

The logo for the Coalition for App Fairness features a stylized graphic of overlapping squares in shades of green and blue to the left of the text. The text "Coalition for" is in a dark blue, sans-serif font, and "APP FAIRNESS" is in a larger, bold, dark blue, sans-serif font.

Coalition for APP FAIRNESS

UNDER EMBARGO UNTIL 16:00 CEST, 26 SEPTEMBER

26 September 2023

Dear Commissioner Reynders,

Dear Commissioner Breton,

For European consumers and businesses, the Digital Markets Act (DMA) presents an unprecedented opportunity to enjoy more choice, more control, more innovation and lower prices in the mobile app ecosystem. The DMA can also set a global standard for consumers and developers around the world.

The designation of Apple and Google's app stores and operating systems as Core Platform Services under the DMA is a welcome first step. As the European Commission begins the important process of enforcing the law, we would like to bring to your attention the structural changes required to achieve the DMA's goal of creating a fair and competitive mobile app marketplace. In other jurisdictions we have seen Apple and Google offer sham compliance solutions that do not reflect the spirit of the law, and our hope is that the principles below will help guide effective implementation of the DMA in practice.

The European Commission currently holds the power to transform the digital landscape for the benefit of consumers, innovators, app developers and many other start-ups and small and medium enterprises across Europe. **Therefore, we propose the following baseline principles to ensure effective and meaningful compliance with the DMA:**

1. Consumers must have a free choice in where they download apps - through the gatekeeper's app store, a third-party app store or on a website. Gatekeepers must be barred from banning or otherwise impeding the use of third-party app stores and direct downloads.
2. Mobile app developers must be able to communicate directly with consumers about offers, discounts, and other features both within an app or through any other channel without any restrictions by the gatekeeper.
3. Mobile app developers must be able to offer the payment options of their choice for in-app purchases, whether it's gatekeepers' payment options or a third-party payment solution. And when a third-party payment solution is used, the gatekeepers must be barred from imposing

a tax on services they do not provide.

4. Developers shouldn't be blocked from the platform or discriminated against based on a developer's business model, how it delivers content and services, whether it competes in any way with the app store owner or as retribution.
5. All mobile app developers should have timely access to the same interoperability interfaces and technical information that the app store owner makes available to its own developers. Gatekeepers cannot reserve special privileges for their own internal teams and cannot make gratuitous changes to interfaces and raise rivals' costs.
6. Gatekeepers must end arbitrary and unexplained exclusions or failures to approve app store content and app updates.
7. Mobile ecosystem gatekeepers should be barred from self-preferencing their own apps or services or interfering with users' choice of preferences or defaults.
8. A developer's data and other non-public business information or intellectual property should not be used by the mobile ecosystem gatekeeper to compete with the developer - a practice known as sherlocking.
9. Gatekeepers should provide app developers with timely access to data generated by end-users in the developers' app.
10. Apple and Google should provide access to their app stores at transparent, fair and non-discriminatory conditions.

The principles outlined above are consistent with both the letter and the spirit of the DMA.

Together with other stakeholders we look forward to contributing to the European Commission's development of compliance solutions that protect the interests of both businesses and consumers. Together, we can create a fairer and more competitive digital market for all.

Your sincerely,

Coalition for App Fairness
Spotify
Epic Games
Match Group
Schibsted
European Publishers' Council
France Digitale
Proton
News Media Europe

Vipps MobilePay
Deezer
Coalition for Competitive Digital Markets
Open Markets Institute
Iconomy
The European Digital SME Alliance
Internet Economy Foundation
Element
Open-Xchange

