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Consultation Response

Which? response to the CMA's proposed conduct requirements for steering on Apple and Google's mobile platforms

Submission date: 28/07/2026

Summary

Overall, we support the CMA's proposed introduction of Conduct Requirements (CRs) that allow app developers to steer consumers outside of Apple and Google's in-app payment systems, but we are concerned that steering fees could remain unfairly high.

We agree that effectively allowing steering will increase commercial choices for developers and the competitiveness of their digital content and services. This will in turn benefit consumers who will benefit from more choice of higher quality digital services at lower prices.

We have recommendations for how to improve the design of the intervention, such as foregoing the need for both side-by-side payment screens and an interstitial screen, but generally support the CMA seeking to balance the need for user information while minimising friction for steered transactions.

Our main concern is about the proposed method for determining an appropriate fee for steered transactions. The proposed CRs give Apple and Google too much flexibility in how to determine a fair fee, which risks developers still being charged inflated prices and consumers not feeling benefits to their full degree. We recommend simplifying the proposed fee setting principles and requiring Apple and Google to determine a fair fee using a cost-recovery approach.

Removal of restrictions on steering

We support the core function of the proposed conduct requirements (CRs) to allow developers to steer consumers outside of Apple and Google's in-app payment systems. The

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restrictions currently imposed on developers[1] allow both Apple and Google to exert their substantial and entrenched market power to dictate the terms on which developers engage with their customers. The proposed conduct requirement which seeks to effectively remove these restrictions clearly meets the objective of fair dealing and open choices per the Statutory objectives of the Digital Markets, Competition and Consumers Act.

The CMA has rightly identified in paragraph 1.8 of both consultation documents that the restrictions currently imposed on developers limit commercial choices for developers, restrict their ability to create relationships with their customers, reduce the competitiveness of digital content and service offerings and create barriers for alternative payment processors. This in turn impacts consumers who suffer from lower quality digital services at higher prices. Effectively lifting these restrictions is necessary to eliminate these consumer harms.

Our response to the CMA's Call for Information in April supported the CMA's intention to assess the risks to security and privacy of relaxing the restrictions on steering.[2] We are satisfied that the proposed CRs take adequate consideration of any security concerns, in particular around the protection of consumer data, and are encouraged that the CMA received no evidence in response to its Call for Information that steering in other jurisdictions has resulted in increased privacy or security harm to consumers.[3]

We support the proposed scope of the CRs, principally the territorial scope which ensures any steering obligations apply in relation to apps that are available to end-users in the UK regardless of where developers are based. We cautiously agree with the proposal for the CRs to only apply in instances where users are linked outside of the native app ecosystems for the purposes of completing a transaction - noting that the CMA did not receive evidence to suggest there is significant interest in linking out for reasons other than completing transactions.[4] However, we encourage the CMA to be proactive in broadening the allowance of steering for non-transaction purposes should evidence in support of this come to light.

We welcome the inclusion of a non-discrimination requirement in each of the CRs which ensures Apple and Google must not discriminate against developers who use steering.

We agree with the identified consumer benefits likely to result from these CRs. As set out in paragraph 2.12 of both consultation documents, any increases in innovation and revenues attributable to developers having a direct and flexible relationship with their customers should in turn lead to better quality digital services, a wider choice of digital services and lower prices for consumers.

For these benefits to be realised to their full extent, the CMA must ensure its steering requirements are fully effective. The effectiveness of the requirements will depend on the

[1] The nature of these restrictions differ between Apple and Google (summarised in paragraph 1.6 of the Apple consultation document and paragraph 1.5 of the Google consultation document) but with similar impacts on developers.
[2] Which? (2026) The CMA's call for evidence on action to address Apple and Google's app payment restrictions
[3] Paragraph 5.21 of the Apple consultation document and paragraph 5.24 of the Google consultation document.
[4] Paragraph 4.11 of the Apple consultation document and paragraph 4.12 of the Google consultation document.

design parameters considered in the consultation document. Our feedback on non-price and price design parameters of the CRs are considered below.

Non-payment design considerations

Type of steering links

There are various non-payment design considerations that concern the type of steering and destination of any steering link. We broadly agree with the CMA's intentions, but with some exceptions.

We support the ability for developers to choose whether to steer their customers using free text as well as links (referred to in the consultation documents as 'end-user redirection mechanisms'). When using free text to communicate with customers, it's logical that developers should not incur a fee because of the absence of costs which Apple would incur (as well as practical risks). As the CMA identifies, there are fewer privacy risks associated with this kind of steering, as a call to action does not result directly in any exchange of information.[5]

We also support the CMA's proposal to require Apple and Google to permit dynamic links and link parameters to ensure steering is fully effective and there are no unnecessary barriers to steering take-up.

The CRs propose that Apple and Google are not required to allow the use of WebViews, or in-app browsers, for steering links. In other words, Apple and Google are allowed to prohibit them. We don't consider the evidence that they create confusion for consumers convincing, so their additional flexibility for developers to encourage the take-up of steering is desirable. Evidence of consumer preferences between mobile browser apps and WebViews is mixed, with some suggestions that WebViews provide the benefit of a faster more seamless user experience but a key limitation is that they circumvent consumers' chosen mobile browser apps.[6]
On balance, we do not believe that the evidence points overwhelmingly in support of the CMA's proposal to allow Apple and Google to prohibit the use of WebViews but recognise the evidence is mixed. We encourage the CMA to proactively monitor the impact of restricting the use of WebViews following implementation.

Based on the evidence presented in the consultation, we disagree with the CMA's proposal that Apple and Google be allowed to restrict steering links from directing consumers to websites that are not owned, operated and controlled by the relevant developer. The consultation documents set out the evidence for this decision clearly.[7]

[5] Paragraph 4.24 of both consultation documents
[6] Discussion of these arguments can be found here https://appnatively.com/blog/the-mobile-first-reality and here https://open-web-advocacy.org/blog/in-app-browsers-the-worst-erosion-of-user-choice-you-havent-heard-of/ .
[7] Paragraphs 4.31 - 4.37 of both consultation documents

On the one hand, Apple and Google say that allowing steering of users to third party websites would expose consumers to fraud or other harmful content. However, the CMA considers these risks are manageable, for example by enforcement of their existing platform rules. Another mitigation could be through the inclusion of appropriate information at the point of deciding a preferred payment approach. The CMA received evidence that there is demand for the use of third-party payment sites to facilitate online transactions, and that flexibility for developers was important to ensure they can steer customers effectively. The CRs conclude that Apple and Google should be allowed to restrict the use of third party websites so long as it doesn't restrict the extent to which developers can engage with legitimate third party payment providers. However, this seems incompatible with the fact that many transactions take place on third party hosted payment pages. Risks this poses to the effective take up of steering, alongside the mitigations for perceived privacy risks, mean we think the CMA should remove this additional restriction and allow steering links to direct users to third-party owned websites.

Presentation of steering links

We welcome the CMA's intention of ensuring steering can be facilitated with as little friction as possible in the user journey to ensure that it is a viable option for developers and consumers, as highlighted in our Call for Information response in April.

Our Call for Information response used the example of not requiring side-by-side presentation of payment options as one of the ways to remove this friction. We agree with developers who told the CMA that this could cause a degree of confusion for consumers and increase transactional friction which risks consumers resorting to the default payment option. However, we acknowledge that this could be mitigated through clear design and labelling, and generally support the promotion of user choice. We don't agree with the evidence that side-by-side presentation increases the burden on developers to maintain multiple payment infrastructures, as these payment structures may still need to be maintained regardless of the point at which they are presented to consumers in the user journey.

On balance, we support the CMA's proposal to allow Apple and Google to require payment options to be presented side-by-side. In doing so, we recommend the CMA does not entirely leave the design and experience guidelines to Apple and Google, and ensure that any side-by-side presentation of payment options avoids online choice architecture that encourages users to select an in-app payment method. This could include using entirely neutral language, avoiding bold or green text for one option and not giving prominence to text that indicates the current default option. We also recommend consumers are given the option not to see the side-by-side presentation for future transactions from an app, so that the initial selection of in-app payment or non-in-app payment becomes the new default.

Given our support for side-by-side presentation of payment links, at least until default settings are confirmed, we do not agree with the proposal to allow Apple and Google to require an interstitial screen after the user has selected their payment option. In combination, we think that the user journey would be disproportionately frictional and only one of these (side-by-side presentation or an interstitial screen) is required to ensure consumers make an informed decision based on clear and factual information.[8]

Like the CMA, we recognise the need to balance informed user choice with minimising friction. The only additional information presented to users in the CMA's illustrative interstitial screen is that the user is moving outside of Apple or Google's in-app payment system.[9] This is information that could easily and simply be conveyed at the point of decision about which payment option to use, for example with simple wording underneath a steering link to say 'this link takes you to a third-party payment provider'. There is evidence that this limited additional information introduces material additional friction - the evidence given to the CMA about the potential drop-off rates caused by an interstitial screen[10], despite coming with caveats, raises sufficient concern that an interstitial screen in addition to side-by-side presentation of payment links would risk the effectiveness of the steering CRs.

Fee setting principles

We support the use of principles for Apple and Google to use to determine a fair fee and acknowledge the CMA's reluctance to pre-determine a fee directly. Our concern with the proposed approach to setting steering fees is that the combined use of three principles, with ambiguity about how they relate to each other, is an overly complex framework that provides too much room for interpretation for Apple and Google to set a fee that could be considered unfairly high. Our preference is for the CRs to specify a cost-based approach, as discussed below.

The value-based principle

It seems highly likely that, left with flexibility about how to use the three principles to calculate a steering fee, Apple and Google will use the value-based principle to determine their fee. Both Apple and Google told the CMA that this was their preferred method of determining a fee, and it is likely to result in them justifying a higher fee than the cost based principle.[11] Although the CMA sets out its intention for the three principles to be used in conjunction, there is no obligation on Apple or Google about how this is applied in practice and we think there is a risk that the other two principles are rendered redundant, or considered an afterthought.[12]

Assuming both Apple and Google base the steering fee on the value-based principle, we are concerned that there is too much discretion to set a high fee. The value-based principle has been well defined at a high level, in that it adequately describes what Apple and Google

[8] We would be willing to support inclusion of an interstitial screen to support informed choice if payment options are not shown payment options side-by-side.
[9] Paragraph 7 of the Interpretive Notes
[10] Paragraph 4.61(b) of the Apple consultation document and paragraph 4.62(b) of the Google consultation document.
[11] As acknowledged by the CMA in paragraph 4.123 of the Apple consultation document and paragraph 4.121 of the Google consultation document.
[12] Paragraphs 4.138 - 4.141 of the Apple consultation document and paragraphs 4.137 - 4.140 of the Google consultation document.

should take account of when calculating an appropriate fee, but the CRs provide very little detail or guidance on how those things should be taken into account.

For example, the CRs require that, in adopting this principle, Apple and Google take account of the 'material net value' to developers of providing access to their respective app stores. The interpretive notes provide no further explanation about how the CMA expects Apple and Google to estimate this value - leading to a very high risk that they will overestimate the value to justify charging a higher fee. This risk is even more present with the requirement that Apple and Google 'must adjust for the direct and indirect effects of [their] substantial and entrenched market power'. Again, there is very little guidance about how this should be done and so this appears to be a clear case of asking Apple and Google to mark their own homework. We think that it is highly likely they will exploit this ambiguity to their advantage, as they are incentivised to do.

Even with a more tightly defined definition of the value-based principle which limits the flexibility Apple and Google have, there are significant practical limitations to using a value-based assessment. The CMA admits that applying this principle is 'complex by its nature and open to a degree of subjectivity'.[13] Both Apple and Google submitted proposed benchmarks to illustrate how such a principle could be applied, and the CMA disregarded these benchmarks as inappropriate. This raises serious concerns about the ability for Apple and Google to apply a theoretically sound principle in practice which could at best result in delays to implementing a fair and reasonable fee.

The cost-based principle

Noting our concerns with the value-based principle, we consider a cost-based approach to be the most effective way of ensuring a fair fee which sufficiently protects Apple and Google's interests.

As the CMA acknowledges, such an approach is well-established in regulation and, importantly, can be predictable and understandable. As highlighted in our Call for Information response, simplicity is in and of itself a desirable attribute of any steering intervention to give developers the certainty they need to invest and realise many of the identified benefits. We welcome the CMA's profitability analysis that indicates that Apple and Google's app stores are likely to have low running costs and be highly profitable, and acknowledge in Apple's case the consistency with the Competition Appeal Tribunal's findings in Kent vs Apple.

The main source of subjectivity with the proposed cost-based approach is how to account for common costs and an appropriate return on investment to protect Apple and Google's incentive to invest in their app stores. We recommend that any inclusion of a return on investment component should be defined by the CMA, not left for Apple and Google to determine (for the same reasons as above when discussing the subjectivity of the value-based approach).

[13] Paragraph 4.126 of the Apple consultation document and paragraph 4.124 of the Google consultation document.

In doing so, we think any return on investment consideration should be limited as we do not believe that Apple or Google's ability or incentive to invest and innovate their app store would be materially impacted by a significantly reduced commission on steered transactions.

First, as above, the CMA has concluded that both app stores are highly profitable so there is likely to be a degree of excess profit that will protect investment even with substantially reduced fees. Second, Apple and Google themselves rely on well functioning and secure app stores because they compete with app developers with their own proprietary apps. Third, an appropriately low steering fee does not erode all revenue that Apple and Google will receive from in-app payments, as not all developers will offer the option of steering and not all users will make use of an offer, and both firms are able to mitigate the impact of revenue reductions through other parts of their business. Finally, at a more fundamental level, as the CMA discussed in its Mobile ecosystems market study, Apple and Google's incentives are driven primarily by hardware sales and advertising respectively.[14] These incentives are served by consumers using a range of devices and services across their whole ecosystems, including app stores. The incentive to maintain development of these ecosystems will likely ensure these app stores continue to work well for developers and users alike.

We think a fully defined cost-based principle, with appropriate consideration of common costs and a return on investment (noting our comments above that we think this consideration should be limited) will sufficiently meet the aims of the proposed CR by keeping prices at a fair and reasonable level while protecting Apple and Google's platform interests. This principle could still be combined with the administrative simplicity principle as defined in the CRs, which we support.

Implementation and monitoring

We support the CMA's proposed 3 months implementation plan and regular compliance reporting to monitor the effectiveness of the CR.

As part of this monitoring process, we encourage the CMA to monitor the impact on other app commission fees and determine whether these steering CRs have, as intended, placed downward pressure on wider commission fees. As set out in our Call for Information response, the CMA must be proactive in monitoring this and quick to take action if needed.

[14] CMA Mobile ecosystems market study, paragraphs 2.37 - 2.44 https://assets.publishing.service.gov.uk/media/63f61bc0d3bf7f62e8c34a02/Mobile_Ecosystems_Final_Report_amended_2.pdf

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July 2026