



12 February 2025

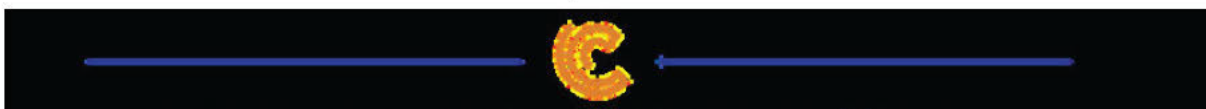
**Object: ITC Response to SMS Investigation into Apple
and Google Ecosystems**

Dear Sir/Madam,

Please find enclosed a submission from the Consumer Choice Center (CCC) regarding the CMA's investigation into designating Apple and Google's ecosystems as SMS .

As the UK Country Associate for the Consumer Choice Center, please do not hesitate to contact me at any stage for further information or discussion on consumer interests and rights.

Yours Sincerely,





About the Consumer Choice Center:

The Consumer Choice Center is a non-profit organisation dedicated to defending the rights of consumers around the world. Our mission is to promote freedom of choice, healthy competition and evidence-based policies that benefit consumers. We work to ensure that consumers have access to a variety of quality products and services and can make informed decisions about their lifestyle and consumption.

As an independent nonprofit organisation, the Consumer Choice Center relies on the support and funding from private donors. As described in our Code of Ethics, we strictly maintain editorial independence and do not give our funders any influence on editorial decisions. Our support comes from corporations, individuals, and foundations. We have a tiered membership model available to members who support us on a yearly basis, equalling silver, gold, and platinum status.

In the past and currently, we have received funding from multiple industries such as energy, fast moving consumer goods, nicotine, alcohol, airlines, agriculture, manufacturing, digital, healthcare, chemicals, banking, cryptocurrencies, and fin-tech.

Find out more at www.consumerchoicecenter.org

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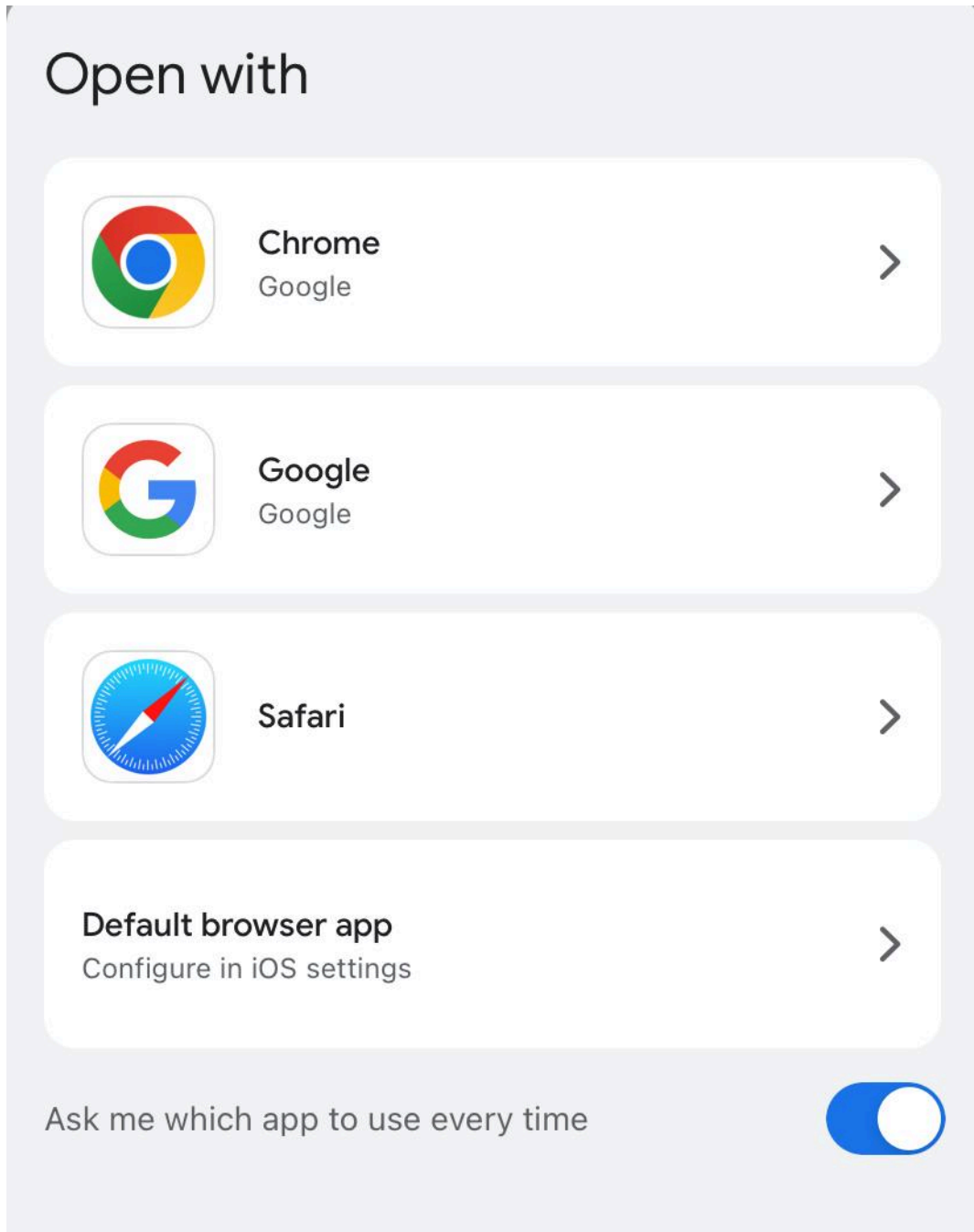
Written evidence response to the consultation regarding the SMS Investigation into Apple and Google Ecosystems:

Q1: Do you have any views on the scope of our investigations and descriptions of Apple's and Google's mobile ecosystem digital activities?

- Considering the wide scope of the investigations into Apple and Google ecosystems, including the ITC on the Consumer Survey, as well as Google Search and Search Ads, and the fact that the CMA already had proposed interventions that were suggested, these tight deadlines to respond to these consultations are unfair and miss out on the engagement of many other stakeholders. This is a shame, given the significant impact of these investigations and interventions on the everyday experience of consumers.
- The CCC was not able to find Q3 in the ITC and respond to it. As such the questions will be numbered as per the ITC document as Q1, Q2, Q4, Q5, Q6.
- Apple and Google's competition continually results in driving innovation and producing products with higher satisfaction rates to consumers. Competition in this market is fierce and a considerable barrier of entry is the high cost of entering the market and creating products with such complexity and high satisfaction rate.
- Thus, It is important to note that consumer satisfaction is high as a result of innovation, and not apathy towards switching or "trapped" in an existing ecosystem.
- Many of the areas of investigation may make sense to regulators, but to consumers it may not make much of a difference and if anything do not make the market more competitive.
- Some of the terms that other third party providers have to adhere to with Apple and Google (such as placing an app on their respective app stores), are a result of the need to comply with existing legislation. The CMA needs to examine the potential benefits for consumers to agree to certain policies in one go rather than every single time.
- One aspect which is not clear about the investigation is whether the CMA is expecting Apple and Google to also provide their respective operating systems to each other. The CMA should consider the integrity of each product and the way it operates for consumer satisfaction. This may be partially addressed in the consumer survey, but that point needs to be elaborated on.

Q2: Do you have any submissions or evidence related to the avenues of investigation set out in paragraph 70-72? Are there other issues we should take into account, and if so why?

- In regards to IOS and Safari, Apple already provides an option as to what browser to use. The below shows that when a link is clicked on, an apple product provides at least these following options, with an additional option for the consumer to configure their own default browser app
- There is even an option to ask the consumer which app/browser to use every time the consumer clicks on a link.



- As such the CMA should clarify the scope of the investigation in this regard and what it means, as it seems that Apple already does what the CMA is proposing to investigate.
- A forward looking assessment of five years as suggested by point 71 is difficult, and to designate and intervene from predictions which may or may not happen may have unintended consequences; such as slowing down innovation and in turn competition in the market.

Q4: Which potential interventions should the CMA focus on in mobile ecosystems? Please identify any concerns relating to Apple's or Google's mobile ecosystems, together with evidence of the scale and/or likelihood of the harms to your business; or to consumers.

- If the CMA is insistent on intervention, the example above about the choice of internet browsers shows that the industry can already accommodate the scope of the investigation without intervention. The CMA should work constructively with the industry to introduce options to consumers with minimal impact to interface. This however will be difficult to achieve.
- At any rate if the CMA does go ahead with some of these interventions, it will set a precedent for other products and services. To ensure fairness and competitiveness across the board all other providers should also provide Apple and Google services, if it is a true choice market for consumers, which will be a slippery slope in terms of investigation and designation.
- There will be very few consumers and businesses who would have had time at such short notice to provide their experiences on the above, as such these potential interventions will be reflective of the regulator's intentions, but not those of businesses and consumers.
- Consumer choice drove innovation: historically products that could not compete in the technological market and designed worse products were no longer sought after by consumers and as a result these new products emerged. As technologies evolve, especially with AI, it is most likely that we will see new forces in the market.

Q5: Are the potential interventions set out above likely to be effective, proportionate and/or have benefits for businesses and consumers?

- Choice architectures may be a positive and proportionate intervention as Apple and Google can provide either existing architecture as default or allow consumers to build their own mechanisms. However, choices provided will still be provided for by Apple and Google, and most consumers as the CMA has stated are satisfied with the current arrangement, as such this intervention will not be effective and have minimal benefit at the risk of adding extra stages and costs to consumers.
- The intervention on the app stores raises concerns about privacy and digital safety from malicious apps and viruses. There is an agreed consensus that the App Store and Google Play are a safe place to install apps. There would be no guarantee as it stands on the third party apps to provide that same level of safety, especially if the CMA chooses to exclude the Apple and Google infrastructure from them. This safety was a result of the market and not regulator intervention and as such an unintended consequence of this intervention could be reduced safety for the consumer.

Q6: What key lessons should the CMA draw from interventions being considered, imposed and/or implemented in relation to mobile ecosystems in other jurisdictions?



- The UK must not copy the EU when it comes to introducing a third party app store on devices. It has been shown that it will complicate the process and cause much hassle to the consumers. Apple under the DMA in the EU still has to conduct baseline checks on the apps (even if they are downloaded from a third party app store) to ensure they are free from malware and viruses and under the DMA, Apple is also allowed to take “necessary and proportionate” steps to protect users and mitigate any security issues. As such this has simply “kicked the can down the road” at the expense of the time and convenience of consumers, with no real consequences on competition.
- Given that the DoJ’s case in point 89 b is ongoing, perhaps it would not be appropriate for the CMA to make a decision that is connected to the case, in case the US takes a different approach to the UK. Whilst the assumption is that there is communication between US and UK regulators on the issue, neither can preempt the outcome of the case and as such that may risk the UK jumping the gun on this decision.

