

Proposed decision on the CMA's strategic market status investigation into Google and Apple's mobile platforms. Response from DMG Media.

1. This response is from DMG Media, publishers of the Daily Mail, Mail on Sunday, MailOnline and Metro, and through our sister company Harmsworth Media, the i Paper and New Scientist, and their websites and apps. It addresses both the CMA's proposed decisions to designate Apple and Google with strategic market status and its roadmaps of potential interventions.
2. We welcome the CMA's proposed decisions to designate Apple and Google with strategic market status in respect of their mobile platforms. However, now is the time for the CMA to step up and support the UK businesses and publishers obliged to engage with these two mobile ecosystems. This requires a set of robust conduct requirements which are more ambitious than those proposed in the CMA's roadmaps – in particular, the CMA should tackle Apple's self-preferencing of Apple News, and its arbitrary and discriminatory practices in refusing to admit certain news publishers to Apple News, as well as immediately bring Apple's anticompetitive 'privacy' features back into scope with conduct requirements given Category 1 status in the Roadmap.

Arbitrary discrimination in admission to Apple News

3. Apple News, and Apple News + which gives access to paywalled news content, are news aggregator apps which directly compete with DMG Media for readers in the news publishing market. Apple uses its dominance in mobile ecosystems to advantage Apple News; it both governs and competes in the market for mobile news distribution. For example, Apple News is integrated into the iOS operating system and can be accessed without clicking from the home screen, because users can just swipe right to read it. The Apple News app comes preloaded on iOS devices and even if removed, can be automatically reinstalled during updates.
4. Users are not given the same easy, almost instantaneous access to the Daily Mail, Guardian, Telegraph or other news apps. Similarly, the Daily Mail, Guardian and Telegraph are not given the opportunity advertise their paid subscriptions to iOS users in the way Apple does frequently in Apple News, with its regular nudges to upgrade to the premium Apple News+ subscription service. This is reinforced by Apple News story notifications being a default service, which is not the case for any other news provider.

Apple news articles can surface automatically when a user swipes down for Spotlight search and can automatically appear in default iOS home screen and lock screen widgets, plus Apple does not require explicit request for push notifications. Apple also benefits from reduced friction to access user information. Apple does not require users to login to Apple News because it can automatically access iCloud and Apple ID information from the operating system.

5. Apple has other opportunities to market its Apple News product throughout the Apple ecosystem. It can advertise its bundled 'Apple One' offering across multiple Apple surfaces and does not face the burden of sharing 15-30% of its subscription revenue with the App Store since, as the store's operator, it does not pay this fee to itself. Apple can leverage its multiple surfaces and huge user base to grow its subscription product in a way that individual news outlets cannot. Apple is growing its subscription service four times as fast as major news sites like The New York Times and The Wall Street Journal¹. All this helps make Apple News the most used news app in the UK (more than the BBC) and gives Apple News reach to 27% of people in the UK over the age of 15². (The BBC has the advantage over independent news outlets of being able to use public funds to promote adoption of its app³).
6. Despite the dominant position of Apple News in the market for news distribution across iOS, there is little accountability around the process for the inclusion and promotion of content on it – as the Daily Mail discovered when its was approved to run in Apple News and then during the integration process told it could no longer join (See paragraphs 14-17 below). It has been reported that Apple News UK editors rely heavily on a small set of publishers, with six outlets accounting for 75% of Top Stories⁴.
7. Despite Apple's blatant self-preferencing of Apple News within its mobile ecosystem, the Daily Mail's iOS app is a very significant driver of traffic for DMG Media. This is not surprising given that, as of July 2025⁵, Apple iOS has a 47.16% share of the mobile operating system market in the UK, virtually all the rest being held by Android. This dominance is compounded by the fact that Apple devices are generally more sophisticated and expensive than their Android rivals, and iOS users are therefore perceived as being a more affluent and attractive market by advertisers. Figure 1 below shows that our iOS app supplies more than a third of all DailyMail page views, though the revenue it generates has been seriously depressed by the discriminatory effect of Apple's June 2021 introduction of App Tracking Transparency (ATT) and currently runs at around 4-5% of total revenue (see

¹ <https://www.cultofmac.com/news/apple-news-subscription-growth>

² https://pressgazette.co.uk/media-audience-and-business-data/media_metrics/most-popular-news-apps-in-the-uk-in-october-strong-growth-at-money-saving-expert-and-gb-news/

³ <https://www.ft.com/content/0ca0ec6f-8a7e-4949-ba0d-ab1a4aa9a733>

⁴ https://www.cjr.org/tow_center/apple-news-favorite-publishers-uk-express.php

⁵ <https://gs.statcounter.com/os-market-share/mobile/united-kingdom>

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paragraphs 19-29). Taken together these factors make Apple an indispensable partner for any business seeking to compete in the mobile news market, a position which would be even more marked if Apple was obliged by a conduct requirement to operate its ecosystem on fair, reasonable and non-discriminatory terms.

Figure 1: iOS App as a percentage of DailyMail page views 2021-2025. Sources: DMG Media internal research

| Jun-21 | PVs | Pct of PVs | Jun-25 | PVs | Pct of PVs |
|--------------------------|---------------|------------|--------------------------|-------------|------------|
| Android App | 675,547,055 | 20% | Android App | 334,942,050 | 18% |
| Website | 752,750,113 | 23% | Website | 810,655,895 | 44% |
| Facebook Instant Article | 133,740,184 | 4% | Facebook Instant Article | - | 0% |
| Google AMP | 77,369,604 | 2% | Google AMP | 51,603,141 | 3% |
| iOS App | 1,675,775,859 | 51% | iOS App | 659,504,565 | 36% |

NB: 'Facebook Instant Article' traffic now is included in 'Website' traffic.

8. It is therefore deeply concerning that in addition to preferencing Apple News within its mobile ecosystem, Apple also arbitrarily bars certain news publishers from Apple News and Apple News+. The Daily Mail is aware of this because it was recently refused admission to Apple News; the CMA may consider it worth asking Apple other news publishers have also been barred. Certainly, there have been other complaints about bias in the promotion of apps within the Apple ecosystem. The latest comes from Elon Musk, who has threatened to sue Apple over the treatment of X's AI app Grok, saying: 'Apple is behaving in a manner that makes it impossible for any AI company besides OpenAI to reach #1 in the App Store, which is an unequivocal antitrust violation. xAI will take immediate legal action'⁶. At the time of Musk making his comment, OpenAI's ChatGPT held the top spot in the App Store's "Top Free Apps" section in the US, while xAI's Grok ranked fifth. Apple has a partnership with OpenAI that integrates ChatGPT into iPhones, iPads and Macs. American media commentators speaking about the dispute noted that apparent conflicts between algorithmic placing and human curation in the Apple ecosystem had been a previous cause of disputes, citing Apple News as an example⁷.
9. When Apple News was launched in 2015 DMG Media gave careful consideration to making its content available on it. A major factor in this consideration was the poor revenue performance of much search and social media referral traffic, which at that time was supplied largely by Google Search and Facebook. While referral traffic would boost overall numbers, engagement and retention were poor and it was less valued by advertisers. Apple News was launched first in the USA and DailyMail.com, which had also recently launched and needed to grow traffic, joined it as one of the premier launch partners. However, the results were extremely disappointing. Not only was there no revenue, because there was almost zero fill of ad slots, but other promises Apple had made, such as basic traffic reporting, were not delivered. Also, their editorial team was actively working to reduce our promotion to users, because

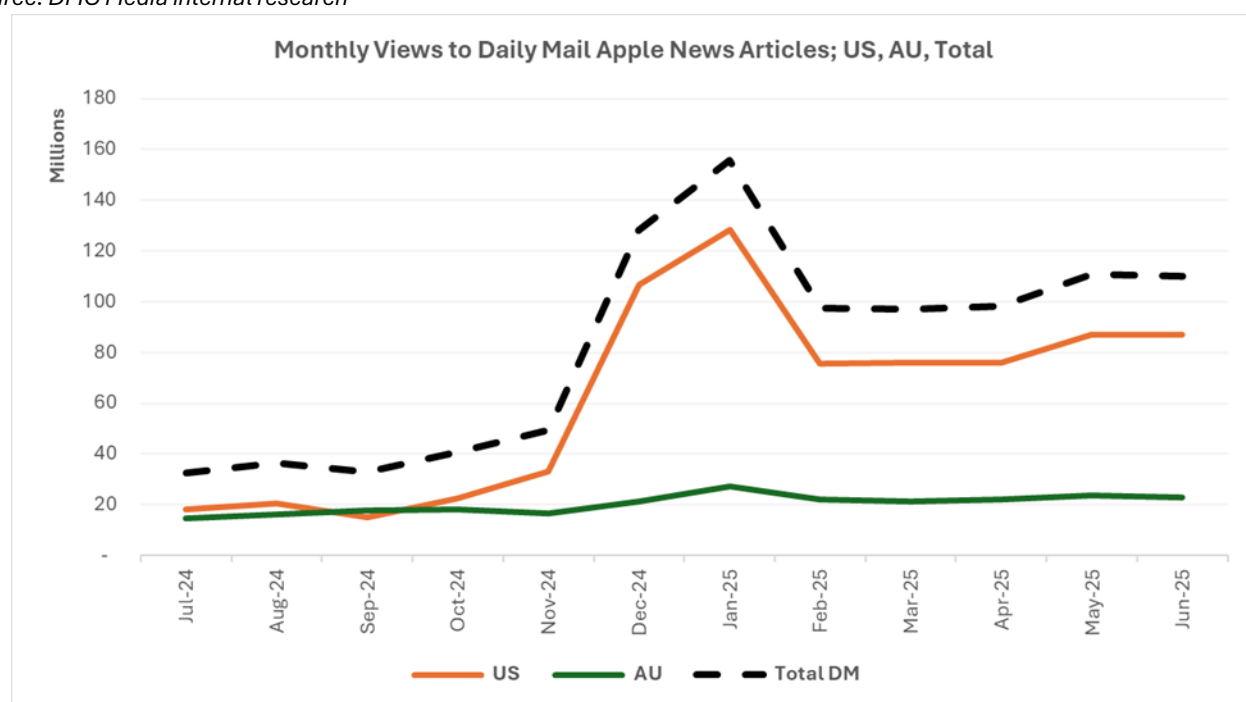
⁶ <https://www.theguardian.com/technology/2025/aug/12/elon-musk-apple-openai-sam-altman>

⁷ <https://www.youtube.com/watch?v=pfz5BLjgBJU>

we were “winning” on a great many topics and subjects – too many as far as their human curators were concerned.

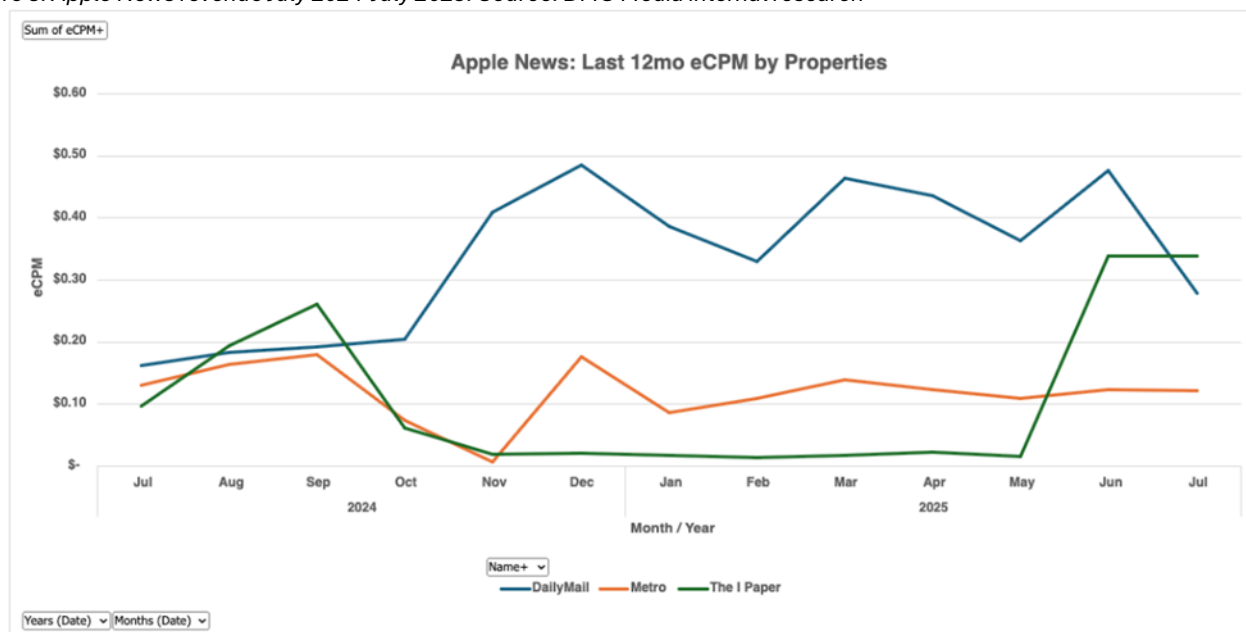
10. A decision was therefore taken when Apple News launched in the UK and Australia that DMG Media’s newer news sites, Metro.co.uk and Daily Mail Australia, which were still building audiences, would join it. The i Paper is a member in the UK, and New Scientist, as a subscription site, is a member of Apple News + in the UK, USA and Australia. However, DailyMail.co.uk, then known as MailOnline, which was longer established and enjoyed large quantities of direct traffic with very strong engagement, did not join. This was to avoid the risk of Apple News cannibalising the Daily Mail’s high-quality traffic, in particular on its iOS app. This risk did not apply to Metro there was little traffic on the Metro app. No other UK news outlet, other than the BBC, had any significant app traffic at this time, so our rivals also did not face the same risk of cannibalization
11. Naturally the Daily Mail has kept this decision under review and has come to view that, given the importance of iOS users to advertisers and the privileged position of Apple News and Apple News + within the iOS mobile ecosystem, not being a participant in Apple News is no longer an option – it has become indispensable to running a successful online news publishing business. There are two main factors in this change of view. The first is that a decade of self-preferencing is beginning to pay off and Apple News’s traffic figures have risen significantly. Figure 2 below illustrates how traffic from Apple News to Dailymail.com in the US has grown from 18 million monthly views in July 2024 to almost 80 million in June 2025.

Figure 2: Monthly views to Daily Mail Apple News stories in USA and Australia, July 2024-June 2025.
Source: DMG Media internal research



12. Secondly, Apple decided in late 2024 to address the monetisation of Apple News and appointed its own in-house ad sales team, which has enjoyed considerable success. As Figure 3 below demonstrates, the Daily Mail has seen steady improvement in effective cost per mille [eCPM] on Apple News in the USA and Australia. Total Apple News revenue across DMG Media for FY24 was \$832K (£625k); the FY25 forecast is \$2.1m (£1.6m) or +156% year-on-year. Of that amount, the Daily Mail had revenue of \$323K in FY24 and is forecasted to see \$1.1m in FY25, a 233% increase.

Figure 3: Apple News revenue July 2024-July 2025. Source: DMG Media internal research



13. In our view this has turned Apple News into an online platform in its own right, and having access to that platform is as indispensable to an online news business as having access to Apple's App Store or Google Search.

14. During the course of 2022 DMG Media decided that the time had come for DailyMail.co.uk to join our other news sites in Apple News. Our product team began the onboarding process, only to be told by Apple in October 2023 that it was shifting resources to Apple News+ and would no longer onboard us or other news publishers who were not already members of Apple News. We were told to check back in early 2024 as onboarding might then be resumed. In July 2024 we noticed that The News Agents had launched on Apple News UK and inquired again about resuming onboarding. We were told initially that our submission was being reviewed by Apple in the US, then that Apple was only onboarding smaller publications.

15. Despite this, we maintained contact with Apple News, with our last major meeting taking place in February this year. We were told again, as we had been previously, that Apple News is ‘not onboarding many publications’. The main reason given was that Apple only wanted to add partners which would grow the pie, and did not want to take share away from existing partners. We were also told, paradoxically, both that the number of articles we publish and the strength of our user engagement would overwhelm Apple’s ecosystem, and **[Redacted]**.
16. **[Redacted]**. We were also told we could not join Apple News+ because not enough of DailyMail.co.uk’s content is behind a paywall, although we are moving increasingly to a subscription model – DailyMail.co.uk currently has 300,000 subscribers and aims to increase that to 1 million within three years.
17. In our view Apple’s refusal to let DailyMail.co.uk join Apple News and Apple News+ is a classic example of arbitrary and exclusionary conduct by a market dominant business. Apple has made no cogent case for excluding DailyMail.co.uk from the ‘club’ it operates beyond its claim that it would dilute revenue for other members. Apple’s policy on admitting news sites to Apple News engages with all three of the principles governing the use of conduct requirements: fair dealing; open choices; and trust and transparency⁸. The CMA has recognised that Apple is not applying these principles in respect of its App Store and has prioritised measures to tackle this in Category 1. It should also impose a Category 1 conduct requirement to require fair, objective and non-discriminatory criteria for membership of Apple News.
18. Failing that, the CMA’s roadmap states it is considering conduct requirements in Category 2 to ensure that Apple’s choice architecture in relation to digital wallets and browsers supports active user choice and does not give Apple’s own products and services an advantage over those of third parties. If the CMA is unable to address Apple News in Category 1, it could include it in its Category 2 remedies for Apple’s choice architecture, given many of the underlying principles and issues will be the same.

Apple’s ‘privacy’ features

19. News publishers such as DMG provide high quality journalism to the vast majority of their audience for free. This service is essential for safeguarding democracy and freedom of expression in the UK. Producing DMG’s content is expensive and requires hiring reporters, editors, photographers, video journalists, lawyers, IT specialists and many other staff. This is predominantly funded by selling advertising across its

⁸ Digital Markets Competition and Consumers Act 2024, Section 19 (5) (c)
<https://www.legislation.gov.uk/ukpga/2024/13/section/19>

publications, both on websites and in-app.

20. In its Mobile Ecosystems (MEMS) Final Report, which was published more than three years ago, the CMA went into some detail describing the issues caused by Apple's App Tracking Transparency (ATT) framework. Through ATT, Apple introduced prompts for app users to opt-out of having their Identifier For Advertisers ID (IDFA) tracked across apps. Very significantly, Apple forced app developers, including DMG Media, to present the ATT option screen with a design and wording they had created (unlike GDPR where we were able to present the layer as we wanted, within certain guidelines). This meant the percentage of users who agree to be tracked (consent) was heavily reduced. Without consent our CPMs on ads and our yield per visit dropped dramatically, because advertisers would not buy ads that could not be targeted. We saw similar drops in CPMs with GDPR rollout, but we got significantly higher acceptance of tracking by users. The ATT prompt we and other non-Apple app developers were obliged to use could have been deliberately designed to discourage consent, whereas the prompt Apple used in its own apps was much more anodyne.⁹
21. This change was released as part of the iOS 14.5 upgrade in April 2021 and reached broad user adoption by late June 2021. Throughout June 2021 we saw a rapid decline in IDFA availability and advertising revenue across our iOS app. Figure 4 shows our historic revenue data comparing six months before iOS 14.5 with the same period a year later, where iOS revenue was down 53%, over £2.5m. Figure 5 illustrates the sharp drop in IDFA availability, which fell from 70% to 30% in June 2021 alone, and continued to decline to below 25% by the end of the year. We have not been able to improve IDFA availability and, as shown in Figure 6, as of July 2025 we remain at below 25% IDFA availability.

Figure 4. Revenue comparison six months before and after iOS 14.5. Source: DMG Media internal research

| Period | Daily Mail iOS App Revenue | |
|------------------|----------------------------|-----------|
| Dec-20 to May-21 | £ | 4,709,676 |
| Dec-21 to May-22 | £ | 2,191,505 |
| Var | -£ | 2,518,171 |
| Var % | | -53% |

⁹ This issue is examined in greater detail in our response to the CMA's Mobile Ecosystems Market Study Statement of Scope consultation, July 2021.

Figure 5. Source: DMG Media internal research

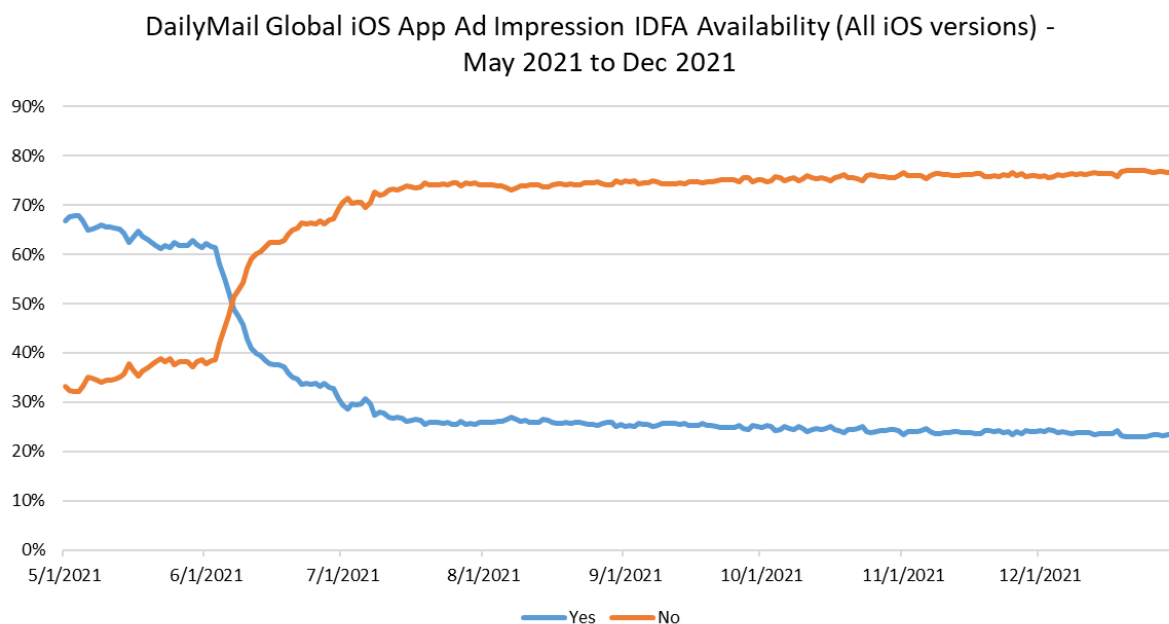
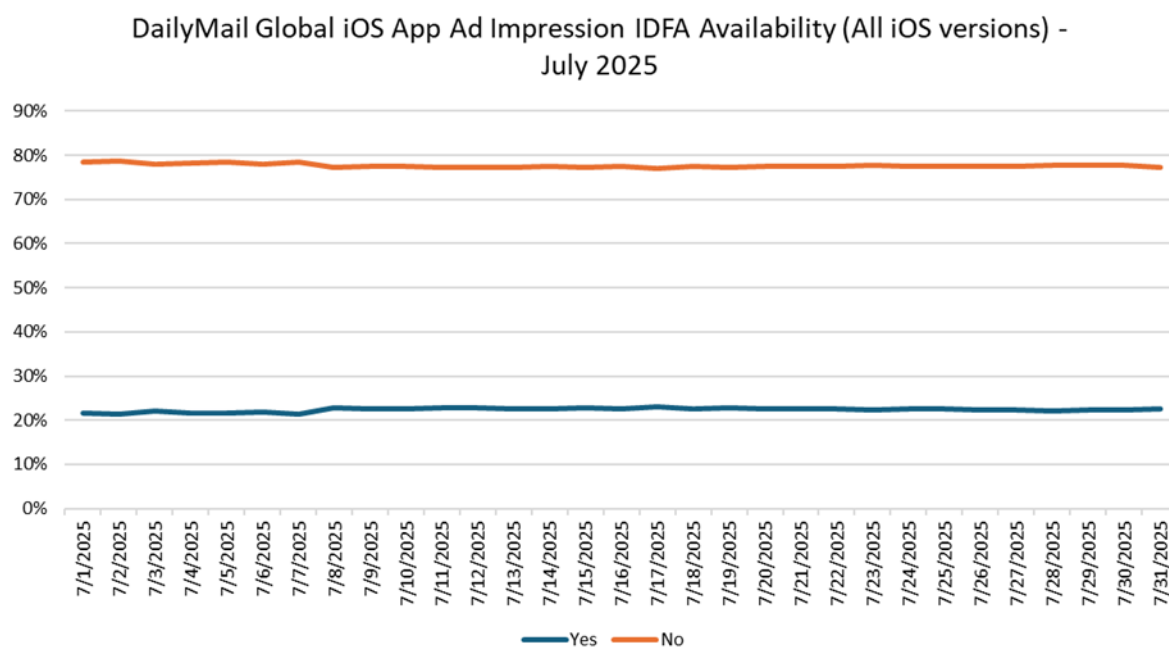


Figure 6. Source: DMG Media internal research



22. IDFA is a crucial ID which advertisers use when valuing DMG Media's advertising space. At the same time Apple has restricted tracking across websites through its Intelligent Tracking Prevention (ITP) initiative, and has introduced Private Relay,

which is for now opt-in for users, and which limits data available to advertisers in respect of users on Safari.

23. While DMG supports users gaining greater control over the use of personal data, the current ATT prompt does not allow users to make well-informed decisions, for example informing consumers they are likely to achieve better-suited, more targeted advertising if they accept the prompt. They are also not informed that some websites are funded by advertising and would not exist if publishers were unable to run adverts effectively. Finally, app developers like DMG Media are unable to share the value of data with users, by for example offering incentives to users who opt into the ATT prompt.

24. Apple now offers two alternative measurement and attribution systems: SkAdNetwork and AdAttributionKit, but neither of these provide functionality equivalent to IDFA. As a result, advertising revenues generated on iOS are still significantly lower than pre-ATT. Figure 7 shows the historic revenue impact of ATT with our daily iOS app revenue declining significantly from June 2021 as users upgraded to iOS 14.5. We declined from £29k/day in Jun 2021 to £12.5k/day in Jun 2022. Since then, we have seen no improvement in ad revenue on iOS despite the release of SkAdNetwork and AdAttributionKit. Figure 8 shows revenue across the Daily Mail iOS app remains depressed, averaging £8.2k/day throughout 2023 and 2024. Since early 2025 we have been promoting the Mail+ subscription product within the iOS app, which further lowered ad revenues. Since the release of iOS 14.5 and the resulting decline in IDFA availability, we estimate that our iOS app revenues are tens of millions of pounds lower than they would have otherwise been.

Figure 7. Source DMG Media internal research

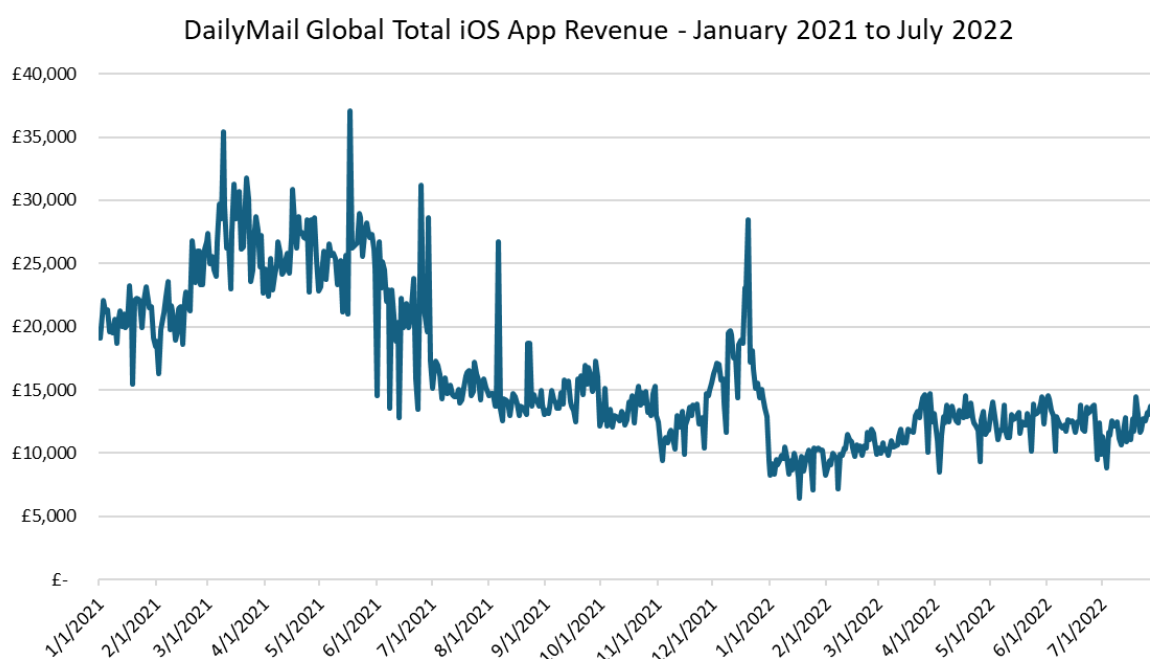
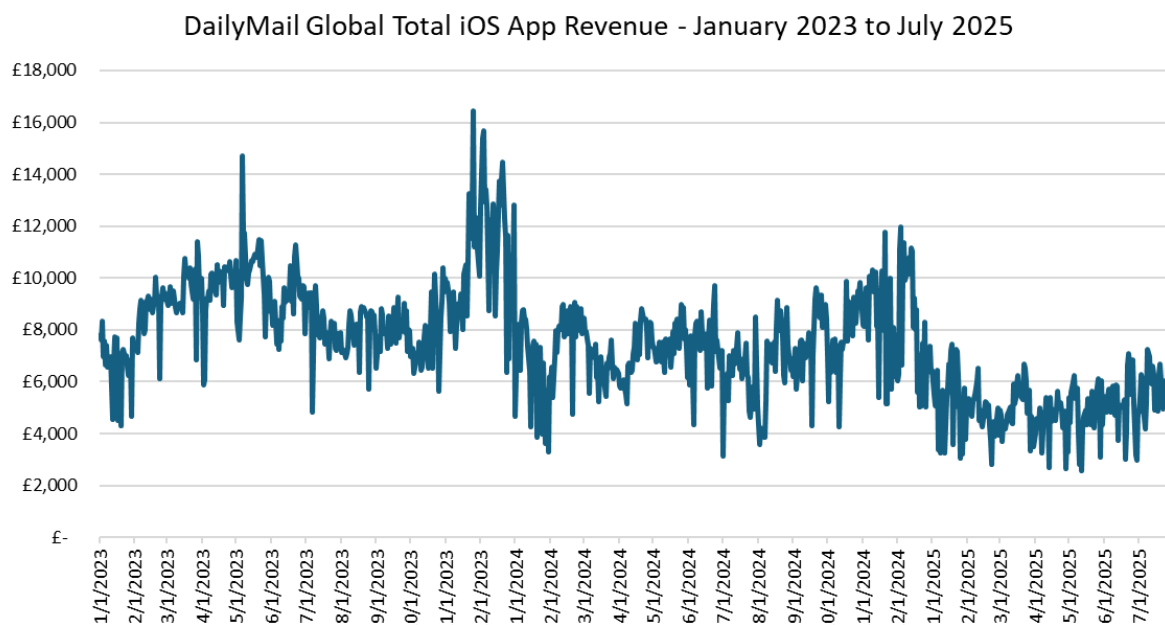


Figure 8. Source: DMG Media internal research.



25. Outrageously, Apple does not apply these so-called privacy standards to its own advertising activities. As recognised in the MEMS Final Report, the prompt applicable to advertising within Apple’s own apps employs an entirely different choice architecture than the ATT prompt applicable to third party advertising, with Apple’s prompt being designed to encourage users to opt into tracking. The MEMS Final Report also found that Apple Ads Attribution API, which Apple makes available to users of its advertising services, offers quicker and more granular data than SkAdNetwork.

26. The CMA rightly concluded that Apple’s self-preferencing via ATT ‘is likely to result in harm to competition, make it harder for app developers to find customers and to monetise their apps, and ultimately harm consumers by increasing the prices or reducing the quality and variety of apps available to them.’¹⁰

27. The CMA went on to explain that these concerns could be addressed by a requirement that Apple ‘not self-preference [its] own digital advertising [business] through the operation of [its] app store, including through [its] approach to privacy’.¹¹ Such a requirement would require Apple to ‘apply a consistent set of design principles (ideally informed by user testing) to all user prompts on its platform that

¹⁰ [6.219].

¹¹ [8.164].

seek users' consent for the processing of their personal data for the purpose of serving targeted adverts,'¹² and to 'offer equivalent or more similar functionality via SKAdNetwork . . . as it offers via Apple Ads Attribution API, . . . including in terms of granularity of the data developers can access under each tool and timing for receiving such data'.¹³

28. Yet now, more than three years later, when the CMA is close to having powers to set such requirements, the CMA has suddenly deprioritised this intervention because it is less 'effective' than other interventions in allowing 'innovators... to innovate and grow their businesses'. The CMA does not explain further. The DMG Media strongly disagrees: innovators like DMG Media are directly restricted from growing their businesses because they are prevented from monetising their apps effectively.
29. Further, a requirement for Apple to modify ATT, or at least stop preferencing its own products, falls squarely into the types of conduct requirements envisaged by the DMCCA.¹⁴ The CMA's willingness to avoid this issue seems to be due to a fear of overstepping the boundaries of privacy and competition law. However, this is misguided: Apple's blatant self-preferencing in this area is a classic competition law violation by a dominant undertaking, with direct read across from self-preferencing cases such as *Google Shopping*.¹⁵ At least if Apple was required to stop self-preferencing, by acting fairly and applying the same 'privacy' measures to all businesses, including its own, it would be incentivised to come up with solutions which facilitate effective advertising attribution while protecting user choice. Given it does not apply ATT to its own services, it currently does not have any incentivisation to do so (in fact it has the reverse incentive, as advertisers will prefer Apple's advertising services).
30. Therefore, if the CMA wanted to keep the first iteration of the conduct requirement very simple, it could avoid getting involved in product design and simply include a requirement to subject Apple's own products to the same processes (and the same "scare screens") as everyone else.

Alternative browser engines

31. As the CMA is aware, all browsers outside the EU have to run on Apple's WebKit browser engine. This limits third party browsers in respect of their innovation. One particular limitation, which affects DMG Media, is that WebKit has implemented the

¹² [8.189].

¹³ [8.189].

¹⁴ Any requirement to amend ATT would be a requirement to trade on fair and reasonable terms (S20(2) DMCCA), which is a permitted type. This requirement could fit many of the permitted purposes under Section 20(3), for example: preventing discriminatory terms (S20(3)(a)), preventing self-preferencing (S20(3)(b)), preventing restrictions on how businesses use the digital activity (S20(3)(f)) and preventing the restriction of customers using other products (S20(3)(h)).

¹⁵ T-612/17.

ITP feature (effectively the same as for ATT but with respect to attribution across websites, rather than apps). This restricts publisher and advertiser access to third party cookies, which leads to lower advertising revenues, regardless of user browser choice. As such, we strongly support a conduct requirement permitting browsers to use alternative browser engines and urge a recategorisation in Category 1, particularly given the CMA can effectively copy the European Commission, which has already mandated this remedy in the EU.

Other conduct requirements DMG Media supports

32. DMG strongly supports any conduct requirements which at least to some degree mitigate both Apple and Google's market power in mobile ecosystems, in particular:

- a. **In-app payments/steering:** It is outrageous that Apple and Google continue to charge such high rates of commission for digital content, while also preventing app developers from being able to directly communicate with users about promotions and other terms and conditions that can be obtained by acquiring the content outside the app. DMG Media strongly supports the CMA's proposal that Apple and Google's in-app payment systems should not be mandatory and app developers should be able to use link outs for users to purchase, and/ or alternative payment systems providers, without being subject to undue friction or excessive fees. DMG Media therefore welcomes the categorisation of Apple's anti-steering policies as Category 1, but urges that these issues are considered alongside measures requiring permitting alternative payment providers (which should also be dealt with in Category 1, for both Apple and Google);
- b. **Review process and ranking:** DMG supports the Category 1 measures that reduce Apple and Google's ability to exploit businesses through capricious app review processes, and changes to their algorithms with no notice to the businesses that will be harmed. These processes need transparency and effective/ independent appeal processes, with the use of an independent adjudicator where businesses are not satisfied their concerns have been dealt with fairly; and
- c. **Alternative app stores/sideloads:** We support measures which aim to mitigate against Apple and Google's market power in app distribution, including measures related to alternative app stores and sideloading. Both of these have currently been delayed pending international developments. The CMA should ensure intervention is not delayed indefinitely, while Apple and Google continue to shield themselves from any proper competition in app distribution.

Conclusion

33. We are aware that throughout both the drafting and implementation of the DMCCA both the current Government and its predecessor have been subject to very heavy

lobbying by Apple, Google and other platforms. Recently much of this has focused on the Government's understandable concern to encourage economic growth in the UK, and the Department for Business's recent CMA Strategic Steer gives every appearance of an attempt to address platform lobbying on this issue. The platforms' case is that they are potential investors in the UK and over-restrictive legislation would cause them to take their investment elsewhere. We do not believe that argument holds water. Online platforms are not like the industrial giants of the last century, investing huge sums in overseas production plants which become major centres of design, technology and manufacturing in their own right.

34. Digital businesses like Google and Apple are headquartered in California. Of course, they will employ some people in the UK to manage accounts, collect revenue, and lobby local politicians. But the value lies in the design and marketing of products, which happens predominantly at the centre and is then rolled out on a global basis.

35. The profitability analyses by the CMA in respect of Google and Apple demonstrate very high levels of profitability. The CMA says of Apple:

Apple was highly profitable through the last 10 years, making high profits and a high return on capital. Although Apple has historically been a devices business, its business model is evolving, and the share of profits attributable to its services business was rapidly increasing from 2016 to 2020,

And of Google:

Google was highly profitable through the last 10 years, making high profits and a high return on capital;

Although most of its operating income comes from Search advertising in absolute terms, the Play Store has become an increasingly important source of revenue for Google and represents the second largest component of operating income within Google Services;

36. There is no evidence of a significant reinvestment of these profits in the UK. In fact, the steer from the current US President is that revenues from US digital businesses should contribute America's well-being, not other nations':

In recent years, the gross domestic product of the United States' digital economy alone, driven by cutting-edge American technology companies, has been bigger than the entire economy of Australia, Canada, or most members of the European Union. Instead of empowering their own workers and economies, foreign governments have increasingly exerted extraterritorial authority over American companies, particularly in the technology sector, hindering these companies'

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*success and appropriating revenues that should contribute to our Nation's well-being, not theirs.*¹⁶

37. If the British Government is serious about promoting UK growth it should be using regulation such as that provided by the DMCCA to ensure British app developers can innovate and grow, and are not simply vehicles for making huge profits which are then transferred overseas.

DMG Media
August 2025

¹⁶ <https://www.whitehouse.gov/presidential-actions/2025/02/defending-american-companies-and-innovators-from-overseas-extortion-and-unfair-fines-and-penalties/>