

Background Paper

Anticompetitive Effects of Apple's App Tracking Transparency Framework

In April 2021, eight associations from the media and advertising industry filed an abuse complaint against Apple's App Tracking Transparency Framework. The German Federal Cartel Office (Bundeskartellamt) subsequently opened a formal proceeding in June 2022. In February 2025, the authority informed Apple that it had identified "significant competition concerns" regarding the system.

According to the Bundeskartellamt's preliminary assessment, the procedure introduced by Apple in 2021 violates European and German competition law. At its core, the issue is that Apple uses the system to unilaterally restrict how companies within its digital ecosystem can interact with their users.

Under European data protection law, app publishers can obtain the user consents required for lawful data processing in a single consent procedure. Technical standards for such individualized consent processes have become established in the market, such as so-called Consent Management Platforms, which allow consent to be collected and managed across devices.

However, with the App Tracking Transparency Framework, Apple obliges app publishers to present users with an additional prompt defined by Apple, on top of these data-protection-related consents. As a result, users must grant two separate consents for the same data processing activity. Even if users agree to data processing through the consent management procedure, app publishers do not gain access to relevant data if the additional Apple prompt is rejected. This duplication of consent requests has led to significantly lower consent rates and to so-called "consent fatigue." The economic consequences have been substantial: due to restricted access to advertising-relevant user data, revenues at some app publishers dropped by up to 80 percent—even though users had previously explicitly agreed to the data processing.

In addition, Apple designed the wording and presentation of the consent prompt within the App Tracking Transparency Framework in a way that encourages users to reject data processing. By contrast, for comparable data processing carried out by Apple itself for advertising purposes, the consent prompt was designed to encourage users to grant consent. The Bundeskartellamt sees this as a possible self-preferencing practice by Apple, which further intensifies the competitive disadvantages for other market participants.

Fines in France and Italy

Other competition authorities have already criticized Apple's conduct. In March 2025, the French competition authority imposed a fine of €150 million for the behavior. In December 2025, the Italian competition authority also found a "serious" violation of European competition law and imposed a fine of €98 million. In addition, competition authorities in Poland, Portugal, and Brazil have opened proceedings regarding the App Tracking Transparency Framework.

In Germany, companies with so-called "paramount significance for competition across markets" are subject to particularly strict antitrust rules under Section 19a of the German Competition Act (GWB). Therefore, special attention is being paid to the Bundeskartellamt's proceedings. In addition to the obstruction of competitors already identified in France and Italy, a potential self-preferencing by Apple is also under scrutiny.

Apple's Proposed Commitments

In response to the Bundeskartellamt's preliminary assessment, Apple submitted proposals intended to address the competition concerns. The authority subsequently initiated a market test in December 2025.

In essence, Apple proposed aligning the central consent windows used in the App Tracking Transparency Framework and those used for Apple's own advertising-related data processing in terms of content, wording, and visual design. Technical processes were also to be described more clearly and accurately. In particular, Apple announced that it would in future design its own consent prompts in a data-protection-compliant manner.

However, the fundamental system would remain unchanged: app publishers would still have to obtain a separate consent prompt within the App Tracking Transparency Framework, in addition to the consents collected through a Consent Management Platform.

Negative Feedback in the Market Test

The market test produced a clear outcome: all participating companies – whether content providers, advertisers, or advertising service providers—concluded that Apple's proposals are conceptually unsuitable for addressing the existing competition concerns.

According to market participants, the proposals would actually worsen the situation while offering no identifiable benefits for data protection or competition. From the companies' perspective, Apple's proposals fail to address the core problem. App publishers would still have to run two separate consent procedures for the same data processing activity. The duplication of consent prompts—viewed by the industry as anti-competitive and unnecessarily confusing for consumers—would therefore remain.

The competition concerns do not primarily target the specific design of Apple's consent windows or their data-protection assessment. The real issue is that Apple creates an additional mandatory access barrier to advertising-relevant user data through the extra prompt. In practice, this functions like a market entry barrier for competitors in the advertising market, without being justified by consumer data-protection interests, which are already comprehensively safeguarded under European data protection law.

Associations Call for a Prohibition Decision

In light of the negative feedback from the market test, the participating associations were instructed by their members to urge the Bundeskartellamt to reject Apple's proposed commitments. According to the associations, the proposals fundamentally miss the core issue, meaning that even a revision would not provide an adequate solution.

Instead, the associations call on the Bundeskartellamt to issue an effective prohibition decision without delay following the failed discussions with Apple. Clearly formulated anti-circumvention provisions and a sufficiently deterrent fine should ensure that Apple does not continue the contested abuse in another form.