Response to CMA Consultation: Proposed Steering Conduct Requirement — Apple's Mobile Platform

Consultation: Proposed Steering Conduct Requirement for Apple's mobile platform **Deadline:** 28 July 2026 **Confidentiality:** Non-confidential. This response may be published or disclosed.

Summary position

We welcome the CMA's proposal to require Apple to permit steering. We are disappointed, however, that the draft Steering CR proposes a "fair and reasonable" fee test rather than a 0% commission requirement on steered transactions. We ask the CMA to amend the proposed CR so that:

1. Apple may charge **0% commission** on any transaction completed outside the app, whether via an external link, a developer's own website, or any other steered payment route.
2. Any disclosure screen is **neutral in language and a single step**, with no co-presentation of Apple's own billing option and no security- or trust-framed warnings.
3. **No steering-specific reporting or compliance obligation** is imposed on developers.

Why "fair and reasonable" is the wrong test

Apple provides no service in a steered transaction. Once a user is directed to a developer's own website to complete a purchase, Apple supplies no payment processing, no fraud protection, no billing management, and no support. Developers already pay an annual developer fee for platform access. A further percentage taken from a transaction Apple did not touch is not remuneration for a service rendered — it is rent extracted from a customer relationship Apple did not create.

Apple's own track record shows any meaningful fee defeats the purpose of steering. In the EU, Apple's initial response to the DMA's steering requirement was to charge up to 27% on external transactions — barely different from its standard 30% commission. This was found non-compliant, and the European Commission fined Apple €500 million in April 2025 for anti-steering conduct, on top of a prior €1.8 billion competition-law fine for the same underlying issue. Over a year after DMA-mandated steering became available, alternative distribution routes remain used by under 3% of the market. If Apple is left room to set a "fair and reasonable" nonzero fee, there is a real risk it will [redacted] that fee, and any accompanying disclosure friction, [redacted] the same outcome in the UK: [redacted]

The US model is the only one that has worked in practice. Since May 2025, Apple has permitted US developers to steer at zero commission, subject only to a neutral-language disclosure screen. This is the only jurisdiction where steering has produced measurable change, with major developers now routing US customers to their own checkout to avoid the standard commission. We ask the CMA to adopt this as the UK standard, rather than a "lower than current charges" compromise that leaves room for a repeat of the EU outcome.

UK precedent points toward zero for genuinely off-platform activity. The

Competition Appeal Tribunal's ruling in the UK collective consumer action found a fair commission of 17.5% (distribution) and 10% (payment services) — but that finding concerned in-app transactions, where Apple does provide services. Where a transaction happens entirely on the open web using third-party payment infrastructure, none of that rationale applies, and the logical extension of the CAT's own reasoning is zero.

The browser analogy is instructive. When a user completes a purchase on a developer's website via Safari, Apple takes no cut. A steered transaction from within an app is functionally identical: the app is simply the conduit that brought the user to the point of sale, exactly as the browser would. Apple's ability to charge anything in this scenario rests purely on its control of app distribution, not on any service rendered in the transaction itself.

On disclosure screens and co-presentation

We ask the CMA to treat mandatory co-presentation of Apple's own billing option, and any disclosure screen using security- or trust-related language, as equivalent in effect to a direct fee. Apple's EU warning screens [redacted] users from leaving Apple's payment system; a "fair and reasonable fee" standard that tolerates this kind of UX friction will suppress steering adoption just as effectively as a nonzero commission, regardless of the headline rate the CMA ultimately settles on.

Our ask

We ask the CMA to amend the proposed Steering CR for Apple to require 0% Apple commission on steered transactions, subject only to a single neutral-language disclosure screen, with no separate steering-specific reporting obligation. This is the standard that will actually deliver the CMA's stated aim of increasing competition in app distribution and supporting UK developers.