Ms Ursula von der Leyen
President of the European Commission

Ms Teresa Ribera
Executive Vice-President - Clean, Just and Competitive Transition

Ms Henna Virkkunen
Executive Vice-President - Tech sovereignty, Security and Democracy

8 September 2026

Dear President von der Leyen,

Dear Executive Vice-President Ribera,

Dear Executive Vice-President Virkkunen,

We, the undersigned, represent app developers, digital businesses, news media publishers, consumer organisations and civil society organisations in Europe and internationally. We write to express our profound disappointment with the Commission's apparent endorsement of the unacceptable business terms announced by Apple for the EU App Store on 18 August 2026, without consulting the affected business users and consumers. These new terms fail to resolve Apple's non-compliance and will not deliver the open, fair and contestable mobile app ecosystem that the Digital Markets Act (DMA) was enacted to create.

Article 5(4) of the DMA explicitly requires gatekeepers to allow developers to communicate and promote offers to their own users, and to conclude contracts with them, free of charge. The Commission correctly enforced this requirement when it found Apple in breach and imposed a fine of €500 million in April 2025, stating unequivocally that, *"contrary to what Apple claims, Article 5(4) of Regulation (EU) 2022/1925 is clear: steering and steered transactions must be free of charge. In other words, the price for app developers to pay for steering and steered transactions is zero"*. Yet Apple's new terms introduce a 15% fee for steering. Fifteen per cent is not zero. While the same decision recognises that remuneration for facilitating the initial acquisition of a customer may in principle be allowed, such remuneration must be limited to the initial acquisition and commensurate with its value. We clearly do not see the 15% fee as meeting that test, even with the new seven-day limit. By accepting this outcome, the Commission is turning enforcement into compromise, resulting in a negotiated settlement that effectively rewrites the law. Only the co-legislators have the authority to alter what the law requires.

Additionally, the Commission has preliminarily found that Apple's contractual terms, including the Core Technology Fee, disincentivise developers from using alternative distribution channels. Apple's new terms replace that fee with a 5% Core Technology Commission on transactions in apps distributed outside the App Store. By imposing a permanent cost on alternative app stores and developers seeking to distribute outside Apple's own store, the new framework still prevents those channels from achieving the scale needed to become an effective competitive constraint on Apple. This cuts against the very purpose of the DMA: to create the conditions for genuine competition to emerge.

As a result, the terms have changed, but the economic effect has not.

These fees remain highly excessive. Most app developers cannot afford to absorb them, meaning rival stores and lower-cost offers risk being taxed out of existence before they can take root. Where these fees are passed through, consumers pay higher prices; where they are unsustainable, developers are deterred from adopting alternative channels altogether. Formal access to alternative channels is not enough if the conditions attached to them prevent effective competition from translating into better offers for consumers.

Nor are such charges justified by any credible cost or service provided by Apple. Indeed, other major platforms like Windows and Linux charge neither platform nor distribution fees at all for self-distribution, demonstrating that the levels proposed by Apple are neither technically nor operationally necessary.

Far from achieving the DMA's core purpose of delivering lower prices, greater choice and enhanced innovation for consumers, the economic consequences of these terms make the DMA meaningless.

Alternative distribution outside the App Store also remains subject to non-monetary conditions imposed by Apple, including mandatory developer registration, app review process and contractual requirements. These conditions allow Apple to retain a significant gatekeeping role in determining the conditions under which developers and competing app stores can reach users outside the App Store, thereby limiting the independence of alternative distribution channels.

The Commission's acceptance has been signalled through informal public statements rather than a formal, reasoned decision. Affected businesses are left unable to ascertain whether the non-compliant conduct identified in April 2025 is officially considered resolved, whether proceedings on alternative distribution remain open, or on what basis any of these may be reviewed. This lack of transparency leaves the entire market in a state of legal uncertainty and constitutes a further obstacle to alternative players entering and/or surviving in the market, thus undermining the DMA's contestability goal.

We therefore ask the Commission to consult the affected parties, to provide full transparency on the status of the current proceedings, and, as a result, to bring relevant proceedings to a formal, reasoned conclusion so that affected businesses can establish their legal position and evaluate further actions.

Finally, we note that terms closely resembling these were presented by Apple to a court in the United States, where Apple is currently subject to an order not to charge any fees, and the courts, including the Supreme Court, have declined to stay this injunction. The European Union must not become the jurisdiction that rubber-stamps a gatekeeper's preferred global standard, one that directly undermines the very objectives the DMA was designed to achieve.

Yours sincerely,

The Coalition for App Fairness
App Fair Project
Approov
ARTICLE 19
Cafeyn Group
Cryptee
Digital Content Next
Euroconsumers
European Games Developer Federation
European Publishers Council
European Tech Alliance
France Digitale
iconomy
Japan Association of New Economy
News Media Europe
Online Dating and Discovery Association
SkyDemon
Uptodown

Coalition for APP FAIRNESS

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ARTICLE 19

The App Fair Project

EPC European Publishers Council

DIGITAL CONTENT NEXT

EGDF European Games Developer Federation

iconomy

CRYPTEE

European Tech Alliance

France Digitale
Jouons collectif

euroconsumers
Empower people, improve the market.

新経済連盟
Japan Association of New Economy

NEWS MEDIA EUROPE

Online Dating & Discovery Association

SkyDemon
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