November 17, 2026

Digital Markets Unit
Competition and Markets Authority
The Cabot, 25 Cabot Square
London E14 4QZ
United Kingdom

RE: Comments of the Association for Competitive Technology (ACT), *Proposed NFC Access Conduct Requirement for Apple's Mobile Platform*

The Association for Competitive Technology (ACT) respectfully submits these comments in response to the Competition and Markets Authority (CMA) open consultation titled 'Proposed NFC access conduct requirement for Apple's mobile platform'[1] published on 20 October 2026 following the CMA's designation of Apple as having strategic market status in respect of its mobile platform under the Digital Markets, Competition and Consumers Act 2024 (DMCCA).

ACT welcomes the opportunity to comment and shares the CMA's stated objective of unlocking innovation and competition in contactless transactions for the benefit of developers and consumers in the United Kingdom. We offer these comments from the perspective of the small business technology developer community, whose members are (1) principal beneficiaries of well-designed access to near-field communication (NFC) functionality and (2) some of the most exposed to the impacts of government interventions into fast-moving technology markets.

ACT believes that any measure the CMA takes should:

- Be proportionate and evidence-based as the DMCCA requires
- Treat the security and consumer trust on which the digital economy depends as paramount
- Remain technology-neutral, and
- Ensure that any access is provided on fair, reasonable, transparent, and predictable terms.

These comments build on ACT's response to the CMA's call for evidence of 30 June 2026 and on the virtual meeting between ACT members and the CMA on 20 July 2026.

I. Statement of Interest

[1] CMA, Proposed NFC access conduct requirement for Apple's mobile platform, Consultation document (20 October 2026). Available at https://www.gov.uk/government/consultations/proposed-nfc-access-conduct-requirement-for-apples-mobile-platform.

ACT is a not-for-profit global trade association that represents the small business technology developer community. Its members build software applications and connected devices used by consumers, businesses, and public institutions in the United Kingdom and around the world, including fintechs, wallet providers, and single-purpose application developers who make direct use of NFC access on iOS. Some of ACT's earlier engagements with the CMA on Apple's mobile platform were made under its former name, ACT | The App Association.

ACT believes that competition and openness that benefit consumers and developers are worth pursuing, and small developers should be able to participate in contactless innovation on fair and workable terms. At the same time, the measures adopted in the name of competition should be proportionate, technology-neutral, and workable for the small businesses that make up the app ecosystem. And any measures should not compromise the security and consumer trust on which the ecosystem depends.

II. Summary of ACT's Position and Recommendations

ACT's recommendations can be summarised as follows:

1. ACT supports the CMA's objective of enabling the small business technology developer community to bring contactless innovation to UK consumers. ACT encourages the CMA to confine any intervention to what its statutory proportionality assessment supports, targeting the specific barriers the evidence identifies rather than adopting broad or open-ended regulation, and preserving the platform's ability to protect the security of the contactless ecosystem.
2. The use cases most important for UK growth span card-based payments, account-to-account payments as the wider payments infrastructure matures, privacy-preserving digital identity and age assurance, and digital keys and access credentials, and their value depends on small developers being able to participate on commercially workable terms.
3. On the technical method, the CMA should remain technology-neutral rather than mandating a particular technology or imposing a costly obligation to build and maintain two parallel technologies, an approach that also best accommodates evolving and future use cases.
4. On pricing, any fee should be fair, reasonable, transparent, and predictable, should be set through a sound and evidence-based methodology, and should neither burden small developers nor charge them for the value of their own innovation, though it should reflect the value the platform itself contributes. The CMA should also avoid taking on the role of a standing price regulator.
5. Any access regime should be developer-neutral and should reach the small developer community on equal and transparent terms.

III. Use Cases and Innovation Most Important for UK Growth

The CMA's proposed definition of an NFC transaction covers both payment and non-payment uses, which reflects the innovations and use cases that could utilise NFC access on iOS and support UK economic growth. In ACT's view, there is a wide range of applications that NFC access on iOS makes possible for small developers, including:

- Card-based mobile payments remain the dominant use today and will continue to grow, and NFC access on workable terms allows small developers and challenger providers to compete in that space. Beyond card payments, account-to-account payments enabled by Open Banking have significant potential to introduce lower-cost in-store payment options over time, consistent with the Government's National Payments Vision, although realising that potential at the point of sale depends mainly on coordinated progress across payment networks, acquirers, and point-of-sale systems.
- Privacy-preserving digital identity and age assurance allow consumers to prove attributes such as age without surrendering unnecessary personal information, provided that any identity use is designed to be data-minimising rather than to invite the collection of additional sensitive data.
- Digital keys and access credentials, including car keys, hotel keys, corporate badges, and transit and event credentials, round out a set of use cases in which small developers are frequently the source of the most novel applications.

Across these use cases, the growth benefits the CMA seeks will be realised only if the developers best placed to innovate, including small firms and startups, can actually participate. That in turn depends on reasonable market entry costs and on technical and commercial terms that a small business can absorb. CMA is well-positioned to set expectations for how Apple's NFC platform should be made available to developers, reducing the barrier to entry for small developers.

IV. Any Intervention Should Be Proportionate, Evidence-Based, and Security-Preserving

ACT reiterates its recommendation that the CMA approach *ex ante* intervention in fast-moving technology markets with caution and encourages the CMA to give full effect to the DMCCA's provision that any conduct requirement be proportionate. While the CMA attributes the limited uptake of Apple's existing NFC & SE Platform in the United Kingdom to the level of fees and to differences in technical approach across jurisdictions, ACT encourages the CMA to weigh the full evidentiary record before concluding that a mandate is warranted. Where the CMA does decide to act, it should adopt the least intrusive measure capable of addressing a clearly demonstrated barrier, consistent with maintaining the security and stability of the ecosystem on which developers and consumers rely.

NFC governs access to a contactless ecosystem that consumers must be able to trust. ACT therefore urges the CMA to treat security, privacy, and consumer protection as a first-order design constraint for any access regime, preserving strong authentication,

safeguarding the confidentiality and integrity of credentials, and maintaining clear accountability for fraud and security incidents. These safeguards protect developers as well as consumers, because careful vetting and security reduce the risk that bad actors may exploit access to commit fraud or to misappropriate the credentials and proprietary implementations that small developers bring to market. A regime that relaxed safeguards in the name of openness would place the innovation and reputation of small developers at risk. These considerations apply with particular force to the proposal that Apple give third parties access to the iOS functionality behind Express Mode and Power Reserve, which allows a credential to complete a transaction without the user unlocking the device or authenticating (Questions 6.5 to 6.8). Before requiring such access, the CMA should weigh the risk that allowing more apps to complete transactions from a locked device would expose users to additional vectors for cyberattacks and fraud, and any such access should be subject to objective and published security requirements that apply equally to all developers. ACT also supports the CMA's aim that access be effective and continuous, while urging that the platform remain able to act promptly against fraud or an emerging vulnerability, provided that it gives reasons for any suspension and restores access promptly once the threat is addressed.

V. **The CMA Should Preserve Technology Neutrality and Platform Flexibility**

The CMA proposes that Apple provide NFC access via both Host Card Emulation (HCE) and Secure Element (SE), at the developer's choice. ACT generally strongly supports the principal of technology neutrality and urges regulators to refrain from tying legal requirements to specific technologies. Writing conduct requirement rules too heavily tied to certain technological expressions risks entrenching a solution that is poorly suited to some use cases or that may be overtaken by technological change, and it invites the kind of rigid and prescriptive regulation that burdens smaller developers and slows innovation.

ACT members differ in their technical preferences, which is a relevant factor for the CMA to weigh and is best accommodated by preserving flexibility and choice as opposed to mandating specific technologies. A technology-neutral approach leaves room for the market to converge over time on the solutions that best serve particular use cases, without a regulator committing developers and consumers to particular technologies prematurely.

VI. **Any Fee Should Be Fair, Reasonable, Transparent, and Predictable**

ACT believes that any fee imposed should be fair, reasonable, transparent, and predictable, and simple enough that a small developer can understand it and rely on it when deciding whether and what to build. Whatever methodology the CMA adopts should be transparent and predictable, should not itself become a barrier to entry for the small developers the intervention is meant to help, and should not be applied in a way that discourages continued investment in the security and quality of the platform those developers rely on.

ACT supports a value-based principle that recognises the contributions of both the platform and developers. ACT's members invest heavily in the proprietary technology behind their own products, and strong protection of that intellectual property is central to their ability to attract investment and compete. The same is true of the platform, whose security architecture, hardware integration, and intellectual property are part of what developers receive when they use NFC on iOS. A fee should reflect the value of what the platform provides without capturing returns that are properly attributable to developers' own investment, intellectual property, and innovation. A methodology that appropriates the value of either party's investment would blunt the innovation the intervention is meant to unlock. ACT is concerned that the proposed instruction to value Apple's contribution while 'adjusting for the effects of Apple's market power' (paragraph 11 of the draft conduct requirement) would ask Apple and the CMA to estimate a hypothetical value that neither can observe, which would make fees less predictable for developers. To the extent the CMA retains a value principle, ACT urges that it be transparent, administrable, and predictable.

ACT is also cautious about setting the fee by reference to the platform's downstream prices. As the CMA noted in its call for evidence, no comparable downstream product exists for many use cases, and a downstream-linked approach risks importing distortions and missing the benefits of dynamic competition. The CMA's proposal does not require free access (paragraph 4.163), and the small developers ACT represents have a long-term interest in a stable, secure, and well-maintained ecosystem, which a headline price set to zero could undermine.

Further, ACT supports the principles that fees should not create a competitive disadvantage for third parties, that the platform may offer a limited set of published fee structures from which developers can select the one best suited to their business model (e.g. to account for low or uncertain transaction volumes), and that any fee and fee structure should be clear and easy to understand. ACT proposes that the CMA add a principle of predictability and stability over time, so that small developers can plan and invest with confidence. The same core principles of simplicity, transparency, and non-discrimination should apply regardless of whether access is provided through Host Card Emulation or Secure Element, though the fee level may differ to reflect differences in cost and value. Should the CMA decide to proceed, ACT encourages it to set clear principles and then to allow the market to operate, rather than assuming the role of a standing price regulator engaged in the continuous adjustment of prices for an evolving technology.

VII. **Conclusion**

ACT appreciates the opportunity to respond to the open consultation and shares the CMA's interest in a competitive and innovative contactless ecosystem that serves developers and consumers in the United Kingdom. We support an approach consistent with our recommendations that will protect consumers and preserve the trusted environment on which the app ecosystem depends, while ensuring that the competitive

benefits the CMA seeks are shared by the small developers ACT represents. We stand ready to serve as a resource to the CMA as it considers the proposed NFC access conduct requirement.

Sincerely,



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