

CONSULTATION RESPONSE

Apple and Google mobile ecosystems roadmap of possible measures

Overall impact

The evidence in the SMS proposed decision for mobile ecosystems is consistent with a sector in which many consumers are broadly satisfied with their phones¹ and there is innovation and other improvement occurring over time.² In that context, there is a heightened risk that CMA interventions will be counterproductive, this is not a market in which consumers are starting from a particular position of frustration or lack of practical choices.

As CCIA noted in its response to the Google Search roadmap,³ interventions should be excluded as well as included in the roadmaps. Many of the interventions are described in broad terms, which is understandable at this stage, but this is combined with a large number of conduct requirements described being considered now; later; or depending on events. If the CMA set out some interventions that it had considered but decided not to pursue, that would give stakeholders a much better sense of where to focus their efforts and manage expectations. Uncertainty will deter innovation and investment and mean CMA and stakeholder responses are expended on speculative complaints.

The rest of this submission addresses selected specific points within the prioritisation. Far too many conduct requirements are being considered overall, however. Innovation depends on investments by the mobile ecosystem providers themselves and their commercial partners in the ecosystem. This includes introducing features such as AI developed which, while they might be developed globally, have been held up by uncertain and/or unclear regulatory expectations in other settings.

Multiple years with almost every element in mobile ecosystems facing potential requirements will not match the 4Ps approach outlined by the CMA. It will be a necessarily slow, unpredictable and unmanageable process not proportionate to any consumer harm identified in the proposed decision.

Review and ranking of apps

CMA proposes to require “fair, objective and transparent” ranking and review of apps and constraints on how data is used as Category 1 measures.

Apple and Google both have a strong incentive (in line with the various incentives to provide a positive user experience described in the Proposed Decision) to review and rank apps

¹ This is covered in paragraph 6.36 of the Apple proposed decision and 6.47 of the Google proposed decision.

² This is covered in paragraph 6.43 of the Apple proposed decision and 6.54 of the Google proposed decision.

³ Available here: <https://ccianet.org/library/google-search-roadmap-of-possible-measures/>

fairly, objectively and transparently. They publish information about how this is done.⁴ There is no evidence this is a general or urgent problem with this process. Regulating app reviews and rankings, with the inflexibility that would inevitably create, has significant risks.

Reviewing and ranking apps requires balancing a number of priorities, including:

- Consumer access - helping consumers find the apps that they will find most helpful and also ensuring that the app store itself is attractive and easy to use.
- Developer distribution - both the developer whose app is being reviewed and ranked, and others that might seek to reach the same consumers
- Online safety - this might include regulatory requirements, but also platforms enforcing their own terms and conditions to promote a positive consumer experience.

If CMA intervention goes beyond the existing transparency and provided by Apple and Google and/or makes the rules simpler and more rigid, it is likely to make it easier for developers to game the system and undermine one or more of these priorities. A minority of developers can adjust their apps (often superficially and sometimes even fraudulently) to manipulate where they appear in rankings. Making it both easier to identify vulnerabilities and harder to address any problems (as mobile ecosystem providers have additional regulatory hurdles to or risks in making changes) could mean that the consumer experience degrades over time, undermining consumer trust in the entire ecosystem and hurting developers.

Even without this kind of distortion, constraints on app stores could favour established apps over newer apps, particularly if the role of advertising or editorial judgement is diminished. This would hurt competition among apps.

The risks around data usage are simpler. Google and Apple generally do not compete with the most popular apps on their stores and evidence has not been provided that shows either company exploiting such data to gain an unfair advantage. The Roadmap does not set out a clear basis for intervention in these areas. Regulation could easily have a disproportionate impact on the wider organisation.

Complicating the development of apps in segments where they do compete, but often have a smaller share than competitors is likely to be outright anti-competitive. For example, neither Google or Apple match Microsoft's share in office productivity software or Spotify's share in music streaming. Any intervention in this area should be given sufficient time and attention for these kinds of risks to be understood and addressed.

AI investigation

CMA proposes to “explore the factors likely to be of particular importance for the development” of AI in mobile ecosystems as a Category 2 potential measure.

Many companies with popular digital services have the means to distribute AI-related products and Apple and Google's mobile ecosystems are by no means unique in this regard.

⁴ Google: <https://support.google.com/googleplay/android-developer/answer/9958766?hl=en-GB>.
Apple: <https://developer.apple.com/distribute/app-review/>

Companies that do not have the most capable AI assistants, but who have services where they can be integrated can cooperate with those with highly capable AI assistants and fewer routes to distribute them and compete with companies that have both. This is evidently happening in the market as it stands with a mix of companies developing their own models (e.g. Google developing models that will be used in Android) and partnering with dedicated AI developers (e.g. Apple partnering with OpenAI for capabilities that are made available in their devices; Amazon's Bedrock service which enables developers to more easily deploy different foundation models).

Competition in AI services is highly dynamic.⁵ Singling out individual services subject to SMS investigations will have a disproportionate impact on those constrained because of conduct requirements versus equivalent services that are able to integrate their services freely. While this might be mitigated over time by other DMCC designations, the pace of development in the AI services sector means the CMA risks distorting the market significantly with lasting consequences.

In this particular case, there is a serious risk that open-ended CMA interventions will complicate and deter the launch of new services particularly in the UK. Apple and Google might feel they need to negotiate these services with the CMA in advance or risk regulatory interventions after a launch. This potential measure should be deprioritised or excluded from the roadmap.

Interoperability

CMA proposes a broad requirement for Apple to “fairly and objectively” consider requests from third parties for interoperable access to functionality in its operating systems as a Category 1 potential measure.

Apple already provides interoperability options for developers, including in the UK. Making free access a regulatory requirement on such a broad basis would mean enormous uncertainty for development of the operating system. Any investment in new features would potentially mean new demands for further investments to support interoperability and deliver this securely. Given that services are often developed globally, Apple could be faced with a choice to create expensive UK-specific alternative services, alter global services to address UK-specific regulatory demands or withdraw (or not deploy) some services in the UK. The latter would have significant costs for UK consumers and businesses, undermine investment and growth

Given the likely much lower costs of requesting interoperability versus reviewing its practicality and implementing it if practical, this could be a blank check for demands on iOS development and therefore a drag on valuable innovation. It could also create open-ended demands on the CMA to review compliance not with a specific requirement for

⁵ Copenhagen Economics, Generative Artificial Intelligence: The Competitive Landscape, February 2024, <https://copenhageneconomics.com/wp-content/uploads/2024/03/Copenhagen-Economics-Generative-Artificial-Intelligence-The-Competitive-Landscape.pdf>
RBB Economics, Competitive Dynamics of Generative AI, June 2025, <https://www.rbbecon.com/publication/article/why-current-genai-market-dynamics-suggest-competition-is-working/>

interoperability but all kinds of interoperability demands, the technical analysis of which will often demand very specific knowledge.

This potential measure should be excluded from the roadmap.

Choice architecture

CMA proposes choice architecture in a number of areas including payments and browsers as Category 2 and Category 3 potential measures.

Changes to choice architecture create a point of friction for customers, particularly if the choice is forced, regular, and there is no potential for an easy default. It also undermines integration within mobile ecosystems that is a common space for innovation. It forces compartmentalisation which will inevitably limit innovation going forward (and therefore also limit competition via differentiation).

In the European Union, the challenge of designing “choice screens” is not new; it has vexed regulators for years, long predating the Digital Markets Act (DMA).⁶ Critical questions persist: How many alternatives should be displayed? How often should users be prompted? What constitutes enough information for an informed decision without overwhelming the user? Crucially, how should regulators handle security risks and prevent fraudulent or state-influenced services from being promoted to consumers?⁷

Yet, this focus on the mechanics of choice screens may overlook a fundamental contradiction: choice screens are not the panacea for consumer welfare that EU regulators envision. A forthcoming consumer survey reveals that a majority of Europeans prefer integrated experiences that the DMA's approach runs counter to. For example, 59% would rather go directly to their chosen apps than use a choice screen, and an identical percentage want to see a platform's own services and products displayed prominently. In large countries like Spain, France, and Italy, this preference is even more pronounced, oscillating between 70% and 75%.⁸

This apparent disconnect between regulatory theory and consumer preference points to a broader issue. Meaningful choice stems from genuine service differentiation, a principle the DMA's framework risks undermining. Provisions such as Articles 6(3) and 6(5), for instance, force the disintegration of connected services, disrupting the very ecosystems that create value. This leads to reduced visibility and higher costs for businesses, and a more fragmented, less efficient experience for users who lose helpful integrations like embedded maps in search results.⁹

⁶ See for instance the 2018 European Commission antitrust decision in Case AT.40099 (Google Android), https://ec.europa.eu/competition/antitrust/cases/dec_docs/40099/40099_9993_3.pdf

⁷ It is worth noting - for example - that the Yandex browser, owned by a Russian company subject to Russian data localisation laws, was listed as a potential default choice under the Commission's initial DMA guidance for several months.

⁸ Nexttrade, forthcoming.

⁹ For more, see *Economic Impact of the Digital Markets Act on European Businesses and the European Economy*, LAMA Economic Research (June 2025), <https://www.dmcforum.net/wp-content/uploads/2025/06/120625-FINAL-CCIA-DMA-Report-1.pdf>

As the CMA considers options on choice architecture, it is crucial not to lose sight of core consumer habits and expectations, especially as consumers' digital savviness increases over time.

Steering

There are obvious risks with anti-steering measures in that: (a) consumers could be steered towards payment options that have a greater risk of fraud or other consumer harms; (b) requiring mobile ecosystem providers to find other means of supporting app stores and related infrastructure. Generally speaking, it should be exceptional for stores to be required to operate in such a way that sellers and consumers can easily work around paying for the services those stores provide.

The EU's experience under the DMA shows the challenge of applying anti-steering rules in practice. Under Article 5(4), the Commission views compliance not just as "allowing" steering by third parties, but as actively enabling steering through contractual and technical means,¹⁰ requiring companies to give core technological infrastructure to developers, including those with significant market power, free of charge. With no clear limits on "technical enablement," the obligation's scope is open to interpretation, compliance guesswork, and shifting enforcement. It is also an outcome that seems to depart from traditional market economy principles, edging closer to mandated cross-industry subsidisation.

Security concerns add further uncertainty. The DMA offers no explicit security exception for Article 5(4), and the Commission has so far avoided investigating related risks,¹¹ though it has signalled that "objectively necessary and proportionate" restrictions could be justified.¹² But steering shouldn't be made "unduly difficult," suggesting that steering should take place no matter what.¹³ Put together, such vague and untested proportionality criteria are inviting inconsistent application, prolonged disputes, and potential harmful impacts on consumer protection.¹⁴

¹⁰ See European Commission Decision in case DMA.100109 (Apple)
https://ec.europa.eu/competition/digital_markets_act/cases/202523/DMA_100109_929.pdf, paragraph 72-74

¹¹ The scope of the European Commission's (yet-to-be-published) study on security concerns under the DMA addresses uninstallation of software applications (Article 6(3) DMA), side-loading (Article 6(4) DMA), and vertical interoperability (Article 6(7) DMA), but not anti-steering. See European Commission, DMA: Commission launches call for tenders for a study on mobile ecosystems (19 September 2023)
https://digital-markets-act.ec.europa.eu/dma-commission-launches-call-tenders-study-mobile-eco-systems-2023-09-19_en

¹² See European Commission Decision in case DMA.100109 (Apple)
https://ec.europa.eu/competition/digital_markets_act/cases/202523/DMA_100109_929.pdf, paragraphs 63, 79, 96, 113, 114, and 199

¹³ Ibid., paragraph 99

¹⁴ See Kati Suominen, Center For Strategic & International Studies (CSIS), "New Costs and Cybersecurity Challenges Flagged as DMA Compliance Starts" (Mar. 20, 2024),
<https://www.csis.org/analysis/new-costs-and-cybersecurity-challenges-flagged-dma-compliance-starts>.

These risks are currently being navigated by other jurisdictions and therefore this seems like an area where the CMA should consider the challenges experienced by other jurisdictions pursuing this approach and if and how those can be mitigated.

OEM agreements

Subject to international developments, CMA proposes action on Google's agreements with device manufacturers.

Agreements with OEMs generally fulfil important functions. They are a source of revenue for manufacturers, improving the economics of establishing a handset business and thereby supporting competition in that adjacent sector. They can also promote quality and consistency, improving standards for consumers and supporting competition both between Android handset manufacturers and with Apple. Consumers generally expect that, when they buy a phone, it will come with apps that they can use to browse the Internet and perform basic functions.

These agreements generally do not preclude others, e.g. manufacturers can strike pre-installation agreements for non-Google apps. Consumers install other apps and change their defaults.

Like any medium- to long-term commercial agreement, OEM agreements will be sensitive to the risk of regulatory disruption. Handset manufacturers also need to make long-term investments. The CMA should exclude intervention in this area to avoid deterring such investments unnecessarily.