maps. After Apple Maps was launched as a consumer-facing service in 2012, Apple Business Connect was introduced in January 2023 to allow businesses to claim and customise Place Cards. Apple claims that, even after the introduction of Apple Business Connect, Apple Maps has only gained limited traction among business users, noting that the adoption metrics confirm this. On the other hand, Google Maps started building its business user base already as of 2014. ([26])

(53) *Third*, Apple argues that Apple Maps has very limited usage in the EU when compared to Google Maps and submits foreground time as a metric to substantiate its point. ([27])

(54) *Fourth*, according to Apple, qualitative evidence confirms that Apple Maps is not an important gateway for business users to reach end users. In the first place, Apple Maps is primarily designed to facilitate routing and navigation and lacks critical intermediation capabilities. In the second place, Apple submits that the limitations of Apple Maps as a business tool are well documented. In the third place, according to Apple, its approach to privacy does not allow business users to target end users on Apple Maps making it a less appealing tool for businesses to reach end users in comparison to other similar services. ([28])

([25]) Form GD on Apple Maps, Annex 2, paragraph 15-25.
([26]) Form GD on Apple Maps, Annex 2, paragraphs 5 and 26-34.
([27]) Form GD on Apple Maps, Annex 2, paragraphs 35-63. Foreground time refers to the amount of time that an app is actively visible on the end user's screen.
([28]) Form GD on Apple Maps, Annex 2, paragraph 64-73.

4.1.3.2. The Commission's assessment

(55) For the reasons set out below, the Commission considers, in line with Article 3(5), third subparagraph, of Regulation (EU) 2022/1925, that Apple has provided sufficiently substantiated arguments demonstrating that, exceptionally, even though the thresholds laid down in Article 3(2) are met, the requirement laid down in Article 3(1), point (b), of Regulation (EU) 2022/1925 is not satisfied, due to the circumstances in which Apple Maps operates. In that regard, it is not necessary to open a market investigation pursuant to Article 3(5), third sub-paragraph, in combination with Article 17(3) of Regulation (EU) 2022/1925. Consequently, the Commission considers that Apple should not be designated as a gatekeeper in relation to Apple Maps.

(56) *First*, based on the information available to the Commission, the overall usage of Apple Maps appears to be relatively low in the EU, in terms of a significantly lower number of end users and a much lower intensity of use as compared to other comparable online intermediation services, including the most popular mapping service, Google Maps which is provided by Alphabet.

(57) In this regard, the number of monthly active end users of Apple Maps is significantly below the number of monthly active end users of Google Maps. In FY 2025, Google Maps attracted [2-3] times as many monthly active end users as Apple Maps when considering mobile apps alone. ([29]) Given Apple Maps' virtual lack of presence on browsers as set out in paragraph (51), the monthly active end users of Apple Maps across all entry points and all devices constitute an even smaller fraction of those of Google Maps.

(58) Moreover, end users use Google Maps significantly more than Apple Maps. In apps, foreground time reflects the amount of time that an app is actively running on the foreground, i.e., it is visible on the end user's screen. The *total* foreground time aggregates the time spent on a mapping app across devices each year. Unlike the number of app launches, which simply measures the number of times the app is opened, foreground time reflects the intensity of usage. ([30]) For web browsers, the total foreground time indicates the amount of time that end users collectively spend on a mapping service's website per year. ([31])

(59) A comparison of app foreground time reveals that, in FY 2025, end users engaged significantly less with Apple Maps than they did with Google Maps. In this period, the iPhone accounted for [90-100] % of app foreground time spent on Apple Maps. ([32]) Apple device analytics indicate that, although Apple Maps comes as the pre-installed, default mapping app on all iPhones in the EU, it attained only [50-60%] of the foreground time spent on Google Maps on those devices. ([33]) Considering that the Apple Maps app is not available on Android devices, unlike Google Maps, comparing app foreground time across *all* smartphones further highlights the disparity between the two apps. Based on market analytics, Apple submits that Apple Maps represented only [5-10] % of

([29]) See Form GD on Apple Maps, footnote 19 ([>45] million end users); Alphabet's response to RFI 1 of 13 November 2025, Tranche 3, submitted on 16 December 2025, paragraph 23.

([30]) Form GD on Apple Maps, Annex 2, paragraphs 36 and 39.

([31]) Form GD on Apple Maps, Annex 3, paragraph 20.

([32]) Form GD on Apple Maps, Annex 2, paragraph 19. iPad, Mac and Apple Watch share the remaining [0-5] %.

([33]) Form GD on Apple Maps, Annex 2, paragraph 42.

app foreground time across smartphones when compared to Google Maps. ([34]) An extrapolation of Apple device analytics to all smartphones, conducted by the Commission and based on the respective market shares of iOS and Android smartphones in the EU, yields a similar result, showing that Apple Maps accounted for [10-20] % of foreground time. ([35]) It is finally worth noting that [comparison of usage evolution]. ([36])

(60) The gap between Apple Maps and Google Maps is even more pronounced when comparing the browser foreground time for FY 2025. ([37]) On browsers, end users spent [1000-1100] times more foreground time on Google Maps than they did on Apple Maps. ([38])

(61) *Second*, based on the information available to the Commission, the usage of Apple Maps by business users is low when compared to Google Maps.

(62) In this regard, the number of yearly active business users of Apple Maps according to Apple's definition as set out in paragraph (45) is significantly below the corresponding number for Google Maps. In FY 2025, Google Maps had [300-400] times as many business users as Apple Maps. ([39]) Moreover, out of the [40-50] million claimable EU Place Cards on Apple Maps, only [0-5] % were claimed. ([40]) By contrast, [50-60] % of the points of interest that can be found on Google Maps in the EU are associated with a Google Business Profile. ([41])

(63) This reduced level of business activity on Apple Maps is also evidenced by the low level of end user interaction with EU claimed Place Cards. According to the information submitted by Apple, the number of average monthly views of EU claimed Place Cards on all devices and on both mobile and browser amounts to [30-40] million in FY 2025. ([42]) By comparison, Google Maps accounted for [20-30] billion average monthly views of EU local businesses which were claimed by the owners' Google Business Profile in FY 2025. ([43])

([34]) Form GD on Apple Maps, Annex 2, paragraph 48. Apple obtained external market analytics to estimate the total foreground time that end users spent on Google Maps on Android smartphones.

([35]) Excel file "Scale data analysis.xlsx".

([36]) Form GD on Apple Maps, Annex 2, paragraph 52.

([37]) Web browsers are a secondary means for end users to engage with mapping services. Compared to apps, browsers (desktop and mobile combined) account for less than 10 % of the overall foreground time. Form GD on Apple Maps, Annex 2, paragraph 22.

([38]) Form GD on Apple Maps, Annex 2, paragraph 24.

([39]) Alphabet's response to RFI 1 of 13 November 2025, Tranche 3, submitted on 16 December 2025, paragraph 25.

([40]) Form GD on Apple Maps, Annex 2, paragraph 32. Out of [40-50] million eligible businesses, [300-400] thousand claimed a physical location. Only [30-40] thousand of them updated information on that location at least once a year. Only the latter are counted as business users by Apple.

([41]) Alphabet's response to RFI 1 of 13 November 2025, Tranche 3, submitted on 16 December 2025, paragraphs 27 and 29. Although Alphabet cannot establish the number of local entities that are businesses on Google Maps in the EU that corresponds to claimable Place Cards on Apple Maps, this number is by definition smaller than the total number of local entities (regardless of being a commercial establishment or not) listed here. Therefore, the share of local business entities that have claimed a point of interest on Google Maps using a Google Business Profile is greater than [50-60] %.

([42]) Form GD on Apple Maps, Annex 2, footnote 37. Apple also submits that, for completeness, under the metric engagement with claimable Place Cards, this would amount to [300-400] million average monthly views in FY 2024 and [400-500] million average monthly views in FY 2025.

([43]) Alphabet's response to RFI 1 of 13 November 2025, Tranche 3, submitted on 16 December 2025, paragraphs 29 and 37.

(64) In the Commission view, this indicates that EU businesses do not perceive Apple Maps as an important gateway and consider Google Maps as a vastly more important vehicle to reach end users.

4.1.4. Conclusion for the online intermediation service Apple Maps

(65) Given that the arguments presented by Apple pursuant to Article 3(5) of Regulation (EU) 2022/1925 not only manifestly call into question but, considered together, clearly demonstrate that the requirements laid down in Article 3(1), point (b), of that Regulation, and consequently also the requirements in Article 3(1), point (c), of that Regulation, are not satisfied, it is not necessary for the Commission to open a market investigation pursuant to the procedure laid down in Article 17(3) of that Regulation.

(66) Accordingly, Apple shall not be designated as a gatekeeper in relation to Apple Maps pursuant to Article 3(4) of Regulation (EU) 2022/1925.

4.2. Apple's online advertising service Apple Ads

4.2.1. CPS qualification and delineation

4.2.1.1. The Undertaking's view

(67) Apple considers Apple Ads to be a service that allows developers to pay to increase the visibility of their apps on Apple's iOS and iPadOS App Stores, ([44]) but does not qualify as an online advertising service for the purpose of Regulation (EU) 2022/1925. ([45])

(68) Apple submits that it notified Apple Ads based on the Commission's recommendation and without prejudice to its legal position.

(69) *First,* Apple states that Apple Ads is not covered by any of the online advertising service categories listed in Article 2, point (2), subpoint (j), of Regulation (EU) 2022/1925. ([46]) Instead, Apple argues that Apple Ads is a traditional publisher selling ad inventory exclusively on its own property. ([47])

(70) *Second,* Apple claims that Apple Ads differs substantially from the designated online advertising services of Alphabet, Meta and Amazon. ([48]) Contrary to those online advertising services, Apple Ads (i) would only allow to promote apps which are available on the iOS and iPadOS App Stores (no other goods or services), (ii) is not integrated into a broader advertising network, and (iii) has limited capabilities. ([49])

(71) *Third,* Apple considers that Article 2, point (2), subpoint (j), of Regulation (EU) 2022/1925 is confined to advertising intermediation services. Apple explains that an advertising intermediation service is the only type of advertising service that has the potential to serve as an important gateway for business users to reach end users. Apple considers that the term "*including*" in Article 2, point (2),

([44]) Form GD on Apple Ads, paragraph 7.
([45]) Form GD on Apple Ads, paragraphs 11, 16 and 17.
([46]) Article 2, point (2), subpoint (j), of Regulation (EU) 2022/1925 lists "*online advertising services, including any advertising networks, advertising exchanges and any other advertising intermediation services*" as a CPS.
([47]) Form GD on Apple Ads, paragraphs 12 and 13.
([48]) Form GD on Apple Ads, paragraphs 14 and 15.
([49]) Form GD on Apple Ads, paragraph 15.

subpoint (j), of Regulation (EU) 2022/1925 "*can only have the effect of providing examples of such advertising intermediation*" and therefore considers that "*[p]roprietary sales of advertising space [...] lack the structural characteristics, intermediation role, and scale necessary to qualify as a CPS.*" ([50])

4.2.1.2. The Commission's assessment

(72) The Commission concludes that Apple Ads fulfils the definition of an online advertising service CPS within the meaning of Article 2, point (2), subpoint (j), of Regulation (EU) 2022/1925. That finding is based on the following considerations.

(73) The Commission considers that online advertising services within the meaning of Article 2, point (2), subpoint (j), of Regulation (EU) 2022/1925 include advertising services limited to the proprietary sale of advertising space. As Apple does not contest the fact that it offers proprietary sales of advertising space and identifies and calculates end users and business users accordingly, the Commission considers Apple Ads to fall within the notion of "*online advertising services*" under Regulation (EU) 2022/1925.

(74) *First*, and contrary to Apple's position, the Commission considers that Article 2, point (2), subpoint (j), of Regulation (EU) 2022/1925 is not limited to advertising intermediation services. While Apple argues that the definition in Article 2, point (2), subpoint (j), of Regulation (EU) 2022/1925 solely refers to entities providing advertising intermediation services, such as advertising networks, exchanges, and "*any other advertising intermediation services,*" the Commission considers that the provision instead sets out a non-exhaustive list of online advertising services.

(75) The Commission's reading of the term "*online advertising services*" is based on the use of the term "*including"* in Article 2, point (2), subpoint (j), of Regulation (EU) 2022/1925. Instead of defining "*online advertising services,*" Regulation (EU) 2022/1925 only lists examples of services falling within that notion and does not limit online advertising services to the activities of intermediating ad space. If that were the case, there would be no need to include an explicit reference to different examples of advertising intermediation services and to add "*any other advertising intermediation services*" after the word "*including.*" If the notion includes "*advertising networks, advertising exchanges and any other advertising intermediation services*" the understanding must be that the notion also covers other advertising services, such as proprietary sales of advertising space

(76) Furthermore, if an online advertising service would only include ad intermediation services, there would be no need for the distinction set out in Section E of the Annex to Regulation (EU) 2022/1925, which specifies the methodology for identifying and calculating active end users and active business users of online advertising services, and which distinguishes between proprietary sales of advertising space and advertising intermediation services.

(77) Therefore, in contrast to Apple's claim, the Commission considers that the display of advertisements in Apple's App Store, forming part of Apple Ads, constitutes an online advertising service. Both the Annex to Regulation (EU) 2022/1925 and the use of the word "*including*" support the Commission's interpretation set out in previous designation decisions, according to which Article 2, point (2), subpoint (j), of Regulation (EU) 2022/1925 includes "*different services,*

([50]) Apple's reply of 7 January 2026, paragraph 8.

interfaces, features, functionalities, and tools that may be used for the purpose of online advertising, which is to expose advertisements to end users" ([51]) – be it through proprietary sales of advertising space, advertising intermediation services, or both.

(78) *Second,* Apple's reading that Article 2, point (2), subpoint (j), of Regulation (EU) 2022/1925 is confined to advertising intermediation services as these are the only type of advertising services that have gatekeeping potential, is at odds with the presumption set out in Article 3(2) of that Regulation. According to this rule, the gateway role is presumed where the undertaking provides a CPS that, in the last financial year, had at least 45 million monthly active end users established or located in the EU and at least 10 000 yearly active business users established in the EU, identified and calculated in accordance with the methodology and indicators set out in the Annex to that Regulation. If the user number thresholds are met for the proprietary sales of advertising space alone, the legal presumption applies and the law recognises relevant gatekeeping potential for the CPS in question, regardless of whether the advertising service is an intermediation service or not.

4.2.2. Thresholds laid down in Article 3(2) of Regulation (EU) 2022/1925

4.2.2.1. The Undertaking's view

(79) Apple submits that it meets the threshold laid down in Article 3(2), point (a), of Regulation (EU) 2022/1925. Apple's average market capitalisation in 2025 is close to EUR [>75] billion. ([52]) Apple Ads is provided in all EU Member States except Lithuania and Malta. ([53])

(80) Apple submits that Apple Ads likely exceeds the 45 million end user threshold under Article 3(2), point (b), of Regulation (EU) 2022/1925, based on the assumption that a significant proportion of App Store users are exposed to Apple Ads. ([54])

(81) Apple submits that whether Apple Ads meets the 10 000 business user threshold under Article 3(2), point (b), of Regulation (EU) 2022/1925 depends on the business user counting methodology. Apple submits that, even though over 10 000 developers had an advertisement impression displayed on an EU storefront per year between 2023 and 2025 via Apple Ads, ([55]) only business users with an establishment in the EU should be counted as relevant business users. ([56])

(a) *First*, Apple submits business user numbers applying a declaration-based methodology to identify an EU establishment. ([57]) Under this methodology, only developers that explicitly declared a country of origin in the EU when enrolling as Apple developers should be considered. ([58]) Apple considers

([51]) Decision C(2023) 6101 final (Alphabet), paragraph 207. See also: Decision C(2023) 6104 final (Amazon), paragraph 51; Decision C(2023) 6105 final (Meta), paragraph 110.

([52]) Form GD on Apple Ads, paragraph 18 and Table 3.

([53]) Form GD on Apple Ads, paragraph 19.

([54]) Form GD on Apple Ads, paragraphs 20, 21 and Table 4. Apple only indicates that the threshold is exceeded between 2023 and 2025, without providing end user numbers.

([55]) Form GD on Apple Ads, paragraph 26 and footnote 9, according to which the number of developers who had an advertisement impression on an EU storefront were [>10 000] in 2023, [>10 000] in 2024, and [>10 000] in 2025.

([56]) Form GD on Apple Ads, paragraph 23.

([57]) Apple refers to this methodology as the "*most sensible methodology.*"

([58]) Form GD on Apple Ads, paragraph 22.

that developers who have not declared a country of origin in the EU should not be counted as established in the EU ([59]) and the fact that some developers may have changed their country of origin after registration would not result in undercounting. ([60]) Apple Ads does not meet the business user threshold when applying the declaration-based methodology. ([61])

(b) *Second*, Apple submits another business user counting methodology that uses an AI-based web search, followed by a manual review, to identify business users who indicated a non-EU country of origin when enrolling as an Apple developer but who are nonetheless established in the EU, and adding them to the business user numbers of the declaration-based methodology. ([62]) Apple does not meet the business user threshold when applying the AI-based web search methodology. ([63]) Apple considers that the Commission's criticism of the AI methodology is unsupported by factual evidence, that it has provided full transparency over its methodology, ([64]) that the methodology is robust and "*as comprehensive as possible*" ([65]) and that the manner in which the manual review is conducted cannot call into question the reliability of the overall methodology. ([66])

(c) *Third*, Apple submits a third set of business user numbers using a filtering approach, ([67]) which counts all developers with an advertisement impression on an EU storefront but filters out developers that Apple considers highly unlikely to be established in the EU. ([68]) When applying the filtering approach, Apple Ads exceeds the business user thresholds between 2023 and 2025. ([69]) Apple claims that the filtering approach overestimates the number of business users and therefore does not constitute a valid counting methodology for business users. ([70])

([59]) Apple's reply of 7 January 2026, paragraphs 23-26. Apple explains that out of the [10 000-20 000] Apple Ads developer users who have indicated a country of origin outside of the EU, [35-45 %] were individuals and that the remainder would typically be small companies. Apple considers it highly unlikely for both of these types of business users to be established in the EU if they do not have indicated a country of origin in the EU.

([60]) Apple's reply of 7 January 2026, paragraphs 27 and 28.

([61]) Form GD on Apple Ads, paragraphs 22 and 23. Applying the declaration-based methodology, Apple counts developers (i) with at least one Apple Ads advertisement impression made on any EU storefront and (ii) that have indicated a country of origin in the EU when enrolling as an Apple developer.

([62]) Form GD on Apple Ads, paragraphs 24-28 and footnote 8, and Form GD on Apple Ads, Annex 3, paragraphs 1-10. The AI-based web search assessment was based on several criteria that indicate whether a developer is established in the EU, including having employees or management personnel in the EU, having EU bank accounts, or having postal addresses or letter boxes in the EU.

([63]) Form GD on Apple Ads, paragraphs 27 and 28.

([64]) Apple's reply of 7 January 2026, paragraphs 31-37.

([65]) Apple's reply of 7 January 2026, paragraphs 33 and 34.

([66]) Apple's reply of 7 January 2026, paragraphs 38-40.

([67]) Form GD on Apple Ads, paragraph 31. The filtering approach was first outlined in Apple's Form GD dated 3 July 2023.

([68]) Form GD on Apple Ads, paragraph 31. Apple counts all developers that have indicated their country of origin to be in the EU. Then, for developers who indicated a country of origin outside of the EU, Apple filters out (i) developers who have indicated they are individuals in their licensing agreement with Apple; or (ii) for which downloads on EU storefronts across all of their apps account for less than 1 %; or (iii) whose apps had 1,000 or fewer downloads in the EU for all of their apps.

([69]) Form GD on Apple Ads, paragraph 30 and Table 6, according to which the business user count for Apple Ads is [>10 000] in 2023, [>10 000] in 2024, and [>10 000] in 2025.

([70]) Apple's reply of 7 January 2026, paragraphs 17-19.

(82) In Apple's reply of 7 January 2026, Apple further states that the burden of proof rests with the Commission if the Commission disagrees with a methodology put forward by the gatekeeper. ([71])

4.2.2.2. The Commission's assessment

(83) Based on the information provided by Apple, the Commission concludes that Apple Ads meets the turnover thresholds laid down in Article 3(2), point (a), of Regulation (EU) 2022/1925 and end user thresholds pursuant to Article 3(2), points (b) and (c), of that Regulation. The Commission further concludes that the threshold for yearly active business users laid down in Article 3(2), point (b), of Regulation (EU) 2022/1925 is met in relation to Apple Ads. The Commission's view is based on the following elements.

(84) *First,* Apple Ads meets the business user thresholds based on the counting methodology set out in the Annex to Regulation (EU) 2022/1925. The Annex specifies the methodology for identifying and calculating active business users for online advertising services such as Apple Ads. In particular, the Annex specifies that, for the proprietary sales of advertising space, active business users are the "*[n]umber of unique advertisers who had at least one advertisement impression displayed during the year*". ([72])

(85) *Second*, while Apple points out that counting unique advertisers who had at least one ad impression on an EU storefront per year would overcount the number of active business users established in the EU, as it includes business users established outside of the EU, ([73]) its preferred methodologies to address this alleged overcounting are flawed.

(86) *In the first place*, Apple does not provide concrete and factual evidence on the number of business users (app developers) that are not established in the EU but operates with methodologies to estimate the number of such business users. The Commission considers that an approach which only counts business users as established in the EU if they explicitly stated an EU Member State as their country of origin when registering as an Apple developer is excessively restrictive. ([74]) Such an approach would, for instance, not account for (i) developers that have not declared a country of origin in an EU Member State, but that nonetheless carry out real and effective business activities, exercised through stable arrangements in the EU, which according to case law, is sufficient to confirm establishment in the EU ([75]) or (ii) developers that changed their country of origin since their registration as an Apple developer, but simply failed to update their business related information. It is unlikely that either the notion of "*EU establishment*", "*stable arrangement*" or even "*country of origin*" be fully and correctly

([71]) Apple's reply of 7 January 2026, paragraph 17.

([72]) Annex to Regulation (EU) 2022/1925, Section E.

([73]) Form GD on Apple Ads, paragraph 26.

([74]) Apple has not substantiated that the remaining [55-65 %] non-EU developers who are not individuals in 2024 predominantly constitute companies that cannot incur the cost and complexity of maintaining stable arrangements in the EU. Apple has only claimed that these remaining developers are "*typically small companies*," referring to the overall distribution of developers with apps in the EU. See Apple's reply to the Commission's letter of 19 December 2025, paragraph 25.

([75]) Apple considers itself that available case law and regulatory guidance suggests that the notion of establishment extends to "*any real and effective activity – even a minimal one – exercised through stable arrangements*". See Apple's Form GD of 3 July 2023, citing Case C-230/14, *Weltimmo*, paragraphs 31 and 41. See also Case C-131/12, *Google Spain SL v. AEPD and Mario Costa González*, paragraph 60; Case C-191/15, *KI v Amazon*, paragraph 76; EDPB Guidelines on the territorial scope of the GDPR, page 6.

understood by developers once registering with Apple, especially considering that a big majority of them are individuals or small companies.

(87) *In the second place*, the Commission considers Apple's AI-based web search methodology, relying on [AI service]'s AI system, untransparent and methodologically flawed. Apple has not explained to what databases [AI service]'s AI system has access to in order to perform the search. As a result, the Commission is not able to verify the sources relied on by [AI service] and thus to verify that [AI service] can reliably return exhaustive search results for Apple's EU establishment criteria. This is particularly so since the information Apple had [AI service] check for, i.e., employees or management personnel, bank accounts and postal addresses/letter boxes, is often not publicly available or would require access to very specific resources (e.g., commercial registries).

(88) Apple's claim that it has provided full transparency about its AI-based methodology disregards the fact that a large language model such as [AI service] relies on non-observable internal reasoning and undisclosed crawling and indexing choices. This means that it cannot be verified *ex post* what data sources were considered and whether the relevant information was in fact contained in the underlying dataset on which [AI service] performed its search. This is particularly relevant where the information Apple had [AI service] checking for is typically not readily available (see above). To this extent it cannot be regarded as sufficiently transparent and, "*as comprehensive as possible*" to allow the Commission to rely on it.

(89) Furthermore, the methodology appears to be geared towards ruling out EU establishment as a principle rather than objectively assessing it. While the aim of the manual review which followed the web-based search was "*to verify the accuracy and reliability of the AI findings*", ([76]) developers for which (i) the initial AI-based assessment had returned a negative result and (ii) which had also been considered not to be established in the EU under the separate filtering approach methodology, were not reviewed at all. As a result, the manual review process was not conducted "*for [5 000-10 000] developers for which the AI search indication was 'EU establishment excluded'*" ([77]) focusing solely on re-assessing initial positive assessments. This raises the risk of underestimating the relevant business user numbers since the manual review was not applied to more than half of the business users that could be potentially "*established in the EU*". Apple acknowledges that its manual review has been specifically conducted to "*prove a negative or the absence of a result*" and that "*it is highly unlikely that a manual review verifying the rationale behind a non-affirmative finding […] would have been capable of identifying evidence of EU establishment*". ([78]) Apple's view rests on the assumption that "*[AI service] ha[s] already assessed all publicly available information*" in a reliable manner, ([79]) which the Commission has already called into question. ([80])

(90) *In the third place*, with regards to Apple's filtering approach put forward by Apple already twice, in 2023 and 2025, the Commission considers it to be the most reasonable proxy among the ones submitted by Apple to exclude business users that are not established in the EU. As opposed to Apple's preferred

([76]) Form GD on Apple Ads, Annex 3, paragraph 9.
([77]) Form GD on Apple Ads, Annex 3, paragraph 10.
([78]) Apple's reply of 7 January 2026, paragraph 40.
([79]) Apple's reply of 7 January 2026, paragraph 40.
([80]) See paragraph (88) above.

methodologies, the filtering approach is not overly restrictive, while taking reasonable steps to filter out developers that are unlikely to be established in the EU. In the absence of more reliable data or methodologies that would apply a balanced scrutiny towards the inclusion or exclusion of business users, the Commission considers the filtering approach to be the counting methodology that is the most reasonable proxy among the ones discussed by Apple in its Form GD to reflect the number of business users of Apple Ads established in the EU. Based on that methodology, the business user numbers of Apple Ads are above 10 000 for the last three consecutive financial years (i.e., 2023 to 2025).

(91) As regards Apple's views that "*it is the responsibility of the EC to explain and justify its disagreement and to put forward an alternative it considers more suitable*", ([81]) the Commission considers that it has sufficiently substantiated its disagreement with Apple's declaration-based and AI-based methodologies in paragraphs (86) to (89). The Commission has also sufficiently motivated in paragraph (90) why it considers the filtering approach to constitute the most reasonable proxy for Apple's business user numbers among the approaches submitted by Apple.

(92) The Commission therefore concludes that, based on the information provided by Apple, Apple Ads exceeds the active business user thresholds set out in Article 3(2), points (b) and (c), of Regulation (EU) 2022/1925, and thereby all the thresholds laid down in Article 3(2) of Regulation (EU) 2022/1925.

4.2.3. Assessment pursuant to Article 3(5) of Regulation (EU) 2022/1925

(93) In line with Article 3(5) of Regulation (EU) 2022/1925, together with its notification, Apple submitted a rebuttal aimed at demonstrating that, without prejudice to Apple's legal position set out in the Form GD, Apple Ads does not satisfy the requirements laid down in Article 3(1), point (b), of Regulation (EU) 2022/1925 due to the circumstances in which it operates. ([82])

4.2.3.1. The Undertaking's view

(94) Apple puts forward three main arguments based on which it considers that the Commission should accept the rebuttal without opening a market investigation. ([83])

(95) *First*, Apple submits that Apple Ads has a minimal share in the EU online advertising market in terms of advertising revenue. With a [0-5] % revenue share for online advertising on mobile platforms in the EU in 2024, Apple Ads is small compared to other online advertising services such as Alphabet, Meta and Amazon, who have a [30-40] %, [30-40] % and [5-10] % revenue share respectively. ([84]) This argument similarly holds true when comparing Apple Ads' online advertising revenue on all platforms, based on which Apple Ads' online advertising market share in 2024 was [0-5] %, compared to Alphabet, Meta and Amazon, who had a [50-60] %, [10-20] % and [5-10] % revenue share for online advertising respectively. ([85])

([81]) Apple's reply of 7 January 2026, paragraph 17.
([82]) Form GD on Apple Ads, Annex 2.
([83]) Form GD on Apple Ads, Annex 2, paragraph 44.
([84]) Form GD on Apple Ads, Annex 2, paragraphs 4, 13 and 14 and Figure 1. These estimates use data from Omdia, see paragraph (99).
([85]) Apple's submission "Europe Online Advertising Market Share Analysis, 2024", submitted on 9 January 2026, Figure 1. According to Apple, the market estimates differ because Grand View Research attributes

(96) Apple argues that its advertising revenue accounts for only [0-5] % of Apple's turnover in the EU in 2025. ([86]) Apple Ads' ad revenue is (i) significantly lower than compared to designated gatekeepers in absolute terms, ([87]) (ii) lower than the revenue of other online advertising services where rebuttals were accepted by the Commission, ([88]) (iii) and is projected to grow less than TikTok and Amazon. ([89]) In addition, Apple stresses that Apple Ads operates with a very limited offering (i.e., exclusively promotion of apps) on limited inventory (i.e., exclusively App Store). ([90])

(97) *Second,* according to Apple, Apple Ads is not an important tool for App Store developers to reach end users. Only [0-5] % of app installs on the App Store in 2024 were generated through Apple Ads – compared to [50-60] % of app installs coming from organic search and [30-40] % coming from app and web referrals. ([91]) According to Apple, such referrals include, amongst others, app downloads via paid ads from online advertising services other than Apple Ads or direct marketing efforts. ([92])

(98) *Third,* Apple submits that Apple Ads is designed and operated to prevent it from benefitting from data-driven advantages. Apple Ads is confined to a single first-party inventory, i.e., the App Store, and can therefore not benefit from network effects or a data-driven advantage by combining data from different sources. ([93]) This is in line with previous non-designation decisions of TikTok Ads and X Ads. In addition, Apple explains that Apple Ads only uses very limited data to display personalised ads ([94]) and even less data for contextual ads (which constitutes the majority of ads in the App Store for users who have not consented to receiving personalised ads). ([95])

(99) In its Form GD, Apple clarifies that the online advertising revenue shares for mobile platforms in the EU, relied upon in the Form GD, are based on a

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revenues to advertising intermediaries such as ad-tech platforms and networks (e.g., Google AdMob), and based on a gross basis. In comparison, Omdia's figures are presented net of commissions and discounts, and are limited to mobile platforms only.

([86]) Form GD on Apple Ads, Annex 2, paragraph 26. This statistic is based on Omdia data. Apple further submitted a paper on 9 January 2026 ("Europe Online Advertising Market Share Analysis, 2024", paragraph 2), based on which its online advertising revenue share is [0-5] %.

([87]) Form GD on Apple Ads, Annex 2, paragraphs 24-28. Apple explains that, based on the Form 10-Ks for 2024, Alphabet generates 75 % of its revenue from ads, and Meta generates "*substantially all of [its] revenue from advertising*".

([88]) Form GD on Apple Ads, Annex 2, paragraph 15 to 22. In the Form GD, Apple explains that TikTok's online advertising revenue was approximately [0-5] times higher than that of Apple's in 2024. In Apple's submission "Europe Online Advertising Market Share Analysis, 2024", submitted on 9 January 2026, Apple's figures (which are based on Grand View Research, not Omdia), Apple presents numbers whereby the market share of ByteDance, X, and Microsoft are [0-5] %, [0-5] % and [0-5] % respectively.

([89]) Form GD on Apple Ads, Annex 2, paragraphs 19, 20 and Figure 3.

([90]) Form GD on Apple Ads, Annex 2, paragraphs 23 and 28.

([91]) Form GD on Apple Ads, Annex 2, paragraphs 30-34 and Figure 5.

([92]) Form GD on Apple Ads, Annex 2, paragraph 33 and footnote 32. According to Apple, it is unable to identify, within the app and web referral categories, the percentage of downloads originating from advertisements. Other referral categories include organic referrals, such as email lists, in-app links, links shared via social media channels, etc.

([93]) Form GD on Apple Ads, Annex 2, paragraphs 35-37.

([94]) Form GD on Apple Ads, Annex 2, paragraphs 38-43. For personalised ads, Apple uses gender, user's birth year, country/city, and App Store downloads and purchases.

([95]) Form GD on Apple Ads, Annex 2, footnote 37. For contextual ads, Apple uses device information (e.g., keyboard language settings, OS version), device location (subject to end user consent), the user's current query, and information on the page the user is viewing.

methodology applied by an independent market research provider – Omdia ([96]) – that uses a combination of reported company data and market modelling to estimate such shares. ([97]) Similarly, the advertising revenue projections relied upon are based on a methodology applied by the same provider that integrates macroeconomic indicators, such as GDP and population, to predict future demand for advertising across segments. ([98]) These low market shares are confirmed by data from another independent market research provider – Grand View Research – that Apple provided in a separate submission on 9 January 2026.

4.2.3.2. The Commission's assessment

(100) For the reasons set out below, the Commission considers, in line with Article 3(5), third subparagraph, of Regulation (EU) 2022/1925, that Apple has provided sufficiently substantiated arguments demonstrating that, exceptionally, even though the thresholds laid down in Article 3(2) of that Regulation are met, the requirement laid down in Article 3(1), point (b), of that Regulation is not satisfied, due to the circumstances in which Apple Ads operates. In that regard, it is not necessary to open a market investigation pursuant to Article 3(5), third subparagraph of Regulation (EU) 2022/1925 in combination with Article 17(3) of that Regulation. Consequently, the Commission considers that Apple should not be designated as a gatekeeper, in relation to Apple Ads. The conclusion is based on the following three reasons.

(101) *First,* and most importantly, the scale of Apple Ads is very limited in light of the overall scale of activities of online advertising services in the EU. Apple Ads holds a [0-5] % revenue share of the activities of online advertising services on mobile ([99]) and a [0-5] % revenue share of the activities of online advertising services across all platforms (including non-mobile). ([100]) As regards Apple Ads' relative scale, Meta, Alphabet, and Amazon respectively had [30-40]-, [30-40]-, and [5-10]-times higher advertising revenues on mobile platforms than Apple Ads in the EU in 2024. ([101])

(102) The Commission considers the limited absolute and relative scale of Apple Ads to be decisive for accepting the rebuttal. This is consistent with the Commission's approach so far. In the cases of ByteDance and X, the scale of TikTok Ads and X Ads (both between [0-5] %) ([102]) in terms of advertising revenue in the EU was decisive in outright accepting the rebuttals without a market investigation. Likewise, in the case of Microsoft Advertising, whose rebuttal the Commission accepted following a market investigation, the Commission took into consideration Microsoft Advertising's scale (less than 5 %) in terms of online advertising revenue in the EU and its relative scale in comparison to other online advertising service providers. ([103])

(103) *Second,* based on the figures provided by Apple and mentioned in paragraph (97), advertisers do not depend on Apple Ads to promote their apps on the Apple App Store, as most of them primarily rely on a mix of promotional strategies unrelated

([96]) Form GD on Apple Ads, Annex 3, footnote 3.
([97]) Form GD on Apple Ads, Annex 3, paragraphs 11-17.
([98]) Form GD on Apple Ads, Annex 3, paragraphs 18 and 19.
([99]) Form GD on Apple Ads, Annex 2, paragraph 14 and Figure 1.
([100]) Apple's submission "Europe Online Advertising Market Share Analysis, 2024", submitted on 9 January 2026, Figure 1.
([101]) Form GD on Apple Ads, Annex 2, paragraphs 4 and 13.
([102]) Decision C(2024) 3153 (ByteDance), paragraph 49; Decision C(2024) 3156 final (X), paragraph 83.
([103]) Decision C(2024)806 final (Microsoft), paragraphs 83 and 84.

to Apple Ads, including app and web referral links. ([104]) In 2024, only [0-5] % of apps were installed from the App Store following directly from the Apple Ads tool, whereas [90-100] % of apps were downloaded through other sources ([50-60] % coming from organic search and [30-40] % coming from app and web referrals). ([105])

(104) *Third*, Apple Ads does not seem to benefit from substantial data-driven advantages or network effects as other online advertising services do.

(105) *In the first place*, the Apple Ads inventory is confined to the App Store, meaning there are no advertisement options for developers across multiple first- and third-party advertisement properties as offered by Alphabet, Meta, or Amazon. Unlike these players, who also offer online advertising intermediation services, Apple Ads is unable to collect user data across different sources. ([106])

(106) *In the second place*, Apple Ads' internal privacy controls seem to limit ad targeting and to render advertisers' verification of return on investment on Apple Ads comparatively less precise. Most of Apple Ads are contextual ads (around [70-80] % of all App Store search volume came from devices with personalised ads turned off) ([107]) and even for the small share of personalised ads, Apple Ads seems to employ privacy controls that limit ad targeting to broad user segments (containing a minimum of 5 000 users), offering developers less targeted ads compared to other providers like Google's search ads or Meta's display ads.

4.2.4. Conclusion for the online advertising service Apple Ads

(107) Given that the arguments presented by Apple pursuant to Article 3(5) of Regulation (EU) 2022/1925 not only manifestly call into question but, considered together, clearly demonstrate that the requirements laid down in Article 3(1), point (b), of that Regulation, and consequently also the requirements in Article 3(1), point (c), of that Regulation, are not satisfied, it is not necessary for the Commission to open a market investigation pursuant to the procedure laid down in Article 17(3) of that Regulation.

(108) Accordingly, Apple shall not be designated as a gatekeeper in relation to Apple Ads pursuant to Article 3(4) of Regulation (EU) 2022/1925.

5. CONCLUSION

(109) The Commission concludes that Apple is not to be designated as a gatekeeper pursuant to Article 3(4) of Regulation (EU) 2022/1925 in relation to its online intermediation service Apple Maps and its online advertising service Apple Ads.

([104]) Form GD on Apple Ads, paragraph 31.

([105]) Form GD on Apple Ads, Annex 2, paragraphs 30-34.

([106]) Form GD on Apple Ads, Annex 2, paragraphs 35-37. This finding is consistent with Decision C(2024) 3156 final (X), paragraph 89, which considers that unlike Meta and Alphabet, "*who also offer online advertising intermediation services, X Ads only offers first-party advertisement on the X online social networking CPS and does not offer advertisement options across multiple first-party and third-party properties*".

([107]) Form GD on Apple Ads, Annex 2, paragraphs 35-40.

(110) That conclusion is without prejudice to the possibility that the Commission may reconsider or amend this Decision, pursuant to Article 4(1) of Regulation (EU) 2022/1925, should there be any substantial change in any of the facts on which it is based, or if this Decision was based on incomplete, incorrect, or misleading information.

For the Commission

Signed
Teresa RIBERA
Executive Vice-President