

Consultation Response – Proposed SMS Designation of Apple

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Location: Scotland, United Kingdom

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1. Introduction and Position

I am submitting this response in a personal capacity as a Scottish citizen deeply concerned with fair competition, data rights, digital sovereignty, and consumer freedoms. I support the CMA's efforts to scrutinise and regulate the dominance of major technology firms operating within UK digital markets.

Apple's conduct, especially in the mobile ecosystem, payment systems, app distribution, and interoperability restrictions, raises profound concerns regarding abuse of market power, consumer harm, ideological enforcement, and interference with UK sovereignty.

2. Apple's Market Power and Anti-Competitive Conduct

The evidence cited in the CMA's decision clearly demonstrates that Apple holds a Strategic Market Status (SMS) position across multiple layers of the mobile ecosystem:

- It controls both hardware and the operating system (iOS), limiting interoperability.
- It forces app developers to use its payment systems and imposes restrictive terms.
- It penalises users and developers who seek alternative platforms.
- Its closed architecture stifles innovation and entrenches Apple's power.

These practices distort competition, restrict user choice, inflate prices, and centralise power into a private platform beyond democratic control.

3. Safeguarding, Ideological Enforcement, and Freedom of Belief

Beyond competition, Apple's platform control has been used to enforce ideological norms – including censorship of lawful viewpoints, suppression of conservative, Christian, and

gender-critical speech, and promotion of controversial “inclusion” policies that override UK legal protections on sex, belief, and parental rights.

Apple’s App Store policies have, in some cases, banned or demoted content and applications on ideological grounds, threatening the UK’s commitment to pluralism and lawful freedom of belief. The UK Equality Act 2010 protects religion and belief; Apple’s unchecked control risks violating these principles.

A CMA remedy must not only address economic fairness but also prevent platform monopolies from becoming ideological censors or “gatekeepers” of permissible thought.

4. Data Exploitation, Consent, and Profiling Risks

Apple’s privacy marketing obscures the real data risks tied to its ecosystem:

- Apple still profiles users for commercial purposes, particularly via app analytics, store activity, and Apple ID-linked services.
- Users are often unable to exercise meaningful consent or opt-out of these systems.
- Profiling may occur based on sensitive or inferred data including sexuality, religious belief, and political opinion.

A legally compliant market framework must ensure users can opt out of any profiling or consent-based system, and that Apple cannot exploit its SMS position to gain unfair access to user data. The ICO’s failure to regulate this effectively makes CMA’s role even more critical.

5. Discriminatory Access and Developer Lock-in

Developers and small UK businesses face discrimination and excessive cost burdens when engaging with Apple:

- High commission fees (30%) for in-app purchases
- Denial of alternative payment systems
- Lack of transparency or appeal over App Store rejections
- Inconsistent application of moderation or enforcement policies

This stifles innovation, deters UK developers, and entrenches Apple’s dominance. The CMA should introduce enforceable codes mandating non-discrimination, open access, and transparency in digital platform governance.

6. Threats to Sovereignty and Devolved Powers

Apple's unilateral global policies affect Scotland and the broader UK without oversight:

- Health, education, and safeguarding services are increasingly mediated through iOS applications.
- Scottish Government services relying on app distribution or digital ID risk being constrained by foreign corporate decisions.
- Public service apps (e.g. health appointments, education tools) can be subject to ideological review or removal.

This is unacceptable in a democratic nation. Apple's market power must not be allowed to constrain domestic policy or lawful speech.

7. Recommendations and Solutions

I urge the CMA to:

- Finalise the SMS designation and impose legally binding remedies
- Mandate data portability, payment choice, and third-party app store access
- Prohibit ideological discrimination or censorship by platforms
- Protect lawful belief and free expression in content moderation policies
- Require full transparency and appeals process for app decisions
- Collaborate with devolved administrations to prevent harm to Scottish services

Any failure to act will entrench an unaccountable, global monopoly over Britain's digital infrastructure, public discourse, and consumer rights.

8. Closing Statement

Apple must be held to account not only for its commercial conduct but for its influence on democratic norms, safeguarding, and civic freedoms. I support the CMA's direction of travel and encourage continued scrutiny of Apple's conduct and wider SMS abuses in the digital economy.

Signed,



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