

On 7. Feb 2021, at 12:05, [REDACTED] <[REDACTED]@mkm.ee> wrote:

Dear Maija

I suggest we start 13.30 CET?

Best
Marie

From: [REDACTED] <[REDACTED]@apple.com>

Sent: Friday, February 5, 2021 1:41 PM

To: [REDACTED] <[REDACTED]@mkm.ee>

Cc: [REDACTED] <[REDACTED]@just.ee>; [REDACTED] <[REDACTED]@just.ee>

Subject: Re: Exchange on DMA&DSA

Thank you, Marie!

17 February would work, apart from 15h-16h15 CET (which is, I believe 16h-17h15 your time).

If you propose a time slot before or after this bracket, I can set up a Webex call for us.

Greetings, Maija

-1793 ? [REDACTED]S

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[REDACTED]

On 4. Feb 2021, at 16:41, [REDACTED] <[REDACTED]@mkm.ee> wrote:

Dear [REDACTED]

As I mentioned over the phone – we would gladly have another chat where we could talk about your views and concerns, and our preliminary thinking on the proposals.

Would 17.02 or 18.02 afternoon work for you and your colleagues for an expert level discussion? We could perhaps start with DMA so that colleagues not directly dealing with DSA could leave if they wish.

Regardin the potential high-level meeting - we will get back to you probably next week with some more concrete information.

Kind regards
Marie

From: [REDACTED] <[REDACTED]@apple.com>

Sent: Wednesday, February 3, 2021 5:48 PM

To: [REDACTED] <[REDACTED]@mkm.ee>; [REDACTED] <[REDACTED]@just.ee>

Subject: Exchange on DMA&DSA

Dear Marie and Kädli

Following our earlier communication, please find attached a paper setting out our views and concerns around the DMA and some comments on the DSA. As you know, at Apple, we hope that our insight into the digital economy may be a useful perspective, so I would be happy to suggest another digital meeting - if you would find this useful - to exchange views and to support your preparation of the policy debates in Brussels.

The DMA and the DSA will shape Europe's digital economy and set the course for the success of digital business models, ranging from platforms to individual start-ups. We therefore believe that it is of crucial importance to find a solution that provides legal certainty, economic effectiveness as well as flexible options for future development and innovation.

In the attached paper, we try to set out in more concrete terms, what we see as the promises and challenges of the proposed DMA.

As regards the DSA, we would highlight the following elements:

- The principles of country of origin (COO), freedom to provide services and limited liability have been fundamental to the growth of an innovative digital eco-system. They allowed companies to operate seamlessly and at scale across all Member States deliver customer choice and innovation.
- A regulatory framework should provide incentives to platform/intermediaries to put in place measures that mitigate against the distribution of illegal content.
- The regulatory framework needs to apply to a broad range of service providers, which are very different from one another, and therefore needs to accommodate some flexibility.
- A functioning EU single market requires a harmonised governance structure based on clear rules and procedures, an open and transparent decision-making processes, as well as consistency and predictability.

We at Apple really appreciate the opportunity to provide our views and hope to have the opportunity to participate as a constructive partner in the development of an adequate policy approach and regulatory framework. Therefore I would like to offer another digital meeting to discuss these points with you. Please feel free to propose some time slots and I will be happy to set up a Webex call.

On that point, and following the recent reshuffle of the Estonian government, I would also like to propose a high-level meeting with the new Minister for one of the Permanent/State Secretaries. Would you be able to support the arrangement of such a meeting?

I look forward to hearing from you, and of course remain available for any other questions you may have.

With kind regards,
Maija

-1793 ? [REDACTED]

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[REDACTED]

On 12. Jan 2021, at 17:22, [REDACTED] <[REDACTED]@apple.com> wrote:

Dear Marie and Käddi - I hope you had a good start into the new year!

Following our initial conversation, I wanted to share with you the key questions that we at Apple have about the draft proposal for the DMA regulation.

These focus on the following aspects:

- legal basis and regulatory objective
- uncertainty over scope, procedures and responsibilities
- budgets resources and proportionality
- ex-ante prohibitions and obligations
- regulatory dialogue

Maybe these questions can further complement the points and questions you plan to raise in the discussion rounds that are about to begin.

If you have any questions to us, please do not hesitate to respond. I will be happy to clarify our concerns and perspectives, with the aim to foster constructive communication as well as a sensible outcome.

With kind regards,

Maija

-1793 ? [REDACTED]

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[REDACTED]

<DMA – Questions raised by the draft proposal .pdf>

Dear Henrik,

I hope you had a good weekend!

I was wondering whether it would be possible and helpful to also offer a meeting with the Minister at this stage? We would like to understand which points he might raise in the context of the Competitiveness Council at the end of May in Brussels. If you feel like there could be agreement on certain points, or alternatively, if more clarification of our concerns may be helpful, Hendrik Bourgeois, Head of Government Affairs EMEA, would be extremely happy to be able to have a conversation.

Please let me know what you think of this idea, and whether you might be able to help arranging such a short meeting.

Many thanks, and have a good start into the week (even though spring still refuses to arrive, at least here in Berlin...)

-1793 ? Maija

On 20. Apr 2021, at 16:42, [REDACTED] <[REDACTED]@apple.com> wrote:

Dear Gertrud, Henrik and Jonas

Thank you for our conversation on Monday! Here is a quick summary of the points we discussed.

We at Apple fully agree that the objective of the EU legislation, and the Digital Markets Act, should be to promote competition and innovation in the EU, as well as consumer choice and protection, and - last but not least - data sovereignty.

In order to do this, it is equally important to capture, sanction and prevent negative effects, as well as allow for positive behaviour that enhances the functioning, security and trust in digital business.

The DMA proposal in its current form, unfortunately, equates "size" with "harm", and applies a one-size-fits all approach to very diverse products, markets and companies. This risks to undermine important protections and limit choice for consumers, and lead to less business opportunity in Europe.

We therefore advocate for

- more differentiation, case-by-case, in assessing the behaviour and effects of platforms (and so called gate-keepers); and more differentiation in applying specific obligations
- a genuine and ongoing regulatory dialogue that serves to increase the understanding of regulators and enables them to apply the appropriate remedy to a specific situation; incl. stronger procedural safeguards

In the enclosed one-pager (which I shortened from a position paper) you find some of these points set out just a bit more.

We are of course available for any further conversation around the DMA or other topics, and happy to go into more detail about the individual elements especially of Art 5 and Art 6. About Art. 5 and Art. 6 I enclose again an earlier paper about the questions that the Commission's proposal leaves open.

Please do not hesitate to get in touch with me should you have any questions.

With best regards,
Maija

<DMA Questions Art 5+6.pdf>
<DMA short.pdf>

-1793 ? [REDACTED]

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[REDACTED] 0

Tähelepanu! Tegemist on välisvõrgust saabunud kirjaga.
Tundmatu saatja korral palume linke ja faile mitte avada.

Dear Henrik - yes, indeed: Monday 19 April, 15h CET. My colleague Marc Pervès will also join the call.

Here is the Webex link - apologies! It's been mad...

Join or start from Webex:

<https://appleinc.webex.com/appleinc/j.php?MTID=m39794866f93fc8a6308aa845cfcaba34>

Have a good weekend,
Maija

-1793 ? [REDACTED]

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[REDACTED]

On 15. Apr 2021, at 19:26, [REDACTED] <[REDACTED]@just.ee> wrote:

Dear Maija,

I just wanted to reconfirm whether the meeting on the 19th is still on, and whether you will send the Webex link? (or I can send the link myself, if preferred).

Kind regards,
Henrik

From: [REDACTED]

Sent: Thursday, April 8, 2021 7:45 PM

To: [REDACTED] <[REDACTED]@apple.com>

Cc: [REDACTED] <[REDACTED]@mkm.ee>; [REDACTED] <[REDACTED]@mkm.ee>

Subject: RE: Update DMA

Dear Maija,

19th April at 16:00 Estonian time (15:00 CET) would suit us well.

Best,
Henrik

From: [REDACTED] [mailto:[REDACTED]@apple.com]

Sent: Thursday, April 8, 2021 6:23 PM

To: [REDACTED] <[REDACTED]@just.ee>

Cc: [REDACTED] <[REDACTED]@mkm.ee>; [REDACTED] <[REDACTED]@mkm.ee>

Subject: Re: Update DMA

Dear Henrik - yes!

How about 19 April at 16h your time (i.e. 15h CET)? Otherwise also another slot between 15h and 18h your time (14h-17h CET) would work very well!

Please let me know, and I will send you a Webex link.
Thank you!

-1793 ? Maija

On 8. Apr 2021, at 14:07, [REDACTED] <[REDACTED]@just.ee> wrote:

Dear Maija,

We would gladly continue our dialogue with you and explore further the concerns that Apple sees with the DMA proposal. Would a call on the afternoon of April 19th (at a time of your convenience) be suitable for you?

Meanwhile, I will also bring the request for a high-level meeting to our minister and will get back to you on this matter at a later date!

Kind regards,

[REDACTED]

Adviser

Intellectual Property and Competition Law Division

Legislative Policy Department

Ministry of Justice

[REDACTED]

www.just.ee

[<image001.png>](#)[<image002.png>](#)[<image003.png>](#)

From: [REDACTED] [[mailto:\[REDACTED\]@apple.com](mailto:[REDACTED]@apple.com)]

Sent: Wednesday, April 7, 2021 4:14 PM

To: [REDACTED] <[\[REDACTED\]@mkm.ee](mailto:[REDACTED]@mkm.ee)>; [REDACTED] <[\[REDACTED\]@just.ee](mailto:[REDACTED]@just.ee)>

Cc: [REDACTED] <[\[REDACTED\]@just.ee](mailto:[REDACTED]@just.ee)>

Subject: Re: Update DMA

Thank you Kädli - hello again Hendrik, and nice to e-meet you Joonas!
It will be my pleasure to continue the constructive dialogue with you, that we had built over the last months!

As the discussions around the DMA are ongoing are still causing a lot of questions and controversy, I would like to propose another exchange of views around some key issues. Based on your advice, maybe we could have first a call between ourselves (now around mid-April), and then, moving closed to the May Council meeting, also with the political lead?

We at Apple would like to help provide relevant information and insights that help to explain the deep and various concerns about this regulatory approach. Despite its intention, this kind of regulation otherwise may have serious implications for a European digital economy, which shall promote innovation and data sovereignty for European citizens.

Given Estonia's leading role in Europe for the digital transformation of the public and economic sectors, your voice and understanding of the implications for innovative business and citizens will be a key element in the European discussions.

Among the points that we believe require more attention in Brussels are:

- 5(c): There is a risk that this will lead to expropriation and free-riding practices, which would in fact not be considered appropriate in the offline context, and opens risks to the European digital economy.
- 6.1(c): There is a risk that this will lead to less security and privacy for citizens - which in fact is a conflict with the intention and provisions of the Digital Services Act.
- 6.1(f): Similar to the above points, this risks to be applied in a way that may result in expropriation and a reduction in security and privacy.
- 6.1(k): The Unfair Commercial Practices Directive or the Unfair Trading Practices Directive provide more legal certainty and practical applicability.

These points need some technical improvement to deliver the intended result:

- 6.1(b): Some of this is already available and practiced; so if this provision is not redundant, it should be clarified technically.
- 6.1(h+i): Data access is largely available already, and also must respect data privacy and proportionality. Regulation should not mandate additional data collection or make data personally identifiable.

I would be happy if a discussion around these points would meet your interest!

With kind regards,
Maija

-1793 ? [REDACTED]

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[REDACTED]

On 7. Apr 2021, at 09:13, Kättri Tammiku <[REDACTED]@just.ee> wrote:

Dear Maija,

Unfortunately I am no longer working with the DMA file but I believe you have already met my colleague Henrik Trasberg who is now in charge of the file from the Ministry of Justice. To your convenience I added Henrik and as you kindly asked also Mr Joonas Pärenson from the Ministry of Economics to the cc line of this email. You are welcome to contact either or both of them with any questions or concerns you may have regarding the DMA. I am confident that they will be happy to help you set up a call with the minister of justice and cooperate with you on any further matters.

Marie has indeed moved on to an exciting new position in the Government Office that she fully deserves and hopefully enjoys. You are able to contact her on the following email address: [REDACTED]@riigikantselei.ee

Kind regards,

Kättri

[REDACTED]
Adviser
Intellectual Property and Competition Law Division
Legislative Policy Department
Ministry of Justice of the Republic of Estonia

[REDACTED]
www.just.ee/en

[<image001.png><image002.png><image003.png>](#)

From: [REDACTED] <[REDACTED]@apple.com>

Sent: Tuesday, April 6, 2021 6:47 PM

To: [REDACTED] <[REDACTED]@just.ee>

Subject: Re: Update DMA

Tähelepanu! Tegemist on välisvõrgust saabunud kirjaga.
Tundmatu saatja korral palume linke ja faile mitte avada.

Dear Kädidi, I just received Marie's automatic response.

This leads me to two next questions:

- would you be so kind and introduce me to Joonas Pärenson, who I understand is now her successor on the DMA file? I would like to meet him quite soon, if possible, and then also talk to both of you about organising a call with the lead Minister on the DMA.

- would you be able to give me Marie's new email address, so I can congratulate her on the new position?

Thank you!!

-1793 ? Maija

Dear Maija,

Thank you for the link. I'm currently not yet able to confirm who will be attending the COMPET Council for Estonia, I will let you know in due course.

Best,

Henrik

From: [REDACTED] [mailto:[REDACTED]@apple.com]

Sent: Friday, May 7, 2021 5:55 PM

To: [REDACTED] <[REDACTED]@just.ee>

Subject: Webex Link: Call with Minister Lauri

Dear Henrik

Just before rounding up the week, please find below the Webex Link for the Call with Minister Lauri ops 19 May, 12h-12h45 Estonian time (11h-11h45 CET)

Join or start from Webex:

<https://appleinc.webex.com/appleinc/j.php?MTID=m74a58046def9df2325f2e0b70ed7b162>

Have a good weekend!

P.S.: by the way, can you already tell me who will be attending the EU Competitiveness Council for Estonia on 27 May?

-1793 ? Maija

On 6. May 2021, at 16:56, [REDACTED] <[REDACTED]@apple.com> wrote:

Dear Henrik

We would be happy to do the call on 19 May 12h-12h45 Estonian time (i.e. 11h-11h45 CET)

Thank you very much!

-1793 ? Maija

On 6. May 2021, at 12:38, [REDACTED] <[REDACTED]@just.ee> wrote:

Let's plan a 45 min slot.

Best,

Henrik

From: [REDACTED] [mailto:[REDACTED]@apple.com]

Sent: Thursday, May 6, 2021 1:37 PM

To: [REDACTED] <[REDACTED]@just.ee>

Subject: Re: Question DMA & cyber security

Thank you - I will check this directly!

Shall I plan for a 30min, 45 min or 60 min slot?

On 6. May 2021, at 12:34, Henrik Trasberg <[REDACTED]> wrote:

Dear Maija,

Regarding the meeting with the Estonian Minister of Justice on DMA – she would be available for a call on May 19th, at any time between 12-17 Estonian time.

Kind regards,

Henrik

From: [REDACTED] [mailto:[REDACTED]@apple.com]

Sent: Thursday, April 29, 2021 1:56 PM

To: [REDACTED] <[REDACTED]@just.ee>

Subject: Re: Question DMA & cyber security

Tähelepanu! Tegemist on välisvõrgust saabunud kirjaga.
Tundmatu saatja korral palume linke ja faile mitte avada.

Thank you Henrik!

We will be very happy to receive your proposal for a suitable time for the Minister!

On our side it will be Hendrik Bourgeois, our Senior Director and Head of Government Affairs EMEA, who is also our main lead on the EU DMA. I will join Hendrik on this call.

What we would like to offer this meeting is the following:

- emphasise our key concerns, such as highlighted in the one-pager; explain any of these if the concern is not well understood
- offer our perspective on any other concerns that the Minister may have with the proposal
- understand one which points we are aligned; and possibly, understand which points, if any, the Minister might even be ready to raise among her peers in Brussels

I am also happy to propose a call on the security policy question which I also find puzzling. However, if there might be any earlier opportunity, that would give you the chance to raise it - if necessary and relevant - with your colleagues in the Ministry of Defence (of wherever cybersecurity lies within the Estonian government set-up).

-1793 ? Maija

On 28. Apr 2021, at 23:24, [REDACTED] <[REDACTED]> wrote:

Dear Maija,

Firstly, my apologies for a delayed replay. I hope that is fine that I'll reply to each of your three e-mails together in this letter.

Firstly, thank you for a great recap of our conversation the other week and for sending the one-pager of your main concerns. In return please find attached the Estonian government positions to DMA (unfortunately in Estonian).

Secondly, I've brought the proposal for a meeting to the Minister of Justice and she, in fact, is indeed willing to have a call with Apple on DMA matters. We could organize it in mid-May, I'll propose a specific date and possible timeslots later. However, could you please (i) let me know who would be participating from Apple side and (ii) elaborate a bit further on which specific matters/concerns you would like to discuss in the meeting with the minister.

Finally, regarding your most recent e-mail concerning art 6(1)(c). I actually wouldn't mind to have a call to discuss this matter. However, perhaps we could postpone this call to the week starting on May 10th, due to other very urgent matter in the next few days.

Kind regards,

Henrik

From: [redacted] [mailto:[redacted]@apple.com]

Sent: Wednesday, April 28, 2021 3:32 PM

To: [redacted] <[redacted]@just.ee>

Subject: Question DMA & cyber security

Tähelepanu! Tegemist on välisvõrgust saabunud kirjaga.
Tundmatu saatja korral palume linke ja faile mitte avada.

Dear Henrik

In a conversation about the DMA this week, I was asked about an aspect that I had not had on my mind until now. While it might not be Apple's direct concern (which is always more on the user experience and safety, and on the innovation for business), I was urged to raise it with contacts who might have an interest in this point.

So I thought no harm in checking in with you, just to see if you might find this relevant.

The point was raised in connection to Art. 6.1(c) DMA, which impacts on the ability to ensure privacy and user security within the own operating system (apps, software). While we at Apple are thinking of how this might impact the individual user, and the trust that users put into the digital economy, the point was raised that this might also impact the integrity of the entire ecosystem from a cybersecurity and foreign policy point of view.

Do you think it worthwhile to have a quick conversation around this?

With greetings from Berlin,

Maija

-1793 ?

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<EE Government Position on the Digital Markets
Act.pdf>

Tähelepanu! Tegemist on välisvõrgust saabunud kirjaga.
Tundmatu saatja korral palume linke ja faile mitte avada.

Tähelepanu! Tegemist on välisvõrgust saabunud kirjaga.
Tundmatu saatja korral palume linke ja faile mitte avada.