CONSUMER CHOICE CENTER

Consumer Choice Centre Comments on the Steering Conduct Requirement for Apple's mobile platform

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Competition and Markets Authority
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The Consumer Choice Centre is an independent, non-partisan consumer advocacy group championing the benefits of freedom of choice, innovation, and abundance in everyday life. We champion smart policies that are fit for growth, promote lifestyle choice, and defend technological innovation.

Herein, we will offer our comments on the Proposed steering conduct requirement for Apple's mobile platform.

Our Position

We write from the perspective of the end-user rather than that of Apple or of app developers. The interests of those two groups are not always the interests of consumers.

We **oppose the Steering CR** in its current form. First, paragraph 5.44 does not estimate how much of the projected benefit would reach consumers rather than be retained by developers.

Second, the proposal undervalues the integrated distribution, payment, security and account-management services consumers may value when they enter Apple's ecosystem. We support targeted consumer protections, but oppose the proposed open-ended regulation of Apple's steering fee.

Third, the choice that matters to consumers in this market is the choice between ecosystems, and it is a choice they already freely exercise.

A UK consumer buying a phone selects between Apple's curated model, Google's Play Store, and devices running third-party or open-source software they can install and configure themselves. Many choose Apple precisely because it is curated, as apps are vetted, payments and subscriptions run through one accountable channel, and there is a consistently high bar for safety and security. That bundle is what the developer commission pays for.

The proposal mistakes competition within an ecosystem for competition between ecosystems. Apple's App Store is a marketplace Apple built and offers to developers and consumers on stated terms; the discipline on those terms is that consumers and developers can go elsewhere, and do. The CR instead sets out to determine what Apple may charge, how many screens it may show, and what words may appear on them.

CMA should not be setting the price of a private marketplace, and the drafting problems below follow from attempting it.

Recommendations

- Do not regulate the steering fee. If the CMA proceeds, adopt a published numerical ceiling with a fixed review period and clarify which incremental and common costs may be recovered.
- Place both Q6.3 scope limits in the operative CR.
- Permit proportionate action against practices that breach UK consumer law, subject to objective and non-discriminatory criteria.
- Permit Apple to require merchant, cancellation, refund and purchase-protection disclosures.

Q6.2 — Views or evidence on the benefits or costs of the proposed Steering CR

Apple's commission pays for more than just payment processing. As footnote 97 records, it supports distribution, discovery, developer tools, promotion, trust and safety, and in-app purchasing. Consumers also receive app review, integrated billing and refunds, subscription management and parental controls. The steering-fee methodology should account transparently for the services that continue to support steered transactions.

The claimed consumer benefit is asserted rather than demonstrated. Paragraph 5.44 estimates value transferred away from Apple and says nothing about where it lands. The CMA's own evidence suggests the consumer share should not be assumed. Footnote 114 also indicates that consumers do not treat external and in-app purchasing as perfect substitutes. Lower conversion may reflect friction, trust concerns or the value of an integrated payment, cancellation and refund relationship.

Q6.3 — Views on the proposed scope of the Steering CR

We support allowing Apple to limit steering to developer-owned websites and to transaction completion. A developer-owned destination makes the source of the offer more identifiable, while limiting links to transactions prevents purchase flows becoming vehicles for unrelated marketing and additional privacy or security risks.

Both limits should appear in the operative CR rather than only in its supporting reasoning, together with the qualification that developers may use legitimate third-party payment providers.

Q6.4 — Whether the proposals achieve both effective steering and necessary user protection

No. Paragraph 3(b) allows restrictions strictly necessary to prevent malware, fraud, unlawful content or content harmful to children, but does not address subscription traps, misleading pricing, obstructive cancellation or refund practices.

We recommend permitting proportionate measures reasonably necessary to prevent or warn against practices that breach UK consumer protection law, provided those measures follow objective, published and non-discriminatory criteria.

Q6.5 — Additional risks and mitigations that could be addressed through a Steering CR

Paragraph 5.31 acknowledges that steered users will lose Apple's refund protections and centralised subscription management. The CR should therefore permit Apple to require developers to disclose, at redirection and before checkout, the merchant of record, cancellation and refund procedures, and that Apple's purchase protections will not apply to the steered transaction.

Q6.8 — Views on the approach to steering fees

(a) Are the proposed principles appropriate? No. The proposal requires Apple to demonstrate that its fee is "fair and reasonable" without providing a numerical standard or sufficiently determinate methodology. This would leave the effective fee to an extended administrative process and provide limited predictability for developers or consumers.

(b) Practical benefits and risks. Apple does not currently allocate App Store costs in the manner the CR would require. Constructing and auditing that accounting would delay certainty over the fee.

(c) Our primary recommendation is not to regulate the fee. If the CMA proceeds, it should publish a numerical ceiling, invite comment on it and review it at fixed intervals. The instrument should identify permissible cost categories, relevant allocation principles and an acceptable range of returns, while prioritising administrative simplicity and reducing costs for consumers.

We would welcome the opportunity to discuss any aspect of this response with the case team.

Respectfully,

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