STRATEGIC MARKET STATUS INVESTIGATIONS INTO GOOGLE'S MOBILE PLATFORM

MOZILLA SUBMISSION:
RESPONSE TO CMA'S INVITATION TO COMMENT DATED 23 JULY 2025

Introduction

Mozilla considers the Digital Markets, Competition and Consumers Act 2024 (the "DMCCA") to be an essential pro-business tool. If deployed fully and effectively, it has the potential to unlock growth and investment in the many UK businesses that either compete with, or rely on, the entrenched tech incumbents. It also has the potential to bring many benefits to UK consumers - both directly, through greater choice and transparency, as well as indirectly through the benefits of greater innovation and investment.

As an independent browser operating in the UK, as well as one of the companies that has unsuccessfully attempted to launch its own operating system[1], Mozilla welcomes the CMA's careful assessment of Google's market power and the barriers to entry and expansion faced by independent browsers. We are encouraged by the preliminary conclusions in the CMA's report and support many of its findings, including the designation of Google as having 'strategic market status' (SMS) in respect of its Mobile Platform. We urge the CMA to implement conduct requirements swiftly to enhance mobile browser competition, improve distribution opportunities for independent browsers, and ensure that third-party browsers and browser engines have the opportunity to compete and innovate on a level playing field on the Android operating system and the Google Play Store.

1. Do you have any views on our proposed descriptions of the relevant digital activities, namely: the mobile operating system, native app distribution, and mobile browser and browser engine?

Mozilla supports the CMA's descriptions of the relevant digital activities at issue. We generally agree that the definitions accurately capture the key functional layers relevant to assessing competition in the mobile ecosystem space.

As the CMA rightly notes, browser engines render web source code into content that users can see and engage with – it is the core underlying software component of a mobile browser that handles the rendering and display of web content. Browser engines are crucial for determining browser performance and functionality. As such, they are complex pieces of software that require significant resources and expertise to maintain.[2]

[1] See, for example, https://blog.mozilla.org/en/mozilla/firefox-os-unleashes-the-future-of-mobile/ and Proposed Decision, 1.22

[2] As demonstrated by the fact that Opera and Microsoft abandoned the development of their own browser engines in 2013 and 2019 respectively.

Specifically with respect to the mobile browser and browser engine definition, Mozilla agrees that the mobile browser and the browser engine are closely integrated services. As a practical matter, each of the major browser engine developers that remain in existence today seeks to develop a browser (Apple with Safari, Google with Chrome, and Mozilla with Firefox) based on their respective browser engine (WebKit, Blink, and Gecko respectively). The notable exception to this is on iOS and iPadOS, where Apple requires browser developers to use WebKit - impacting third party developers on iOS, but not affecting the provision of Safari and WebKit together to iOS users. Although Firefox on iOS is currently developed on WebKit, maintaining and developing Gecko on all other major platforms is a critical route to achieving our mission of an internet that is open and accessible to all.[3]

Against this background, Mozilla supports the CMA's combination of both Mobile Browsers and Browser Engines as a single digital activity. As the CMA explains, in order to allow users to engage in mobile browsing, Google supplies the following elements: (i) its back end browser engine, Blink, which renders websites that users can see and engage with; together with (ii) its front end mobile browser, Chrome, which provides user-facing functionality.

Mozilla also supports the CMA's conclusion that Google makes the mobile browser available for users on both smartphones and tablets, that the browser engine is developed as a cross-platform product and that there are no substantive differences in how the browser engine operates on smartphones and tablets.

Finally, Mozilla agrees with the CMA's assessment that the definition of in-app browsing from the Mobile Browsers Market Investigation ("MBMI") remains appropriate.

2. Do you have any views on our provisional conclusion that it would be appropriate to treat those activities as a single digital activity, referred to as a mobile platform, whose purpose is to facilitate interactions between users and providers of digital content and services on Android mobile devices in order to allow users to access, view and engage with such content and services on their mobile devices?

In Mozilla's view, there is a strong case for grouping the different digital activities together as a single digital activity referred to as Google's 'Mobile Platform' given the significant interlinkages between the various services. The CMA has defined Google's 'Mobile Platform' to include the following digital activities: Mobile Operating System, Native App Distribution, and Mobile Browser and Browser Engine[4]. Mozilla agrees with the CMA's selection of specific products and services that fall within each of these categories.

Mozilla agrees all of these digital activities in combination (i.e. (i) the operating systems, (ii) native app distribution; and (iii) mobile browser and browser engines) form a complementary package of services and digital content. Used together as a Mobile Platform they facilitate interactions

[3] https://www.mozilla.org/en-GB/about/manifesto/
[4] These capitalised terms have the meaning set forth in the Proposed Decision.

between users and providers of digital content and services on mobile devices in order to allow users to access, view, and engage with such content and services on their mobile devices.

As noted in prior submissions, a typical 'user journey' when using their mobile device might involve accessing content or services via a native app and accessing other content or services through their browser, each of which is technically enabled by (and in fact cannot be separated from) the architecture of the underlying operating system. These services are therefore typically used in combination with one another, and each of these services is for the specific purpose of the delivery of content and services to users. While in theory, one could access content or services only through browsers, or only through native apps, in practice the vast majority of users use both; they are used in combination. At the point at which a native app or browser is used, they have to be used in combination with the operating system, and the nature of the operating system will affect how the underlying browser or native app is designed. Beyond the technical app or browser development perspective, what happens at the operating system level in terms of choice architecture also shapes the user's experience of browsers, app stores and native apps. Where the providers of the operating system are active in these adjacent products, the digital activity should be understood, analysed and regulated as a single digital activity and as an ecosystem or a single platform - rather than as three separate digital activities.

Experience has shown that control of the operating system and other elements of the mobile ecosystem (as opposed to simply a position of market power in browser and browser engine markets) gives vertically integrated browser developers, including Google, a competitive advantage in browser and browser engine markets.[5] Similarly, Google's rules around the Play app store (and how it implements those rules through its operating systems) can have knock-on effects on browser and browser engine markets. Grouping these activities together as 'Google's Mobile Platform' reflects the reality that Google has market power across an ecosystem of products and that this market power can be self-reinforcing.

In addition, as the CMA noted in its Proposed Decision, the introduction of AI features will only increase the importance of integration in mobile ecosystems.

If these activities were not grouped together as one digital activity, there is the real danger of an enforcement gap where, for technical reasons due to how particular digital activities have been defined, it may become difficult for the CMA to take enforcement action and create conduct requirements to address (at a minimum) the adverse effects on competition established in the MBMI. Such an enforcement gap could manifest itself, for example, where operation of Google's Play app store and/or the Android operating system has an effect on mobile browser or mobile browser markets.

Mozilla recognises that there is scope, pursuant to s.20(3)(c) DMCCA for example, to put in place conduct requirements which prohibit the leveraging of market power in one activity (say, mobile operating systems) to increase its strategic position in another digital activity (for example mobile

[5] As set out in the CMA's Mobile Browsers and Cloud Gaming Market Investigation. See also, Mozilla's Five Walled Gardens research, available here.

browsers and browser engines, if that was to be defined as a separate designated digital activity to mobile operating systems). However, a large proportion of the self-preferencing conduct which causes harm at the browser and browser engine level is related to decisions made at the mobile operating system level or related to a design feature of the mobile operating system. It is important to avoid a situation where the CMA has to rely on one particular conduct requirement focused on 'leveraging' to address many different types of harmful conduct, ranging from rules on the use of choice screens to choices about positioning of default browser apps within the home screen. It would be simpler, lead to less duplication, and would provide greater legal certainty for both SMS firms and any third parties seeking to enforce the conduct requirements, if the three identified digital activities were grouped together into Google's 'Mobile Platform'.

For the avoidance of doubt, Mozilla's understanding is that, in such circumstances, the CMA would not be prevented from putting in place a general conduct requirement focused on leveraging within the scope of one particular digital activity (i.e. within Google's Mobile Platforms). For example, Mozilla envisages that a requirement for the designated firm not to use or leverage its position in one part of the Mobile Platform to further its position in another part of the Mobile Platform would fit within the scope of the permitted conduct requirements as set out at s.20(3)(b) or s.20(3)(h) DMCCA.

Additionally, grouping together the activities as a mobile platform provides greater flexibility that will enable the CMA to take into account future technological advances. Such changes could include, for example, the expansion and enhancement of AI-enabled tools which may in future change the way that users interact with their mobile devices.

3. Do you have views on our provisional finding that the competitive constraint on Google's mobile platform from Apple's and other rival mobile ecosystems is limited? This relates specifically to the competitive constraint in attracting end users and content providers.

Mozilla agrees with the CMA's conclusion that Google's Mobile Platform faces limited competitive constraints from other Mobile Platforms, including Apple's Mobile Platform. As the CMA has observed, app developers (like Mozilla) generally distribute on both Google's and Apple's Mobile Platforms, as must-have and distinct distribution options. They are both must-have distribution options because each of these platforms provides access to a very significant proportion of users in the UK and because there is limited user switching between those platforms. As a result, there is a limited constraint on the App Store from app developers switching to the Play Store and vice-versa. In short, Apple and Google's Mobile Platforms are effectively separate critical key markets for developers to reach millions of UK users and this is highly unlikely to change in the foreseeable future.

Moreover, Mozilla agrees with the CMA's provisional conclusion that "*[t]he evidence overall does not suggest that there are expected or foreseeable developments that are likely (whether individually or in combination) to be sufficient in scope, timeliness and impact to eliminate Google's substantial market power in relation to its Mobile Platform over the next five years*".

Mozilla agrees that AI tools and native apps provide a limited competitive constraint on mobile browsers and only in a limited set of use cases.

4. Do you have views on our provisional finding that there are high barriers to entry and expansion for mobile platforms?

Mozilla agrees that high barriers to entry and expansion in relation to mobile platforms are relevant topics to be considered as part of this investigation and Mozilla generally agrees with the CMA's conclusions on these topics.

In respect of browsers and browser engines, Mozilla's view (consistent with that of the CMA) is that a range of factors cause significant barriers to entry and expansion for rival browsers and browser engines within Google's Mobile Platform, including:

- Choice architecture practices on Android provide Chrome with a competitive advantage over third-party browsers. For example, and as the CMA notes, pre-installation, prominent placement, and default settings can all influence user behaviour. As the operating system provider, Google has control over choice architecture for mobile browsers on Android and can ensure that Chrome is pre-installed and prominently positioned.
- Indirect network effects linked to web compatibility. For example, larger browsers implementing new features that do not comply with relevant web standards can create web compatibility issues for smaller browser developers.

Mozilla notes that strong network effects at play with both Apple's and Google's Mobile Platforms will be difficult to overcome in the short term. Apple and Google retain control over their Mobile Platforms with a vast number of users and, as noted in the Proposed Decision, both have held high and stable shares over a sustained period, with other Mobile Platforms accounting for a small share. As such, both Apple and Google's Mobile Platforms will remain 'must have' for app developers like Mozilla.

End-users are often sticky and disinclined to switch between Mobile Platforms. Research that the CMA has previously considered on this point shows that more than 9 out of 10 users stayed with the operating system they had previously (91% iOS to 95% Android).[6]

Data from the CMA's Mobile Ecosystems Market Study ("**MEMS**") illustrates that iOS and Android have each maintained remarkably consistent levels of usage in the UK over recent years[7]. This level of entrenched market power (each with user bases counted in the tens of millions in the UK) means that iOS and Android are effectively separate mobile ecosystems, and gives Apple and Google respectively the opportunity to use that sustained market power to enhance their position

6 https://assets.publishing.service.gov.uk/media/66b47c8afc8e12ac3edb0c3e/Verian_Mobile_Browsers_Research_Final_Report.pdf at p. 17.

7 For example, see Figure 3.3, Mobile Ecosystems Market Study, Final Report

in various activities within their respective ecosystems. Microsoft[8], Mozilla[9] and others have tried to launch their own OSs, but have been unable to compete and form their own respective mobile platforms. This demonstrates the very high barriers to entry for successfully launching a mobile operating system.

In short, Apple and Google's Mobile Platforms are effectively separate critical key markets for developers to reach millions of UK users and this is highly unlikely to change in the foreseeable future.

6. Do you have views on our provisional conclusion that there are no expected or foreseeable developments that are likely (whether individually or in combination) to be sufficient in scope, timeliness and impact to eliminate Google's substantial market power in the provision of its mobile platform over the next 5 years?

Mozilla agrees with the CMA's conclusion that there are no expected or foreseeable developments that are likely (whether individually or in combination) to be sufficient in scope, timeliness and impact to eliminate Google's substantial market power in the provision of its Mobile Platform over the next five years.

Although AI will undoubtedly have an impact in technology markets, whether this technology will serve as fierce competition to Google's Mobile Platform remains uncertain.

Currently, AI tools provide a limited competitive constraint for a limited set of use cases as compared to mobile browsers. Browsers remain an important and popular way by which users search for information and products. So far, AI tools operate as applications or services that often (though not always) run inside browsers. The position of Google and Apple, as the operating system providers, mean they are much more likely to control how third party connectivity providers interact with end-users on Android and iOS devices and potentially influence how those providers offer their services. Mozilla believes that it is particularly important that Google's restrictions on third parties to develop features and functionality within the Google Mobile Platform does not hold back innovation, such as integration of AI into mobile browsers, for example.

Mozilla supports the CMA's provisional view that Google's substantial market power in the provision of its Mobile Platform is entrenched and no expected or foreseeable developments are likely to be sufficient in scope, timeliness, and impact to eliminate this substantial market power.

[8] Microsoft gives up on Windows 10 Mobile - BBC News

[9] Mozilla Will Stop Developing And Selling Firefox OS Smartphones | TechCrunch and Mozilla blasts at Android and iOS for lack of openness - Neowin

7. Do you have views on our provisional conclusion that Google has substantial and entrenched market power (SEMP) and a position of strategic significance (POSS) in respect of its mobile platform?

Mozilla agrees with the CMA's conclusion that Google has SEMP and POSS in respect of its Mobile Platform.

As noted above, Google's share of UK mobile users has remained remarkably stable and in the tens of millions for many years, and Mozilla does not see a realistic prospect of this changing over the next five years.

Google's control over Android means it can determine how apps (including browser apps) are distributed, and determine or substantially influence how they are consumed by the end user. The scale of Google's Mobile Platform means that for app developers like Mozilla, the ability to distribute through Android is a 'must-have'.

Mozilla agrees that alternatives to mobile browsers (namely native apps and AI tools) only provide a limited competitive constraint for a limited set of use cases. Additionally, Mozilla agrees that non-mobile browsing alternatives, such as desktop browsing, are generally a complement rather than a substitute for mobile browsing.

Mozilla agrees with the CMA's conclusion that with respect to mobile browsers, Google's Chrome faces limited competitive constraint from alternative browsers within Google's Mobile Platform. Chrome is pre-installed (often as the default browser on Android devices) giving it privileged distribution at scale. Competition in relation to Google's browser engine Blink and its provision of in-app browsing is more limited as the only major alternative on Android devices is Mozilla's Gecko browser engine.

With respect to the Google Play Store, Mozilla notes that Android developers are not excluded on Google's Mobile Platform as with Apple's Mobile Platform. Android users can in theory download apps outside of the Google Play Store - though some issues remain.

Mozilla agrees that, given the importance of control over Android that the three activities (OSs, native app distribution and mobile browsers and browser engines) are both technically and as a matter of user behaviour, very closely connected, it is the right approach to group them together as one digital activity: Google's Mobile Platform. As noted above, these activities are used in combination with each other to fulfil a specific purpose: facilitate interactions between users and providers of digital content and services on mobile devices in order to allow users to access, view, and engage with such content and services on their mobile devices.

8. Do you have any other views in relation to the assessment/evidence set out in the proposed decision?

Mozilla agrees with many of the principles laid out by the CMA in its Proposed Decision. Although already considered by the Proposed Decision, we reiterate here a few points of importance for a more competitive browser and browser engine market.

Google's control over Android means it can take decisions that impact on the use of products across its wider mobile ecosystem, and within its Mobile Platform in particular, including on users' choice of browser and app developers' choice of browser engine. It is encouraging to see that this is recognised by the CMA and that it is minded to group mobile browsers and browser engines within the definition of Google's Mobile Platform so that such practices can be most effectively addressed.

A grouped designation for Chrome and Blink within the wider Google Mobile Platforms digital activity also allows the CMA to put in place effective conduct requirements under s.20(3)(c) DMCCA, such as the prohibition of harmful design patterns that undermine user choice.

A more competitive mobile browser environment would provide consumers with greater choice, better browsers where continuous improvements are made, and ultimately encourage stronger growth and innovation that will benefit not only consumers but the many millions of businesses that rely on browsers as gateways to reach their customers. The benefits of increasing competitive pressure in these core services cannot be understated.

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