

**MOZILLA SUBMISSION 2:
PROVISIONAL DECISION REPORT: IMPLEMENTATION OF BROWSER REMEDIES UNDER
THE MOBILE BROWSERS AND CLOUD GAMING MARKET INVESTIGATION**

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Introduction

As a long-time supporter of a separate regulatory framework to address market power within digital markets, Mozilla welcomes the introduction of the Digital Markets, Competition and Consumers Act 2024 (the “DMCCA”). As outlined in Mozilla’s separate submission dated 9 December 2024 in relation to Part 1 of Section 11 of the CMA’s Provisional Decision Report on 22 November 2024 (“PDR”), Mozilla’s preference would be for the CMA to swiftly implement remedies under its Enterprise Act 2002 (“EA02”) market investigation powers rather than waiting to for the CMA Board to implement remedies under the DMCCA.

However, if the CMA is not minded to implement remedies using its EA02 powers, and instead recommends to the CMA Board that the appropriate remedies/interventions should be put in place under the DMCCA powers, then Mozilla thinks it is vital that the CMA Board has all the information available to it to implement an effective remedies package.

We note in this regard, that the CMA’s proposed remedy as a result of the investigation includes in the PDR a recommendation to the CMA Board that “*it considers imposing appropriate interventions, such as those we have considered in this report.*” With this in mind, this submission focuses in particular on the potential remedies outlined in Part 2 of Section 11 of the CMA’s Provisional Decision Report published on 22 November 2024 (“PDR”)¹. Mozilla largely

¹ As the CMA is aware, Mozilla has already made a separate submission in relation to Part 1 of Section 11 PDR.

supports those potential remedies outlined in the PDR and commends the CMA for engaging in detail with the AECs and potential solutions. The comments in this submission are intended to assist the CMA to refine and improve those solutions.

In addition, this submission also considers further remedies which may have been rejected (or which are not discussed in detail) in the PDR. These include some of the remedies which were put forward in the CMA's Working Paper 7 dated 8 August 2024.

Finally, the submission also seeks to address certain sections of the PDR and 'Appendix A: Browser Comparison' where further context or input from Mozilla may be useful for the CMA's final decision.

Potential remedy 1 (iOS access for alternative browser engines)

Potential remedy 1 is set out at 11.82 PDR as follows:

"A requirement for Apple to allow use of alternative browser engines on iOS and iPadOS with access granted on iOS to browser vendors using alternative browser engines on equivalent terms to that made available to WebKit and Safari."

Mozilla supports the introduction of a remedy (enshrined in a DMCCA conduct requirement) which allows the use of alternative browser engines on iOS to WebKit, and in particular which provides (either in the conduct requirement itself or potentially in an accompanying guidance document) for the removal of the current clause 2.5.6 from Apple's App Review Guidelines, which requires third-party browsers to use WebKit. A provision which compels Apple to refrain from introducing any guidelines with similar effect in the future is also vital for the effectiveness of this remedy (as envisaged by the CMA at 11.83 PDR).

It is important to consider when setting any conduct requirements that Apple's current guidelines not only prevent browser vendors from offering an alternative browser engine to WebKit; they also prevent browser vendors from using their own modified version of WebKit. The CMA may therefore wish to ensure that any conduct requirement which includes a definition of 'alternative browser engine' specify whether this includes Gecko, Blink, but also alternative versions of WebKit to that developed by Apple. This broader definition of 'alternative browser engines' appears to be envisaged by the CMA but could be made explicit in the definitions section of the Apple conduct requirements.

Additionally, while it is encouraging to see that the CMA's potential remedy 1 suggests that access to iOS will need to be granted on 'equivalent terms' (and/or 'equivalent access' will be granted), any guidance accompanying the relevant DMCCA conduct requirement should set out more precisely what 'equivalent terms' and 'equivalent access' mean for these purposes (and should go further than requiring access on fair, reasonable and non-discriminatory ("FRAND") terms). 'Equivalent terms' could be defined, for example, as enabling (where appropriate) access through alternative means than those used by Safari, with such access to be on terms

which: (i) are FRAND; (ii) are at least as favourable as any access provided in relation to Safari; and (iii) take into account the particular features of the alternative browser engine. That said, the actual definition of 'equivalent terms' should not be too specific or prescriptive (such as referring to access to specific Apple APIs) since it would carry its own risk of failing to account for differences in browser engines seeking access to iOS. [§]

Mozilla broadly agrees with the high-level parameters outlined at 11.84 PDR which might be used to assess equivalence of access to functionality, and suggests that the detail of how these parameters might be applied in practice could be further developed in accompanying guidance to the relevant conduct requirement. Mozilla also agrees with the CMA that this should not be considered to be an exhaustive list of such parameters; Mozilla's experience with other operating systems is that ad hoc issues can arise with access to the functionality of operating systems which had not previously been anticipated. Any accompanying guidance for the relevant conduct requirement should therefore provide explicitly that this is a non-exhaustive list.

Mozilla agrees with the point made by the CMA at 11.105 PDR that concerns could arise if Apple sought to introduce terms for access which amount to disproportionate security and privacy considerations. [§].

It will therefore be important, when setting the conduct requirements and any accompanying guidance, as the CMA sets out at 11.92 PDR, to put in place:

- a mechanism for assessing the terms and conditions that Apple may seek to impose on parties which may apply for entitlements to provide alternative browser engines;
- strict transparency obligations to reduce the burden on the access seekers, the DMU and other affected parties; and
- a clear process for third-party browser vendors to request access to functionality and a mechanism for resolving disputes between Apple and browser vendors should these arise.

Such procedural protections (which should be embodied in the accompanying guidance for the conduct requirement) are vital in ensuring the effectiveness of the conduct requirement. Mozilla agrees with the CMA's suggestion at 11.126 PDR that an independent dispute resolution procedure should be put in place, enabling browser vendors to raise concerns if there is not sufficient information or access, and to report any instances in which any concerns raised have not been resolved satisfactorily or within an acceptable timeframe.

Mozilla agrees with the inbuilt risks identified by the CMA at 11.128 PDR to the effectiveness of this remedy. These concerns are justified and would need to be considered in whatever remedies package the CMA chooses to take forward under the DMCCA in relation to access to iOS for alternative browser engines.

As to the technical method by which Apple would provide access to iOS on equivalent terms,

Mozilla notes the CMA's view at PDR 11.100 that it should be left up to Apple how to achieve this (i.e. whether Apple (i) creates new iOS APIs for third parties or (ii) provides access to existing private APIs that exist as internal interfaces within iOS. In the first scenario, the process of giving access to new APIs for third parties should be monitored carefully by the CMA to ensure its effectiveness and that the new APIs are delivered within a timely manner. The key point here is transparency. In Mozilla's view, there should be a clear list of APIs (whether private or not) that WebKit and Safari have access to, and a separate list of the APIs available to alternative browsers. Apple should have to explain what affordances it has made/will make for third parties using alternative browser engines in relation to each (and the estimated timing for implementing these affordances). Where access has been withheld in relation to an API, Apple should set out the specific reasons for withholding access to any APIs or functionality which is available to Safari.

[REDACTED].

Potential Remedy 2 (equivalent WebKit access for WebKit-based browsers)

Potential Remedy 2 is set out at 11.82 PDR as follows:

“An interoperability requirement mandating Apple to provide equivalent WebKit access for all WebKit-based browsers on iOS and iPadOS.”

At the outset, it is worth noting that care should be exercised in terms of terminology here, to avoid the potential for some overlap (or at least, perceived overlap) here with Potential Remedy 1. Footnote 2020 PDR provides:

“Potential remedy 2 addresses potential issues for third-party browser vendors using the version of WebKit provided by Apple on iOS. It does not apply to browser vendors who would use their own version of WebKit as their alternative browser engine under potential remedy 1.”

With this in mind, Mozilla thinks it may be worth in any conduct requirement put in place under the DMCCA rather than referring to “all Webkit-based browsers” (which could lead to confusion) referring to “all browsers using the version of WebKit provided by Apple on iOS”.

Mozilla agrees with the CMA that potential remedy 2 would support browser competition on iOS, provided that concepts such as ‘equivalent WebKit access’ and ‘interoperability requirement’ are fleshed out sufficiently in conduct requirements and accompanying guidance. As with potential remedy 1, transparency and providing access in a timely manner are essential. There should be a clear list of APIs (whether private or not) to which WebKit and Safari have access, and a separate list of the APIs available to alternative browsers using Apple's version of WebKit. Apple should have to explain what affordances it has made/will make for third parties using Apple's version of WebKit in relation to each (and the estimated timing for implementing these

affordances). Where access has been withheld in relation to an API, Apple should set out the specific reasons for withholding access to any APIs or functionality which is available to Safari.

[§].

Potential remedy 3 (in-app browsing)

Potential remedy 3 as set out at 11.82 PDR is as follows:

“Remedy 3a: A requirement for Apple to allow native app developers on iOS and iPadOS to bundle their own engine to implement in-app browsing in their native apps with a requirement to enable interoperability with custom browser engine IABs (‘bundled engine IAB’)

AND

Remedy 3b: A requirement for Apple to allow alternatives to SFSafariViewController on iOS and iPadOS, the implementation of which would call upon mobile browsers (‘remote tab’).

The CMA further develops the description of this potential remedy at 11.163 PDR:

“There are two parts of this potential remedy which seek to address the two features contributing to provisional AEC 3 in in-app browsing:

(a) a requirement for Apple to: (i) allow native-app developers on iOS in the UK to use their choice of browser engine for in-app browsing within their native app (a ‘bundled engine’); and (ii) provide interoperability with bundled engines for in-app browsing (‘potential remedy 3a’); and

(b) a requirement for Apple to allow sufficient cross-app functionality to enable third-party browsers to provide in-app browsing in native apps, regardless of the browser engine used (‘potential remedy 3b’).

While Mozilla would welcome a set of conduct requirements in respect of IABs which removes Apple’s restrictions over in-app browsing, Mozilla is also in support of putting in place conduct requirements which honour a user’s choice of default browser when browsing in-app by requiring Apple and Google to implement IABs from the default browser. As Mozilla submitted in response to Working Paper 7, people typically have low awareness and comprehension of which browser might be called upon for in-app browsing. This is supported by the Verian research commissioned by the CMA which found low user awareness or understanding of in-app browsers. Accordingly, it is reasonable for users to assume that links will open with the pre-installed default if it has not been changed, or with the chosen default if a user has made this choice. Using the pre-installed default browser when a user has made an explicit choice to set an alternative default does not respect user choice and does not align with user expectations.

That said, Mozilla recognises that in designing a set of conduct requirements in relation to in-app browsing, a balance needs to be struck between honouring user choice and putting choice in the hands of app developers. It appears that, on the whole, the CMA is in favour of a set of conduct requirements in relation to in-app browsing which puts the discretion on which browser engine to use in the hands of the relevant app developer. While this would be an improvement from the status quo as regards competition in mobile browsers on iOS, Mozilla reiterates the importance, where possible, of the honouring of a user's choice of default browser.

For example, it may be possible to make users aware that they are using an IAB, and which browser they are using for the implementation of IAB. Users could be presented with the choice of defaulting to their default browser for IAB on first use of IAB within a particular native app (even if the relevant version the default browser is the WebKit version).

Indeed, as submitted in Mozilla's response to Working Paper 7, in general, Mozilla considers that information remedies are a necessary element to address not only the harm to browser competition which has occurred in mobile ecosystems, but also the impact on user expectations and habituation created by a lack of choice over many years. As such, we support remedies such as changes which aim to increase user awareness and understanding of IAB (and note Option B5 in working Paper 7 was: "*A requirement for Apple and Google to make users aware of being in an IAB by implementing changes to the interface or implement disclosures*"). For example, this could work either by way of an information screen for third party content in an IAB and/or a different in-app browsing interface. In either scenario, the precise remedy would need to be carefully crafted and thoroughly tested to ensure it did not create unnecessary friction or confusion.

Mozilla agrees with the CMA that for any potential remedy or set of conduct requirements to be effective in relation to IAB, there needs to be sufficient cross-app functionality enabled on iOS (such as the sharing of resources in relation to data and memory) between the IAB and the corresponding mobile browser to ensure that user experience is not compromised. It is important that any conduct requirements put in place provide for this, and that any supporting guidance or notes give (non-exhaustive) examples of what kinds of functionality would be essential for these purposes.

Mozilla notes that the CMA does not appear to have recommended a remedy in the PDR which would provide users with an option to opt-out of in-app browsers via a setting at the device level. Mozilla agrees with this conclusion. As submitted by Mozilla in response to Working Paper 7, such a solution may present a risk of unintended consequences. While it confers greater choice to users, it could also create breakages or a poorer user experience in some scenarios, such as removing the ability for app developers to have some necessary in-app browsing content like help pages.

Potential remedies 5 and 6 (choice architecture)

Our response to Working Paper 5 sets out Mozilla's position on many of the choice architecture issues in relation to mobile browser competition and potential remedies. We do not repeat those points here, but we focus on several specific points in relation to potential remedies 5 and 6.

5a and 6a: requirement for Apple and Google to ensure the use of a browser choice screen on device set-up

Mozilla welcomes the CMA's endorsement of this remedy. As submitted in its response to Working Paper 7, Mozilla's research has shown that presenting browser choice screens at device set-up (vs. at first use of the browser) could increase browser contestability and aligns with consumer's preferences.²

Care should be taken when drafting the relevant DMCCA conduct requirement/s (and potentially any accompanying guidance) to define a specific point during device set-up at which the choice screen should appear, and there should be further provisions on how the choice screen (and how the various options in terms of browsers) are presented. Mozilla would be happy to consult further with the CMA and SMS firms on these details in due course.

5b and 6b: requirement for Apple and Google to ensure to ensure the placement of a default browser selected by the user in the 'application dock'/'hotseat' or on the default homescreen at device set-up

Mozilla welcomes the CMA's endorsement of this remedy, and submits that this is a remedy which could and should be enshrined in conduct requirements for each of Apple and Google respectively.

Mozilla notes, however, that the CMA appear to have ruled out any placement requirements for existing users after device set-up, on the basis that:

"this can interfere with, or potentially override, existing user app customisation on the device home screen (ie where existing users have after the initial device set up chosen to place a different apps in the 'hotseat'/application dock)." (11.289 PDR)

While Mozilla understands this concern, Mozilla submits that to truly facilitate competition in mobile browsers, any set of conduct requirements needs to be tailored in such a way as to respect the default setting and facilitate usage of third party browsers - whether for new or existing devices. A browser's placement is highly likely to influence its usage. Having the default browser app in the dock or on the homescreen means it is significantly more likely to be used. The Verian research found that: *"Whether users moved the position of apps depended on how organised and digitally confident they were."* Where a user expresses a preference for a browser via a choice screen, the selected browser should be placed in the "hot seat." Placing

²See <https://research.mozilla.org/browser-competition/choicescreen/>

the default browser on the final page while the pre-installed option remains in the “hot seat” is likely to lead to the user unintentionally using the pre-installed option (contrary to their express choice) and is likely to reduce usage of the browser they have actively selected.

Should the CMA decide not to put a conduct requirement in place which automatically places the default browser in the ‘hotseat’/application dock upon selection of the default browser, the CMA should, at a minimum, introduce a requirement to offer to existing users a choice over placement; this should be shown at the point at which a choice screen is presented (for example on system updates) as to whether they wish to replace their current browser in the ‘hotseat/application dock’ with their new default browser. The requirement could specify that only browser apps need be replaced, therefore allowing user customisation should they wish not to have any browser in the ‘hotseat’/application dock.

5c and 6c: requirement for Apple and Google to ensure the use of a browser choice screen after device set-up

Mozilla welcomes the CMA’s endorsement of this remedy, which is particularly important in respect of existing devices which have already been set-up, but nevertheless remains important for new devices as well.

Mozilla submits that a DMCCA conduct requirement in this regard should specify specific points at which the browser choice screen should be presented to ensure optimal timing - and avoid interrupting people in the middle of a task. This seems to be supported by the arguments put forward by Apple at PDR 855. In line with Mozilla’s research, the most effective time to present a browser choice screen after device set-up is likely to be after any operating system updates are made to iOS or Android. Indeed this is something which the CMA appears to be in support of at 11.299 PDR, at least in respect of iOS (given Apple has control over both operating systems and mobile devices): “*In the case of Apple...this could be done at manufacture of new devices and via OS updates for existing devices.*” Equivalent obligations should apply to Google and Android.

This should not be understood to say that browser choice screens should *only* appear on device set-up and system updates. The presentation of browser choice screens should, at a minimum, be required at such junctures since these are typically the most effective point to encourage appropriate engagement with the choice screen.

5d and 6d: requirement for Apple and Google to ensure that the frequency of default browser prompts and notifications is limited across multiple access points

Mozilla has previously set out views (for example in response to Working Paper 5) on the trade-off between avoiding harms that can arise from overuse of prompts and the importance of permitting browsers to check whether they are set to default and to be able to prompt to set to

default. Such prompts should then be executable by iOS and Android users with one or two clicks (as is the case on desktop operating systems).³

While any restrictions should apply equally to Apple and Google's apps, it is important to recognise they are far less likely to benefit from such prompts given Safari and Chrome's positions as pre-installed defaults and their high market shares on iOS and Android respectively. Nevertheless, the drafting should prohibit any prompts at the point of a user using one of Google or Apple's other applications, such as Gmail, Google Maps, Mail or Apple Maps, following an active choice having already been made by the user to select an alternative default browser. Indeed, at 11.280 PDR the CMA appears to recognise that such a prohibition would be a necessary part of a wider number of provisions regarding limiting the frequency of default browser prompts and notifications in order to minimise unnecessary friction and maintain a satisfactory user experience.

5e: requirement for Apple to make adaptations to the user journey for changing their default mobile browser

Mozilla welcomes the CMA's endorsement of this remedy.

As Mozilla submitted in its response to Working Paper 7, [38].

Such adaptations to the user journey should be enshrined in DMCCA conduct requirements and accompanying guidance. One solution could be an overarching provision to 'easily facilitate' change of defaults supplemented by more specific requirements and/or accompanying guidance which set out positive design features which would be indicative of compliance, as well as practices in choice architecture which should be avoided. Mozilla would be happy to consult further with the CMA on the specific detail in due course.

5f: requirement for Apple to share user data on default browsers settings with browser vendors

Mozilla welcomes the CMA's endorsement of this remedy.

As outlined in Mozilla's response to Working Paper 7, the ability for browser vendors to understand whether their browser is set to default is critical, to understand and optimise usage of the browser and to ensure that users are given relevant information. Requiring the provision of user data on default browser settings to browser vendors is therefore important and an issue Mozilla has previously detailed in our Platform Tilt repository.⁴ On iOS, the lack of visibility into whether Firefox is set as default has significantly hindered our understanding of how many people are using Firefox and our ability to target the right users, at the right time, with the right information.

Mozilla notes that the CMA considers that this remedy could be implemented as an API that

³ Mozilla notes that Apple seems to support such a prompt at PDR 8.136

⁴ <https://mozilla.github.io/platform-tilt/>

browser vendors call to indicate whether their browser is currently set as default on a device (11.311 PDR). Mozilla agrees that this method of accessing data, allowing ‘live access’ to such data (as is currently the case with Android) is the simplest and most effective way of promoting effective competition. It is to be preferred to, for example, periodic updates/reports provided by Apple via a reporting API.

The relevant DMCCA conduct requirement/s and any accompanying guidance notes should be tailored in such a way as to provide for the minimum standard of data which is to be made available through the API.

We note the submission of the Information Commissioner’s Office referred to at PDR 11.312, and the CMA’s position that the information should only be shared with the consent of the user (for example when the user selects a mobile browser to download from the choice screen or App Store) obtained at the operating-system level. If consent were required at the operating-system level, then stakeholders such as Mozilla should be consulted on the design of any consent modals, to ensure that SMS firms do not present the choice in such a way as to discourage users from changing their default browser.

Remedies which appear to have been rejected but which should be considered further

Requirement for Google to grant equivalent access to APIs used by Chrome

We note that as set out at 5.104 to 5.129 PDR, the CMA appears to have concluded that any differences in functionality on Android between Chrome and third party browsers were minimal and did not affect competition.

In Mozilla’s view, however, this conclusion does not mean that there should not be a conduct requirement put in place which provides for timely access to any current and new functionality. As noted in our response to Working Paper 7, equivalent access to Android APIs used by Chrome to be a workable remedy.

The CMA, when putting in place conduct requirements under the DMCCA, should also consider whether other functionality beyond that available to Chrome may also facilitate choice and user switching. For example, there is currently no dedicated process for importing browser data on either iOS or Android; this is not surprising since Safari is pre-installed and set to default on iPhones and iPads and Chrome is often in the same position on Android.

Pre-installation of one or multiple alternative browsers on device set-up

Mozilla was disappointed to note that the CMA does not appear to be taking forward potential remedy C1 from Working Paper 7:

“A requirement for Apple and Google to ensure that multiple browsers are pre-installed, using defined criteria.”

The CMA is clearly aware of the negative impact on competition caused by pre-installing the OS provider's own browser on the device (in circumstances where no competing browser apps are pre-installed and competing for pre-installation is challenging or non-existent). For example, at 10.18 PDR, the CMA refers to a figure from a Verian report which indicates that only 16% of UK users download a different browser to the one pre-installed on their device.

This statistic alone provides a strong argument that, as a complement to choice screens at device set-up, alternative browsers could come pre-installed on a device on device set-up. As Mozilla submitted in response to Working Paper 7, increasing the number of browsers that users have pre-installed on their devices may increase both user awareness of alternative browsers and influence users' choice of which browser to use. It would also remove obstacles (both behavioural and user friction related) to downloading alternative browsers.

[§].

A requirement for Apple and Google to ensure that a user's choice of default browser is always followed across all browser access points

Mozilla was disappointed to see that the CMA does not appear to be (at least explicitly) endorsing this remedy in the PDR. In Mozilla's view a DMCCA conduct requirement to this effect would be an important part of driving effective competition in mobile browsers, and of honouring user choice.

Some of the points made above in relation to IABs also apply here. Furthermore, links to external websites within apps are an important driver of traffic for browsers, which in turn makes the browser more competitive. Mozilla submits that these links should link the user to the browser they have chosen as their default browser.

That said, should the CMA be minded not to enable the default browser for IABs or links to external websites within apps (on the basis of facilitating app developer choice, for example) there are of course, other important browser access points where it is important that the default browser should be the browser providing the user with access to the internet. Examples include voice assistants or widgets (such as Siri/Spotlight/Apple Intelligence on iOS devices).

A requirement for Apple and Google to allow users to uninstall Safari browser app on iOS and Chrome browser app on Android devices

We note that such a requirement was not included in the potential remedies set out in the PDR.

In respect of iOS, the CMA notes at 8.177 PDR:

"We were initially concerned that inability of users to uninstall Safari might limit user control and choice over the customisation of their device and could appear to create an implicit

endorsement and deter users from downloading an alternative browser. We provisionally conclude that users' ability to uninstall Safari is unlikely to impact users' ability to download an alternative browser given that users are able to remove Safari from the default home screen, and therefore, this is unlikely to limit competition between mobile browsers on iOS."

In respect of Android, the CMA notes at 8.278 PDR:

"Android users are unable to uninstall Chrome on their mobile devices when it has been installed by the OEM, while all other browsers that are downloaded by the user can subsequently be uninstalled. However, users are able to disable the Chrome app, which has the same effect as deletion of Chrome from the users' perspective."

and adds at 8.278 PDR:

"Google submitted that a user would not be able to resurrect the Chrome app once it has been disabled, unless the phone was re-set to its device factory settings. Instead, a user would need to navigate to the Google Play store and re-download Chrome."

Mozilla respectfully submits that the CMA should reconsider its conclusion on giving users the ability to uninstall Safari and Chrome when drawing up conduct requirements for Apple and Google under the DMCCA.

Turning firstly to Safari, simply removing Safari from the home screen does not address one of the main reasons why users would want to delete an app: the storage capacity/memory of the device. The Verian survey found that 47% of respondents said that storage capacity/memory were important factors when they selected a smartphone. It is further noted in Working Paper 5 that *"Not being able to uninstall an existing browser app may deter users from installing additional browsers onto their device. For example, users may not want to have multiple browser apps serving the same purpose or they may have concerns about memory restrictions due to the space taken up by a browser app they cannot uninstall."*

Turning to Chrome, it is not obvious to Mozilla that users are as familiar with the impact of choosing to 'disable' Chrome as they would be with the impact of uninstalling an app on Android.

Finally, Mozilla notes that such an obligation is already in effect in the EU. While the DMCCA, does of course, provide the CMA with the freedom to tailor conduct requirements in a way which diverges from the EU DMA obligations, Google and Apple must comply with this obligation in the EU (indeed Apple has recently introduced this capability in the EU only⁵). Given that it is technically feasible and already implemented, Mozilla considers it should be included in any conduct requirements relating to choice and choice architecture.

⁵ <https://support.apple.com/en-gb/121327>

A clarification to a point made at 7.121 PDR

We note that 7.121 PDR cites Mozilla in support of the point that “*offering remote tab functionality would be unlikely to substantially affect its user numbers.*” Mozilla respectfully submits that the CMA appears to have drawn an incorrect inference from this comment, insofar as the CMA is using it as evidence of the ‘limited interest of browser vendors in offering remote tab IABs’ (see 7.121 PDR).

While it is true that Mozilla does not increase its total number of users from IABs (since those same users would already have set Firefox as their default browser), and it generally cannot monetise IABs, the remote tab IAB is nonetheless important for Mozilla, since it drives more engagement with Firefox by users, which in turn increases Firefox’s market share as measured by site providers (who then invest more in Firefox compatibility). Implementing IAB remote tab browsing is therefore important for Firefox (and other browsers with smaller market shares) in driving engagement with the browser and raising brand (and site provider/app developer) awareness and engagement. While such benefits are ‘indirect’ that does not mean they are unimportant to Mozilla (as might be inferred from the wording of 7.121 PDR).

Indeed, as outlined above, Mozilla would welcome conduct requirements being put in place under the DMCCA which honour user choice in relation to IAB on iOS, where possible.

Mozilla’s submissions on Appendix A: Browser comparison

We have included below further context in relation to some of the content of Appendix A to the PDR:

- Web Platform Tests Project (WPT): Mozilla’s view is that, while WPT can be illustrative of some differences between browsers, it should not be overly relied upon to measure overall browser performance or as a metric for measuring improvements in Safari, for example. [§].
- Table 3.5: In Mozilla’s view, the distinction made between ‘All Chromium browsers’ and ‘Chrome only’ might give a misleading impression as to the number of exploited vulnerabilities which affected Chrome as compared to Firefox and WebKit. In this regard it might be helpful to have three Chrome-related categories (‘Chrome’, ‘Chrome only’, ‘All Chromium browsers’). Alternatively, if the purpose of the table is to show exploited vulnerabilities across particular browser engines (as opposed to browsers), there simply should not be a separate ‘Chrome only’ column and “Firefox” should be updated to “Gecko”.

Conclusion

In Mozilla's view, and as outlined in a separate Mozilla submission responding to the PDR, the CMA should use its powers under the Enterprise Act 2002 to put in place remedies, rather than waiting for the CMA Board to implement remedies under the DMCCA.

However, regardless of the procedural approach taken by the CMA, Mozilla largely supports the substance of the potential remedies and commends the depth and rigour the CMA has applied. It is vital to ensure that the work done during the mobile browsers investigation is not wasted. We urge the CMA to ensure that evidence gathered, submissions received and lessons learned are now deployed to set effective conduct requirements which take effect at the earliest possible opportunity.

Mozilla remains available to discuss the issues set out in this submission, or in relation to the Mobile Browser Market Investigation more generally, at the CMA's convenience.
