Coalition for
APP FAIRNESS

Observations of the Coalition for App Fairness on the CMA's proposed "commitments" for Apple and Google.

1. This document is the response of the Coalition for App Fairness (**CAF**) to the CMA's call for evidence on its proposed "commitments" from Apple and Google.[1]

2. CAF is an independent nonprofit organisation, representing over 80 companies including startups, independent and small developers, indie studios and popular apps, many of them based and operating in the UK. Throughout the Digital Markets, Competition and Consumers Act 2024 (**DMCC Act**) process, CAF members have repeatedly dedicated their time and resources to support the Competition and Markets Authority (**CMA**) in the strong, effective use of its powers.

3. CAF is extremely disappointed with the proposed "commitments." They go nowhere near addressing the barriers in the UK's mobile app ecosystem, a key contributor to the UK's growth.[2] In particular:

    a. On their own, the proposed measures fail to address the structural drivers of Apple and Google's market power and therefore do not realign incentives or restore competitive pressure within the mobile ecosystem. The CMA should, as a matter of priority, launch consultations on Conduct Requirements (**CRs**) relating to alternative app distribution and anti-steering, as these measures have the greatest potential to deliver meaningful and lasting improvements to competition in the mobile ecosystem.

    b. The non-statutory "commitments" lack any binding legal basis or enforcement mechanism under the DMCC Act, leaving the CMA and third parties without effective remedies in the event of non-compliance.

    c. The proposed "commitments" in relation to app review should be amended to: (i) impose clear, forward-looking obligations rather than merely describing past practice, (ii) exceed existing statutory notice requirements for changes to app review processes under the Platform-to-Business Regulation, rather than diluting those protections, (iii) provide a specific prohibition on using app review processes as a

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[1] CMA, *Open call for evidence, Proposed commitments from Apple and Google: app certainty and interoperable access* (10 February 2026), available here.

[2] *"In total, the UK app economy generates an estimated 1.5% of the UK's GDP and supports around 400,000 jobs here. As a result, the app economy is now an engine of UK growth, particularly in strategically important sectors like financial services and creative industries*". CMA blog, "CMA proposes next steps for improving mobile platforms in the UK" (23 July 2025), available here.

means of retaliation and (iv) provide a timeline on appeals. More detail on our proposed amendments can be found below.

d. The proposed "commitments" in relation to ranking should be amended to: (i) align with and strengthen the notice standards for changes to ranking policies set out in the Platform-to-Business Regulation, rather than weakening them and (ii) expressly apply to all forms of ranking, including curated collections and other placements presented outside of a user search query, for both Apple and Google.More detail on our proposed amendments can be found below.

e. The proposed "commitments" in relation to the use of data should be amended to: (i) extend the scope of the commitment to cover all commercially sensitive data obtained through the operation of the App Store, rather than limiting it to data submitted through the app review process; (ii) include an obligation to provide developers access to the data Apple and Google hold in respect of their app; and (iii) remove or clearly attribute language that could be read as endorsing Apple's assertion that it has never engaged in "sherlocking." More detail on our proposed amendments can be found below.

f. Finally, the commitments in relation to interoperability requests should be amended to (i) remove the criterion that requests will be assessed against "Apple's platform priorities" and (ii) include an explicit prohibition on refusing, delaying or restricting interoperability on the basis that Apple operates, or intends to operate, a competing first-party product or service.

g. The nature of the commitments proposed by Apple, Google, and the CMA also falls short on delivering on all of the CMA's 4Ps. Regarding Proportionality, the proposed "commitments" fall so far short of enabling genuine competition that they cannot be considered in any way proportionate. Regarding Process and Predictability, the absence of Conduct Requirements is something developers were unprepared for. For while CRs were a stated part of the DMCC Act and the published roadmap, voluntary "commitments" had never been suggested as an appropriate resolution. Finally regarding Pace, should these "commitments" not prove adequate the CMA will still be forced to undertake a CR process, delivering the same outcome but over a prolonged time period - extending the harm faced by developers until a resolution is found.

What is missing: meaningful remedies on the key problem areas

4. The CMA should address the structural sources of Apple and Google's market power in order to restore /have effective competition within the ecosystem. If those underlying drivers are tackled, the need for extensive downstream remedies, such as those proposed, should diminish, as competitive constraints will discipline platform behaviour.

5. For example, if the CMA ensures genuine alternative app distribution - by requiring Apple and Google to permit competing app stores and sideloading without friction or discriminatory restrictions - competitive pressure should increase materially. In those circumstances, issues such as app review processes, ranking practices and data safeguards would be subject to market discipline: dissatisfied developers would have credible alternatives through rival app stores or direct distribution. The risk of losing developers and user engagement would create a commercial incentive for Apple and Google to ensure that those processes are fair.

6. Similarly, a steering CR will change Apple and Google's incentives by subjecting them to competitive pressure in relation to their commissions. The CMA indicated in its Roadmap that it would consult on steering CRs early this year.[3] Despite this, a steering remedy does not form part of the CMA's call for evidence[4] and the published programme of work refers only to an "update" on steering in the first half of 2026.[5] CAF therefore urges the CMA to accelerate its timetable and launch a consultation on a steering CR as soon as possible, particularly in light of the following considerations:

    a. The CMA first looked at steering four years ago in its 2022 Mobile Ecosystems Market Study final report.[6]

    b. While the CMA says it is monitoring international developments prior to taking action, [7] there is already substantial regulatory experience from which it can draw clear lessons. In particular:

        i. The EU has mandated anti-steering obligations under the Digital Markets Act[8] and the European Commission (**EC**) has fined Apple EUR 500 million for

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[3] CMA, *Strategic market status investigation into Google's general search services: Roadmap of possible measures to improve competition in search* (24 June 2025), available here.
[4] CMA, *Open call for evidence, Proposed commitments from Apple and Google: app certainty and interoperable access* (10 February 2026), available here.
[5] CMA, *Guidance, The CMA's programme of work across mobile platforms* (10 February 2026), available here.
[6] See Mobile Ecosystems Market Study Final Report at [8.68] and [8.101-8.113].
[7] CMA, *Guidance, The CMA's programme of work across mobile platforms* (10 February 2026), available here.
[8] Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) [2022] OJ L265/1, Article 5(4).

non-compliance with the relevant provisions.[9] The EC has also initiated non-compliance proceedings against Google and communicated its preliminary assessment that the Google Play app marketplace does not adhere to the Digital Markets Act (**DMA**) anti-steering rules, as app developers are restricted from directing consumers to alternative channels for improved offers.[10] The key lesson from this experience is clear: anti-steering remedies are ineffective if platforms are permitted to introduce fees or technical friction.

ii. By contrast, the injunction granted in *Epic Games v Apple*[11] in the US provides the CMA with a clear and workable model for any CR in this area. That order mandated anti-steering remedies, including explicit prohibitions on imposing fees or introducing friction that would undermine developers' ability to direct users to alternative payment options.[12] The CMA could draw directly on the wording of that injunction when designing its own CRs, ensuring clarity, enforceability and minimising the risk of circumvention.

c. App developers offering non-digital content are already permitted to use their own payment solutions and pay no commission to Apple or Google. The principal distinction appears to be that such apps do not compete directly with Apple's or Google's own digital content services, unlike digital content apps. This demonstrates that allowing alternative payment mechanisms without fees or technical friction is both technically feasible and commercially workable. It therefore undermines any suggestion that effective steering remedies (prohibiting fees or friction) would be disproportionate or unmanageable. The CMA need not look abroad for a model: it can draw directly on the existing treatment of non-digital content apps in the UK.

Commitments vs conduct requirements

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[9] EC press release "*Commission finds Apple and Meta in breach of the Digital Markets Act*" (23 April 2025), available here.

[10] EC press release, "*Commission sends preliminary findings to Alphabet under the Digital Markets Act*" (19 March 2025), available here.

[11] *Epic Games v Apple* (N.D. Cal. 2021; 9th Cir. 2023).

[12] In particular, the court's injunction prohibited Apple from: imposing commissions and/or fees on purchases that consumers make outside of an app, or from requiring developers to report purchases or other activity that users make outside of the app; restricting or conditioning developers' style, language, formatting, quantity, flow or placement of links for purchases outside an app; prohibiting or limiting the use of in-app buttons or other calls to action; excluding certain categories of apps and developers from obtaining link access; interfering with consumers' choice to proceed in or out of any app by using anything other than a neutral message apprising users that they are going to a third-party site; and restricting use of dynamic links that bring users to a webpage in a logged in state, pass on product details, or other information that refers to the user intending to make a purchase.

7. In relation to the app review, ranking, data separation and interoperability “commitments” – these “commitments” do not have any statutory basis in the DMCC Act. The only reference to “commitments” in the DMCC Act is in the context of resolving open pro-competition interventions or conduct investigations without a final decision (see sections 36 and 56 DMCC Act). Notably, if a party breaches commitments given in those investigations, the CMA can impose a penalty of up to 10% of the party’s worldwide turnover.[13]

8. The “commitments” in this case do not share any characteristics of the commitments under section 36 and 56. They have not been accepted in the context of an open pro-competition intervention or conduct investigation. Because of this, they are unenforceable: there are no statutory consequences or penalties if Apple and Google fail to comply. If there is non-compliance with the “commitments”, the CMA would be at square one: the CMA would need to design CRs, consult on CRs, impose those CRs, wait for any implementation period to pass, and then open a conduct investigation[14] and conclude there has been a breach of the CR. Alternatively, it could launch a pro-competition investigation[15] and establish an adverse effect on competition. Either of these avenues is likely to be lengthy, likely taking close to, or possibly over, a year. The “commitments” are therefore meaningless from an enforcement perspective: the CMA is in no better position to enforce against Apple or Google having accepted them. The CMA has effectively granted Apple and Google a regulatory holiday, allowing them to have a free first strike and ignoring the commitments for the intervening year (or longer) until the CMA formalises a CR.[16]

9. In light of the above, CAF’s view is that it is misleading for the CMA to describe these measures as “commitments.” The term has an established legal meaning, both under the DMCC Act and the Competition Act 1998 (**CA98**), where commitments are formally accepted within a statutory framework and are binding and enforceable. Using the same terminology in this context risks creating confusion as to their legal status and the consequences of non-compliance.

[13] Digital Markets, Competition and Consumers Act 2024, s85 and 86.
[14] Digital Markets, Competition and Consumers Act 2024, s36.
[15] Digital Markets, Competition and Consumers Act 2024, s47
[16] The CMA would first need to draft the CR, which could take around two months. It would then need to consult on the proposed CRs (for at least one month), consider the responses and revise the CRs accordingly (a process likely to take a further minimum of two months), and finally set a reasonable implementation period. Based on the Google Search CRs (see, for example, the Fair Ranking CR at [4.30]), the implementation period alone could be six months.

10. Furthermore, from both a rule-of-law and an access-to-justice perspective, third parties harmed by breaches of CRs are now deprived of the opportunity to bring private actions. It was envisaged under the DMCC Act that when third parties suffer loss as a result of a party breaching a CR, they would have recourse to:

    a. **A standalone action:** under section 47A CA98, if a party can demonstrate a breach of a CR, damages may be awarded; and

    b. **A follow-on action:** pursuant to section 98 DMCC Act, where the CMA determines there has been a breach of a CR, affected parties may claim for resultant damages.

11. However, as the CMA has characterised this outcome as a non-binding "commitment" rather than a CR, neither option is available to third parties. This not only prevents recovery of damages for those affected by such practices but also undermines the effectiveness of these measures more broadly, as the potential for private enforcement acts as an incentive for compliance.

12. Finally, the CMA's call for evidence document specifies its own, non-statutory criteria whereby it will normally not be appropriate for it to accept commitments.[17] Even by its own, self-imposed, criteria, this case was not suitable for commitments. The criteria where commitments would not be appropriate are:

    a. Where firms have little incentive to change their conduct: this concern is directly engaged: the measures do not involve structural or incentive-altering change. They do not address the underlying imbalance of market power within the mobile ecosystem, increase competition in app distribution, or materially constrain Apple's or Google's ability to shape the terms of access. As a result, they cannot realign platform incentives in a durable way.

    b. **Where compliance is difficult to determine, observe or monitor:** this concern is directly engaged. The measures are framed in broad and subjective terms, leaving Apple and Google significant discretion in implementation (for example, offering 1:1 app review sessions "where appropriate," without objective criteria). Many of the commitments concern entirely internal processes - such as app review decision-making and ranking algorithms - to which only the platforms have visibility. External parties, and even the CMA, would therefore have limited ability to verify compliance other than through platform reporting, which may be technically complex

[17] See the CMA's Call for Evidence document at [9], available here.

and difficult to audit. The ongoing behavioural nature of the measures further compounds this problem, as practices could be altered over time even if compliance were initially established.

c. **Where measures can be easily circumvented:** the measures can be easily circumvented for the same reasons they are difficult to determine, observe or monitor: they are subjective, high level, technical and decisions on compliance rely on Google/Apple reporting. In addition, they rely on ongoing CMA monitoring.

d. **Where an SMS firm's historical conduct does not give us confidence it will work constructively with the CMA:** High-profile examples include Google in *Epic v Google*, where a US District Court found that internal chat evidence was intentionally lost in order to "*hide the ball*",[18] as well as multiple DMA investigations into both Apple and Google for non-compliance with that Act.[19] Similarly, Apple failed to comply with the Dutch Authority for Consumers and Markets' (**ACM**) decision following a finding of abuse of dominance in the App Store for dating app providers, which led to the ACM being forced to impose periodic fines for non-compliance.[20] Apple even failed to comply promptly with a US court order in *Epic Games v Apple*, where the District Court found Apple in contempt for breaching the injunction designed to prevent anti-steering restrictions, concluding that Apple had deliberately implemented measures that undermined the spirit and purpose of the order.[21]

13. Taken together, the "commitments" approach risks undermining the credibility of the new digital markets regime at a critical early stage. Parliament conferred substantial powers on the CMA under the DMCC Act precisely to ensure that entrenched market power in digital

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[18] *Epic Games, Inc v Google LLC* (3:20-cv-05671-JD, US District Court, ND California, 28 March 2023) document 401, page 17, available here.

[19] For Google, see: European Commission, *Commission opens investigation into potential Digital Markets Act breach by Google in demoting media publishers' content in search results* (13 November 2025), available here; European Commission, *Commission opens proceedings to assist Google in complying with interoperability and online search data sharing obligations under the Digital Markets Act* (27 January 2026), available here. European Commission, *Commission sends preliminary findings to Alphabet under the Digital Markets Act* (March 19 2025), available here.

For Apple, see: European Commission, *Commission sends preliminary findings to Apple and opens additional non-compliance investigation against Apple* (24 June 2024) available here; European Commission, *Commission finds Apple and Meta in breach of the Digital Markets Act* (23 April 2025) available here; European Commission, *Commission closes investigation into Apple's user choice obligations and issues preliminary findings on rules for alternative apps under the Digital Markets Act* (23 April 2025), available here.

[20] Rechtbank Rotterdam, *Apple v Autoriteit Consument en Markt* (16 June 2025) ECLI:NL:RBROT:2025:6961.

[21] *Epic Games, Inc v Apple Inc* No 25-2935 (9th Cir, 11 December 2025), available here.

markets could be addressed through clear, enforceable and dissuasive measures. Resorting instead to informal, unenforceable "commitments" - creates the impression of regulatory hesitation rather than effective oversight. That perception would not only weaken the deterrent effect of the regime domestically, but could also diminish the UK's standing internationally as a jurisdiction capable of delivering robust digital enforcement.

The proposed "commitments"

14. As above, CAF's main comments are that: (i) the CMA needs to focus on key, effective remedies and (ii) if the CMA is going to prioritize downstream issues such as app review, fair ranking, data separation and interoperability requests, it should consult on proper CRs and not non-statutory, unenforceable "commitments." In terms of the detail of the "commitments" CAF makes the following points.

App review process

15. **CAF is concerned Google does not establish a defined timeline for the review of applications.** Google states that its review process has "*a recent average review time of less than one day*." This is framed as a description of past practice rather than a forward-looking obligation.[22] It is therefore not a "commitment" at all, on any construction of the term. Even as a statement of past practice it is vague: there is no indication of over what period the average was calculated or precisely what proportion of reviews were completed within one day. We therefore recommend that the CMA should, at a minimum, require Google to "commit" to a target review period and report against the target. This would align with how the equivalent Apple "commitment" is framed, which states that Apple will seek to approve or reject 90% of app submissions within 24 hours and requires Apple to report against that.[23] The CMA must also include a timeframe for the 10% of cases that are not completed within 24 hours. These may often be the most significant cases, yet Apple has no deadline whatsoever for them. Without a specific deadline, Apple can effectively keep apps in review and block them from the app store indefinitely, while still claiming that review targets have been achieved.

16. **We are concerned Apple has only "committed" to announcing material changes to its App Review Guidelines on the same day that those changes take effect.** The "commitments" state "*Apple will announce any material changes to the Guidelines to developers on the same day such changes become effective*."[24] Apple does not undertake to provide advance notice *before* such changes become effective. As such, Apple has not

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[22] Ibid.
[23] *Apple's proposed commitments*, Commitments 5(a) and Transparency 9(i), (10 February 2026), available here.
[24] *Apple's proposed commitments*, Transparency 7(b), (10 February 2026), available here.

committed to provide any notice at all. Indeed, Apple seems to have "committed" to *not* provide notice. If it did provide reasonable notice, presumably it would be in breach of the "commitments." The absence of an effective notice requirement leaves developers entirely exposed to sudden changes in the App Review Guidelines. This also seems to be in direct breach of Apple's obligations under the Platform to Business Regulation, which provide that Apple must provide at least 15 days' notice for any changes to terms and conditions governing access to online intermediation services.[25] We recommend that the CMA should provide (for Apple and Google) that material changes require the statutory 15 days plus a reasonable period, which will be an additional 15 days in the case of straightforward changes (meaning a total of one month's notice period) and 75 days for major changes (meaning a total of three months' notice period).

17. **Apple and Google should not only be required to provide notice of changes to app review guidelines, but also to introduce a structured consultation process for significant or far-reaching amendments.** In particular, where proposed changes are likely to have a material impact on developers' business models, technical architecture, monetisation practices or user engagement, the platforms should publish draft changes in advance, allow a reasonable period for stakeholder feedback, and give due consideration to that feedback before implementation. The introduction of Apple's App Tracking Transparency (ATT) framework illustrates why this is necessary: major policy changes can fundamentally reshape developers' business models, monetisation strategies and technical architecture. This would improve transparency, reduce the risk of unintended disruption, and promote more proportionate and workable outcomes. Notice alone is insufficient where changes can materially affect developers' ability to operate; meaningful consultation is necessary to ensure fairness and predictability in the ecosystem.

18. **We are concerned that the commitments contain no explicit protection against retaliation where developers publicly criticise Apple or engage with regulators**. Apple has a documented history of using control over the App Store in disputes with high-profile developers. In 2024, it terminated Epic Games Sweden's developer account, citing public criticism of Apple's DMA compliance plan as one of the bases.[26] It also delayed approval of Epic's iOS app submissions, with Fortnite only approved after court involvement in the US.[27] Spotify has faced similar treatment, including rejected updates and restrictions on communicating alternative subscription options, conduct that has been scrutinised and fined

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[25] Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services, Article 3(1)(a) and Article 2, available here.
[26] Sarah Perez, *Apple terminates Epic Games developer account calling it a 'threat' to the IOC ecosystem* (6 March 2024), available here.
[27] *Epic Games, Inc v Apple Inc* No 4:20-cv-05640-YGR (ND Cal, 19 May 2025), available here.

under the DMA.[28] These examples underscore the need for a clear non-retaliation safeguard within the regime.

19. **We are concerned that neither Apple nor Google's proposed "commitments" include any clear timeline for determining appeals**. Apple provides that rejected app submissions may be appealed to the App Review Board, but sets no timeframe within which such appeals must be resolved.[29] Google similarly refers to an appeal via its "Contact Us" channel, without any defined procedural steps or deadlines.[30] In the absence of specified time limits, the right of appeal risks being ineffective in practice.

Ranking

20. **We are concerned the notice provisions for changes to ranking policy are not strong enough.** Google "commits" that it will provide "reasonable notice" for material changes.[31] We are concerned this is not specific enough. Apple "commits" it will provide approximately one week's notice for major changes, which is more granular.[32] However, we are concerned that one week is not enough for developers to adapt to the changes. We are also concerned this is weaker than existing protections in the Platform to Business Regulation, which provides that if a platform changes main ranking parameters, it must provide 15 days' notice.[33] We recommend these "commitments" are altered to be 15 days plus a reasonable notice period, which will in most cases be a further 15 days. This would enhance, rather than weaken, the current position and would give developers enough time to adapt to changes.

21. **We are concerned there is no requirement for Apple to be fair when selecting apps for curated collections.** Google commits to be fair when selecting apps for curated collections.[34] In contrast, Apple's commitments focus on responses to search queries only: for example, the section is framed as "*App Store Search*" and the first obligation is that "*Apple will ensure that its **search process** is fair, objective, and transparent*".[35] As drafted, these obligations therefore do not appear to apply to ranking in Apple's curated collections, where there has been no user search. We are concerned this is a significant loophole: Apple has come under significant scrutiny for ranking in curated collections, for example in its "news app"

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[28] European Commission Decision, Case AT.40437 – Apple – App Store Practices (music streaming) (4 March 2024), available here.
[29] *Apple's proposed commitments*, Commitments 6(c)-(d), (10 February 2026), available here.
[30] *Google's proposed commitments,* para 23 (5 February 2026), available here.
[31] *Google's proposed commitments,* para 18 (5 February 2026), available here.
[32] *Apple's proposed commitments*, Transparency 3(b), (10 February 2026), available here.
[33] Regulation (EU) 2019/1150 of the European Parliament and of the Council, Article 5(1) and Article 3(2), available here.
[34] *Google's proposed commitments,* para 35 (5 February 2026), available here.
[35] *Apple's proposed commitments*, page 10 Commitments 1, (10 February 2026), available here.

collection and "top free app" collection.[36] We recommend amending the scope of the commitments to cover ranking which is not in response to user queries.

22. **We are concerned there are no consultation requirements for major changes to ranking.** As set out above in respect of App Review, advance notice alone is insufficient where changes may materially affect developers' visibility, user acquisition or revenues. For major changes to ranking parameters or their relative importance, Apple and Google should be required to conduct a prior consultation process, allowing developers a meaningful opportunity to comment before such changes are finalised and implemented.

Use of third-party data

23. Our comments on the proposed data "commitments" focus on Apple, given its documented history of incorporating third-party app functionality into its own services.

24. **We are concerned the scope of the "commitment" is too narrow.** Apple's commitments are limited to third-party data submitted as part of App Review.[37] However, we are concerned that Apple uses data from other parts of the operation of its App Store. In particular, we are concerned the "commitments" do not address other forms of data leverage, for example commercially sensitive information captured through other aspects of its App Store, such as its in-app payment system or through analytics on downloads, click throughs and impressions in the App Store. It is an artificial distinction for a "commitment" to require that Apple cannot use information received in an app review process, but can obtain and use confidential information used elsewhere on its mobile platform. Widening the scope of the "commitment" would bring the CMA into alignment with other jurisdictions - for example, the EU DMA, which prohibits gatekeepers from using any non-public data obtained from their business users to compete against those same users.[38] There are similar protections in Japan.[39]

25. **Developers should have a clear and enforceable right to access all data held by Apple and Google in relation to their own apps**. Such access would (a) help level the competitive playing field, (b) increase transparency and accountability regarding the scope and use of platform-collected data, and (c) enable developers to innovate, improve performance, and

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[36] The Guardian, Blake Montgomery, *Elon Musk threatens Apple with lawsuit over OpenAI, sparking Sam Altman Feud,* (12 August 2025), available here.
[37] Apple's proposed commitments, page 10, (10 February 2026), available here
[38] Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act), Article 6(2), available here.
[39] Act on the Promotion of Competition for Specified Smartphone Software 2024 (Japan), Article 5

compete effectively. In many cases, Apple and Google possess more granular and comprehensive data about an app's performance, user interactions, and monetisation than the app developer itself. The platforms should therefore be required to provide this data upon request, subject to appropriate safeguards, and within defined and reasonable timeframes.

26. **We are concerned that the proposed "commitments" could be read as the CMA absolving Apple of any past misconduct.** In particular, the first sentence of Apple's data commitments states: "*Apple has never sought to use the App Store, nor the data it holds by virtue of running the App Store, as a means to develop competing features and services*."[40] That assertion sits uneasily with publicly reported evidence to the contrary. For example, the *Washington Post* reported statements by Philip Shoemaker, Apple's former Director of App Store Review, indicating that data regarding which categories of apps were commercially successful was widely shared among senior Apple executives and could inform internal product development.[41] While this statement in the commitments presumably reflects Apple's own position, rather than a finding or endorsement by the CMA, that distinction is not made clear in the current drafting. The CMA should expressly attribute such statements to Apple (for example, "*Apple has stated that…*"), or allowing Apple one statement in the introduction that it has not accepted liability for any misconduct, rather than granting them a prominent platform to make unqualified factual assertions. Failing to do so risks creating the impression that the CMA has endorsed Apple's position, which could in turn prejudice the position of third parties in ongoing or future complaints and litigation.

Interoperability

27. **"Alignment with Apple's platform priorities" should not be a criterion against which requests are assessed.** This concept is inherently non-transparent, as Apple's "platform priorities" are not public and may evolve over time without notice. The criterion could also permit Apple to reject requests on the basis that they are inconsistent with its commercial interests - for example, where the requesting party offers, or intends to offer, a competing product or service. Moreover, the standard is entirely subjective and lacks objective, verifiable benchmarks against which decisions can be measured or reviewed. Its inclusion therefore risks undermining the predictability, transparency and non-discrimination that the "commitments" are intended to secure.

28. **We are concerned that the commitments do not include any explicit prohibition on Apple rejecting interoperability requests on the basis that it operates, or intends to**

[40] *Apple's proposed commitments*, page 10, (10 February 2026), available here.
[41] The Washington Post, *How Apple uses its App Store to copy the best ideas* (5 September 2019), available here.

operate, a competing first-party product or service. In the absence of such a safeguard, Apple would retain the ability - whether explicitly or in practice - to refuse interoperability where granting access would strengthen a rival offering. This creates an inherent conflict of interest, given Apple's dual role as both platform operator and downstream competitor.

Concluding remarks

29. In summary, the proposed "commitments" do not address the structural features of the mobile ecosystem that give rise to the competition concerns identified by the CMA in its Mobile Ecosystems Market Study[42] or in its subsequent Invitation to Comment[43]. Nor do they provide clear, enforceable, and legally robust protections for developers.

30. The CMA has been entrusted by Parliament with significant new powers under the DMCC Act to address entrenched digital market power. Those powers were designed precisely to avoid prolonged cycles of investigation, monitoring and circumvention that have characterised digital enforcement to date. Resorting to non-statutory, unenforceable "commitments" at this stage risks weakening the credibility of the regime at the outset and delaying effective intervention by several years.

31. CAF respectfully submits that the CMA should prioritise CRs, including facilitating genuine alternative app distribution and implementing an effective anti-steering remedy. Where downstream behavioural issues are addressed, they should be framed as formal CRs under the DMCC Act, with clear drafting, objective criteria, monitoring mechanisms, and the possibility of meaningful sanctions for non-compliance.

32. The UK has an opportunity to establish a globally credible and effective digital markets regime. That objective will not be achieved through informal assurances that preserve the status quo. It requires decisive, enforceable measures that restore competitive constraints and provide developers with real, practical alternatives. CAF remains committed to supporting the CMA in that endeavour and would welcome further engagement as the CMA progresses to the next stage of its work.

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[42] CMA, *Mobile ecosystems market study* (15 June 2021), available here.
[43] CMA, *Strategic Market Status Investigations into Apple's and Google's mobile ecosystems Invitation to Comment* (23 January 2025), available here.