ACT
Association for
Competitive Technology

17 April 2026

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

RE: ***Comments of ACT | The App Association to the Australian Competition and Consumer Commission regarding Google LLC and Epic Games, Inc. application for authorisation under the* Competition and Consumer Act 2010 (Cth)**

Dear Chair Cass-Gottlieb:

ACT | The App Association appreciates the opportunity to provide input to the Australian Competition and Consumer Commission (ACCC) as it considers Google LLC and Epic Games, Inc.'s application for authorisation of their settlement agreement under the *Competition and Consumer Act 2010* (Cth).[1]

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 2.3 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; therefore, the Australian government's inquiry into digital platforms is directly relevant to us, and we urge for the careful consideration of our views.

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

- Small businesses operating within and across the digital economy rely 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

- 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 as it 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/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, as such assumptions stand in stark contrast to both objective evidence and the experiences of our members.

ACT also reiterates its call for ACCC, the Treasury, and other policymakers to refrain from taking significant action before carefully studying the impacts of mirroring the European Union's Digital Markets Act (DMA) approach to digital platforms, particularly in the context of Australian trade priorities and goals. We urge Australian policymakers to appropriately avoid one-size-fits-all approaches to digital platform practices. The DMA is antithetical to the free and fair trade principles and conditions that have enabled digital economy success and growth, and the potential of its replication in other important markets like Australia is a threat to innovation and job creation. Digital economy use cases, including search services, should be evaluated on a case-by-case basis and addressed through a

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

scaled approach to mitigating demonstrated harms. The DMA's implementation, which is ongoing, continues to illuminate how blanket bans across diverse markets in the digital economy are intensely difficult to operationalise and comply with, and calls into question how the DMA's provisions will accomplish European policymakers' goals. Rather than build a regulation around technology- and modality-neutral goals, the DMA has put rules into place responding to rare and hypothetical use cases and is applying those rules to the entire digital economy. Australia's approach has not, and should not, shift to mirror the approach to digital platform regulation in the DMA; at most, Australia should observe the impacts of the DMA's implementation before considering adopting similar approaches.

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 stability in the marketplace, and represents a workable solution to the important issues at the core of this case. ACT therefore urges ACCC to approve the revised settlement submitted on 6 March 2026.

ACT shares the Australian government's goals of advancing competition and innovation in digital platforms. We applaud 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,

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