27 July 2026
Competition and Markets Authority (CMA)
The Cabot
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London E14 4QZ

Submitted via: https://connect.cma.gov.uk/consultations/proposed-steering-cr-apple

Response to Consultation on Proposed Steering Conduct Requirements: Apple's and Google's Mobile Platforms

Dear CMA team,

I'm co-founder of xigxag, a UK-based audiobook platform competing directly with Amazon's Audible, Apple Books and Google's Play Store for books. I'm responding on xigxag's behalf to the CMA's consultation on proposed steering conduct requirements for Apple's and Google's (together, 'the Platforms') mobile platforms. This submission covers both consultations, given the conduct requirements are materially the same.

We welcome the CMA's decision to adopt conduct requirements rather than accept voluntary commitments from the Platforms. We also welcome the CMA's conclusion that developers should be permitted to use links rather than being confined to free-text communications. We are pleased to see such substantive measures.

xigxag is a member of the Coalition for App Fairness (CAF), and we support the arguments set out in CAF's submission. CAF makes the legal and economic case, and must frame its response to address multiple potential outcomes.

This response is the view from a UK-founded app developer suffering real harm from the Platforms' practices every day. As a result, we are compelled to say plainly what a coalition cannot: if the CMA adopts these conduct requirements in their current form, nothing will change. The CMA will have failed to address the anti-competitive behaviour the DMCC Act was passed to address.

The steering fee should be zero

We want to state our position clearly: no steering fee of any kind should be payable. No value-based fee, no cost-based fee, no incremental cost fee. Zero.

A steering link is an organic link from an app developer's app to their own website. There is fundamentally no precedent for organic clicks being monetised by a third party on the internet today. No search engine, not even Google, charges for organic traffic. No browser charges for clicks on links. If the CMA permits any steering fee, it would be sanctioning a profoundly dangerous precedent with devastating consequences for a free and fair mobile internet.

The Platforms already allow physical-goods sellers and traditional booksellers like Waterstones to steer customers from their app to their website to buy books, for free and completely unconstrained. Google allows Spotify to steer users to its own payment system at zero commission (source). Smaller digital content developers like xigxag, who compete directly with the Platforms but lack the market power to negotiate preferential terms, are left at a disadvantage to global competitors who can negotiate sweetheart deals. The DMCC Act sanctions pro-competition interventions like conduct requirements with a mandate to create free and fair market conditions, and the conduct requirement the CMA adopts should reflect that mandate.

A zero fee is what the legislation intended. The DMCC Act was designed to address the market power of platforms that have used their gatekeeper position to extract supra-competitive fees from developers who have no alternative. The purpose of the steering conduct requirement is to allow developers to avoid those fees by directing customers to competing payment channels. A steering fee at any level effectively replicates (thereby legitimising) the anti-competitive charge the remedy is supposed to let developers escape.

[redacted] if the CMA allows any type of fee, the Platforms [redacted] set it at [redacted] the level that makes steering uneconomic for app developers. The only outcome that changes anything is zero. The CAF submission sets out the detailed legal and economic arguments for why value is not a workable metric. The only jurisdiction where steering has been adopted at scale is the United States, where fees were initially zero and are now limited to actual cost (which, for the reasons we outline below, the Platforms will have difficulty justifying).

A fee based on incremental cost has no basis in reality

We reject the argument that a fee based on incremental cost would be fair. A steering link is an organic link from an app developer's app to their own website. The Platforms play no active role in processing it today beyond the generic infrastructure they provide to every app on the store, and which all app developers are compelled to use.

Today, xigxag and other UK app developers already link users to our websites from within our apps, for free and without restriction. We link to our FAQs, our help pages, and our informational content. We use WebViews for login authentication. Both Platforms explicitly permit this, and neither platform has ever needed to perform additional security checks on these links or attempted to charge us for them. The mechanism for informational links and steering links is identical, as is the underlying infrastructure. We, as the app developer, solely bear the cost for them. The only difference is that a steering link would let a customer buy something, and the Platforms want a cut of it.

This is why they do not charge the vast majority of app developers for identical links today: besides there being (again) no precedent for third party monetisation of organic clicks, these interactions occur at the developer's own cost, because the Platforms play no active role in enabling them to happen. The CMA would be permitting the Platforms to charge for a service they do not provide and recover costs they do not bear.

On a desktop computer, this interaction happens without Apple or Google's involvement at all. Consumers download software directly from the internet, and developers link to their own websites without any intermediary. It is only on mobile that the Platforms have used their market power to make app stores the sole route to reach consumers, [redacted]

Any costs Apple and Google incur from hosting this interaction are entirely of their own making. If they do not wish to bear those costs, they could remove the constraint that forces consumers to use app stores to download apps. Permitting the Platforms to recover costs that exist only because of their own use of market power would, once again, legitimise the very behaviour the DMCC Act was designed to address.

We would also find ourselves in the absurd position of the CMA burdening UK app developers with a new reporting and compliance burden to monitor steering link activity precisely because the Platforms play no part in it today and would have no visibility into interactions that occur entirely outside their ecosystem.

Furthermore, any attempt to charge digital content developers for these links would be discriminatory, singling out the one category of developer that competes with the Platforms for a charge no one else in the market would tolerate because no service is being provided and no cost is being incurred.

There is no interpretation of 'value' that justifies a fee

The consultation proposes that steering fees could reflect the 'value' the Platforms provide. We would urge the CMA to scrutinise what 'value' is actually being measured, who creates it, who benefits, and who should be able to monetise it.

'Value' compensates the Platforms for lost anti-competitive rents

If a value-based steering fee is intended to compensate the Platforms for revenue they lose when developers direct customers to alternative payment channels, the CMA is effectively protecting the supra-competitive rents the DMCC Act was designed to eliminate. Every competition authority that has examined app store commission structures has concluded they reflect market power, not value.

The moral hazard is clear. [redacted] the greater the 'value' they can claim from the remedy designed to correct that behaviour. Higher fees, more restrictions, a degraded developer experience: all of it increases the rents a steering fee would compensate. A conduct requirement that compensates the Platforms in proportion to the rents they extracted under anti-competitive conditions institutionalises the harm rather than remedying it.

The value of Apple's and Google's services to xigxag is negative

On every measure that matters to our business, the Platforms' compulsory services make us worse off, not better. Apple and Google's in-app purchase (IAP) solutions fail at approximately six times the rate of our own web-based processing. They don’t support payment by National Book Tokens. They cannot handle individual pricing for over 100,000 books or support multi-item purchases. They delay our revenue by up to 69 days. They confuse our customers, who do not understand why they must transact with US big tech to buy from a UK business they trust. They have access to all our transaction data, despite competing directly with us via Apple Books and Google Play Books.

We have sent over 125,000 people to the app stores; fewer than 1% of our customers found us there. The customer acquisition cost flows entirely one way: from us to them.

We did not choose any of this. On a desktop computer, people download software directly from the internet. On mobile, Apple and Google [redacted] their app stores the [redacted] route to reach consumers and their payment systems the [redacted] way for digital content competitors (only) to transact. We are constrained by our direct competitors in decisions about payments, pricing, and customer experience. All of this is harm, and we should not be asked to pay for it.

The more friction the Platforms are permitted to insert into the steering journey, the less value their intervention provides. Interstitial warnings (aka 'scare screens') do not help UK customers; they discourage them from leaving a payment system that benefits only the Platforms. Every additional screen is an additional point at which customers abandon the purchase entirely, costing us revenue and further increasing the negative value we derive from the Platforms' intervention.

If the Platforms' involvement genuinely added value, app developers like us would not be fighting so hard to move away from it. The Platforms would also be able to provide examples of offline businesses willingly adopting in-app purchase (or paying for steering). They cannot.

We know the Platforms will argue that the app stores add value to our business. Beyond a token app developer fee, Waterstones enjoys that value for free. British Airways, Premier Inn, Deliveroo, Trainline and Ocado all enjoy that value for free. Every physical-goods app (85 - 95% of all apps) on the Platforms enjoys that value for free. A fee levied exclusively on developers who compete with Apple and Google on content would not be a value-based fee, but rather the CMA entrenching the Platforms' ability to [redacted] rents from their own competitors.

Apple's and Google's existing policies value steering at zero

The Platforms' own existing policies directly contradict their claims about the 'value' of a steering link.

Today, xigxag and other UK app developers already link users to our websites from within our apps, for free and without restriction. We link to our FAQs, our help pages, and our informational content. We use WebViews for login authentication. Our technology enables all of this linking. The Platforms play no active role in processing the interaction beyond the generic infrastructure they provide to every app on the store (which, as a reminder, we are compelled to use).

Both Platforms permit apps to link users to external websites for informational content, and neither charges for it or performs additional security checks on these links. The mechanism for informational links and steering links is identical, as is the underlying infrastructure. Again, we, as the app developer, solely bear the cost for them. The only difference is that a steering link would let a customer buy something, and the Platforms want a cut of it.

Google's Payments Policy FAQ, under 'Can I communicate with my users about alternative ways to pay?', explicitly states that developers can link to help centres and account management pages 'as long as the webpage does not eventually lead to an alternate payment method' (source).

Apple requires every developer to provide a Support URL as part of the app submission process (App Store Review Guidelines §1.5), and the App Store links directly to it from every developer's product page, free of charge. Apple's guidelines restrict only links to 'purchasing mechanisms other than in-app purchase' (§3.1.1, §3.1.3); informational links are unrestricted. §5.1.1(vii) explicitly permits SafariViewController (WebViews) for presenting information to users (source).

The reason Apple and Google must write these constraints into their terms and conditions is that they have no real involvement in these interactions. They cannot block a link from an app to a website because they play no role in processing it. The only mechanism available to them is a contractual prohibition.

Apple and Google already allow companies like Waterstones to steer customers from its app to its own payments platform to buy books, without charge, as they do for every app selling physical goods or services. We would be charged for steering customers to do the same thing, because our product is digital and competes with the Platforms' own offerings.

The Platforms' own policies, their treatment of physical goods sellers, and the [redacted] deals agreed with major competitors all value steering at exactly the same level: zero.

The value of a steering link belongs to the developer who created it

A steering link is a link. A single tap on a screen. The infrastructure required to process this particular tap is identical to the infrastructure that processes every other link in every other app on the platform. Apps selling physical goods, services and subscriptions all link users to external websites without charge, using the same infrastructure.

When a customer searches for 'xigxag' in the App Store, downloads our app, and taps a steering link to buy an audiobook, every element of that interaction is driven by our brand, our marketing, and our product. We built the app. We acquired the customer. We created the content catalogue. Apple and Google have contributed nothing beyond maintaining infrastructure the customer has already paid for (and we are forced to use). The value of that interaction belongs to us, and the Platforms have no claim to it.

What the CMA would be permitting, in practice, is Apple and Google monetising a single organic click by one of their own competitors, inside that competitor's own product. A steering fee would be the first time in the history of the commercial internet that a regulator has permitted a platform to extract value from an interaction it played no part in creating.

Google itself has spent two decades establishing the principle that organic interactions between a business and its customers should not be taxed by the platform that sits between them. Google has never been able to charge for organic traffic on the internet. A steering fee would abandon that principle on mobile, where the Platforms face less competition and more control. Allowing them to claim the 'value' of an organic tap inside a competitor's own app is the foundation for a big tech tax on every commercial interaction that passes through a mobile device.

If the CMA allows the Platforms to charge fees, the consequences for UK businesses and consumers are clear

The DMCC Act was designed to address a specific set of harms: UK-based app developers paying supra-competitive rents that inflate the prices consumers pay, stifle innovation, and prevent UK businesses from reaching their full potential.

If the CMA permits any steering fee whatsoever, the Platforms will have achieved [redacted] regulatory sanction for the status quo.

The CMA has not yet acted on other measures it committed to prioritise, including sideloading (the ability for apps to distribute outside the app stores). If the conduct requirements on steering are ineffective as well, the CMA will have delivered nothing in the 26 months since Parliament gave it the powers to act.

And in practice, nothing will change. UK app developers will be forced to either continue paying commission on a compulsory payment system, or push customers to web-based payments without any ability to signpost customers from within the app. xigxag is currently on the small business program at 15%, but as we grow we will hit the 30% threshold, at which point the commission becomes an existential constraint on our business.

Raising prices offers little relief: the Platforms extract a disproportionate share of any price increase, so the developer captures a fraction of the additional revenue while the consumer bears the full cost. That said, on 1 August 2026, xigxag will be forced to raise its prices. This is a direct consequence of the CMA's delay in delivering the competitive relief the DMCC Act promised. We had hoped the Act would provide us relief from this big tech transaction tax. Instead, we are raising prices to absorb costs that an effective steering remedy should have eliminated by now; and because such a remedy is looking increasingly unlikely to materialise at all.

Steering fees will also continue to favour larger competitors able to negotiate bespoke arrangements, and enshrine an effective cost advantage for subscription models; subscription traps being another market distortion the DMCC Act was designed to address. Our pricing model is built on the principle that listeners should buy when they want to listen, not commit to a monthly payment whether or not they have time. The conduct requirement supposed to level this playing field will keep the market as distorted as it is today.

The UK will also fall behind other jurisdictions in addressing these harms. Our international competitors in markets with effective steering remedies will be able to offer lower prices and better customer experiences while UK app developers continue to compete with one hand tied behind our backs.

The UK has built one of the world's most successful fintech ecosystems, yet that ecosystem is locked out of mobile payments. UK providers like Paddle cannot compete for app developer business because the Platforms compulsorily route all digital transactions through their own payment systems. That market remains foreclosed, and tens of billions in transaction revenue will continue to flow from UK businesses and consumers to two US-headquartered platforms that have demonstrated, [redacted]

WebViews are a safe, standard mechanism that the Platforms want to restrict for commercial reasons

WebViews are the standard mechanism for secure transactions across the mobile ecosystem. OAuth login flows, allowing UK consumers to log in to apps using their Apple or Google credentials, run inside WebViews within apps on both Platforms today. WebViews also allow UK consumers to complete security-critical payment and authentication flows on third party apps across both Platforms every day, including Klarna and PayPal's checkout, Stripe's 3D Secure, and Open Banking flows used by Monzo, Revolut, and GoCardless.

Apple itself permits WebViews for login authentication, help pages, and informational content, and regulates them in its own Review Guidelines. Apple has rules for how WebViews should work, which means Apple considers them a legitimate, safe mechanism. If WebViews are trusted for bank authentication and login validation, they are more than adequate for a steering link.

Prohibiting WebViews for steering while permitting them for everything else [redacted] Apple has already been forced to allow in-app WebViews for steering in the EU, in response to the European Commission ordering Apple to remove its 'technical and commercial restrictions on steering.' Attempts by the Platforms to restrict WebViews for steering [redacted]

Our specific requests

The CAF submission sets out detailed amendments designed to address multiple scenarios. We are outlining the only solution that will deliver effective remedies for UK app developers like xigxag. The CMA's credibility is at stake. Any outcome short of sharp, targeted measures like those below will fail to address the anti-competitive behaviour by firms with strategic market status (SMS) that the DMCC Act was passed to address.

- Zero fee for steering. No fee for organic clicks. No alternative fees, surcharges, attribution mechanisms, or compliance charges that extract the same value under a different name. As we set out above, no platform has ever charged for an organic interaction between a developer and its own customer, and there is no principled basis for starting now.
- No friction. No interstitial screens, warnings, or scare screens [redacted] No Platform constraints directing how we communicate with our own customers. Physical-goods apps steer users off-app without any of this. Interstitial screens are not a consumer protection measure; they are a tool for discouraging steering, and the CMA should recognise them as such.
- WebViews must be permitted. As we set out above, WebViews are the standard mechanism for secure transactions across mobile, trusted for bank authentication and login validation, and regulated by Apple's own guidelines. Restricting them for steering degrades the experience for UK consumers and would leave them worse off than their EU counterparts. The CMA should not allow it.

The CMA must act decisively

The DMCC Act exists because Parliament concluded that traditional competition law is too slow and too weak to address the market power of the largest technology platforms. The CMA now has tools that no previous UK regulator has possessed, and UK app developers are depending on you to use them. It has been 26 months since Parliament granted you these powers, and UK app developers have very little to show for it.

Where other regulators around the world have left room for Apple and Google to define their own fees, those companies have set fees at levels that preserve the status quo. Enforcement takes years, developers do not steer, and consumers do not benefit. The only jurisdiction where steering has worked at scale is the one that started from zero.

If the CMA adopts a conduct requirement that allows the Platforms to set a price for steering, it will be choosing to repeat the EU's experience rather than learn from it. For UK app developers like xigxag, nothing changes. Any price for steering will contribute to higher prices, fewer choices, and a worse purchasing experience for UK consumers. Developers who cannot absorb the commission do not enter the market, and the apps, and services that would have existed at a lower fee structure simply do not get built.

The CMA should be clear-eyed about what comes next. Whatever conduct requirement it adopts, Apple and Google will challenge it. They have done so in every jurisdiction. If the CMA starts from a compromised position, [redacted] If the CMA starts from zero, it has a defensible position grounded in the evidence: the Platforms charge zero for the same infrastructure when used by non-competing apps, and every jurisdiction that started above zero has failed to make steering work. Starting from zero is the only position the evidence supports.

This is the first real test of the DMCC Act's conduct requirement powers. The outcome will signal to every SMS-designated firm whether the Act has teeth or whether it can be managed through [redacted] and protracted enforcement.

To reiterate, there is no precedent, anywhere on the internet, for a regulator permitting a Platform to charge a competitor for an organic interaction between that competitor and its own customer. By permitting any non-zero fee for steering, the CMA would be sanctioning a profoundly dangerous precedent with devastating consequences for a free and fair mobile internet. It would also be entrenching the Platforms' ability to extract rents from their own competitors, which is precisely the harm the DMCC Act was passed to end.

The UK punches well above its weight in cultural exports: publishing, music, film, television and games. Yet it is home to none of the global digital content platforms through which those exports increasingly reach consumers. The conduct requirements the CMA adopts here will determine whether UK-based content platforms can emerge and compete on a global scale, or whether the economics of app store fees will continue to make that impossible.

We appreciate the CMA's thorough consideration of our perspective and welcome the opportunity to discuss any of these points in more detail.

All the best,

Kelli Fairbrother
co-founder and CEO