

CMA Mobile Browsers and Cloud Gaming Market Investigation
Provisional Decision Report - Meta Response
Submitted 13 December 2024

1. Introduction

- 1.1. This submission provides Meta’s views and feedback on the Competition and Markets Authority’s (**CMA**) Provisional Decision Report (**PDR**) in the context of its Mobile Browsers and Cloud Gaming (**MBCG**) Market Investigation.
- 1.2. In general, Meta supports the CMA’s provisional findings in the PDR, in particular its finding that Apple’s ban on third-party developers using alternative browser engines for in-app browsers (**IABs**) reduces competition not only in the market for supply of IAB technology on iOS, but also in the related markets for mobile browser engines and mobile browsers on iOS. Meta commends the independent inquiry group for effectively triaging a wide evidence base from various parties with different incentives to reach these provisional conclusions.
- 1.3. For completeness, in this submission, Meta seeks to provide some specific feedback and observations on the CMA’s PDR and on Apple’s submissions. Meta’s key feedback can be summarized as follows:
 - 1.3.1. First, Meta submits that Potential Remedy 3 (in relation to IABs) should not exclude Progressive Web App (**PWA**) functionality.
 - 1.3.2. Second, [CONFIDENTIAL].
 - 1.3.3. Third, Meta voices its support for the CMA’s recommendations with regards to user awareness of IABs.

2. Potential remedies and PWA functionality

- 2.1. Meta welcomes Potential Remedy 3a, which requires Apple to (i) allow native app developers on iOS in the UK to use a custom browser engine; and (ii) provide interoperability with custom browser engines for in-app browsing. If correctly designed, Meta considers that this Potential Remedy could effectively promote competition and innovation in the markets for IABs, mobile browsers and browser engines in the UK.
- 2.2. However, unlike Potential Remedy 1, Meta understands that Potential Remedy 3 is not intended to provide IABs using alternative browser engines access to PWA functionality, as the remedy proposal expressly excludes the “high-level parameter” relating to PWA functionality from the assessment of adequacy of access.¹
- 2.3. Meta submits that any remedy relating to IABs should not exclude PWA functionality. Whilst most IABs do not support PWA functionality today, this does not preclude the possibility that PWA functionality may become an important component of the range of functionalities that IABs support in the future. As Meta has noted throughout its engagement with the CMA, the browser landscape is complex and dynamic. In addition, the fact that many IABs do not support PWA functionality today is in large part due to iOS restrictions that prevent IABs from supporting such functionality; these restrictions diminish IAB developers’ incentives to make the investments needed to support PWA functionality, not only on iOS but also on Android (where restrictions preventing

¹ PDR, para. 11.177.

PWA-functionality support do not exist). Therefore IABs' current capabilities are a poor indication of their capacity for supporting PWAs in the future. As the CMA notes in its PDR,² PWAs are likely to become an increasingly important route to market for small developers going forward, and therefore it is important that this functionality is included in any remedy relating to IABs (which are themselves a vital competitive frontier within the browser landscape). More generally, any remedy related to IABs should not be limited to market players' current plans.

- 2.4. Meta notes that there already exists nascent interest from web developers in utilizing PWAs on its IAB. For example, [CONFIDENTIAL].

3. Separate binary requirement

- 3.1. [CONFIDENTIAL].³ As recognised by the CMA in the PDR, there are several [CONFIDENTIAL] alternatives available to Apple which would allow developers to use custom browser engines in certain regions but not in others.

3.1.1. First, as recognised in the PDR,⁴ rather than impose the 'separate binary' requirement, Apple could enable region-specific binaries, allowing browser vendors to retain single App Store entries and feature updates.

3.1.2. Apple already has the technical capability to send different binaries to different groups of users. [CONFIDENTIAL].⁵ Additionally, Apple has an existing Beta Software Program that delivers distinct code to certain users who participate in an app's beta testing phase.⁶ These examples demonstrate that iOS is already capable of supporting the selective distribution of app code.

3.1.3. Second, [CONFIDENTIAL].

3.1.4. Moreover, to comply with an order from the ACM in the Netherlands, Apple has made alternative payments mechanisms available to dating apps distributed in the Netherlands, without requiring them to 'create and use separate binary'.⁷ Instead, dating apps may distribute the same binary across jurisdictions, and Apple employs entitlements to block their use of alternative payment mechanisms outside the Netherlands.

- 3.2. [CONFIDENTIAL]⁸:

3.2.1. [CONFIDENTIAL].⁹

3.2.2. [CONFIDENTIAL].¹⁰

3.2.3. [CONFIDENTIAL].¹¹

3.2.4. Third, storage space today poses less of a constraint on browser apps than it did in the past. Given recent developments in mobile technology, the vast majority of

² For example, PDR, para. 4.99(c).

³ [CONFIDENTIAL].

⁴ PDR, para. 11.107.

⁵ [CONFIDENTIAL].

⁶ See: [Apple Beta](#).

⁷ See: [Update on StoreKit External Entitlement for dating apps - Latest News - Apple Developer](#) .

⁸ [CONFIDENTIAL].

⁹ [CONFIDENTIAL].

¹⁰ [CONFIDENTIAL].

¹¹ [CONFIDENTIAL].

mobile-device users (particularly, users of iOS devices) have ample storage space for apps. Meta has been mindful of the impact that increased file size might have on users' ability to access and use its apps, and has invested in compression and other techniques to reduce its apps' file sizes. [CONFIDENTIAL].

- 3.3. Finally, while Apple has dismissed the importance of A/B testing for developers of browser apps,¹² Meta's experience, consistent with the Mozilla Foundation's,¹³ is that the ability to conduct such testing is critical.
- 3.4. Meta conducted significant A/B tests before launching its custom browser engine on Android, and continues to conduct such tests of its browser engine. This testing has been essential to identifying and addressing bugs and performance issues, and to ensuring that Meta's custom browser engine IAB provides a better experience than the system webview can provide. Without A/B testing capability, Meta would have been unable to compare groups of users trying its custom browser engine IAB to the right control groups, rendering meaningful testing impossible.
- 3.5. And without the confidence that its A/B tests have provided, Meta would have lacked the confidence to make its custom browser engine IAB broadly available, or to invest the resources required to develop its custom browser engine IAB in the first instance.

4. User awareness of IABs

- 4.1. Further to Meta's submissions in respect of Working Paper 7,¹⁴ Meta supports unintrusive developer-designed measures that enhance users' awareness of the apps they are using, and agrees with the CMA's finding that, to the extent there is lower user awareness of IABs are present, this is in large part an inherent aspect of IABs, which "[aim to facilitate] a seamless transition between native and web content within the app."¹⁵
- 4.2. Meta strongly agrees with the CMA's position not to recommend more intrusive measures implemented at OS level, for example, disruptive information screens / disclosures or opt-out functionality. Such measures would only degrade the user experience of IABs, negatively impact advertisers, diminish the incentives of developers to innovate and invest in IABs, and ultimately serve to further entrench the position of the dominant browsers.¹⁶

5. Conclusion

- 5.1. Meta is generally supportive of the CMA's findings in the PDR, and notes that it is clear that the independent inquiry group has spent significant time and effort engaging with the feedback received on the Working Papers to recalibrate the findings of the PDR.
- 5.2. Meta is grateful for the opportunity to comment on the CMA's provisional findings, and stands ready to provide any clarifications or further information which may assist the CMA as it concludes its investigation.

¹² Summary of issues hearing with Apple held on 11 July 2024, para. 32.

¹³ PDR, para. 11.108(a).

¹⁴ See Meta's response to WP7, para. 3.7. et seq.

¹⁵ PDR, para. 10.10(b).

¹⁶ See Meta's response to WP7, para. 3.7. et seq.