

## STRATEGIC MARKET STATUS INVESTIGATIONS INTO APPLE'S AND GOOGLE'S MOBILE PLATFORMS

### MOZILLA'S RESPONSE TO CMA'S CALL FOR EVIDENCE ON APPLE AND GOOGLE'S PROPOSED COMMITMENTS

3 MARCH 2026

#### Executive Summary:

- Mozilla supports remedies that strengthen choice and competition in app stores and mobile systems. We align with the CMA's aim to empower developers to provide the best possible solutions for consumers, including in respect of browsers. We therefore urge the CMA to move forward with conduct requirements on browser choice as soon as possible.
- Mozilla has overarching concerns about the procedural effectiveness of commitments, particularly given the experience of gatekeeper (non-)compliance with the EU Digital Markets Act and the early experiences of Japan's Mobile Smartphone competition Act.
- There are material concerns about specific content of the proposed commitments, including the CMA's departure from the Roadmap and the scope of the interoperability commitments.
- Mozilla commends the CMA's willingness to engage in interventions that can be effective in increasing innovation and consumer choice.

#### Browser choice architecture interventions must not be delayed

Mozilla is concerned that the DMCCA implementation to date and the CMA's Programme of Work for 2026 do not include any mention of browser choice interventions, including browser choice screens and improved default settings. Browsers are the backbone of the modern internet. While native applications are one key entry point for users, the browser forms the other half of the equation—as the MEMS final report puts it, browsers are “*the most important way for users of mobile devices to access content and services over the internet*” and one of the “*key sources of traffic for content providers, in particular search engine providers.*”<sup>1</sup>

Delaying conduct requirements on browser choice architecture would be a missed opportunity, particularly in light of the enormous amount of work CMA has already done on browser choice remedies and the delays that have already been felt. The MBMI's Final Decision Report from 2025 states “[w]e consider that the likelihood of the CMA Board acting on our recommendation in a timely manner is high”<sup>2</sup> and the CMA's 2025 Apple Roadmap explicitly identifies “[r]equiring Apple to allow third-party browsers and app developers to use alternative browser engines on

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<sup>1</sup> MEMS Final Report, 2.26.

<sup>2</sup> Mobile Browsers And Cloud Gaming Market Investigation Final Decision Report (12 March 2025), § 11.92. (“MBMI Final Decision Report”)

*iOS and iPadOS*<sup>3</sup> and “[r]equiring that Apple’s choice architecture in relation to digital wallets and browsers supports active user choice and does not give Apple’s own products and services an advantage over those of third parties” as 2026 priorities. Prioritising native app remedies while delaying browser remedies would create a disjointed regulatory environment and will harm the “primary gateway for consumers to access the web on their mobile devices.”<sup>4</sup>

Based on experiences in the EU and in Japan, as well as Mozilla’s own research, browser choice architecture interventions are an essential element of any set of measures to improve competition in browser markets. They also reduce the chilling effect on investment and innovation in mobile browsers created by the entrenched position of incumbent browsers on mobile platforms.<sup>5</sup> This has always been important for competition in the digital economy (as the CMA has previously recognised), but it is heightened by the impact of AI; with new browser developers seeking to enter the market to distribute their AI products and others, such as Firefox, offering user choice on whether/how developers and end-users engage with AI,<sup>6</sup> it is critical that browser choice is effective. Delaying action on browser choice will further entrench incumbents at the expense of new entrants to the browser market, despite an increased consumer desire for new choices.

Browser choice architecture interventions are also an efficient way of achieving increased competition at minimal cost to the mobile platforms. Because these interventions are already required in other jurisdictions, they would not require significant further work on the part of SMS firms to enable in the UK. The experiences of market participants such as Mozilla in relation to EU DMA and Japanese MSCA can also provide a blueprint for what works well and what does not in browser choice, allowing the CMA to optimise browser choice requirements in light of those lessons.

### **Browser and search choice screens should be addressed at the same time to minimise resource expenditures and maximise impact**

As noted in Mozilla’s submission of 25 February regarding the Google Search choice screen CR, search and browser choice screens present many of the same issues.<sup>7</sup> Issues like what browsers or search providers are eligible, how and how often that eligibility is determined, and when and how often a choice screen is presented can make significant differences in the effectiveness of choice architecture.<sup>8</sup> An approach to digital markets regulation which puts in place a search engine choice screen without at the same time putting in place a browser choice

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<sup>3</sup> UKCMA, *Strategic market status investigation into Apple’s mobile platform* 3.42 et seq.

<sup>4</sup> MBMI Final Decision Report, p. 12.

<sup>5</sup> See, e.g., Mozilla’s Response to CMA’s 23 January 2025 Invitation to Comment on SMS investigations into Apple and Google’s mobile ecosystems pp. 10-11 (12 Feb. 2025); Mozilla Comments on Provisional Decision Report Part 1, Section 11: Implementation Of Browser Remedies Under The Mobile Browsers And Cloud Gaming Market Investigation p. 7 (13 Dec. 2024).

<sup>6</sup> *How to turn off AI features in Firefox, or choose the ones you want*, <https://blog.mozilla.org/en/firefox/how-to-use-ai-controls/>

<sup>7</sup> See Mozilla’s Response to CMA’s Consultation on User Choice Conduct Requirements p. 10 (25 Feb. 2026).

<sup>8</sup> Mozilla, *Beyond Choice Screens: Exploring browser choice design interventions*, <https://research.mozilla.org/browser-competition/remedyconcepts/>.

screen is a disjointed approach, which compromises the effectiveness of both of these choice screens.

Consulting on a browser choice screen in parallel to a search engine choice screen is the logical approach. It brings benefits regarding:

1. Efficiency: in terms of CMA and SMS firm resources, there are natural efficiencies to be realised from looking at the similar issues which both choice screens raise, and carrying out user testing, at the same time. While search engine choice screens may have 'had a headstart' insofar as this consultation has already been run, this is more than negated by the fact that, in the case of browser choice screens, the CMA can draw on the significant volume of work it did on choice screen design in the context of the Mobile Browsers and Cloud Gaming Market Investigation.
2. Effectiveness: the effectiveness of the relevant choice screen measures, quantified in terms of user engagement and number of switches of default product, is likely to be greatest where there is alignment between the timing of the launch of the two choice screens. At the very least, it will avoid unnecessary user confusion. A browser choice screen launched at the same time as a search choice screen (appearing directly before the search engine choice screen in the user journey), was considered the most effective approach when implementing choice screens under the DMA.

Implementing browser choice screens and search engine choice screens to UK users at the same time also reduces the risk of user confusion between browsers and search engines, something which research suggests can be an issue with many users.<sup>9</sup>

Requiring browser choice screens on Android and iOS/iPadOS during the course of 2026 would ensure that the DMCCA is delivering choice and competition for UK consumers and contributing to the CMA's wider goals – particularly given that browser choice screens have a clear track record of resulting in significant numbers of users switching away from default browsers. The CMA should not miss this opportunity to build on the work already done by the CMA Google Search SMSI team and during the MBMI to deliver the most effective set of choice screens possible. Mozilla accordingly respectfully requests the CMA to begin consultation on browser choice screens as soon as possible, with a view to browser choice screens being launched at the same time as search engine choice screens. This is a necessary pre-condition for Apple to be able to meet its own commitment not to self-preference its own applications, as the lack of a browser choice screen requirement effectively preferences Safari over alternative browsers.

Browser choice screens have a track record of providing measurable, tangible benefits to competition in the browser ecosystem. There is strong existing evidence for the effectiveness of browser choice screens at enabling users to choose new browsers that they might not otherwise have tried. The experience following the introduction of browser choice screens in the EU market is instructive; for example, Firefox experienced a c. 100% increase in daily active users

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<sup>9</sup> Mozilla, *Can browser choice screens be effective?* (Sep. 2023), [https://research.mozilla.org/files/2023/09/Can-browser-choice-screens-be-effective\\_-\\_Mozilla-experiment-report.pdf](https://research.mozilla.org/files/2023/09/Can-browser-choice-screens-be-effective_-_Mozilla-experiment-report.pdf)

on iOS in the EU within a year following the implementation of the DMA browser choice screen. Opera reported a 164% increase in its EU user base on iOS; Aloha reported a 250% increase. These are significant increases in alternative browser utilisation that have occurred due to the introduction of browser choice screens.

### **Commitments, as opposed to conduct requirements, may not have the intended effect**

Mozilla was surprised to see that CMA is accepting commitments in lieu of conduct requirements, particularly given that the commitments do not themselves appear to be legally binding. This is in contrast to the position of commitments under the pro-competitive interventions process in the DMCCA.

Without conduct requirements or some other form of binding commitment, it seems unclear whether CMA will have statutory authority to impose fines for breaches of the commitments. And without any statutory basis for fines, the only remedy available to the CMA will be the imposition of conduct requirements, delaying the effective implementation of the DMCCA even further. Rather than rely on non-binding commitments that can only be enforced by the imposition of conduct requirements, the CMA should use conduct requirements from the outset. Commitments will simply delay when DMCCA compliance via conduct requirements would be imposed.

While commitments are an attractive mechanism for some issues, the lack of enforceability, combined with the ability of the party granting the commitment to define what is acceptable despite their own interests, mean that commitments are unlikely to result in meaningful change. As our comments detail further below with respect to the specific commitments made by Apple, Apple's ability to define how those commitments will be addressed renders them far less effective than a conduct requirement.

Commitments are also an insufficient mechanism for choice architecture remedies, as CMA itself recognised in the Google Search SMSI.



Mozilla respectfully suggests that the CMA instead use conduct requirements, including conduct requirements around browser choice, to ensure that the goals of the DMCCA are achieved.

### **Specific issues with Apple's proposed interoperability commitments**

Mozilla strongly supports the CMA's taking action in the area of interoperability requirements. As the CMA noted in its Final Report from the Mobile Ecosystems Market Study, "interventions designed to require a level playing field for app developers could result in significant benefits to consumers through enhanced innovation and more intense competition."<sup>10</sup> However, permitting Apple to shape its own terms of compliance with future interoperability requests is problematic and likely to fail to improve competition in the UK market.

*The limitation of the feedback channel to UK developers should be modified to allow access for*

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<sup>10</sup> Competition and Markets Authority, *Mobile ecosystems market study: Final report* § 8.194; see also § 7.

non-UK developers who wish to publish apps in the UK

The interoperability feedback channel commitment restricts interoperability feedback channel eligibility to only those developers whose developer account membership is registered in the UK.<sup>11</sup> Only those eligible developers will benefit from Apple's commitments on timing and feedback.

In practice, this means that the feedback channel would only be practically usable by a minority of applications that operate in the UK, as the majority of developers, including Mozilla, are likely to have an account that is registered outside the UK – despite providing apps that serve and are enjoyed by UK users. Rather than permit Apple to make a non-binding commitment that will create the same issues as prior commitments and require future action to remedy, Mozilla encourages the CMA to require Apple to make the feedback channel available to any app developer who wishes to make their application available in the UK.

Though not determinative, the fact that Mozilla's Firefox browser is an app that competes with Apple's own Safari browser is relevant. Given the complexity of browser engines and the potential to touch on wide-ranging interoperability needs, access to the feedback channel is critically important. But many browser app developers are located outside of the UK and will be unable to take advantage of the channel if Apple is permitted to maintain this commitment in its current form.

Apple's limitation to equivalent functionality should be clarified so that developers can offer functionality Apple does not itself choose to offer or offers in different ways

Beyond the geographic limitation in the commitment, the feedback channel will only allow consideration of a request when it is for "access to equivalent system and hardware functionality used by Apple services or accessories."<sup>12</sup> This commitment should be refined to make clear that developers can request interoperability in order to offer functionality Apple apps and services do not. For example, Mozilla may wish to offer features in Firefox that Apple does not wish to include in Safari; this should not bar them from making interoperability requests through this channel. This is not the same as saying Apple should be required to create new functionalities that do not already exist, but clearly Apple should not be permitted to deny access to functionalities that do exist simply because Apple's own equivalent application does not use them.

Additional interoperability commitments should be required

Mozilla suggests that the CMA also clarify that the interoperability commitment requires not just access to functionality, but also access to that functionality on an equally effective basis and under equal conditions to Apple's own access to that functionality. Access under conditions that require significantly more engineering burden or which are less effective than first-party access should not be considered compliant, as they would continue to self-preference Apple's own apps and services.

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<sup>11</sup> Apple Proposed Commitment 1(b).

<sup>12</sup> Apple Proposed Commitment 2(a).

Third-party access to interoperability features should also be available at the same time as it is publicly available to the first-party, such as when first integrated into a public iOS release. A significant delay between Apple's usage of functionality and its availability to interoperability requestors is likely to entrench Apple's own services via first-mover advantage. Apple would still have an advantage, as they would be able to implement the feature from the first day of an OS release while third parties would need time to integrate it into their own systems. But by requiring early availability of interoperability, this self-preferencing advantage would be significantly reduced.

Mozilla further suggests modifying the commitment to require that the interoperability functionality be provided in a stable and documented fashion. Requestors should not be required to engage in undue experimentation to determine how to use the relevant functionality, nor should they be forced to constantly chase a moving target in order to be able to use the interoperable functionality. Apple's practice of publishing technical documentation such as API descriptions or SDKs for functionality they wish to expose to developers would generally qualify as meeting this obligation if similar levels of detail and stability are provided for the interoperable functionality.

*The proposed assessment factors are insufficiently definite and pose risks of abuse*

The proposed factors Apple will use to assess feedback requests<sup>13</sup> are vague and open to interpretation. Apple proposes that "expected user and developer uptake" may be a reason to deny a request. However, Apple should not be assessing this; the fact that a developer wishes to make such an app should be sufficient. If insufficient user uptake was expected, it is unclear why Apple itself would have implemented the requested functionality for its own services and applications. Developers will themselves consider whether they expect sufficient user uptake to make the request.

The second criterion, "alignment with Apple's platform priorities," also presents reason for concern. There is no substantive standard in the commitments for what that is, and Apple can change its priorities at any time for any reason. Effectively, this allows Apple to arbitrarily reject an interoperability request.

The third criterion, "potential implementation costs," allows Apple too much scope to reject requests. Denial for implementation costs should come with a commitment or requirement to provide evidence of those expected costs to the requestor. Absent such a requirement, Apple can simply reject a request by claiming it will be too expensive.

The fourth criterion, "potential impact on user experience, performance/battery, security, safety, privacy, integrity, and accessibility" contains a number of manipulable conditions. For example, the impact on performance/battery condition directly goes against the desire to provide users with a choice as to what applications they wish to use. Apple provides users with tools to assess battery usage by an application,<sup>14</sup> meaning that users will be able to determine if an app consumes too much battery or if they are willing to accept that tradeoff for the features the app

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<sup>13</sup> Apple Proposed Commitment 2(b).

<sup>14</sup> Apple, *Check battery usage on your iPhone*, (17 Sept. 2025), <https://support.apple.com/en-us/102432>

provides. Allowing Apple to impose its preferences regarding user experience will restrict consumer choice and innovation, as well as providing an arbitrary reason for rejection of interoperability requests. With respect to all of these factors, but especially with regard to rejections on the basis of security or integrity, Apple should be required to commit to providing the requestor and the public with verifiable information demonstrating the existence and magnitude of the risk. This requirement would help to mitigate the risk of arbitrary rejection.

#### *The proposed timing and fee commitments are insufficient*

While Apple has committed to “endeavour to provide developers with an update on the status of their requests within four weeks of receiving them,” this is insufficient. As noted above, this is not binding, as is clear from the use of “endeavour to provide.” Further, there is no clarity as to what that update will contain. An update could be as simple as “we continue to review this request.” Without a fixed time for a substantive response to a request, there will be no required finite end point for Apple’s review, leaving requestors in limbo as they wait for a decision that will come on an unknown timetable.

In addition, Apple reserves the right to charge fees for access to interoperability features.<sup>15</sup> Interoperability should not become an additional profit center. While a fee could be appropriate, Mozilla respectfully suggests that the commitments be amended to require that any fees charged are reasonable, proportionate, and clearly linked to the actual cost of granting interoperability. This requirement would be consistent with principles articulated in other interoperability cases.<sup>16</sup>

### **Conclusion**

The use of unenforceable non-binding commitments as opposed to conduct requirements remains concerning. Even were such commitments an acceptable route, the proposed commitments fall significantly short of what is required. They provide little help to non-UK developers wishing to publish in the UK. They do not allow competitors to exceed what Apple itself chooses to offer. They provide avenues to reject applications on the basis of vague and arbitrary criteria. And they lack certainty on cost and timing.

Even more concerning is the lack of browser choice architecture interventions as set out in the Roadmap. Absent these, competition in mobile browsers will continue to be distorted by the self-preferencing and anchoring effect of being the default browser.

Mozilla respectfully requests that the CMA require browser choice screens to be implemented at the same time as search choice screens. To implement this, we suggest that CMA publish draft conduct requirements for browser choice screens along similar lines to those published for search choice screens.

Browsers represent an enormous share of how consumers use their devices; continuing to allow Apple to self-preference its own browser will only maintain a browser monoculture that inhibits

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<sup>15</sup> Apple Proposed Commitment 2(c).

<sup>16</sup> See, e.g., Judgment of 25 February 2025, *Alphabet and Others (Android Auto)*, C-233/23, EU:C:2025:110.

innovation and harms user experiences and choice. An essential remedy to address this concern is the creation of a browser choice architecture requirement. Such requirements have proven effective at increasing competition in exactly the areas that are most critical. Absent such requirements, competition in the UK mobile browser ecosystem will continue to stagnate. Users will be denied effective choice and browser competition and innovation will continue to suffer.

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