

NEWS | 19 May 2025

The French Competition Authority fines Apple 150 million EUR for abuse of dominant position in the mobile applications distribution sector

In its [decision No. 25-D-02](#), adopted on 31 March 2025, the French Competition Authority (the 'Authority') sanctioned Apple for abusing its dominant position in the mobile applications distribution sector through the implementation of its "App Tracking Transparency" ('ATT') system between April 2021 and July 2023.

This ATT system allows iPad and iPhone users to consent to the collection of their personal data in order to access the "Identifier for Advertisers" ('IDFA'), which tracks the use of applications and websites.

Apple is not being faulted for seeking to protect personal data, it is however the manner in which the ATT system was implemented that poses a problem, in that it is neither necessary nor proportionate to that objective.

More specifically, the Authority considered that Apple's methods to implement this system were abusive under competition law and contravened the rules of the French Data Protection Act.

Infringements

First, Apple's ATT system did not comply with data protection requirements regarding the obtaining of consent. As a result, application developers had to use an additional consent-gathering interface (known as the "consent management platform" ('CMP')), and users of third-party applications consequently encountered usability difficulties due to the numerous consent windows.

Second, the Authority established that the ATT system lacked neutrality. Indeed, it allowed the collection of user consent for tracking in third-party apps and websites. However, under Apple's ATT system, user consent had to be given twice for tracking to occur, while a refusal needed to be expressed only once. This imbalance disadvantaged certain application publishers and advertising service providers.

Finally, third-party publishers were required to obtain double confirmation of consent, whereas Apple did ask for consent from users of its own applications, thereby facilitating their use.

These infringements were found to harm certain publishers who are not data owners. These publishers suffered a loss of business due to the absence of advertising essential to their activity.

The cooperation between the CNIL and the Authority

This decision also highlights the ongoing cooperation between the CNIL (France's data protection authority) and the Authority to better align personal data protection and competition law, ensuring a fair and transparent market.

In fact, the Authority took into account the CNIL's opinion when conducting its competitive assessment of Apple's practices.

Penalties

The Authority fined Apple 150 million EUR for violating Article L. 420-2 of the French Commercial Code and Article 102 TFEU, and ordered Apple to publish a summary of the decision on its website for one week.

This decision is subject to legal remedy.