



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1403/7/7/21

BETWEEN:

DR. RACHAEL KENT

Class Representative

- v -

(1) APPLE INC.

(2) APPLE DISTRIBUTION INTERNATIONAL LTD

Defendants

CONSENT ORDER

UPON the Class Representative’s application and enclosures to the Tribunal dated 30 October 2024 for directions that the Defendants be ordered to provide specific disclosure related to the non-confidential version of the European Commission Decision of 4 March 2024 in Case AT.40437 – Apple – App Store Practices (music streaming) (the “**Decision**”)

AND UPON the Class Representative’s letter to the Tribunal of 4 November 2024

AND UPON the Re-Amended Confidentiality Ring Order of the Tribunal dated 23 October 2024 (the “**Re-Amended CRO**”)

AND HAVING REGARD TO the Tribunal’s powers under the Competition Appeal Tribunal Rules 2015

BY CONSENT IT IS ORDERED THAT:

1. By 4pm on 25 November 2024, the Defendants shall provide disclosure and inspection of the documents and/or items specified in the Annex to this Order subject to redactions being applied to any third-party confidential information.
2. All documents and/or items specified in the Annex to this Order which stem from the European Commission's file are to be designated as Outer Confidentiality Ring Information in their entirety pursuant to paragraph 6 of the Re-Amended CRO.
3. The costs shall be costs in the case.
4. There be liberty to apply.

Ben Tidswell
Chair of the Competition Appeal Tribunal

Made: 19 November 2024
Drawn: 19 November 2024

Annex

	Relevant Document	Date	Disclosure
1.	Commission’s letter of facts	6 December 2023	Sections concerning pass-on by providers
2.	Apple’s response to the letter of facts sent by the Commission on 6 December 2023	12 January 2024	Full document and annexes
3.	The Decision	4 March 2024	<p>Unredacted form of the last two sentences in recital 220 and footnotes 372 and 373, including the document(s) cited in footnote 372:</p> <p><i>“Apple was fully aware of the difficulties of music streaming service providers to offer subscriptions in their iOS app at the same price level as for subscriptions out of the app. [...]”³⁷² [...]”³⁷³”</i></p> <p>Annex 8 to Apple’s response to question 11 of the Commission’s request for information (2019/050361), Slide 25, Doc ID 268-291</p> <p>Unredacted form of the first sentence in recital 615:</p> <p><i>“Although in relation to a different industry, [...]”⁸⁶³”</i></p> <p>Document evidencing the statements in recitals 602 and 615 of the Decision, Doc ID 1612</p>