The CNMC is investigating the Apple group for possible anti-competitive practices related to the distribution of applications on its devices

- It could be imposing unfair commercial conditions on developers using its app store (Apple App Store).
- Developers distribute their applications to Apple users through the Apple App Store.
- The conduct could constitute an abuse of a dominant position, which is prohibited under Article 2 of the Spanish Competition Act (Ley de Defensa de la Competencia) and Article 102 of the Treaty on the Functioning of the European Union.

Madrid, 24 July 2024.- The Spanish National Markets and Competition Commission (CNMC) is investigating Apple Distribution International Ltd and Apple INC. (Apple) for alleged conduct contrary to Article 2 of Act 15/2007 of 3 July, on the Defence of Competition (LDC) and Article 102 of the Treaty on the Functioning of the European Union (TFEU). (S/0005/24)

Specifically, Apple may be engaging in anti-competitive practices by imposing unfair commercial terms on developers who use the Apple group's application store (Apple App Store) to distribute applications to users of Apple products.

The investigation was initiated ex officio, given the growing prevalence in Spain of the economic activity conducted via app stores.

If confirmed, the conduct could constitute an abuse of a dominant position, which is prohibited in Article 2 of the Spanish Competition Act (Ley de Defensa de la Competencia) and Article 102 of the Treaty on the Functioning of the European Union (TFUE).

These practices could be considered a very serious infringement of the LDC, which may entail fines of up to 10% of the total turnover of the infringing companies in the financial year preceding the year in which the fine is imposed.

The initiation of these proceedings in no way prejudges the final outcome of the investigation. The CNMC now has a maximum period of 24 months to investigate and hand down a decision on the case.

Related content:

- S/0005/24: Apple App Store

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