

7 August 2026

Ms. Gina Cass-Gottlieb
Chair
Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2601

RE: *Comments of the Association for Competitive Technology to the Australian Competition and Consumer Commission regarding authorisation AA1000718-1, Google LLC and Epic Games, Inc.'s application for authorisation under the Competition and Consumer Act 2010 (Cth) Draft Determination*

Dear Chair Cass-Gottlieb:

The Association for Competitive Technology (ACT) appreciates the opportunity to provide this submission to the Australian Competition and Consumer Commission (ACCC) in response to its Draft Determination proposing to grant Google LLC and Epic Games, Inc.'s application for authorisation of their settlement agreement under the *Competition and Consumer Act 2010* (Cth).¹ ACT applauds ACCC's proposed decision to authorise the revised settlement submitted on 6 March 2026 and urges the Commission to retain this decision as it finalises the Draft Determination of 22 July 2026.

ACT represents small business application developers and connected device companies located both within Australia and around the globe. These companies drive a global app economy worth more than AUD 8.6 trillion, and this economy continues to grow. ACT members leverage the connectivity of smart devices to create innovative solutions that introduce new efficiencies across consumer and enterprise use cases and rely on a predictable and fair approach to platform regulation to grow their businesses and create new jobs.

ACT presents the following general views on digital platform competition policy:

- Small businesses operating within and across the digital economy depend on a reliable, industry-agnostic approach to competition policy and enforcement. A predictable legal and business environment allows for innovators to better navigate changes to the marketplace brought on by technological advancements that cannot be anticipated.

¹ <https://www.accc.gov.au/public-registers/authorisations-and-notifications-registers/authorisations-register/google-llc-and-epic-games-inc-0>.

- Small app developers benefit greatly from certain services that large platforms provide, especially in the areas of cybersecurity, intellectual property protection, and data privacy. These services and requirements not only directly benefit individual app users, but they also create consumer trust across the platform, allowing small businesses to find potential customers much more readily than in the eras before app stores. Competition policymakers should avoid rules that limit or prohibit platforms from making such services and requirements available.
- Competition regulators should keep top of mind that individual apps on app stores and other small businesses using digital platforms are themselves businesses with rights and autonomy. Proposals that treat them instead like mere products on a shelf are a serious threat to our members' business models. ACT has filed several amicus briefs at various stages of the *Epic Games v. Google LLC* proceeding urging that such a proposal requiring Google to make the Play store catalogue freely available to third-party app stores be abandoned.²
- Rigorous economic analysis is a cornerstone of any review or enforcement and must be continued in the Australian review process. Economic analysis provides a transparent and objective method of evaluation in enforcements and allows businesses to predict when their actions may or may not create antitrust enforcement concerns. Reducing the role of or removing economic analysis from Australian competition decision-making processes would create uncertainty for businesses, disrupting legal and business certainties and limiting the ability of the innovative companies we represent to succeed.
- Objective data-driven evidence showing systemic harms should be used to inform any changes made to competition reviews or enforcements, rather than edge use cases and hypotheticals. Specifically, vertical integrations should not be viewed as inherently anticompetitive or as innately having a negative effect on competition and consumers. Such assumptions stand in stark contrast to both objective evidence and the experiences of our members.

In many previous written submissions to ACCC, the Treasury, and other policymakers around the world, ACT has explained how the potential of upending the pro-competitive aspects of digital platforms that small businesses rely on significantly undermines the predictability and uniformity that is central to successful commercial relationships driving digital economy growth and job creation. Specifically, the years of litigation leading up to this point have often left developers unsure of their rights and of what the Australian (and global) landscape will look like in the next year, much less in the next five. After years of growing uncertainty, ACT believes that the proposed settlement will create needed

² <https://actonline.org/wp-content/uploads/App-Association-Amicus-24-6274-23-Oct-2024-Stamped-24-Oct-2024.pdf>.

stability in the marketplace and represents a workable solution to the important issues at the core of this case. ACT therefore supports ACCC's proposed decision to authorise the revised settlement submitted on 6 March 2026 and urges the Commission to retain this decision as it finalises the Draft Determination of 22 July 2026.

ACT shares the Australian government's goals of advancing competition and innovation in digital platforms. We encourage the ACCC's efforts to understand the dynamics of the digital platform services marketplace and the impact of certain regulations around the globe before recommending new policies. We are committed to working with the ACCC and others across the Australian government to bring the benefits of the dynamic app economy to all Australian consumers and businesses through the development of balanced consumer protection and competition policies.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Scarpelli', with a stylized flourish at the end.

Brian Scarpelli
Senior Global Policy Counsel

Chapin Gregor
Global Policy Counsel

**Association for Competitive
Technology**

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