

Competition and Markets Authority
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Consultation Response

Which? response to the CMA's proposed decision to designate Apple and Google as having Strategic Market Status

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Which? welcomes the opportunity to comment on the CMA's proposed designation decision. **We support the CMA's proposal to designate Apple and Google as having Strategic Market Status in the provision of their Mobile Platforms.** However, we have concerns about the ambition of the roadmaps set out by the CMA.

This response covers the proposed decisions for both Apple and Google, given the significant overlap between them.

We agree with the CMA's grouping of the relevant digital activities

From a consumer perspective, although the digital activities (e.g. provision of a smartphone operating system, native app distribution, and the provision of mobile browsers) may be individually recognisable to users, we believe they are likely to consider them together as a means of using their mobile devices. It is only by using all of the digital activities in combination that users can make full use of their devices. We therefore strongly agree with the CMA's proposal to group the digital activities together, for both Apple and Google.

The CMA has provided sufficient evidence to conclude the SMS conditions are satisfied

We also agree with the CMA's provisional decisions that Apple and Google have substantial and entrenched market power in respect of the provision of their respective Mobile Platforms, as well as its provisional decision that each holds a position of strategic significance.

The evidence provided to support these conclusions is **overwhelming** for both consumers and content providers:

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- Market shares for Apple and Google for both smartphones and tablets have been high and stable for the last decade.¹
- Apple and Google have differentiated themselves into largely separate market segments for both smartphones and tablets.²
- The vast majority of consumers state that they do not even consider switching ecosystems when purchasing a new phone.³
- There is a lack of internal evidence that Apple or Google are making product improvements as a result of competitive pressure from each other.⁴
- App developers consider both the App Store and Play Store to be ‘must-haves’.⁵
- Average commission rates for both Stores have been high and stable since 2008.⁶

Given the extent of competition problems, it’s clear that there will be substantial benefits to consumers from interventions in mobile platforms as is being shown by developments in other jurisdictions where action has already been taken. For example, the CMA highlights a range of innovations that have materialised in the US after litigation from Epic Games.^{7 8}

However, we believe the CMA’s roadmaps could be more ambitious

We recognise that, for a regime grounded in proportionality and where there are many possible interventions with some uncertainty over effectiveness, it will be necessary to prioritise which interventions to pursue first. We appreciate the transparency the CMA has shown in providing roadmaps for possible interventions for both Apple and Google⁹, and we broadly support the ranking of priorities as indicated by these roadmaps. For example, although easy switching between Apple and Google Mobile Platforms remains important, we agree it is less likely to improve consumer outcomes in the short run.

However, we urge the CMA to consider whether it could act faster. The evidence compiled by the CMA shows that competition is not working well in these markets and, therefore, consumers will continue to suffer harm as long as the status quo remains as it is. We set out three possibilities for faster action below, but recognise there may be others.

¹ Figure 6.1, [Strategic Market Status Investigation into Apple’s Mobile Platform](#). Figure 6.1, [Strategic Market Status Investigation into Google’s Mobile Platform](#).

² Figures 6.5 & 6.6, [SMS Investigation - Apple](#). Figures 6.2 & 6.3, [SMS Investigation - Google](#).

³ Paragraph 6.27, [SMS Investigation - Apple](#). Paragraph 6.31, [SMS Investigation - Google](#).

⁴ Paragraph 6.46, [SMS Investigation - Apple](#). Paragraph 6.56, [SMS Investigation - Google](#).

⁵ Paragraph 6.79, [SMS Investigation - Apple](#). Paragraph 6.84, [SMS Investigation - Google](#).

⁶ Paragraph 6.87, [SMS Investigation - Apple](#). Paragraph 6.96, [SMS Investigation - Google](#).

⁷ Paragraph 3.20, [SMS investigation into Apple’s mobile platform: Roadmap of possible measures to improve competition in mobile ecosystems](#).

⁸ [Epic vs Apple judgement](#), 2025.

⁹ CMA, 2025. [Strategic market status investigation into Apple’s mobile platform: Roadmap of possible measures to improve competition in mobile ecosystems](#). [Strategic market status investigation into Google’s mobile platform: Roadmap of possible measures to improve competition in mobile ecosystems](#).

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First, it is unclear to us why the CMA will not consider remedies to require Google to allow app developers to direct their customers off the Play Store (steering) until next year. While Google's behaviour may be less egregious than Apple's, since Google does allow certain forms of alternative app distribution,¹⁰ the CMA notes that app developers are still subject to anti-steering restrictions on apps distributed via the Play Store.¹¹ We think that in terms of prioritising measures to enable steering, the CMA should be able to treat these equivalently and so we hope the CMA would also be able to consult on a conduct requirement for Google in Autumn 2025.

Second, given the power of defaults,¹² we think that the CMA should bring forward consideration of requiring Apple and Google to enable users to set third-party apps as defaults for certain key categories. We appreciate that Apple and Google currently enable users to set default apps across a number of key categories, though this is currently voluntary.¹³ We believe there are two key reasons to move to a regulatory approach. Firstly, this will give greater certainty to app developers who rely on this functionality, allowing them to invest and grow. Secondly, it would enable the CMA to respond more quickly if a new app category needed to be included. We would expect that adding a new app category to an existing list would be a much simpler and faster process than regulating from scratch, and such pace is vital in a dynamic industry.

Third, the CMA has left multiple remedies uncategorised on the basis that it is waiting for developments in the US and EU before casting judgement. The speed at which these developments will occur is uncertain and we do not think that UK consumers and businesses should have to wait for developments elsewhere to benefit from lower prices and greater innovation that could be unlocked through competition. Further, the implementation of the DMA has shown that Apple and Google have not implemented some regulations in the spirit of how they were intended, which has begun a regulatory 'back and forth'.¹⁴ Unfortunately, we expect a similar situation may arise in the UK, and so the CMA should implement remedies as soon as possible.

A desire to 'wait and see' the outcomes of regulatory innovations in other jurisdictions is more likely to signal timidity than proportionality, and will offer scant reward for the UK's boldness in developing this unique regime and investing in the capabilities of the CMA to deliver it. We therefore think the CMA should consider prioritising some of these interventions, such as allowing alternative app stores, sideloading and alternative payment methods for in-app purchases, at least in Category 2.

¹⁰ Paragraphs 7.5 - 7.40, [SMS Investigation - Google](#).

¹¹ Paragraph 3.18, [Roadmap - Google](#).

¹² Paragraphs 4.27 - 4.34, [Online Choice Architecture: How digital design can harm competition and consumers](#).

¹³ Paragraph 3.63, [Roadmap - Apple](#). Paragraph 3.41, [Roadmap - Google](#).

¹⁴ See [Digital Markets Act enforcement: State of play](#) which sets out the formal investigations into non-compliance. We note that some investigations are ongoing.

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We support the CMA's intention to conduct further work into the development of AI services and Progressive Web Apps

AI services and Progressive Web Apps are emerging technologies at different stages of development, but both have the possibility to have significant impacts on consumers and how they use their mobile devices. We support the CMA's intention to undertake further work in these areas to better understand the current state of play and the likely direction of travel.

For AI services in particular, Apple and Google are in a prime position to leverage their dominance in Mobile Platforms into AI services. Once the CMA has conducted further work into AI services, it may be necessary to incorporate them into existing categories of remedies and/or reprioritise them. For example, the CMA may wish to include AI services in the list of use cases for which Apple (and Google if necessary) must enable interoperable access for third parties to key functionality in its operating system, or in the use cases for which Apple and Google must enable more open consumer choices. Alternatively, it may wish to require Apple & Google to enable users to set third-party AI services as their defaults - a remedy that is currently in category 3. Depending on what the CMA discovers, we hope it acts at pace to reconsider their categorisation of measures.

We look forward to engaging with the CMA on these issues and to ensuring that the consumer voice is heard in this new regulatory regime.

About Which?

Which? is the UK's consumer champion, here to make life simpler, fairer and safer for everyone. Our research gets to the heart of consumer issues, our advice is impartial, and our rigorous product tests lead to expert recommendations. We're the independent consumer voice that works with politicians and lawmakers, investigates, holds businesses to account and makes change happen. As an organisation we're not for profit and all for making consumers more powerful.

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