

# Proposed decision report: SMS investigation into Apple's mobile platform

## About the Coalition for Online Data Empowerment

The Coalition for Online Data Empowerment (CODE) is the trade association for organisations that are helping people take control of their personal data online. We speak for more than 15 businesses across three continents, including Personal Information Management Services, Data Unions, SaaS providers and more.

CODE members enable better consumer outcomes with respect to personal data, including by assisting with access, understanding and insights, control and consent management, and sharing in its value. Although our members are unique and diverse, they are united by a shared set of firmly-held values regarding user consent, data ownership, security, transparency, and control.<sup>1</sup>

## CODE response

CODE is pleased to see that the Competition and Markets Authority (CMA) has provisionally found Apple to have Strategic Market Status in the provision of its mobile platform. Our response grows out of our previous submission on the topic of mobile browsers and cloud gaming, and we reiterate that markets work best when individuals are empowered and free to make their own choices and are not unduly restricted in that ability.<sup>2</sup> Therefore, we are pleased to see that, according to the proposed decision report, the CMA is investigating various restrictions that Apple imposes on its mobile platform, which prevent users from using alternative apps, app stores, and browsers, as well as the barriers to entry and expansion for alternative services.

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

While our main goal and focus is enabling user data portability, some of our members offer browser extensions to provide their services. CODE has previously submitted that the CMA should consider the competitive restrictions faced by browser extensions due to Apple's requirement that third-party browsers must use the WebKit browser engine.<sup>3</sup> Because of this restriction, it is not possible for rival browsers to ship their own extensions due to the WebKit restrictions; meanwhile, Apple's Safari browser only allows some limited support for browser extensions.

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<sup>1</sup> <https://www.codepolicy.org/>

<sup>2</sup> See:

[https://assets.publishing.service.gov.uk/media/65faaad7aa9b76001dfbdb4d/Code\\_issues\\_statement\\_response\\_23.02.2024.pdf](https://assets.publishing.service.gov.uk/media/65faaad7aa9b76001dfbdb4d/Code_issues_statement_response_23.02.2024.pdf)

<sup>3</sup> See:

[https://assets.publishing.service.gov.uk/media/65faaad7aa9b76001dfbdb4d/Code\\_issues\\_statement\\_response\\_23.02.2024.pdf](https://assets.publishing.service.gov.uk/media/65faaad7aa9b76001dfbdb4d/Code_issues_statement_response_23.02.2024.pdf)

We are pleased to see that the CMA recognises that the WebKit restriction holds back innovation and degrades the user experience.<sup>4</sup> We are also glad to see that our concern regarding browser extensions is recognised in the decision report.<sup>5</sup> We therefore support the proposed decision to designate Apple's mobile platform and encourage any conduct requirements that increase user choice, entry and expansion for alternative browsers and improve the conditions for businesses which rely on browser extensions. We hope that the CMA will consider removing Apple's WebKit requirement for alternative browsers so that they are able to offer expanded capabilities, including browser extensions, and ensure that Apple's Safari maintains full support for browser extensions.

Thank you for considering our response.

Kind regards,

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Assistant Director of the Coalition for Online Data Empowerment

**CODE**

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<sup>4</sup> <https://www.gov.uk/cma-cases/sms-investigation-into-apples-mobile-platform#proposed-decision> See Proposed Decision, p. 8.

<sup>5</sup> <https://www.gov.uk/cma-cases/sms-investigation-into-apples-mobile-platform#proposed-decision> See Proposed Decision, p 146.