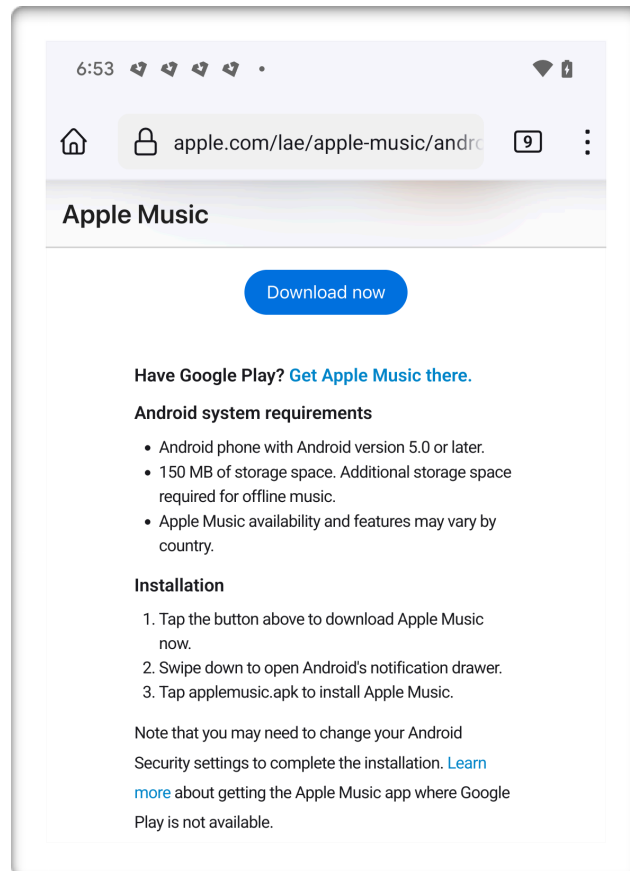# Exhibit #1: Sideloading Apple Music on Android devices

DMA enforcement workshop – Brussels, 18 March 2024
Apple App Store and app distribution on iOS (Articles 5.4, 6.4 and 6.12 DMA)



`https://www.apple.com/lae/apple-music/android-download/`
(using the Fennec web browser)

## Notes

- `applemusic.apk` can be downloaded and installed directly on Android from any web browser
- No need to install app via a separate "app marketplace app"
- No warnings about fundamental insecurity of sideloading apps on mobile devices
- No "scare screens" or other impediments to downloading and installing an app from a web page
- See also official instructions at:
  `https://support.apple.com/en-lamr/109330`

**Question**: Why is sideloading considered by Apple to be *insecure on iOS* but considered *secure on Android*?

# Exhibit #2: App rejections and marketplace credit requirements

## Timeline of a browser app rejection and denial of marketplace entitlement

2022-04-15: App Fair Project (https://appfair.org) founded as non-profit dedicated to creating digital public goods in the form of mobile apps.

2022-09-22: Net Skip, the App Fair open-source web browser (https://github.com/Net-Skip/App) that uses DuckDuckGo for search is submitted to App Store Connect (ID 1640618584)

2022-09-23: Email from Apple App Review: "We need additional time to evaluate your submission and Apple Developer Program account. Your submission status will appear as "Rejected" in App Store Connect while we investigate."

2023-01-18 (117 days later): App rejected in App Store Connect with message: "We discovered that your app contains hidden features".

2023-03-14: Marc P. (marc@appfair.org) posts about rejection on social media (https://www.linkedin.com/posts/marcprux_activity-7034608651956801536-M7Sf)

2023-03-16: Dylan Heil (Apple) phone call: "trying to reach you to discuss the review results for your app…"

2023-03-22: Bill Havlicek (Apple) email (Apple Support Ticket DAC140): "our fraud tools incorrectly triggered and sent your app for further evaluation."

2023-03-30: Bill Havlicek email: Cannot approve existing release submission ("We do not have a mechanism in App Review to reset"). A new version must be submitted.

2023-11-23: Email from Marc P. (App Fair) to Apple: "We will be releasing Net Skip independently through our own app store." Request to grant entitlement.

2023-11-29: Bill Havlicek email: "entitlement is not managed by App Review"

2023-12-19: Escalated to Stoney Gamble (Apple). Entitlement request refused

2024-01-26: Escalated to Michael Wong (Apple). Entitlement request requires €1M letter of credit. App Fair requests exemption due to circumstances and status as non-profit.

2023-03-08: Video consultation with Jordan S. (Apple) at 9am PST (WebEx MTID m5bbe96325ef4c28011cc32211018b64a) on the EU apps distribution: €1M letter of credit requirement would be waived.

2024-03-12: Email from Michael Wong: "Unfortunately, my colleague misspoke about the Standby Letter of Credit. To be clear: for any alternative marketplace, if they cannot meet the 2 year/1 million FAI [First Annual Installs] guideline, there is no waiver of the Standby Letter of Credit."

2024-03-12: Marc P. requests exception due to Net Skip app distribution being blocked.

2024-03-12: Email from Michael Wong: "there is no waiver to the [€1M] Standby Letter of Credit (SBLC) if the alternate requirements cannot be met. … **I suggest reapplying for the marketplace entitlement one year after Net Skip has achieved one (1) million First Annual Installs on iOS** in the EU"

## Question 1: How can an app achieve 1 million downloads on iOS if it is being denied distribution?
## Question 2: What amount of credit is considered reasonable to demand of an organization to run a marketplace? €1M? €10M? €100M? €1B? €1T?