



For Release on
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Apple did it again: consumer organisations ask for justification of obsolescence practices reported for recent iPhone models

Brussels - 13 July - Euroconsumers is asking Apple to justify the lack of performance of recent iPhone models following IOS updates. In the past, similar complaints over the iPhone 6 have led Euroconsumers and its national members to file class actions in Belgium, Italy, Portugal and Spain.

On 9 July Euroconsumers and national member organisations have sent a letter to Apple (attached) asking the firm to explain reports of a lack of performance experienced by users of iPhones 12, 11, 8 series and XS following IOS updates 14.5, 14.5.1 and 14.6. These updates have significantly damaged consumers' iPhone, causing their processing speeds to decrease dramatically and their battery to drain faster, as reported by numerous media outlets, [tech](#) and [non tech](#).

This is the [second time obsolescence practices by Apple are identified](#). Following similar complaints in relation to the iPhone 6, Euroconsumers and its member organisations filed class action lawsuits in Belgium, Spain, Italy and Portugal. These class actions are still pending before each national Court.

Euroconsumers is ready to start a dialogue with Apple to establish the best way to compensate consumers. However, in the absence of an adequate answer other actions will be considered to enforce consumer rights with the competent domestic courts of the member associations.

“Again Apple iPhones are wearing out too fast. Again after updates pushed by Apple. It is unfair to consumers and harms the environment, creating a pile of electronic waste. We said it before and are saying it again: consumers don't accept this kind of behavior anymore. They want to be treated with respect and expect Apple to deliver quality and sustainability.” said Els Bruggeman, Head of Policy and Enforcement at Euroconsumers.

“We already have four class actions pending in Europe and we're ready to act again if needed. From a market leader like Apple, we expect much more responsibility. It doesn't make sense for Apple to keep fighting its own customers: admitting mistakes and trying to fix them is a sign of strength not weakness” added Marco Scialdone, Head of Litigation at Euroconsumers.

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About Euroconsumers

Gathering five national consumer organisations and giving voice to a total of more than 1.5 million people, Euroconsumers is the world's leading consumer cluster in innovative information, personalised services and defence of consumer's rights. We work closely



together with Consumers International to ensure consumers are safe, that markets are fair and benefit from honest relations with businesses and authorities. Our European member groups are also part of the umbrella network of BEUC, the European Consumer Organisation. Together, we advocate for EU policies that benefit consumers in their daily lives.

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Attn.

APPLE INC.
1 Infinite Loop, Cupertino
California – 95014
United States of America

Brussels, 9 July 2021

Apple's IOS 14.5 - 14.5.1 - 14.6 update - requests for European consumers

EUROCONSUMERS, an international not-for-profit organization, formed under and governed by the laws of Belgium, with registered offices in Belgium, 1060 Brussels, Hollandstraat 13, registered at the Crossroads Bank of Enterprises (CBE) under no. 0465.936.134

EUROCONSUMERS acts on behalf and in the interest of its national member organizations, namely:

- CONSUMENTEORGANISATIE VERBRUIKERSUNIE TEST AANKOOP VZW (in short, **TEST AANKOOP**), A NOT-FOR-PROFIT ORGANIZATION, FORMED UNDER AND GOVERNED BY THE LAWS OF BELGIUM, WITH REGISTERED OFFICES IN BELGIUM, 1060 Brussels, Hollandstraat 13, registered at the Crossroads Bank for Enterprises under no. 0407.703.668
- ORGANIZACIÓN DE CONSUMIDORES Y USUARIOS (in short, **OCU**), a not-for-profit organization, formed under and governed by the laws of Spain, with registered offices in Spain, Madrid, Calle Albarracín, 21, 28037, registered with the *Registro Estatal de Organizaciones de Consumidores y Usuarios*
- ASSOCIAÇÃO PORTUGUESA PARA A DEFESA DO CONSUMIDOR (**DECO**), a not-for-profit Portuguese organization, formed under and governed by the laws of Portugal, with registered offices in Portugal, Lisbon, Rua de Artilharia Um, n° 79-4°- 1269, registered at the Commercial Registry Office under no. 500 927 693
- ALTROCONSUMO, an independent consumer association, member of the *Consiglio Nazionale dei Consumatori ed utenti*, with registered offices in Italy, Milan, Via Valassina, 22



CONSIDERING THAT

- Apple Inc. is a U.S. company based in Cupertino (California), parent of the holding bearing the same name, which develops, manufactures and globally distributes hardware and software products - in particular, operating systems, computers, smartphones and other electronic devices, such as IT, multimedia and audiovisual. The company is known to global consumer markets for having introduced a range of relevant innovations in the areas of hi-tech and design.
- The Apple group is one of the biggest technology conglomerates in the world by capitalization, sales, and size, as it employs approx. 140,000 people in total and operates 500 retail stores in 25 countries.
- As representatives of 1.5 million consumers worldwide, Euroconsumers and its four European member organizations, starting from December 2020, filed four class action lawsuits in Belgium, Spain, Italy and Portugal, asking Apple to pay a compensation of at least € 60 on average to owners of the iPhone 6, 6 Plus, 6s and 6sPlus affected by a lack of performance and battery problems after updating the IOS operating system to version iOS 10 (and then, iOS 10.2.1). Now, these class actions are still pending before each national Court.
- Recently, the same situation occurred with the updates IOS 14.5, 14.5.1 and 14.6 which damaged several newer iPhone models, including (but not limited to) iPhone 11, 12, 12 Pro, 12 Pro Max.
- Indeed, while most of the complaints are from iPhone 12 and 11 series, there are several from older iPhones as well including the iPhone 8 and iPhone XS.
- These updates have significantly damaged consumers' iPhone, causing their processing speeds to decrease dramatically and their battery to drain faster, as reported by numerous media outlets, including tech and non tech¹².
- Apple's conduct has caused economic damages to all the consumers affected by these updates. Indeed, an iPhone costs hundreds of euros (i.e., iPhone 12 average price is between 700 and 1000 euros) in large part because of its characteristics which were widely overturned by the abovementioned updates.
- It's the second time in few years which something similar occurs: consumers cannot pay anymore for Apple's mistakes.

In consideration of all the above, Euroconsumers, on its own behalf and on behalf of the associations listed in the preamble (TEST AANKOOP, OCU, DECO and Altroconsumo),

¹ <https://www.forbes.com/sites/gordonkelly/2020/12/03/apple-iphone-12-mini-pro-max-battery-drain-new-iphone-upgrade/?sh=a63495e254f9>

² <https://www.macrumors.com/2021/06/01/ios-14-6-users-reporting-battery-drain/>

HEREBY REQUESTS

- A. That each iPhone 12, 11, 8 series and iPhone XS affected by a lack of performance and battery problems reported above be indemnified with an amount of up to EUR 120, also in view of the repetition of such behavior by the company.**

Euroconsumers is available and ready to start a dialogue with Apple to establish the best way to satisfy the above requests. However, we specify that, after 15 (fifteen) days of receipt of this notification, in the absence of an adequate answer and solution, action will be taken to enforce consumer rights with the competent domestic courts of the member associations.

With best regards,

Marco Scialdone, Head Litigation
at Euroconsumers

Els Bruggeman, Head Policy and
Enforcement at Euroconsumers

