Progress update on the Mobile Browsers and Cloud Gaming Market Investigation

1. This document sets out an update on the CMA's market investigation into the supply of mobile browsers and browser engines, and the distribution of cloud gaming services through app stores on mobile devices in the United Kingdom. The investigation is being conducted by an independent inquiry group.

2. Details of the scope of this investigation can be found in our Issues Statement, which outlined initial theories on what might be affecting competition and potential remedies[1] and is available alongside other information on our case page.[2]

3. The investigation was suspended with effect from 31 March 2023 following an appeal by Apple and a subsequent Competition Appeal Tribunal (**CAT**) judgment and order. It recommenced on 24 January 2024, in accordance with an order of the Court of Appeal following a judgment which determined that the CMA's decision to make a market investigation reference was lawful and setting aside the CAT's judgment.

4. Since we began this market investigation in November 2022, we have gathered a wide range of evidence to inform our analysis of how competition is working in relation to mobile browsers, browser engines and cloud gaming. The main evidence gathering carried out to date in this market investigation has included:

    (a) a series of information requests, including through the use of our compulsory powers,[3] to the main parties of this investigation;

    (b) site visits to Apple and Google in March 2023;

    (c) a large number of information requests to third parties, including browser vendors, app developers, original equipment manufacturers and cloud gaming service providers;

    (d) meetings held with and submissions received from a range of interested parties;

---

[1] Issues Statement
[2] Mobile browsers and cloud gaming - GOV.UK (www.gov.uk)
[3] Section 174 Enterprise Act 2002 (legislation.gov.uk) (the EA02)

(e) commissioning primary research, specifically qualitative research with web developers and qualitative research and a quantitative survey with smartphone users;

(f) the appointment of a mobile security expert adviser to assist the inquiry group in its assessment of the security of mobile device software; and

(g) engaging a member of the CMA's Digital Expert Group[4] to provide advice on mobile browsing and internet standards more generally.

5. Today we have published the first set of our working papers, as set out below.

6. Working papers in this investigation set out a snapshot of the CMA's work to date and any emerging views of the inquiry group, based on the evidence we have seen and the analysis we have conducted to date. These papers do not set out any provisional decisions. The inquiry group is carrying forward its information-gathering and analysis and will proceed to prepare its provisional decision report later this year.

Forthcoming publications of working papers

7. We have published today working papers (**WP**) on the following areas:

(a) WP1 – The nature of competition in the supply of mobile browsers and browser engines

(b) WP2 – The requirement for browsers operating on iOS devices to use Apple's WebKit browser engine

(c) WP3 – Access to browser functionalities within the iOS and Android mobile ecosystems

8. We expect to publish papers on the following areas in early July:

(d) WP4 – In-app browsing within the iOS and Android mobile ecosystems

(e) WP5 – The role of choice architecture on competition in the supply of mobile browsers

(f) WP6 – Cloud gaming services: nature of competition and requirements for native apps on mobile devices

9. We expect to publish 'WP7 - Potential remedies' by early August.

---

[4] Biographies of the CMA's independent digital experts - GOV.UK (www.gov.uk)

10. Our aim in publishing these working papers is that we provide where possible a summary of the evidence we have seen and an indication of our thinking to enable interested parties to submit their views and any further relevant evidence on our work to date.

Primary research

11. We have commissioned two primary research projects in this market investigation:

   (a) Research with smartphone users, to measure and develop our understanding of consumer behaviour in the mobile browser market, with a particular focus on understanding the role of pre-installation and the drivers of browser choice on smartphone devices. This research includes a qualitative phase comprising interviews and task observation, in addition to a quantitative survey.

   (b) Research with web developers, to understand their experiences when working with mobile browsers and mobile browser engines.

12. The early findings from this research will be included where relevant in our working papers, as they inform our consideration of the theories of harm set out in our issues statement. In particular, the qualitative and quantitative consumer research provides original data to inform the evaluation of the impact of choice architecture practices on competition in mobile browsers, as discussed in detail in 'WP5 - The role of choice architecture on competition in the supply of mobile browsers'.

13. We have published today an overview of:

   (a) The key findings from the qualitative research with smartphone users; and

   (b) The full report from qualitative research with web developers.

14. We expect to publish the key findings from the quantitative survey of smartphone users alongside 'WP4 – In-app browsing within the iOS and Android mobile ecosystems', 'WP5 – The role of choice architecture on competition in the supply of mobile browsers' and 'WP6 – Cloud gaming services: nature of competition and requirements for native apps on mobile devices' in early July.

15. The full research report covering both the qualitative research and survey of smartphone users will be published in August.

16. Analysis of the qualitative and quantitative research is continuing and, as a result, our thinking on what the research evidence tells us will evolve.

Next steps

17. We will hold hearings with Apple and Google in July. We will publish summaries of these hearings on our case page in due course.

18. As set out in our published administrative timetable, we expect to publish our provisional decision report in October 2024. A final decision must be made and published by our statutory deadline of 16 March 2025.

19. We welcome submissions of relevant evidence to our inquiry. Any interested party wishing to respond to our working papers or to submit evidence should do so in writing by emailing to browsersandcloud@cma.gov.uk. Submissions in response to the working papers should be made by the deadlines set out in each of the working papers. For the working papers published today, these deadlines are **22 July 2024**.