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Contribution on Apple's interoperability commitments to the UK's competition authority regarding the Digital Markets, Competition and Consumers Act (DMCCA)

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Free Software Foundation Europe

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## EXECUTIVE SUMMARY

The Free Software Foundation Europe (FSFE) urges the UK Competition and Markets Authority (CMA) to reject Apple's voluntary "interoperability commitments" and to impose a binding obligation under the Digital Markets, Competition and Consumers Act (DMCCA).

Apple's iOS model is detrimental to digital markets, disproportionately affecting Free and Open Source Software individual developers, start-ups, as well as small and medium enterprises.

Drawing on the analysis of the European Union (EU)'s example set under the Digital Markets Act (DMA), we highlight how mandating obligatory access to operating systems features and functionalities are beneficial for fairer and more contestable markets.

This report concludes urging the CMA to **impose interoperability by default on Apple, making features and functions controlled via operating systems developed by Apple available to third-party developers.**



## Introduction: Free Software is key for fair digital markets

The [Free Software Foundation Europe \(FSFE\)](#) deeply appreciates the opportunity to present its opinion to the Competition and Markets Authority (CMA) of the United Kingdom on [Apple's interoperability commitments](#).

With over 25 years of expertise in digital markets, the FSFE has been actively involved in policy and legal work, collaborating with legislators, executive bodies, competition and telecommunication regulators across Europe. Our work has focused on digital devices and Free Software (also known as Open Source), making us well-positioned to provide insights into the implications of the DMCCA. In July 2024, the FSFE contributed to the [CMA's consultation on the Digital Markets, Competition and Consumers Act \(DMCCA\)](#), stressing that fair, open, and competitive device ecosystems are essential for fair competition, innovation, and consumer protection.

Interoperability is inseparable from Free Software. Due to its strategic and competitive advantages, Free Software – together with open standards – is an enabling factors for interoperability-by-design.

**Free Software represents a viable and fairer alternative to proprietary-dominated environments that lead to monopolisation and restriction to consumer choice, specially in mobile ecosystems.** Free Software operating systems, browsers, app stores, messaging platforms and other key aspects of mobile devices play a crucial role in promoting fair competition.

The yearly investments in Free Software surpassed 1 billion euros in Europe, and small and micro enterprises could attribute over half their revenues to Free Software<sup>1</sup>. In the UK, Free Software contributed £13.59 billion in gross value add (GVA) to the UK economy in 2022; Free Software made up 27% of the UK's tech sector economy in the same year. Up to £326.6 million is earmarked for UK company investment in Free Software<sup>2</sup>.

The plethora of Free Software solutions represents viable and fairer alternatives to proprietary-dominated environments that lead to monopolisation and restriction to consumer choice, especially in mobile ecosystems. Smaller Free Software products and services do compete with gatekeepers, not by scale but in principles, i.e. by offering curated app stores and repositories that can cater to a specific community's interests or user's interests.

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- 1 European Commission (2022) Commission Staff Working Document. Impact Assessment Report. Annexes to the Impact Assessment Report Accompanying the document Proposal for a Regulation of the European Parliament and of the Council on horizontal cybersecurity requirements for products with digital elements and amending Regulation (EU) 2019/1020. COM(2022) 454 final, SEC(2022) 321 final, SWD(2022) 283 final. Part 2/3. <https://ec.europa.eu/newsroom/dae/redirection/document/89546>. P. 30.
  - 2 OpenUK (2023) State of Open: The UK in 2023 Phase Two, Part 1 "Show us the Money - The Economics of Open Source Software". <https://openuk.uk/wp-content/uploads/2023/07/FINAL-State-of-Open-The-UK-in-2023-Phase-Two-Part-1.pdf>. P. 4.

Considering that the **software industry in Europe<sup>3</sup>** and in the UK<sup>4</sup> is almost entirely composed of **small and medium enterprises (SMEs)**, and the very large majority (94% in Europe and 95% in the UK) of them are micro enterprises with fewer than 10 employees, interoperability has the potential to serve as a mechanism to rebalance the power relations in digital markets.

However, the complex environment of interconnected software, hardware and services has posed significant challenges for fair competition as mobile ecosystems are currently an oligopolistic market where two players – Apple and Google – own the two leading mobile operating systems (iOS and Android), app stores (App Store and Google Play) and web browsers (Safari and Chrome). Notwithstanding that the products and services offered by Apple and Google have become to a great extent essential for the digital society, their mobile devices remain a fragile link to achieving an open and neutral internet.

The DMCCA gives the CMA powers to correct this for firms with Strategic Market Status, and FSFE's view is that Apple should not hinder one of the key aspects of fair digital markets. Therefore, the **FSFE urges the CMA to impose interoperability-by-design on Apple, making features and functions controlled via operating systems developed by Apple available to third-party developers.**

## How Apple's lack of interoperability for iOS and iPadOS harms Free Software

Apple's monopolistic behaviour over iPhones and iPads impede software freedom, trap end-users in lock-ins, and hinder personal control over data. Besides the negative effects on market competition, they negatively impact consumer welfare and digital sovereignty. At the heart of this issue lies the restriction on users' ability to freely install, run, and uninstall software on their devices, primarily motivated by commercial interests rather than security or privacy concerns.

On iOS and iPadOS, Apple controls the only generally available software distribution channel, the App Store, and the technical mechanisms for installing apps (code signing, notarisation, and updates). Ordinary users cannot install software from Free Software repositories, developer websites, or community-run app stores. For Free Software, such concentrated control produce several barriers:

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3 European Commission (2022) Commission Staff Working Document. Impact Assessment Report. Annexes to the Impact Assessment Report Accompanying the document Proposal for a Regulation of the European Parliament and of the Council on horizontal cybersecurity requirements for products with digital elements and amending Regulation (EU) 2019/1020. COM(2022) 454 final, SEC(2022) 321 final, SWD (2022) 283 final. Part 2/3. <https://ec.europa.eu/newsroom/dae/redirection/document/89546>. P. 29.

4 House of Commons (2025) Business Statistics. <https://researchbriefings.files.parliament.uk/documents/SN06152/SN06152.pdf>. P. 5.

- **Gatekeeper control via app review.** Apple exercises a tight control over app review. While Apple has conducted review for functionality, security, policy, content, in the new terms the company has reduced the parameters for functionality and security. App review can be considered a legitimised curation activity by app stores and marketplaces. Some review parameters can cause self-preference and discrimination when the same attitude is not equally applied to the same type of app. As a [recent complaint against Apple in the EU](#) demonstrated – there are still no practical independent app distribution channels outside of the Apple App Store. The company's app review system keep all competitors in tight lock-in.
- **No unfettered software installation (“sideloading”).** Apple still does not allow full independent software installation on iPhone and iPadOS (on macOS is allowed). The sole exception for iOS and iPadOS is due to the DMA [in the EU](#) for Apple-approved third party app store apps themselves or developer's website; every other app must either be installed through one of these third party app store apps, or through the Apple App Store app. Developers who do not actively choose to accept Apple's new business terms, which took effect in March 2024 (they can agree to the terms at any time, as per Apple's policy), are automatically and technically prevented from distributing apps in app stores that are not native to Apple.
- **Abuse of online account requirements.** Free Software developers (and any other developer) must accept Apple's unilateral terms, including future changes. For instance, in the EU, Apple (and some other gatekeepers) requires competitors, third-party developers and business users to create online accounts in order to request interoperability. Such online accounts can be (and have in fact been) suspended, closed, or otherwise rendered inoperable, which prevents competitors, third party developers, and business users from making use of their rights under the DMA, for instance. Apple even charges developers 99 EUR per year for account access. This practice is incompatible with Art. 6(7) DMA which stipulates that interoperability should be provided free-of-charge.

## The EU's DMA interoperability and Free Software

Interoperability is a concrete regulatory tool to address these harms. Under the EU's DMA, Article 6(7) obliges gatekeepers to provide third-party software with free-of-charge access to the same operating-system functionalities and hardware features that the gatekeeper's own services use, subject only to strictly necessary and proportionate security measures.

FSFE's legal analysis of “vertical interoperability” under the DMA shows that this obligation serves two crucial functions:

- It levels the playing field by ensuring that independent and Free Software developers can rely on the same technical building blocks as the platform owner, rather than being confined to a subset of restricted APIs.
- It recognises that certain functionalities, especially at OS and hardware level, are effectively infrastructure that competitors cannot replicate, and therefore must be shared under fair conditions to avoid dominance.

Apple took an aggressive position against the EU's DMA, questioning the legitimacy of the whole interoperability mandate in the law in several court cases against the European Commission. The FSFE is intervening in one of them to highlight that, [as soon as society grows in complexity, interoperability becomes inevitable](#). This behaviour denotes the risks of letting the company decide alone how to implement interoperability. Clear, binding and effective rules are paramount.

The DMCCA now equips the CMA with similar tools to impose conduct requirements on firms with Strategic Market Status. This includes the ability to mandate access to interfaces and functionalities, to define timelines and processes, and to back these with strong enforcement powers. It would be a missed opportunity not to use these tools in Apple's case.

## Apple's voluntary scheme for interoperability will stifle innovation

The CMA is currently considering voluntary "interoperability commitments" proposed by Apple. FSFE shares the opinion that accepting Apple's discretionary and non-binding scheme would be worse than taking no action at all.

- **Discretionary gatekeeping power over interoperability.** Apple's proposal, as publicly described, does not create any clear right for developers to access specific APIs or functionalities, even when Apple's own services rely on them. It leaves Apple free to accept or reject requests based on broad, subjective criteria, to delay decisions, and to impose fees or conditions that are particularly harmful to Free Software and smaller developers.
- **Non-alignment with similar regulatory regimes.** A weak UK model would provide Apple with arguments against stronger regimes such as the EU's DMA. If the CMA endorses a light-touch approach, Apple can point to it as the "compromise" that others should follow, thereby undermining efforts to enforce robust obligations in the EU and elsewhere. It would waste the DMCCA's potential at the moment when it matters most. Endorsing Apple's voluntary scheme would confirm those fears and risk emboldening other gatekeepers to offer similarly weak proposals.
- **Weak enforcement is detrimental to everyone.** Weak enforcement entrenches anti-competitive behaviour and harms UK innovators, many of whom build on or



contribute to Free Software. If Apple remains free to limit interoperability and to discriminate against Free Software, UK-based developers will continue to face structural barriers to reaching users on iOS, and UK users will continue to be denied the benefits of an open, diverse software ecosystem.

Against this backdrop, the only solution is to impose **interoperability “by design”, with clear and enforceable rights for developers, rather than granted on a case-by-case basis at the gatekeeper’s discretion.**

The CMA recognises the importance of [granting third party developers with interoperable access to key functionality in Apple’s iOS and iPadOS](#). Without the ability to access these enabling functions, UK developers cannot create the full range of innovative products and services that they would do otherwise, and UK consumers miss out as a result. The European Commission also denotes that providing interoperability with the same feature allows third parties to offer their services and hardware and [innovate on an equal footing with the gatekeeper](#). Access to a partial, degraded or barren feature would not create a level playing field. In fact, interoperability to be effective must be provided across all dimensions of service, including the end user journey, ease of use for end users, device and software setup, data transmission speed, and energy consumption.

## FSFE’s recommendations

In light of the above considerations, we recommend that the CMA implement the following measures:

- **Enforce interoperability-by-design.** A fundamental shift towards "interoperability-by-design" would be the most impactful improvement, instead of Apple’s reactive and non-binding proposal. Apple’s reactive approach is at odds with the DMCCA, undermining developer agency and consumer choice. The FSFE recommends that Apple should not deny software interoperability at its discretion, but the process for granting interoperability should be transparent and non-discriminatory. We urge the CMA to take a more active role by scrutinising Apple’s decisions and intermediating conflict resolution among Apple and access-seeking developers.
- **Establish clear processes, timelines, and remedies for interoperability.** In case the CMA deems interoperability-by-design not as viable, we recommend the authority to establish a transparent process for interoperability, with short, binding deadlines, public reasoning for refusals, and the possibility for developers to challenge decisions, as EU regulators have been imposing on Apple.
- **Mirror and strengthen the EU’ regulatory framework.** Require Apple to provide third-party software, including Free Software, with free-of-charge, effective access to all OS and hardware functionalities used by Apple’s own services on iOS and iPadOS,



subject only to strictly necessary and proportionate security-based restrictions, which must be justified and reviewable.

