

Competition and Markets Authority
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Call for Evidence

Which? response to the CMA's call for evidence on Apple and Google's proposed mobile ecosystem commitments

Submission date: 03/03/2026

Which? welcomes the opportunity to provide feedback on the CMA's approach to the proposed app distribution and interoperability commitments made by Apple and Google.

We acknowledge the CMA's desire to be pragmatic so that it can take action quickly and proportionately, but we are concerned about the precedent it is setting by accepting a weaker level of intervention. We are also concerned that any intervention to address the steering restrictions imposed by Apple, and to a lesser extent Google, which the CMA also identified as a top priority in its roadmap, has been delayed further until later in the year. We encourage the CMA to prioritise effective action to allow for apps to steer consumers away from Apple and Google's own app stores as soon as possible.

Apple and Google's mobile platforms and their app distribution services are relied upon by a vast number of businesses and consumers across the UK. It is crucial that they operate transparently, fairly and effectively and do not use their substantial and entrenched market power to exploit businesses and consumers who rely on them. Stakeholders have raised legitimate concerns about the way that Apple and Google review apps, rank them on their app stores and use third-party data to their advantage.

We acknowledge that the CMA has reasonable grounds to consider commitments as an effective and proportionate way of solving the issues raised by stakeholders concerning Apple and Google's app practices, and in Apple's case the way it handles interoperability requests. This is supported by the assertion that the majority of the issues with app and interoperability practices are to do with transparency of processes rather than inadequate processes themselves, although we believe there is likely to be at least some element of each. We agree that accepting commitments from Apple and Google will be the quickest way to take action against these concerns and that there is an opportunity cost to investing greater time and resource into more formal conduct requirements.

However, we have two concerns with the proposed approach. First, when determining whether to accept commitments the CMA is to have regard to the effectiveness of the proposed commitments and the effects of the proposed commitment on relevant third parties¹, and we are concerned that the proposed commitments will not be fully effective in meeting stakeholder concerns. As the CMA has acknowledged in its call for evidence², the benefits of these commitments to app developers will be due in part to the greater certainty that Apple and Google will apply their existing processes fairly, objectively and transparently. The CMA considers that commitments, as opposed to legally enforced conduct requirements, will be sufficient to meet this aim. This is inconsistent with the rationale the CMA used in its Google Search SMS investigation, where the case for a data portability API conduct requirement was made on the basis that without legal backing there is insufficient trust in Google's existing practise³.

This difference in approach also extends to the proposed monitoring and reporting arrangements. Although the proposed approach to monitoring appears reasonable in and of itself, the use of commitments puts greater burden on reporting directly to the CMA and away from the more comprehensive public compliance reports that are required by conduct requirements, and this may result in lower trust from developers. At the very least, we would like the CMA to reflect on whether any of the metrics that Apple and Google have committed to reporting confidentially to the CMA could instead be included in the public reporting. For example, we struggle to see why Apple could not make public an explanation of any material changes to support, resources and Guidelines or why Google could not make public aggregate data on average and median time taken for app review. Given the benefits of these commitments rely on the additional transparency and trust they give to developers, to give them the best chance of effectively increasing business certainty there should be a high bar for any metrics to be reported confidentially to the CMA.

The second issue with the proposed approach is that accepting commitments may set an unintended benchmark for the acceptability of commitments in place of Conduct Requirements. In allowing these priority issues to be resolved through commitments, and noting the prominence that is associated with the first set of interventions in this investigation (and only the second interventions proposed by the Digital Markets Competition Regime as a whole), SMS firms may take encouragement that offering commitments is a viable way to resolve issues that have been identified. This may not be problematic if commitments fully and effectively resolve issues, however this is unlikely to be the case often and it may result in increased pressure on the CMA to enforce weaker remedies in place of stronger intervention that leads to better market outcomes. Increasing the likelihood of commitments being offered as a first port of call also adds burden to the process that may slow the pace that the CMA is able to achieve effective remedies. We encourage the CMA to recognise and guard against this risk.

¹ As set out in the Digital markets competition regime guidance paragraphs 7.86-7.89, https://assets.publishing.service.gov.uk/media/6762f4f6cdb5e64b69e307de/Digital_Markets_Competition_Regime_Guidance.pdf.

² Paragraph 10 https://assets.publishing.service.gov.uk/media/698aee6fcfe7ccf77efbc87f/Call_for_evidence_10_February.pdf

³ Paragraph 1.21 https://assets.publishing.service.gov.uk/media/6979d0915da1fd4ddea98c73/Data_portability_conduct_requirement_v2.pdf

Aside from our feedback on the overall proposed approach, we do not have comments or supporting evidence on the specifics of Apple and Google's commitments at this time.

Beyond the proposed commitments, we are concerned that the CMA has delayed any intervention which seeks to address the restrictions imposed by Apple and Google on steering consumers outside of the app store to allow app developers to have independent billing relationships with their users. We believe the potential benefits of any such intervention will be much greater than any benefits from increased transparency around app store or interoperability processes. This is particularly the case with Apple, who continue to exploit business and consumers in the UK with unlawfully high commission on in-app purchases. The CMA must prioritise effective remedy to this behaviour as a matter of priority and be given appropriate backing by the Government to stand firmly behind strong action.

About Which?

Which? is the UK's consumer champion, here to make life simpler, fairer and safer for everyone. Our research gets to the heart of consumer issues, our advice is impartial, and our rigorous product tests lead to expert recommendations. We're the independent consumer voice that works with politicians and lawmakers, investigates, holds businesses to account and makes change happen. As an organisation we're not for profit and all for making consumers more powerful.

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