News Media Association Response to the CMA Consultation - Apple and Google Mobile Ecosystem: proposed Steering Conduct Requirements

The News Media Association ("NMA") is the voice of UK national, regional, and local news media in all their print and digital forms – a £4 billion sector read by more than 46.4 million adults every month. Our members publish around 900 news media titles, ranging from well-known national and international brands to independent local papers of record, including The Guardian, Financial Times, The Daily Telegraph and the Daily Mirror, to the Manchester Evening News, Kent Messenger, and the Monmouthshire Beacon.

1. Summary

News publishers depend on apps as a key route to their readers and, increasingly, to digital subscription revenue. Under current terms a material share of every in-app subscription is taken before it reaches the publisher, and publishers are prohibited (Apple) or restricted (Google) from telling their own readers that a directly managed alternative payment system exists on their own website. The NMA therefore welcomes the CMA's decision to proceed with a Steering Conduct Requirement ("Steering CR") rather than voluntary commitments, and welcomes several features of the drafting: permitting links rather than free text alone; the conclusion that dynamic links and link parameters should not be restricted; and the obligation to maintain cost accounting records capable of substantiating any fee – which should be published with any necessary redactions so that developers can assess the fees they are charged.

Our central argument, however, focuses on concerns over whether the remedy will be used at all by developers in its current form:

The fee determines whether the remedy works, and the fee should be zero

A steering right is only worth exercising if steering is materially cheaper than not steering. If the platforms may set a fee at or close to the commission it replaces, publishers will not steer and the CR will deliver nothing. Every jurisdiction where remedies around steering have been set bears this out. In principle, no fee should be payable: steering merely allows a developer to decline a platform service, not to use one.

Fees should be cost-based and the value principle removed

The "value" limb is not capable of objective determination in a market that is not competitive and is not verifiable by the CMA or by developers. It would hand the platforms the decisive variable in the remedy's design. If the CMA nonetheless permits a return above cost, it should prescribe a clearly defined cost-plus margin rather than leave the calculation to self-assessment.

News publishers must not end up paying more

Many publishers already pay reduced rates – 15% under Apple's News Publisher Programme. The current remedy fee could leave them worse off.

Any fee should be one-off, not a perpetual commission

A single instance of steering cannot justify an ongoing charge on every renewal of a subscription – potentially decades into the future - that the publisher itself services. The seven-day window in which a steering fee can be charged is also far longer than is justifiable.

Friction must be constrained

If an interstitial screen is retained, its wording, design, frequency and controls should be specified in the CR rather than left to firms whose commercial interest lies in the reader not proceeding. WebViews should not be prohibited, and the burden of justifying any security-based restriction must sit with the platforms.

Apple and Google must pay a proportionate part of any subscription refund

Publishers providing subscriptions will soon be regulated under the DMCC Act's subscription contracts regime, which requires a proportionate refund where a subscriber cancels within a renewal cooling-off period. Without action from the CMA, when a subscription was taken out through a steered transaction – or through an in-app payment – the publisher will pay the full refund while any steering fee or commission already charged on the transaction will not be returned by Apple or Google. The Steering CR should require any refund on a subscription purchased in-app or via a steered transaction to be paid proportionately by Apple or Google (e.g. if 30% commission is charged on an in-app purchase of a subscription, Apple or Google should pay 30% of the refund).

Review and update the Roadmap of interventions for Mobile Ecosystems

The CMA should commit now to assessing whether this CR is actually used, against published metrics, and to making more robust interventions swiftly if it is not. Simultaneously, it must consider taking forward measures that were deferred in the Roadmap for Apple and Google's mobile ecosystems, above all a requirement to permit alternative payment methods for in-app purchases.

2. Steering fees: the effectiveness of the CR turns on this issue

The NMA's position, in principle, is that no fee should be payable for steering. The reasons are straightforward. First, steering is not a service the platforms provide; it is the developer's decision not to use one. A publisher that steers is declining Apple's or Google's in-app payment system and meeting the cost of an alternative itself. Second, on the steered transaction itself the platform does nothing of substance. The reader completes the purchase on the publisher's own site, which the publisher has built and pays to run, and the platform performs none of the work involved. Whatever residual function the store still serves has already been paid for: once by the reader, in the price of the handset and its operating system, and again by the developer, in the annual fee it pays for access to the platform. Third, a fee pitched at or near the commission it displaces is self-defeating. It would reproduce, as a price, the very restriction this remedy is meant to lift, and would leave publishers where they are today.

A publisher deciding whether to steer will make a straightforward commercial assessment. On one side sit the costs: product and design work, checkout and account infrastructure, customer service, payment processing, and above all the conversion loss inherent in moving a reader through an interstitial screen, into a second environment. On the other side sits the saving. If the steering fee is not significantly lower than the current 30% fee, there is no saving worth that friction, and no publisher will utilise the ability to steer. The right will exist on paper and go unused.

In the EU, fee levels in the region of 20% have rendered steering commercially unattractive and take-up has been negligible. In South Korea, commissions of up to 26% leave developers with little or no saving once payment processing is accounted for. The position in the Netherlands, at an effective 27%, is the same. The one jurisdiction where steering has demonstrably been adopted at scale is the United States, where following the April 2025 injunction no fee was permitted at all and a substantial proportion of the largest apps by revenue moved to steer within months.

The fee is therefore central to the success of the remedy. A Steering CR that is not taken up cannot achieve the statutory objectives of fair dealing or open choices, and an ineffective measure cannot be defended on proportionality grounds: proportionality operates as a choice between effective options, not as a reason to propose an entirely ineffective one.

The same logic applies to sequencing. If the platforms may self-certify a fee and continue charging it throughout any compliance assessment or investigation, the commercial incentive is to set the fee high and be obstructive. The Steering CR should require a proposed fee within a defined period, and require the CMA to approve or reject it within that period. Crucially, the fee must be zero until a fee is approved.

2.1 The value principle should be removed and fees anchored only in cost

The CMA proposes that fees may reflect both cost and the value the platforms provide, each operating as a cross-check on the other. The value limb should be removed, for four key reasons:

1. Value cannot be measured in the absence of competition: The value of app store distribution is a function of the platforms' reach, and that reach is in significant part the product of the very restrictions this Steering CR seeks to unwind. The CMA rightly requires value attributable to substantial and entrenched market power to be stripped out, but provides no method for doing so and no means by which a developer could test the answer.
2. The assessment is not verifiable: Cost can be evidenced and audited, which is why the CMA has required cost accounting records. But value cannot be evidenced, as a developer faced with an excessive fee has no basis on which to interrogate it, and the CMA is left adjudicating a valuation conducted by a platform that has an incentive to inflate it.
3. The cross-check formulation compounds the problem: Permitting the platforms to begin from either the cost or value principle and adjust in either direction, with no prescribed methodology, means almost any fee can be presented.
4. Cost-based regulation is the established approach to pricing access to essential infrastructure: in regulated markets with entrenched incumbents, permitted charges are anchored to cost, not to the value the customer derives.

The publisher's position illustrates the point. Where a reader follows a link and subscribes on a publisher's website, the publisher hosts the page, operates the checkout, bears the payment processing cost, services the account, handles refunds and complaints, runs the CRM and email infrastructure, and produces the journalism. The platform's contribution is the link. Whatever the right charge for that is, it is a charge for a discrete, low-cost service and should be calculated as one.

Features of the platforms' own conduct confirm that the value they assert justifies a fee is zero or practically zero. The first is that Apple and Google already make the same store functions available at no charge to most of the developers on their platforms: those whose apps are free to download, and those selling physical goods and services. The store does the same work whichever category an app falls into. If that work is worth a material fee when a news publisher relies on it, it is hard to explain why it is worth nothing for other developers. The line the platforms draw does not follow the service supplied; it follows whether the developer's revenues are ones Apple and Google are well placed to extract a share of. Nor does the value run only one way: apps are a large part of what makes a handset worth buying in the first place.

2.2 If a return above cost is permitted, the CMA should specify it

If the CMA concludes that some return above incremental cost is warranted, it should prescribe a clearly defined cost-plus margin rather than leaving the uplift to a platform's discretion. A specified margin added to demonstrated incremental costs would at least give developers and the CMA an objective benchmark against which compliance can be tested. That margin should be set by the CMA.

Separately, and however the level is set, any steering fee should be a flat charge rather than a percentage of the developer's revenue. The service is the same however much a reader pays, or how often they pay.

2.3 Many news publishers already pay reduced rates and must not end up paying more

There is a feature of our sector that the CMA should address expressly. Many publishers do not pay the 30% commissions. Under Apple's News Publisher Programme ("NPP") participating publishers pay 15%, conditional on making their content available in Apple News. The lower rate is a material part of the decision to participate in the NPP (particularly for publishers without a paywall who cannot participate in other arrangements available through Apple News+).

As currently designed, the Steering CR could therefore leave a publisher paying more to steer than it pays today in commission. That would be perverse: publishers, which provide a key democratic and societal benefit, would be among the least able to benefit from the remedy. We ask the CMA to provide, in the CR or the interpretive notes, that:

1. Any steering fee must be materially lower than the lowest commission rate otherwise currently charged to that developer for an equivalent transaction, including rates available under publisher programmes.
2. Apple must not withdraw or degrade existing reduced-rate commission programmes, or the benefits associated with them, in response to the CR.
3. Participation in such programmes must not be conditioned on a developer not exercising its steering rights. A publisher should not have to choose between remaining in the News Publisher Programme and steering readers to its own website.

Absent such provision, the reduced rates presently available to news publishers risk becoming the mechanism by which any benefit of the CR is removed for the news media sector.

2.4 Any fee should be one-off, with no fee charges for subscription renewals

As drafted, where a subscription results from a steered transaction a fee may be charged on every subsequent automatic renewal indefinitely. For news publishers, this is the most consequential defect in the proposal – and barrier to utilising steering at all - after the level of the fee itself.

A recurring percentage on subscription renewal would be absurd, as Apple and Google are not providing any service at all. Everything that sustains the subscription thereafter is done by the publisher.

A perpetual renewal fee is also incoherent once consumer switching is taken into account, and cuts directly against portability. A subscription is not tied to the device or platform on which it was first taken out. A reader who subscribes to a title on an Android device today may switch to an iPhone tomorrow, and will expect to bring the same subscription across. There is no basis on which Google should keep drawing a commission on the renewals of a subscription the reader now reads on an Apple phone, with the app downloaded on the Apple App Store. A one-off fee tied to the initial steered transaction avoids this; an indefinite commission fixes a continuing charge to a purchase made once, years earlier, irrespective of where or how the reader now chooses to read, and in doing so penalises precisely the movement between ecosystems that the wider DMCC regime sets out to encourage.

In its enforcement of the Digital Markets Act, the European Commission has held that a fee due for an indefinite period, for as long as the end user continues to use the app, cannot be treated as compliant. The Steering CR should provide that any steering fee is a one-off charge referable to the initial steered transaction, with no fee chargeable on subsequent renewals.

A related point is that the Steering CR permits a fee on any transaction completed within seven days of a reader reaching a link destination, without requiring any connection between the redirection and the purchase. A reader who clicks a link, buys nothing, and returns days later prompted by a marketing email or their own intention will nonetheless generate a chargeable transaction. The window should be substantially shorter – no more than 24 hours – so that causation can genuinely be inferred.

3. Friction: interstitial screens and WebViews

Interstitial screens appear unnecessary. Apps selling physical goods already direct users out of the app without any interstitial screen. Readers routinely move from a publisher's app to its website for password resets and account management. In fact, most readers who subscribe in-app do not realise they are contracting with Apple or Google rather than with the newspaper whose masthead they are looking at, or that a share of every renewal goes to the platform.

However, if an interstitial screen is permitted, it must not be designed to deter a reader from moving out of Apple or Google's ecosystem. The consultation identifies mitigations – frequency limits and default settings – but these must appear in the Steering CR. Otherwise, platforms [redacted] design the screen in their favour. If a screen is permitted, the Steering CR should require that:

1. It is neutral in fact, not only in description. The illustrative wording "you are now leaving the app" frames the action as a loss; "you will be taken to [publisher] to complete your purchase" is equally accurate but is also neutral. Permitted wording should be prescribed by the CMA, with a route for developers to propose alternative accurate wording, rather than have it determined by the platforms.
2. It uses no warning iconography, cautionary colour or asymmetric button prominence. The primary action must be to proceed, as the user will have already indicated that this is their wish.
3. It must be a single screen requiring a single interaction, with no secondary confirmation or additional steps beyond those required in an equivalent physical-goods journey.
4. It must be subject to a hard frequency cap in the CR – we suggest no more than once per app every six months – together with a "do not show this again" control on the face of the screen each time it appears.
5. The screen is not required in journeys where no equivalent screen is required today.
6. Its effect is measurable: the platforms should report abandonment rates at the screen to the CMA at defined intervals, so that the friction introduced can be assessed and the Steering CR modified if necessary.

Publishers should also not be required to elect between offering in-app purchase and offering a steered option. In-app purchase is the experience many readers now expect, and a publisher forced to abandon it to exercise its steering rights would be trading a familiar method for an unfamiliar one. The CR should state expressly that a developer may offer both concurrently if they wish.

Regarding WebViews, we do not consider that the platforms should be permitted to prohibit their use for steering. Forcing users unexpectedly out of the app into an external browser is itself capable of causing confusion, as well as being slower and more cumbersome. If the CMA maintains its provisional position, it should at least set out the criteria and timeframe by which that position will be reviewed.

4. Security and privacy: the burden of justification must sit with the platforms

The CR provides that the platforms must not prevent, restrict or limit the use of a link except where strictly necessary for an objectively justifiable purpose relating to malware, fraud, unlawful content or content harmful to children. Unlike the fee provisions, which require the platforms to demonstrate to the CMA's satisfaction that a fee is fair and reasonable, this exception carries no equivalent evidential requirement. As drafted, a platform may simply assert that a restriction falls within it, leaving the developer or the CMA to establish the contrary on the basis of evidence held almost entirely by the platform.

The CR should be amended so that the burden of establishing that a restriction is strictly necessary for a permitted purpose rests on Apple and Google and must be demonstrated to the CMA's satisfaction, mirroring the standard already applied to steering fees. The platforms should also be required to notify the CMA of restrictions imposed in reliance on the exception, and developers should have a route to challenge them.

The case for a high evidential bar is particularly strong here. A reader following a link from a newspaper's app to that newspaper's website is moving between two properties operated by the same publisher, under the same brand, to transact with the entity they believe they are dealing with in any event. The CMA's own findings record that the distinction drawn between digital and physical goods reflects operational convenience rather than any difference in the magnitude of risk. Security and privacy justifications have been advanced, and rejected, both in the US courts and by the European Commission; they should not operate here as an unevidenced general exception.

5. Apple and Google must pay a proportionate part of refunds required under the DMCC Act's subscription contracts regime

Publishers that sell subscriptions will shortly be regulated under the subscription contracts regime introduced by the DMCC Act. In April 2026 the Government published its response to a consultation on that regime, confirming the model that will apply. The rules are expected to commence in spring 2027, subject to guidance and secondary legislation still to come.

Under the model the Government has adopted, a subscriber will have a renewal cooling-off right: a fourteen-day window arising after a free or introductory trial converts to a paid subscription, or after a fixed contract of twelve months or more automatically renews. A subscriber who cancels within that window is entitled to a proportionate refund - a refund of the part of the price corresponding to the portion of the subscription not yet supplied.

Where the subscription was taken out through a steered transaction – or indeed an in-app purchase - this produces an asymmetry the draft Steering CR leaves unresolved. At present, the refund obligation will rest wholly with the publisher. The steering fee – or commission on the in-app purchase - by contrast, will already have been charged on the original transaction, and nothing in the Steering CR requires any part of it to be returned by Apple or Google when the transaction is refunded. The publisher would therefore refund the reader while remaining out of pocket for a fee levied on revenue it has had to give back.

The Steering CR should provide that: where a developer is required to refund a subscriber, a proportionate part of the fee charged on a steered transaction or in-app purchase is returned to the developer by Apple or Google to provide the refund. This is a modest and self-evidently fair provision that would align two regimes for which the CMA is responsible, so that a consumer's exercise of a statutory cancellation right under one regime does not leave a publisher worse off under the other regime.

6. Conclusion: review this CR, and also take forward other remedies capable of changing the market

The Steering CR's value to developers currently depends entirely on a fee the platforms will propose and on friction the platforms will be able to implement. Both Apple and Google have obvious commercial incentives [redacted] the remedy available in principle and unattractive in practice, [redacted] The CMA must make the changes set out above, and also commit now to testing whether the remedy works. We ask that it publish, within 12 months of the CR taking effect, an assessment of efficacy against transparent metrics: for example, the proportion of UK developers, by size and sector, that have adopted steering; the effective fee rates charged by Apple and Google; abandonment rates at any interstitial screen. Where those metrics show the CR is not being effective, the CMA should say so promptly and act to update the Steering CR.

In parallel, the CMA must take forward remedies that have been deferred. The July 2025 Roadmap for Apple left three key interventions uncategorised pending international developments: allowing alternative app stores; allowing users to download apps directly from a developer's own website; and, most directly relevant here, requiring Apple to allow alternative payment methods for in-app purchases beyond its own in-app payment system. The international picture has now changed significantly: whatever the merits of waiting in 2025, the rationale for continued deferral has weakened considerably. These interventions will be particularly urgent if it transpires that the Steering CR is not effective.

Alternative in-app payment is the measure that the CMA must swiftly adopt if the Steering CR is not effective. Steering puts a price on directing users to a developer's payment system whilst allowing alternative in-app payment methods removes the platform– from the transaction altogether and addresses the control over the developercustomer relationship from which the current commission derives.

Finally, the Roadmap anticipated an update in the first half of 2026. We ask that an updated Draft Roadmap be published promptly once the Steering CRs are settled; that the CMA seriously consider reprioritising the deferred remedies in light of the international position; and that it be subject to full public consultation. Publishers, and the wider community of UK developers who depend on these platforms, have a direct interest in the sequencing of the CMA's work, and that interest is best served by a transparent and consultative process.

News Media Association
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