EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR COMPETITION

The Director-General

Brussels, 10/07/2026
COMP.J3/AB EASE 2026/2983

Sebastian Beyer
[redacted]

By e-mail: [redacted]

Subject: EASE 2026/2983 – Your request of 10 June 2026 for access to documents pursuant to Regulation (EC) No. 1049/2001

Dear Mr. Beyer,

Thank you for your application of 10 June 2026, registered on the same date, under the above-mentioned reference number, in which you request access to documents in accordance with Regulation (EC) No. 1049/2001 ([1]) ("Regulation 1049/2001").

1. DOCUMENTS CONCERNED

In your message, you request access to the following documents:

> *"All documents exchanged between the European Commission and Apple Inc., Apple Distribution International Ltd, Apple Operations Europe Ltd, or representatives/advisers acting on their behalf, from 1 June 2024 to 10 June 2026, concerning the availability, non-availability, delay, exemption, derogation, waiver, compliance pathway, technical implementation, or staged rollout of Siri AI / the new AI-powered Siri / Apple Intelligence / AI assistants / AI agents on iPhone or iPad in the European Union under the Digital Markets Act, in particular Article 6(7) DMA interoperability obligations.*
>
> *This request includes, without limitation:*
>
> 1. *letters, emails, submissions, position papers, technical proposals, legal memoranda, presentation decks, non-papers, attachments and annexes;*

([1]) Regulation (EC) N° 1049/2001 regarding public access to European Parliament, Council and Commission documents, OJ L145, 31.5.2001, p. 43.

2. *records, minutes, notes, agendas, readouts or summaries of meetings, calls, videoconferences or technical discussions with Apple;*
3. *documents referring to any Apple request for an exemption, derogation, waiver, deferral, grace period, transition period, staged implementation period, or 18-month rollout/implementation period;*
4. *Commission replies, objections, assessments, requests for clarification, legal assessments or technical assessments concerning Apple's proposals;*
5. *documents concerning Apple's proposals for allowing third-party AI assistants, AI agents or virtual assistants to access Siri-related functionality, user context, device data, system APIs, App Intents, personal context, or similar interoperability mechanisms while preserving privacy, security and operating system integrity;*
6. *documents discussing whether Apple may, may not, should, should not, can, or cannot make Siri AI / the new AI-powered Siri / Apple Intelligence available to users in the EU on iPhone or iPad.*

For the avoidance of doubt, this request concerns documents regardless of medium, including electronic correspondence and attachments. It is not limited to documents formally published or listed in the public register."

As your broad request also concerns or potentially concerns other Directorates-General, it has also been forwarded to those Directorates-General concerned or potentially concerned([2]). This reply therefore relates only to documents available to the Directorate-General for Competition.

The documents held by the Directorate-General for Competition to which you request access form part of case files in investigations under Regulation (EU) 2022/1925 ([3]) (the Digital Markets Act, hereinafter the '**DMA**').

While your request is formulated in such a manner that it encompasses entire categories of documents exchanged between the European Commission and Apple, including correspondence, meeting materials and legal assessment documents related to a specific subject matter, those categories of documents identified in your application and as far as those documents are held by the Directorate-General for Competition, by their nature, fall within the scope of ongoing Commission investigations conducted pursuant to the DMA. In addition, the documents you request are explicitly related to, in particular, the monitoring and enforcement of the interoperability obligations under Article 6(7) of the DMA, which is part of the investigative competences of the Directorate-General for Competition under the DMA.

Having carefully examined your request in the light of Regulation 1049/2001, I have come to the conclusion that the documents you have requested access to fall under the exceptions of Article 4 of Regulation 1049/2001. Access to these documents, therefore, has to be refused. Please find below the detailed assessment as regards the application of the exceptions of Article 4 of Regulation 1049/2001.

([2]) EASE 2026/2984 CNECT; EASE 2026/2985 SG, EASE 2026/2986 SJ; EASE 2026/2987 COMM.

([3]) 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 and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act), OJ L 265, 12.10.2022, p. 1.

2. APPLICABLE EXCEPTIONS

Article 4(2), first indent, protection of commercial interests and Article 4(2), third indent, protection of the purpose of investigations

Pursuant to Article 4(2), first indent of Regulation 1049/2001 the Commission shall refuse access to a document where disclosure would undermine the protection of commercial interests of a natural or legal person.

Pursuant to Article 4(2), third indent of Regulation 1049/2001 the Commission shall refuse access to a document where its disclosure would undermine the protection of the purpose of inspections, investigations and audits.

In its judgment in Case C-404/10 P *Commission v Odile Jacob* ([4]), the Court of Justice held that for the purposes of interpretation of the exceptions in Article 4(2), first and third indent of Regulation 1049/2001, there is a general presumption that disclosure of documents exchanged between the Commission and notifying and other (third) parties in merger procedures in principle undermines the protection of the commercial interests of the undertakings involved and also the protection of the purpose of investigations related to the merger control proceedings.

The Court ruled that, by analogy to the case law in cases *TGI* ([5]), *Bavarian Lager* ([6]) and *API* ([7]), Regulation 1049/2001 has to be interpreted and applied in a manner which is compatible and coherent with other specific rules on access to information. The Court referred in particular to the EU Merger Regulation ([8]) and emphasised that it not only governs a specific area of European Union law, but is also designed to ensure respect for professional secrecy and is, moreover, of the same hierarchical order as Regulation 1049/2001 (so that neither of the two set of rules prevails over the other). The Court stated that, if documents in the merger case-files were to be disclosed under Regulation 1049/2001 to persons other than those authorised to have access according to the merger control legislation, the scheme instituted by that legislation would be undermined. In that regard, the Court ruled that this presumption applies regardless of whether the request for access concerns merger control proceedings which have already been closed or proceedings which are pending.

Based on the same reasoning, the Court recognised in *Agrofert* ([9]) that general presumptions of non-disclosure are applicable to merger control proceedings, because the legislation which governs those proceedings also provides for strict rules regarding the treatment of information obtained or established in the context of such proceedings. The disclosure of such documents would undermine the procedural rules system set up by the Merger Regulation, and in particular the rules on professional secrecy and access to the file.

([4]) Judgment of the Court of Justice of 28 June 2012, *Commission v Éditions Odile Jacob SAS,* C-404/10 P, EU:C:2012:393, paragraph 123.

([5]) Judgment of the Court of Justice of 29 June 2010, *Commission v Technische Glaswerke Ilmenau*, C-139/07 P, EU:C:2010:376.

([6]) Judgment of the Court of Justice of 29 June 2010, *Commission v Bavarian Lager*, Case C-28/08 P, EU:C:2010:378.

([7]) Judgment of the Court of Justice of 21 September 2010, *Sweden and Others v API and Commission,* C-514/07 P, C-528/07 P and C-532/07 P, EU:C:2010:541.

([8]) Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation), OJ L 24, 29.1.2004, p. 1.

([9]) Judgment of the Court of Justice of 28 June 2012, *Commission v Agrofert Holding,* C-477/10 P, EU:C:2012:394, paragraph 59.

In the *EnBW* case, the Court of Justice held that there is, with regard to the exception related to the protection of the purpose of investigations, a general presumption that disclosure of documents in cases regarding the application of Articles 101 and 102 TFEU (antitrust cases), would undermine the purpose of the access system introduced by Regulations No 1/2003 and 773/2004 ([10]).

As ruled by the Court of Justice in the *Agrofert* case ([11]) for merger proceedings, and by the General Court in the *Bitumen* case ([12]) for antitrust proceedings, if a document is not accessible under the "access to file procedure", it cannot be made available to the public under Regulation 1049/2001. In essence, Regulations 1/2003 and 773/2004 and Regulation 1049/2001 have different aims but must be interpreted and applied in a consistent manner. The rules on access to file in the above-mentioned regulations are also designed to ensure respect for professional secrecy and are of the same hierarchical order as Regulation 1049/2001 (so that neither of the two sets of rules prevails over the other).

Furthermore, in the recent *Múka* case, the General Court recalled that, as interested parties other than those directly concerned in State aid control procedures (the Member States) do not have the right to consult the documents in the Commission's administrative file, there is a general presumption that disclosure of documents in the administrative file undermines, in principle, the protection of the purpose of investigation activities, and also held that this presumption applies regardless of whether the request for access concerns a control procedure which has already been closed or one which is pending ([13]).

The same reasoning used in the previously mentioned case law to establish a general presumption of non-disclosure for documents belonging to merger, antitrust and state aid case files is fully applicable to the disclosure of documents exchanged between the Commission and notifying and other (third) parties in the enforcement of the DMA and preparation of enforcement, given that the DMA contains very similar provisions as regards both the obligation of professional secrecy and the access to file procedure ([14]). If documents in the DMA case files were to be disclosed under Regulation 1049/2001 to persons other than those authorised to have access to them according to the DMA, the procedural scheme instituted by the latter would be undermined.

Consequently, and by analogy to what has been repeatedly recognised by the case-law in the context of merger, antitrust and state aid investigations, there is a general presumption that disclosure of documents in DMA case files in principle undermines the protection of the commercial interests of the undertakings involved and also the protection of the purpose of investigations related to the DMA proceedings. Moreover, this general presumption applies regardless of whether the request for access concerns DMA proceedings which are pending, or which have already been closed.

Natural and legal persons submitting information in the context of the DMA have a legitimate expectation that – apart from the publication of the non-confidential summaries provided for in Articles 8(6) and 18 (5) and (6) of the DMA and of the non-confidential versions of final decisions pursuant to Article 44 of the DMA – the information they supply to the Commission on an obligatory or voluntary basis under the DMA will not be publicly disclosed.

([10]) Judgment of the Court of Justice of 27 February 2014, *Commission v EnBW Energie Baden-Württemberg*, C-365/12 P, EU:C:2014:112, paragraph 88.
([11]) *Agrofert Holding*, paragraphs 61-63.
([12]) Judgment of the General Court of 13 September 2013, *Kingdom of the Netherlands v Commission,* T-380/08, EU:T:2013:480, paragraphs 32-40.
([13]) Judgment of the General Court of 5 October 2022, *Múka v Commission*, T-214/21, EU:T:2022:607, paragraphs 44 and 55.
([14]) See, in this regard, Articles 34(4) and 36 of the DMA.

It should be noted that the general presumption of non-disclosure outlined above is also applicable to cases where the investigation has already been closed. Disclosure of such documents could still bring serious harm to the undertakings' commercial interests. The prospect of publication of sensitive information concerning the economic activities of the undertakings involved after a procedure is closed runs the risk of adversely affecting the willingness of undertakings to cooperate when such a procedure is pending. ([15])

The documents requested by you, as specified above, are part of the file in DMA cases, have not been brought into the public domain and are known only to a limited number of persons. In particular, the documents you request access to contain commercial and market-sensitive information regarding the activities of the involved undertakings whose public disclosure would undermine their commercial interests. This information concerns in particular commercial strategies. Disclosure of these documents could bring serious harm to the undertakings' commercial interests.

Undertakings have a legitimate commercial interest in preventing third parties from obtaining strategic information on their essential, particularly economic interests and on the operation or development of their business. Moreover, the assessments made by the Commission and contained in Commission's documents are commercially sensitive, particularly at a stage where an investigation has not been finally concluded yet.

Undertakings also have a legitimate interest that the information is used only for the purposes of the Commission proceedings in application of the DMA. It is for this reason that Article 36(1) of the DMA provides that information collected pursuant to this Regulation is used only for the purposes of this Regulation, namely the administrative proceedings carried out under its provisions.

Also, pursuant to Article 36(4) of the DMA, information covered by professional secrecy submitted to the Commission in the context of this Regulation cannot be disclosed to the public.

These exceptions aim at protecting the Commission's capacity to ensure that undertakings comply with their obligations under European Union law. For the effective conduct of investigations it is of utmost importance that the Commission's investigative strategy, preliminary assessments of the case and planning of procedural steps remain confidential.

Careful respect by the Commission of its obligations regarding professional secrecy creates a climate of mutual confidence between the Commission and undertakings, under which the latter cooperate by providing the Commission with the information necessary for its investigations.

In these circumstances, disclosure despite the protection provided for by the DMA, would lead to a situation where undertakings subject to investigations and potential informants and complainants would lose their trust in the Commission's reliability and in the sound administration of DMA files. These parties would then become reluctant to cooperate with the Commission and would reduce their cooperation to a minimum. This, in turn, would jeopardise the Commission's authority and lead to a situation where the Commission would be unable to properly carry out its task of enforcing the DMA. Consequently, the effective enforcement of the DMA would be undermined.

It thus follows that the requested documents are covered by a general presumption of non-disclosure of documents in DMA case-files.

([15]) See, by analogy, the *Éditions Odile Jacob* judgment previously quoted, at paragraph 124.

In view of the foregoing the requested documents are covered by the exception set out in Article 4(2), first indent and third indent of Regulation 1049/2001.

3. OVERRIDING PUBLIC INTEREST IN DISCLOSURE

Pursuant to Article 4(2) of Regulation 1049/2001, the exception to the right of access contained in that Article must be waived if there is an overriding public interest in disclosing the documents requested. In order for an overriding public interest in disclosure to exist, this interest, firstly, has to be public (as opposed to private interests of the applicant) and, secondly, overriding, i.e. in this case it must outweigh the interest protected under Article 4(2), first and third indent of Regulation 1049/2001.

In your application you have not established arguments that would present an overriding public interest to disclose the documents to which access has been hereby denied. Consequently, the prevailing interest in this case lies in protecting the effectiveness of the Commission's investigations and the commercial interests of the undertakings concerned.

4. PARTIAL ACCESS

I have also considered the possibility of granting partial access to the documents for which access has been denied in accordance with Article 4(6) of Regulation 1049/2001. However, the general presumption of non-disclosure invoked above also applies to partial disclosure for all documents concerned and, consequently, no partial access can be granted.

5. MEANS OF REDRESS

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed to the Secretariat-General of the Commission within 15 working days upon receipt of this letter. You can submit it **by mail, to:**

European Commission
Secretariat-General
SG.A.2 - Document Management & Access to Documents
BRU-BERL 07/DCS
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu.

Yours sincerely,

Electronically signed

Anthony WHELAN