

Competition and Markets Authority

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By email only

Our Ref: TC02524

3 March 2026

Dear CMA Mobile Platform SMS Team,

Re: Article 19 and GFF Complaint to the European Commission Against Apple over a breach of the DMA – Response to the CMA’s call for evidence on Apple’s proposed commitments under the DMCCA

We are writing on behalf of Article 19, a UK-based charity that propels freedom of expression locally and globally, and Gesellschaft für Freiheitsrechte (“GFF”), a non-for-profit organization aimed at protecting and strengthening human and fundamental rights. We refer to our letter dated 24 October 2025 and the CMA’s consultation¹ on Apple’s proposed commitments regarding its App Store under the Digital Markets, Competition & Consumers Act 2024 (the “DMCCA”).

(a) The complaint provides evidence of Apple’s non-compliance with its obligations under the Digital Markets Act, which is relevant for the CMA’s DMCCA process

From our review of Apple’s proposed commitments², the details in our complaint (as sent to the CMA on 24 October 2025) are not specifically addressed or rectified. Apple proposes “interoperability” commitments whereby Apple will launch an “interoperability feedback channel for developers” and will “publish the substantive criteria against which it assesses interoperability requests”. However, these do not specify whether the issues outlined in our complaint will be reviewed and rectified by Apple in this feedback channel. Although the interoperability issues that arise will evolve as the technology evolves, the intended remedies should already include a non-exhaustive list of current interoperability issues that Apple will prioritise as part of the DMCCA.

Therefore, we wish to submit the formal complaint that was made to the European Commission against Apple for breaches of Articles 6(4) and 6(7) of the Digital Markets Act (“DMA”)³ as part of the CMA’s consultation so that the CMA can consider the evidence in view of Apple’s proposed commitments.

The complaint provides evidence of Apple’s continued failure as a gatekeeper⁴ to fulfil its legal obligations on interoperability and user choice. Apple’s restrictions on the terms and conditions

¹ <https://www.gov.uk/government/calls-for-evidence/proposed-commitments-from-apple-and-google-app-certainty-and-interoperable-access>

² https://assets.publishing.service.gov.uk/media/69899adbd3f57710b50a9b86/apple_proposed_commitments.pdf

³ Digital Markets Act: Apple impedes interoperability and user choice - ARTICLE 19 (22 October 2025)

⁴ Digital Markets Act: Commission designates six gatekeepers (6 September 2023)

governing its app store, iOS and iPadOS prevents third-party app stores and software providers from operating on Apple devices. This includes requiring all third-party app stores to provide a stand-by letter of credit of €1,000,000, an amount out of reach for small businesses. This effectively excludes them from Apple's operating system and especially hampers the development of free software.

The CMA considered whether Apple's conduct amounts to exploitative behaviour by imposing unfair terms on app developers and using manipulative choice architecture to limit user autonomy.⁵ In addition to this, as illustrated in our complaint, this conduct is likely also to be exclusionary.

We respectfully encourage the CMA to take this complaint into account as part of its ongoing assessment of Apple's conduct requirements and other remedies under the DMCCA.

(b) Commitments do not appear to be part of the DMCCA legal process

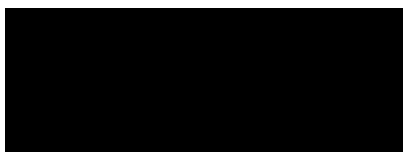
We note that the DMCCA granted new powers to the CMA as either Conduct Requirements ("CRs") and/or Pro-Competition Interventions ("PCIs"). The CMA has stated previously that it needed them to address competition issues found in the distribution of mobile apps (see MEMS final report in 2022⁶ and the CMA's opening of an investigation into Apple's App Store in 2021⁷). Instead of using the extensive powers under the Market Investigation regime of the traditional Competition Act 1998 remedies, the CMA determined that new powers under the DMCCA were preferable.⁸ Taking the decision now that involves choosing not to use these new powers would be irrational and unreasonable.

In addition, under the DMCCA, commitments may only be accepted by the CMA (under s.36) where it has opened a conduct investigation into a suspected breach of a conduct requirement (under s.26).

Therefore, the CMA should impose CRs at the very least as that would be the reasonable course of action to ensure that the CMA's intended legal powers are used and third parties have the appropriate legal recourse in the event of Apple's non-compliance with the DMCCA.

We would be pleased to set up a meeting should you have any questions or wish to discuss this further.

Yours faithfully,



Preiskel & Co LLP

Enclosure – 2025.10.22 Complaint against Apple (Digital Markets Act)

⁵ [CMA to investigate Apple and Google's mobile ecosystems - GOV.UK](#) (23 January 2025)

⁶ See the CMA Mobile Ecosystems Market Study Final Report (10 June 2022), and in particular, chapter 8, which outlines the potential interventions https://assets.publishing.service.gov.uk/media/63f61bc0d3bf7f62e8c34a02/Mobile_Ecosystems_Final_Report_amended_2.pdf

⁷ <https://www.gov.uk/cma-cases/investigation-into-apple-appstore>

⁸ See Case Closure Statements (21 August 2024) and chapter 8 of the CMA Mobile Ecosystems Market Study Final Report (10 June 2022)