

Case AT.40452 – Mobile Payments Consent Form

Note to Developer Applicants: *This consent form must be completed and emailed to Apple (via HCEEntitlementdispute@apple.com), copying the Monitoring Trustee (ApplePay.EC-commitments@alcis-advisers.com), together with the Dispute Notice.*

1. Developer Applicant Details

Name:

Case ID number:

Apple Developer Program Membership Team ID:

2. Incorporation by Reference

This Consent Form incorporates by reference:

- a) all defined terms contained in the voluntary commitments offered by Apple on 15 May 2024 (and adopted by the European Commission on 11 July 2024) regarding In-Store Payments using Near Field Communication (“NFC”) with iOS smart mobile phones (the “Commitments¹”), including Annexes 1 and 2 of those Commitments; and
- b) all defined terms contained in the Arbitration Procedural Rules (“NFC Appeal Rules²”) which apply to the NFC Entitlement Program Dispute Resolution Procedure detailed in Annex 2 of the Commitments (the “NFC Entitlement Program Dispute Resolution Procedure”).

3. Arbitration Agreement

In submitting this Consent Form, Apple and the Developer Applicant agree that, notwithstanding Clause 14.10 of the [Developer Program License Agreement](#) any and all disputes related to Rejection Decisions regarding the application of the eligibility criteria to the NFC Entitlement Program listed in paragraph 1 of Annex 2 of the Commitments shall be exclusively resolved in a final and binding manner, subject to the mandatory provisions of any applicable law, through the dispute resolution procedure detailed in Annex 2 of the Commitments and the NFC Appeal Rules. Pursuant to paragraphs 5 through 7 of Annex 2 to the Commitments, Apple and the Developer Applicant agree to first use good faith, reasonable efforts to resolve such disputes through cooperation and consultation within a reasonable period, not exceeding 15 business days after receipt of the Dispute Notice (“Consultation Period”). The Consultation Period may be extended by either of the Parties by a period not exceeding 5 business days. Pursuant to paragraphs 8 through 33 of Annex 2 to the Commitments, Apple and the Developer Applicant agree that, should the Parties fail to resolve their Dispute during the Consultation Period, at the end of the Consultation Period, the Requesting Party may refer the matter to the Appeal Board (“Appeal”),

¹ https://ec.europa.eu/competition/antitrust/cases1/202428/AT_40452_10155330_9978_4.pdf.

which has been appointed by Apple and approved by the European Commission, by serving the Appeal Board and Apple with a written request for the matter to be adjudicated by Appeal (“Notice of Appeal”). The Notice of Appeal shall be served within 20 days from the end of the Consultation Period. Within 5 business days of receipt of a Notice of Appeal, the Chairperson of the Appeal Board, who is elected by the Appeal Board Members, shall appoint a Panel to hear the Appeal. The Appeal Panel shall, in accordance with Annex 2 of the Commitments and the NFC Appeal Rules, adjudicate the dispute and issue a determination which shall have the force of a final and binding arbitral award, subject to the mandatory provisions of any applicable law.

Developer Applicant

Name:

Signature:

Date: