

20 August 2025

**Object: Response to Proposed decision: SMS investigation
into Apple's mobile platform**

Dear Sir/Madam,

Please find enclosed a submission from the Consumer Choice Center (CCC) responding to the proposed decision to designate Apple's mobile platform as a 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,



UK Country Associate





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

About the Author:

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Written evidence response to the consultation on the proposed decision to designate Apple's mobile platform as a SMS

Q1. Do you have any views on our proposed descriptions of the relevant digital activities, namely the smartphone operating system, the tablet operating system, native app distribution, and mobile browser and browser engine?

We agree these are important components of Apple's ecosystem. However, they should be viewed not as isolated monopolistic activities but as parts of an integrated product design chosen by consumers. Apple competes on offering a seamless experience across hardware, operating systems, and services. Treating these activities as standalone markets risks mischaracterising how consumers perceive and choose between ecosystems. The proposed decision should reflect a consumer focused approach.

Q2. 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 Apple's mobile devices?

We caution against treating these activities as one "mobile platform" for regulatory designation. Consumers experience Apple devices as one integrated product, but the broader digital market offers meaningful competition through Android and other ecosystems. Defining the market too narrowly risks overstating Apple's influence and justifying disproportionate regulation, which might stifle innovation and create unfair competition by distorting the market.

Q3. Do you have views on our provisional finding that the competitive constraint on Apple's mobile platform from Google's and other rival mobile ecosystems is limited?

We disagree. Google's Android ecosystem represents a strong, dynamic, and direct competitor to Apple in both hardware and software. Consumers actively choose between Apple and Android devices, often switching based on price, functionality, and preference. Globally, Android maintains dominant market share, and its constraint on Apple is substantial. The CMA underestimates this competitive dynamic.

Q4. Do you have views on our provisional finding that there are high barriers to entry and expansion for mobile platforms?

While barriers to creating a new mobile platform are indeed high, this is a feature of technological maturity, not necessarily evidence of market failure. Consumers benefit from stable ecosystems that require large investments in security, app compatibility, and user



experience. The existence of two strong global ecosystems, iOS and Android, already provides robust competition without the need for regulatory intervention.

Q5. Do you have views on our provisional finding that the competitive constraint on Apple's mobile platform from alternatives to content distribution within Apple's mobile ecosystem, and alternatives on non-mobile devices is limited?

We disagree. Non-mobile devices such as laptops, desktops, and smart TVs are important alternatives for consumers when accessing content. Moreover, Apple competes directly with Android's far more open app distribution model. Consumers who prefer greater flexibility in app distribution frequently choose Android devices. This ongoing choice demonstrates real competitiveness.

Q6. Do you have views on our provisional conclusion that there are no expected or foreseeable developments that are likely to eliminate Apple's substantial market power in the provision of its mobile platform over the next 5 years?

We disagree. The pace of technological change is rapid and unpredictable. Developments such as cloud gaming, AI-driven services, progressive web apps, and potential new entrants (e.g. Huawei, emerging operating systems) could erode Apple's position. History shows that even dominant players can lose ground quickly when consumer preferences shift.

Q7. Do you have views on our provisional conclusion that Apple has substantial and entrenched market power (SEMP) and a position of strategic significance (POSS) in respect of its mobile platform?

We do not agree. Apple has significant brand loyalty but faces constant pressure from Android competitors. Its market share in the UK and globally does not amount to unassailable power, especially given Android's scale and dominance worldwide. Labelling Apple as having entrenched power ignores the dynamism of the market and the ability of consumers to switch ecosystems.

Q8. Do you have any other views in relation to the assessment/evidence set out in the proposed decision?

- We urge the CMA to recognise that heavy-handed regulation risks harming consumers by reducing innovation, undermining security, and constraining business models that many consumers actively prefer. Instead of SMS designation, the CMA should adopt a light-touch monitoring approach that allows competition between Apple and Android to continue delivering value to consumers.
- The CMA also needs to expand on its risk definition and how exactly it is able to monitor/ model for unintended consequences. (Point 2.31 in the roadmap)
- Finally, It is also important to emphasise that the CMA's interpretation of "substantial and entrenched market power" (SEMP) and "position of strategic significance"



(POSS) risks being overstretched. By suggesting that both Apple and Google simultaneously hold entrenched positions in the same market, the CMA dilutes the meaning of entrenchment itself. Entrenched power, by definition, implies dominance that is not shared. The reality that millions of consumers regularly switch between Apple and Android demonstrates that neither firm has unilateral entrenched market power. This reinforces our position that SMS designation would be inappropriate.

