

2 March 2026

Call for Evidence on proposed commitments from Apple and Google: App certainty and interoperable access. Response from DMG Media.

1. DMG Media is the publisher of the Daily Mail, Mail on Sunday, Metro and i newspapers; MailOnline, metro.co.uk and inews.co.uk websites; and New Scientist magazine. DMG Media welcomes the opportunity to respond to Apple and Google's proposed commitments in relation to the CMA's mobile platform investigation under the Digital Markets, Competition and Consumers Act 2024 (**DMCCA**).
2. The proposed commitments are extremely weak, in both substance and form. They do not cover important issues faced by publishers – such as App Tracking Transparency – which has been dropped, inexplicably, from any future enforcement programme. They are entirely unenforceable, which again, is inexplicable given the DMCCA gave the CMA powers to set enforceable conduct requirements (**CRs**). Finally, the substance of the commitments themselves is very weak, with high level, subjective thresholds making them unmeasurable as well as unenforceable.
3. The CMA still has the time and ability to reverse its approach – on all the issues described in this submission. For the credibility of the regime, and the CMA, it should do so immediately.

App Tracking Transparency

4. As detailed extensively in our previous submissions,¹ as a result of its App Tracking Transparency framework (**ATT**), Apple changed its default settings such that users were automatically opted out of cross-app and website advertising tracking. Users could only opt in via an Apple-designed consent prompt, which used Apple-mandated wording and was designed to discourage opt-in. The result was a very low percentage of users who opted in. Given advertisers are less willing to pay for untargeted advertising, this led to a corresponding dramatic fall in advertising revenues for DMG Media.
5. Apple's privacy justification would have been more convincing had it applied the same standard to itself. Instead, Apple uses a far more anodyne prompt in its own apps - inevitably leading to an incentive shift for advertisers towards Apple's own advertising services.

¹ DMG Media, *Proposed decision on the CMA's strategic market status investigation into Google and Apple's mobile platforms. Response from DMG Media* (August 2025), link [here](#); *CMA designation investigation into Google's and Apple's mobile ecosystems: invitation to comment Response from DMG Media* (February 2025), link [here](#); *CMA Mobile Ecosystems Market Study DMG Media's submission on the Statement of Scope* (July 2021), link [here](#).

6. This issue has not gone unaddressed elsewhere in Europe. The French² and Italian³ competition authorities have imposed fines, and investigations remain ongoing in Germany⁴, Poland⁵ and Romania.⁶ The question, therefore, is why the UK has yet to act. The CMA identified this concern four years ago in its 2022 Mobile Ecosystems Market Study, concluding that Apple’s self-preferencing through ATT was likely to harm competition, restrict developers’ ability to monetise their apps, and ultimately disadvantage consumers.⁷ The CMA subsequently referred the matter for further consideration under the DMCCA.
7. The CMA now has a clear mechanism to address this issue under the DMCCA. Apple has been designated as having strategic market status in relation to its mobile platform, bringing its conduct squarely within the new regime. However, the CMA’s Roadmap appears to set aside any consideration of remedies in relation to ATT and does so without providing a substantive explanation.⁸

The CMA’s acceptance of commitments

8. The CMA has opted to rely on non-statutory, voluntary and unenforceable commitments rather than imposing binding conduct requirements under the DMCCA. If followed through on, this approach risks undermining both the effectiveness of these interventions and, more broadly, the credibility of the entire regime.
9. Formal commitments under competition law and the DMCCA carry binding legal effect and sanctions for non-compliance. By contrast, the “commitments” proposed here:
 - a. do not trigger penalty provisions; and
 - b. do not provide any enforcement consequences in the event of breach.
10. The very use of the word “commitments” is therefore misleading in this context.

² The Autorité de la concurrence, *Targeted advertising: the Autorité de la concurrence imposes a fine of €150,000,000 on Apple for the implementation of the App Tracking Transparency (“ATT”) framework* (March 2025), link [here](#).

³ The Autorità Garante della Concorrenza e del Mercato, *A561 – The Italian competition authority fines Apple over 98 million euro for abuse of a dominant position* (December 2025), link [here](#).

⁴ Bundeskartellamt, *Bundeskartellamt has concerns about the current form of Apple’s App Tracking Transparency Framework (ATTF)* (February 2025), link [here](#).

⁵ UOKiK, *Is Apple restricting competition? President of UOKiK brings charges* (November 2025), link [here](#).

⁶ Digital Policy Alert, *Romania: Announced Competition Council investigation into Apple over alleged abuse of dominance related to the App Store* (October 2023), link [here](#).

⁷ CMA, *Mobile ecosystems Market study final report* (June 2022), para 6.198-6.202, link [here](#).

⁸ CMA, *Strategic market status investigation into Apple’s mobile platform: Roadmap of possible measures to improve competition in mobile ecosystems* (July 2025) para 1.19, link [here](#).

11. The CMA is engaging with two firms that have a documented history of regulatory non-compliance. For example, in *Epic v Google*, a US District Court found that Google intentionally lost internal chats in order to “hide the ball”.⁹ Both Apple and Google are subject to multiple investigations for non-compliance with the Digital Markets Act.¹⁰ Similarly, Apple failed to comply with the Dutch ACM’s decision on abuse of dominance in dating apps, resulting in periodic payment penalties.¹¹ Apple even failed to comply promptly with a US court order in *Epic Games v Apple* and was held in contempt for breaching the injunction against anti-steering restrictions, with the court finding Apple had deliberately implemented measures that undermined the spirit and purpose of the order.¹²
12. If this non-compliance were to occur, the CMA would need to initiate an entirely new consultation on CRs before imposing any remedy. It does not have any option to enforce based on the proposed commitments.
13. In addition, third parties do not have any rights to enforce the voluntary commitments, unlike CRs, where third parties had a direct enforcement mechanism.¹³ The commitments will mean an important means of redress for app developers is entirely eliminated.

App Review

14. The substance of the commitments suggested by both Apple and Google for app review processes are extremely weak. We have set out some key points below – but these are just examples – many more could be made.

Timelines and targets

15. Google’s “commitment” on the time period for app review is not a commitment: the “commitment” instead refers to its previous average review times, stating it has: “a recent

⁹ *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](#).

¹⁰ 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](#).

¹¹ Rechtbank Rotterdam, *Apple v Autoriteit Consument en Markt* (16 June 2025) ECLI:NL:RBROT:2025:6961.

¹² *Epic Games, Inc v Apple Inc* No 25-2935 (9th Cir, 11 December 2025), available [here](#).

¹³ If instead the obligations were reframed as CRs, third parties would be able to pursue an action either under s47 of the Competition Act 1998 or s98 of the DMCC Act.

average review time of less than one day".¹⁴ This does not – on any interpretation – form an obligation: it is a statement of past practice. Even as a statement of past practice it is also extremely limited: it does not even specify over which period the average was calculated.

16. Similarly, neither Apple nor Google include any clear deadlines for determining appeals of rejected app submissions. Google offers a way of appeal through its Contact Us channel, without any defined steps or decision deadlines.¹⁵ Appeals for Apple can be made to its App Review Board, which also lacks specific timelines.¹⁶
17. The commitments should be amended to, at a minimum, require defined target timeframes for review and appeal decisions, with public reporting against those targets. Without measurable standards, the commitments are unmeasurable (as well as unenforceable) and review processes will remain subject to uncertainty and delay.

Notice of policy changes

18. The remedies were supposed to address capricious changes to app review guidelines with no meaningful notice. Astonishingly, the CMA seems to have accepted a commitment from Apple to announce “material changes” to its Guidelines on the same day that they come into force.¹⁷ This clearly does not constitute meaningful notice. It is also drafted such that it appears that if they were to provide reasonable notice, they would be in breach of their commitment. Finally, it actually weakens the existing statutory position: the Platform to Business Regulation requires at least 15 days’ notice for any changes to terms and conditions.¹⁸
19. The notice provisions should be specific and (obviously) stronger than the existing statutory protections that apply also to platforms without substantial and entrenched market power. DMG proposes one month for minor changes and three months for major changes. Apple and Google should also be forced to engage in meaningful consultation, where those policy changes may have a significant commercial impact (Apple’s ATT and Google’s Site Reputation Abuse Policy being examples of such policy changes, albeit not directly related to App Review).

Ranking and Discoverability

20. Again, these remedies are exceptionally weak. For example:

¹⁴ Google’s proposed commitments, para 13.

¹⁵ Google’s proposed commitments, para 23.

¹⁶ Apple’s proposed commitments, 6(c) and 6(d).

¹⁷ Apple’s proposed commitments, 7(b).

¹⁸ 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.

- a. **Apple’s commitments are limited to ranking in response to user queries:** While Google commits to fairness in selecting apps in curated collections,¹⁹ Apple limits its fairness obligations to ranking in response to search queries only.²⁰ This creates a clear gap in coverage. Apple has been publicly criticised for its selection and ranking in curated results, including its “news app” collection and “top free app” collection.²¹ The exclusion of curated collections from the scope of the commitment therefore appears deliberate.

- b. **Material changes to ranking parameters should be subject to clear advance notice:** Google’s vague references to “reasonable notice” are insufficient.²² While, Apple provides an approximate one week’s notice for major changes, this would still fail to provide developers with sufficient time to adapt to the changes.²³ Notice periods should be long enough to allow technical, marketing and budgetary adjustments. Again, where changes materially affect revenue, consultation should precede implementation

Use of Platform Data

Scope of Data Protection

21. The protections relating to Apple’s use of developers’ data to compete downstream are framed too narrowly, being limited to information submitted during the app review process.²⁴ In practice, Apple obtains commercially sensitive data through multiple other channels, including their in-app payment systems, download and usage analytics, search queries and click-through and conversion metrics. Protections should extend to all non-public business data obtained through operating the App Store. This is covered for Google (the commitment refers to “*non-public data Google has access to from Play’s operation as an app store*”²⁵) and the position for Apple should be aligned.

Developer Access

22. Developers should have a right to access data held by the platform relating to their own apps. Such access would reduce informational asymmetry, improve transparency and enable performance optimisation and innovation. Access should be subject to defined timelines and safeguards. This is not covered in the proposed commitments.

¹⁹ Google’s proposed commitments, para 35.

²⁰ Apple’s proposed commitments, page 10.

²¹ The Guardian, *Elon Musk threatens Apple with lawsuit over OpenAI, sparking Sam Altman Feud*, (12 August 2025), link [here](#).

²² Google’s proposed commitments, para 18.

²³ Apple’s proposed commitments, 3(b).

²⁴ Apple’s proposed commitments, page 10.

²⁵ Google’s proposed commitments, para 51.

Concluding remarks

23. The CMA's "commitments" are extremely weak – in form and substance. DMG Media is extremely disappointed to see that Apple and Google's lobbying is working. DMG Media urges the CMA to take stronger, more robust action to protect UK businesses, rather than shielding US-based technology companies from any form of competitive pressure.