Response to the CMA's Call for Evidence on Proposed Commitments from Apple and Google Concerning App Distribution, App Ranking, Use of Data, and Interoperability

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The SCiDA Project: Shaping Competition in the Digital Age

SCiDA stands for Shaping Competition in the Digital Age. It is a joint research project of Heinrich Heine University Düsseldorf (Germany) and the University of Exeter (UK). Our team compares and analyses the regulatory initiatives in the EU (Digital Markets Act), the UK (Digital Markets, Competition and Consumers Act) and Germany (section 19a of the Competition Act) in shaping competition in the digital age. Our independent research project is funded by Deutsche Forschungsgemeinschaft (DFG) and the UK Arts and Humanities Research Council (AHRC).

Principal investigators are professors Oles Andriychuk (Exeter) and Rupprecht Podszun (Düsseldorf). More information (including our regular blog entries reflecting on the development of the DMA and a database with documents and information) can be found at www.scidaproject.com.

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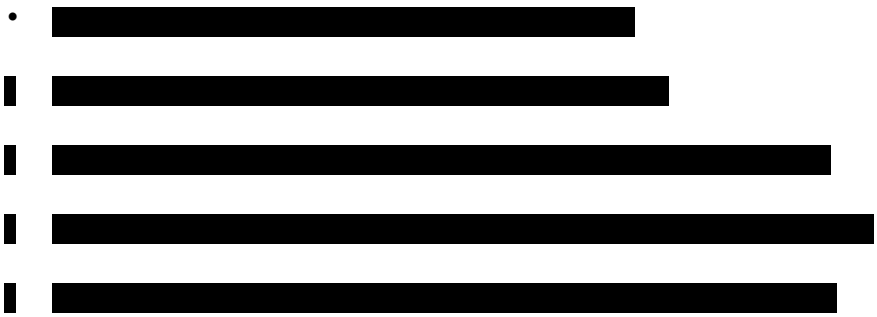

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Executive Summary

The SCiDA Project welcomes the opportunity to respond to the Competition and Markets Authority's call for evidence on proposed commitments from Apple and Google concerning app review, app ranking, use of developer data, and (in Apple's case) interoperable access to functionality within iOS and iPadOS.[1][2] These proposals represent an important early deployment of the CMA's regulatory toolkit under the DMCCA and constitute the first commitments received by the CMA from SMS-designated firms in respect of their mobile platform activities.

Our response draws on the SCiDA team's extensive comparative research analysing digital markets regulation across the EU, UK, and Germany. We address the substance of the proposed commitments, their legal character, and the monitoring and enforcement framework.

In summary, we broadly support the CMA's pursuit of commitments as a swift and proportionate tool for addressing specific concerns, while identifying several areas where clarification or strengthening would enhance effectiveness. On the **legal status of the commitments**, we note that the DMCCA does not contain an explicit mechanism for voluntary commitments of this kind, and recommend that the CMA clarify their normative foundation and the consequences of non-compliance. On **app review**, we welcome the codification of fairness, objectivity, and transparency principles, but note a material asymmetry between Apple's quantitative performance target and Google's rather descriptive statement. On **app ranking**, we support the non-discrimination commitments while questioning whether the proposed notice periods and analytics tools will be sufficient in practice. On **use of data**, we recommend that the monitoring framework be supplemented with independent external auditing. On **interoperability**, we observe that Apple's commitment is fundamentally

[1] Digital Markets, Competition and Consumers Act 2024 (DMCCA). The CMA designated Apple with SMS in respect of its mobile platform activities and Google with SMS in respect of its mobile platform activities, in addition to Google's earlier SMS designation for general search and search advertising services.

[2] CMA, 'Views sought: Potential interventions to provide more certainty for developers on app distribution by Apple and Google, as well as to enable developers to request interoperable access to functionality from Apple' (10 February 2026) ('Call for Evidence').

procedural rather than substantive, and that the broad discretion preserved by the assessment criteria significantly limits its practical impact. On **monitoring**, we recommend clearer escalation criteria for transitioning from voluntary commitments to formal conduct requirements.

I. Introduction

In February 2026, the CMA received proposed commitments from Apple and Google, developed separately by each firm, addressing concerns identified in the CMA's roadmaps published in July 2025. The commitments cover four thematic areas: app review, app ranking (referred to by Apple as App Store search), use of developer data, and (for Apple only) interoperable access to functionality within iOS and iPadOS. Both sets of commitments are designed to take effect from 1 April 2026.

The CMA's call for evidence frames the commitments as a 'swift, effective and proportionate way of addressing' concerns related to transparency, certainty, and fairness for developers operating on these mobile platforms.[3] The CMA has stated that it does not expect commitments to be appropriate in all circumstances and identifies conditions under which formal conduct requirements would be preferred, including where there is significant divergence on objectives, limited incentive to change, or difficulty in monitoring compliance.

Our response is structured as follows. Section II addresses the legal status of the proposed commitments. Section III addresses app review. Section IV addresses app ranking. Section V addresses the use of developer data. Section VI addresses interoperability. Section VII addresses monitoring, enforcement, and comparative observations. Section VIII sets out our conclusions and recommendations.

II. The Legal Status of the Proposed Commitments

A threshold concern with the proposed commitments relates to their legal character and normative status within the DMCCA framework. Neither the commitments themselves nor the CMA's call for evidence explicitly identifies the legal basis upon which these commitments rest. This ambiguity is significant and warrants careful attention.

The DMCCA provides for two principal categories of regulatory intervention following an SMS designation: conduct requirements under sections 19 to 28, and pro-competition interventions under sections 44 to 68. The statute does not contain an explicit mechanism for voluntary commitments of the kind proposed here.[4] While the Competition Act 1998 (CA98) and Enterprise Act 2002 (EA02) allow for commitments, neither were mentioned in the CMA's call for evidence document nor Google and Apple's proposed commitments document(s).

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[3] Call for Evidence, para 9.

[4] The DMCCA provides for conduct requirements (ss 19–28) and pro-competition interventions (ss 44–68), but does not contain an explicit statutory mechanism for voluntary commitments of the kind proposed here.

The resulting normative status of these commitments is therefore ambiguous. They are not purely voluntary, since the CMA has signalled that non-compliance would trigger more stringent formal measures.[5] Yet they do not carry the status of binding legal instruments since they lack an explicit statutory foundation. This creates a regime of soft regulatory pressure that, while offering flexibility and speed, raises concerns about legal certainty for both the designated firms and third parties (particularly developers) who may wish to rely on these commitments.

From a comparative perspective, this approach is distinctive. The EU's DMA imposes obligations directly by operation of law upon designation, leaving no room for negotiated pre-compliance arrangements. Germany's Bundeskartellamt, operating under Section 19a GWB, has similarly favoured binding administrative orders over voluntary undertakings.[6] The UK's flexible approach carries the corresponding risk that the commitments may be perceived as insufficiently robust, particularly by developers who have experienced the very practices the commitments seek to address.

We recommend that the CMA explicitly clarifies the legal basis for the commitments, their procedural status, and the normative consequences of non-compliance. This clarification should address whether the commitments derive from an implied statutory power, general administrative discretion, or a policy choice to pursue informal resolution prior to formal action. Greater transparency on these points would enhance the legitimacy of the regulatory framework and provide developers with a firmer basis upon which to plan their business activities.

III. App Review

Both Apple and Google have proposed commitments designed to ensure that their respective app review processes are conducted in a fair, objective, and transparent manner, and that neither firm will preference its own competitive interests over those of developers.[7] SCiDA welcomes these commitments as a positive step towards codifying practices that both firms claim already to follow, while introducing greater accountability through public reporting and CMA oversight.

However, there are notable asymmetries between the two proposals that merit attention. Apple commits to a specific quantitative target, namely to provide a rejection or approval decision for 90% of app submissions within 24 hours.[8] Google, by contrast, offers no equivalent

[5] Call for Evidence, para 13.

[6] Compare Regulation (EU) 2022/1925 (Digital Markets Act), which imposes obligations directly upon designation as a gatekeeper. See also GWB, Section 19a, under which the Bundeskartellamt has addressed similar concerns through binding administrative orders.

[7] Apple Proposed Commitments, App Review, para 1.

[8] Apple Proposed Commitments, App Review, para 5(a).

commitment, instead noting that its recent average review time is less than one day.[9] There is a meaningful difference between a binding commitment to a measurable performance standard and a descriptive statement about past averages. We would encourage the CMA to consider whether Google's proposal should be strengthened to include a comparable quantitative benchmark, as the absence of a firm target reduces the accountability value of the commitment and makes monitoring more difficult.[10]

On the appeals and dispute resolution side, both firms propose internal appeals mechanisms alongside Platform-to-Business (P2B) alternative dispute resolution. Google's proposal is more detailed in this regard, specifying the Centre for Effective Dispute Resolution (CEDR) as the independent third-party mediator and outlining the procedural steps involved. Apple's commitment to the App Review Board as an internal appeal mechanism is welcome, but the independence and composition of this body could benefit from greater specification, particularly regarding whether it includes any external or independent members.

A further area of concern relates to the notification of guideline changes. Apple commits to announcing material changes to the App Review Guidelines on the same day such changes become effective, while Google offers 'reasonable notice' in advance, accompanied by grace periods for compliance. Both approaches have their merits: Apple's same-day notification ensures no gap between announcement and implementation, while Google's advance notice allows developers to prepare. However, same-day notification without advance warning may be insufficient for developers who need time to adapt their applications. A combination of advance notice followed by same-day confirmation of implementation would represent a more developer-friendly approach.

IV. App Ranking

The commitments on app ranking address a central concern in digital markets regulation: the potential for platform operators to self-preference their own apps in search and discovery functions. Apple commits to ensuring that its search algorithm prioritises user engagement, app quality, and relevance, and does not self-preference its own first-party apps.[11] Google similarly commits to ranking apps based on user relevance, app quality, and user experience, applied non-discriminatorily to third-party and first-party apps.[12]

Apple's commitment regarding advance notice of major changes to ranking algorithms merits scrutiny. Apple proposes to provide approximately one week's advance notice of major changes to the inputs used in its search algorithm for apps on the UK App Store.[13] While the

[9] Google Proposed Commitments, para 13.

[10] Call for Evidence, para 24.

[11] Apple Proposed Commitments, App Store Search, para 1.

[12] Google Proposed Commitments, para 34.

[13] Apple Proposed Commitments, App Store Search, para 3(b).

principle of advance notice is sound, one week may be insufficient for developers to understand and adapt to significant algorithmic changes, particularly smaller developers with limited resources. We recommend that the CMA consider whether a longer notice period, or a graduated implementation approach, would be more appropriate for changes that could significantly affect app discoverability.

Both proposals include commitments to provide analytics tools enabling developers to understand and track their search performance. This is a valuable transparency measure, as it enables developers to assess the practical impact of the ranking commitments. However, the effectiveness of these tools will depend on the granularity and timeliness of the data provided. The CMA should closely monitor whether the analytics tools offered provide sufficient insight for developers to meaningfully assess whether the non-discrimination commitments are being honoured.

Google's additional commitment regarding curated collections (such as 'Editor's Choice' and 'Apps made in the UK') is a welcome addition, as editorial curation represents an area where self-preferencing could occur outside of algorithmic ranking. The commitment to select apps for these collections in a fair, objective, transparent, and non-discriminatory manner addresses a gap that Apple's proposal does not explicitly cover.

V. Use of Developer Data

The commitments regarding the use of developer data address a well-documented concern in digital platform markets: the risk that platform operators may leverage proprietary data obtained through their gatekeeper position to develop competing services. Apple proposes a comprehensive framework of data tagging, access restrictions, legal review, monitoring, and mandatory training to safeguard third-party data submitted during the App Review process.[14] Google similarly commits to safeguarding non-public Play data through internal policies, technical access controls, access logging, and training, and pledges not to use non-public Play data to support the development of its first-party apps.[15]

Apple's commitment that it will not interpret or apply section 9.3 of its Developer Program Licence Agreement in a manner that undermines the data protection commitments is a particularly noteworthy provision.[16] This addresses a specific concern that contractual terms could be used to circumvent the protective intent of the commitments. We recommend that the CMA monitor this commitment with particular care, as the interpretation of broad contractual provisions remains an area where firms retain significant discretion.

A limitation of both proposals is that they rely primarily on self-reporting and internal compliance mechanisms. While Google commits to access logging and auditing tools, and

[14] Apple Proposed Commitments, Third-Party Data Use in App Review, para 1.

[15] Google Proposed Commitments, paras 51–52.

[16] Apple Proposed Commitments, Third-Party Data Use in App Review, para 2.

Apple to monitoring and access controls, neither proposal includes provision for independent external auditing of data practices. Given the difficulty of verifying compliance with data use restrictions from the outside, we recommend that the CMA consider whether periodic independent audits should be incorporated into the monitoring framework, even if conducted on a confidential basis.

VI. Interoperability (Apple)

The interoperability commitments apply only to Apple, reflecting the CMA's assessment that fewer concerns arise in this area for Google's Android platform, which allows for broader third-party interoperability.[17] Apple proposes to launch a dedicated interoperability feedback channel through which UK-registered developers ('Eligible Developers') can submit requests for access to equivalent system and hardware functionality used by Apple services or accessories.[18] Requests would be assessed against published criteria, including expected user and developer uptake, alignment with Apple's platform priorities, implementation costs, impacts on user experience and security, and impacts on Apple's intellectual property.[19]

While this represents a significant step forward in formalising a previously opaque process, several aspects of the proposal warrant close scrutiny.

First, the commitment explicitly preserves Apple's discretion to decline requests. Apple states that receiving a request through the feedback channel will not create any obligation or expectation that Apple will commit to building a specific requested feature, which remains at Apple's discretion in line with its commercial strategy and priorities.[20] This reservation substantially limits the substantive impact of the interoperability commitment. The commitment is, in essence, a commitment to process transparency rather than to interoperability outcomes. While process transparency is valuable, it should not be confused with a meaningful interoperability obligation of the kind found, for example, in Article 6(7) of the EU's Digital Markets Act.[21]

Second, the assessment criteria include alignment with Apple's platform priorities and potential impact on Apple's intellectual property rights. These criteria are inherently subjective and could be invoked to justify declining requests that would enhance competition. The CMA has acknowledged this risk, stating that if Apple is found to be routinely declining interoperability requests without good reasons, this will inform its pipeline of wider work and

[17] Call for Evidence, fn 1. The CMA notes that it has 'heard fewer concerns from developers about lack of access to functionality for Google, where Android allows for broader third-party interoperability.'

[18] Apple Proposed Commitments, Interoperability, para 1.

[19] Apple Proposed Commitments, Interoperability, para 2(b).

[20] Apple Proposed Commitments, Interoperability, para 2(c).

[21] Compare DMA, Article 6(7), which imposes a direct obligation on gatekeepers to allow effective interoperability with the same operating system features that are available to their own services.

could lead to specific interoperability requirements.[22] We welcome this conditional escalation mechanism but note that its effectiveness depends on the CMA's capacity and willingness to make judgments about the reasonableness of Apple's refusals, which may require significant technical expertise.

Third, the four-week timeline for providing developers with an update on the status of their requests is framed as an endeavour rather than a binding commitment ('Apple will endeavour to provide developers with an update'). Given that the interoperability commitment is already limited to process rather than outcome, we recommend that the procedural elements at least be expressed in mandatory rather than aspirational terms.

VII. Monitoring, Enforcement, and Comparative Observations

The monitoring framework proposed by the CMA combines public reporting by Apple and Google, confidential reporting to the CMA, complaints mechanisms, and the potential use of formal information-gathering powers under the DMCCA.[23] This multi-layered approach is appropriate in principle. However, the effectiveness of the monitoring regime will depend critically on implementation, and several structural features deserve attention.

A significant concern is the reliance on self-attestation as a compliance mechanism. Both Apple and Google commit to providing annual public statements confirming that they have operated their processes in a fair, objective, and transparent manner. While such attestations serve a signalling function, they are inherently limited as accountability tools. The CMA should consider supplementing self-attestation with periodic spot-checks, independent audits, or structured engagement with developer representative bodies to triangulate the information provided.

The CMA's stated willingness to impose formal conduct requirements if commitments prove ineffective is an important backstop.[24] However, the conditions under which the CMA would transition from monitoring to enforcement remain somewhat vague. We recommend that the CMA articulate clearer criteria or indicators that would trigger a reassessment of the commitments approach, including specific examples of what would constitute evidence of ineffectiveness. This would provide greater certainty both for the designated firms and for third-party stakeholders.

We also note that the reporting schedules differ between Apple and Google in ways that may complicate the CMA's oversight. Apple proposes annual reporting for most metrics (with some bi-annual confidential reports to the CMA), while Google similarly proposes annual and bi-

[22] Call for Evidence, para 44.

[23] Call for Evidence, para 62.

[24] Compare the DMA's approach, under which non-compliance triggers enforcement proceedings and fines of up to 10% of worldwide turnover under Article 30. See also GWB, Section 19a, under which the Bundeskartellamt has used binding administrative orders rather than voluntary commitments.

annual reporting cycles. Aligning the reporting schedules to the extent practicable would facilitate comparative assessment and reduce the administrative burden on the CMA.

VIII. Conclusions and Recommendations

SCiDA considers the proposed commitments to be a constructive initial step in the CMA's exercise of its digital markets regulatory functions under the DMCCA. The commitments codify important process safeguards, introduce transparency measures that go beyond existing practices, and establish a framework for ongoing monitoring. The willingness of both Apple and Google to engage proactively with the CMA prior to the imposition of formal conduct requirements is, in itself, a positive development.

At the same time, the proposals exhibit several limitations that the CMA should seek to address. In summary, we recommend the following.

On legal clarity, the CMA should explicitly state the legal basis for the commitments, their procedural status, and the normative consequences of non-compliance, in order to strengthen legal certainty for all stakeholders.

On app review timing, the CMA should consider whether Google's proposal should include a quantitative performance commitment comparable to Apple's 90% within 24 hours target.

On guideline change notification, a combination of advance notice and same-day confirmation of implementation would better serve developer interests than either approach in isolation.

On ranking transparency, the CMA should monitor whether the analytics tools provided offer sufficient granularity for developers to assess compliance with non-discrimination commitments, and should consider whether Apple's one-week notice period for major algorithmic changes is adequate.

On data use, the CMA should consider incorporating independent external auditing into the monitoring framework to supplement self-reporting and internal compliance mechanisms.

On interoperability, the CMA should recognise that Apple's commitment is primarily procedural and does not amount to a substantive interoperability obligation. The subjective assessment criteria and the express reservation of Apple's discretion significantly limit the commitment's practical impact. Procedural elements should be expressed in mandatory rather than aspirational terms.

On monitoring, the CMA should supplement self-attestation with independent verification mechanisms and should articulate clearer criteria for when the transition from voluntary commitments to formal conduct requirements would be triggered.

SCiDA remains available to provide further input and would welcome the opportunity to engage with the CMA as these commitments are finalised and implemented.