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## Consultation Response

**Which? response to the CMA's proposed conduct requirements for Google's general search services**

**Submission date: 25/02/2026**

### Introduction

Which? welcomes the opportunity to comment on the CMA's proposed conduct requirements (CRs) for Google's general search services. **We support the proposed conduct requirements as important first steps** to ensuring that Google's dominance in online search does not harm consumers and other businesses, but encourage the CMA to ensure these measures are soon followed by further market opening interventions.

The designation of Google's general search services with Strategic Market Status (SMS) means effective intervention is critical to ensure that the online search market is a level playing field. The proposed CRs will help to create a more competitive environment and mitigate the potential adverse effects of Google's market power. We provide detailed feedback on the design of the CRs below, but overall we believe the CRs are specified appropriately to enable them to be effective in meeting their given aims.

However, to ensure that the detrimental effects of Google's SMS are addressed sufficiently, the CMA must implement further measures that have greater potential to fundamentally change the current market conditions as soon as possible. Priority should be given to additional measures such as further data sharing requirements, ensuring fair ranking practices across the whole of the search engine result page and consideration of the fairness of Google's distribution agreements. We are concerned that these necessary further interventions are being hampered by delays, for example where they interact with similar action in international jurisdictions. The government must stand firmly behind the regulator to help it give consumers a fair deal in digital markets, like proper choice over the search tools they use, and for other businesses to compete against big tech giants.

## User choice conduct requirement

We welcome the introduction of a search choice screen that builds on the screen shown on a voluntary basis in the UK, and the screen introduced in Europe in response to DMA regulation. Overall, we are encouraged that the proposed design choices will be effective in improving the extent to which consumers engage with their choice of search provider without imposing overly burdensome requirements. Combined with the ability to easily switch between search providers outside of the choice screen and improving the fairness of switching prompts, we believe this CR is an important intervention to increase competition in the online search market.

### Coverage of the Search Choice Screen

We support the ambition of the CR to show a choice screen to more users than the current version of the choice screen in the UK by covering additional devices and browsers. If the CR is to be as effective as possible, it is important that as many consumers as possible are able to see the screen and engage fully in the choice to best match which search provider suits their needs and preferences. To this end, we agree that the choice screen should be shown on both Android devices and Chrome on desktop and iOS/iPadOS. However, we note that the CMA intends on showing the choice screen on Android devices where Google Search has been pre-installed and/or set as default on the device in factory set-up by OEMs, and that this would capture the majority, but not all, of current Android devices.<sup>1</sup> It is not clear how many Android devices are being omitted as a result of this condition. To maximise the number of consumers who are able to engage with the choice screen, we encourage the CMA to work with Google to consider what alternative coverage conditions could allow the choice screen to be shown on all Android devices, for example by using the pre-installation of Google Chrome as the qualifying condition.

With respect to the access points which the chosen search provider applies to, we support the decision to increase the coverage so that the choice applies to third-party access points as well as the key Google-owned access points.<sup>2</sup> The requirement outlines that the chosen search provider will be made the default across the three most used access points: the browser address bar, the search app and the search widget. However, we note that the treatment of the search app and search widget in the requirement document is not consistent - the requirement states that the Google search app should only ever use Google's search service, which we support, but it appears the Google search widget could return results from either Google or the consumers' chosen provider (per Paragraph 4(b)(ii) of the CR).

To maximise consumers' engagement with their choice of search provider, and an intuitive consumer experience, it is important that their chosen search provider is applied consistently and visibly across access points. As such, we think the CMA should align the treatment of the search app and search widget by:

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<sup>1</sup> As per the 'Relevant Device' definition of the CR, and paragraph 4.12 [User Choice conduct requirement](#)

<sup>2</sup> Paragraph 4(b) of the CR [User Choice conduct requirement](#)

- a) requiring the chosen search provider's widget to be downloaded (if not already) and set as default explicitly in the CR, as is the case with the search app<sup>3</sup>; and
- b) amending the wording of Paragraph 4(b)(ii) to remove reference to Google's search widget (which would be redundant following implementation of the above suggestion).

## **The eligibility criteria and process to determine the list of eligible providers**

We support the decision to apply a set of eligibility criteria that allows for a broad range of search providers to be included in the choice screen. We acknowledge that the CMA's proposed approach differs from criteria applied to other choice screens, for example the DMA choice screen, but that this appropriately reflects a changing online search landscape. Online search has evolved with the emergence of new forms of navigating and consuming content on the internet, in particular AI-based search services, disrupting the market for traditional search providers. Our research has found that consumers are increasingly using AI-based search services, with just over half of the UK adults we surveyed in September 2025 saying they use AI search tools in their personal life to search for products, services and advice.<sup>4</sup> Although traditional search engines, predominantly Google Search, still dominate the search market, it is right that a choice screen that aims to encourage awareness and engagement with search providers accounts for the increasing variety of different search providers. This necessitates a broad set of criteria.

However, we are concerned that the criteria proposed in the CR may be overly reliant on interpretation. There is considerable judgement required to apply each of the four criteria identified, for example, to determine what consumers' expected general search experience is, what a significant proportion of UK users is, and the extent to which a service is operated and marketed with general search as a core part of the service. This interpretation allows for a degree of subjectivity that Google could choose to exploit to influence which providers to allow on the choice screen. There are two risks associated with this. First, that consumers are denied the opportunity to choose an online search service that best meets their preferences (or just denied the choice to fully engage with the choice to determine those preferences). Second, that there is unnecessary friction during implementation, for example due to the CMA being dragged into a back and forth with Google about appropriate interpretation of the criteria, that delays a fully effective and representative search choice screen being shown to consumers.

One way to mitigate this risk is to tighten the criteria themselves. We encourage the CMA to consider which aspects of the criteria could be more tightly defined to retain the overall spirit of the criteria while removing the current considerable degree of subjectivity. There are a range of options to achieve this, for example, making clearer what the 'full range of use cases of a general search engine' are (even specifying that this includes AI-based search services) or what a 'significant proportion of UK users' represents.

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<sup>3</sup>Paragraph 4.18, footnote 61 [User Choice conduct requirement](#). This wording relating to the search app should also be explicit within the CR.

<sup>4</sup> Which? (2025), Consumer use and attitudes towards AI search tools. Available at <https://www.which.co.uk/policy-and-insight/article/consumer-use-and-attitudes-towards-ai-search-too-is-aTnr81n3FOQI>

Another way to mitigate the risk of Google exploiting the ambiguity of the criteria is to ensure a robust governance process for determining the list of eligible providers. We agree that the onus for determining the list of eligible providers should be on Google, and other providers through their applications, provided that the CMA has sufficient sight and ability to intervene in this process through the compliance and monitoring arrangements. Overall, the compliance arrangements appear reasonable, however they do not make a clear distinction between how the initial selection of eligible providers will be made compared with changes thereafter. Given the level of interpretation afforded by the eligibility criteria, we think that it would be appropriate for the CMA to be more closely involved during the initial determination of eligible providers. This initial determination is where most of the judgement and interpretation of the criteria will take place, and we encourage the CMA to work closely with Google during this process to ensure that the choice screen is implemented as effectively as possible first time.

We encourage the CMA to consider how best to use these two levers to mitigate the risk of Google interpreting the criteria to its own benefit, so that the choice screen is implemented as effectively and timely as possible.

## **Frequency of display, choice architecture and ‘test-drive’**

We support the proposal to display the choice screen on initial device set up, and on an ongoing annual basis for existing users to maximise the opportunity for consumers to engage with the choice meaningfully. We agree that prior notice is important to allow competing search providers to market themselves and for third parties to provide advice to consumers to help maximise engagement with the choice. To ensure this is done consistently, if Google chooses to tie the ‘annual’ choice screen to a software update as opposed to a single day on which the screen is shown, there should be a maximum period (eg a week) that all consumers should be shown the screen, regardless of whether they have triggered the software update.

We welcome the two additional features that build on the choice screen provided in Europe, namely the pre-choice information screen and the ability to ‘test-drive’ a chosen search provider. Research shows that providing consumers with more information, for example through a pre-choice information screen, is an effective way of improving engagement with the choice screen.<sup>5</sup> This is especially relevant considering the understanding of online search services and how they differ from browsers is generally low. To the extent that the choice screen includes a range of types of online search providers (for example, traditional search engines and AI search tools), we would expect the information screen to highlight how different types of search tools provide different offerings to consumers. The effectiveness of the information screen will depend on detailed design choices and stakeholders will want to provide further feedback in due course. To facilitate this the CMA needs to ensure there is a transparent and collaborative process for designing the screen.

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<sup>5</sup> Research by Mozilla shows that consumers with better information on a browser choice screen are both more likely to choose alternative providers and are more satisfied with the choice screen. [Can browser choice screens be effective?](#) Accessed by Which? 19 February 2025.

The ability for consumers to ‘test-drive’ a search provider is a welcome regulatory innovation. We believe it may increase consumers’ willingness to try a new provider and increase engagement and confidence with their choice of provider, per the CRs aims. We agree that two weeks is a reasonable length of time for a ‘test-drive’ period, because it is sufficient to allow consumers to fully engage with a search provider and it is an intuitive time period in so far that it aligns with cooling-off periods for many online purchases and subscription services in consumer law.

## **Changing defaults, third-party access to a user’s default settings and prompts**

The search choice screen will only be fully effective if complemented with the ability to easily switch default providers outside of the choice cycle, so we welcome the proposals to include a device-level default setting that enables this choice in an accessible way.

We agree with the proposal to provide eligible providers with a search default API to increase transparency, and with the requirement for Google to ensure switching prompts are fair and balanced. We do not have specific further comment on these requirements.

## **Compliance reporting and monitoring**

We broadly support the proposed compliance reporting and monitoring arrangements, noting our comment above about the need for close CMA involvement during the initial determination of eligible providers. We encourage the CMA to use behavioural audits to explore the user journey and choice architecture issues at a suitable stage following implementation, as identified in the CR document.<sup>6</sup>

## **Proportionality assessment**

The costs of the User Choice CR have been estimated appropriately, combining evidence from Mozilla about the time spent to complete choice screens to determine time costs to users with Google-submitted implementation and operating costs. We are confident that this results in an appropriately robust 5-year cost estimate. We agree with the types of benefits that the CMA have identified, including greater choice and innovation from increased competition and an increase in consumers choosing services that meet their preferences. These have been identified using an appropriate range of sources (eg research evidence and comparable international experience). Quantifying these benefits is naturally more challenging, but the contextual evidence used to determine the likely magnitude of competition benefits and consumer preference benefits gives us confidence that these will significantly outweigh the costs.

The CMA has understandably applied a conservative one year implementation period in its estimation of costs and benefits. Assuming that a greater proportion of costs are incurred up front (compared to benefits accrued up front), and the likelihood that the choice screen is implemented after 6 months per the requirement, the net benefits are likely to be even greater over the 5-year timeframe than the CMA’s assessment. We do not know of

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<sup>6</sup> Paragraph 4.70 [User Choice conduct requirement](#)

alternative approaches to meeting the CMA's aims that are less onerous and therefore support the CMA's assessment that the intervention is proportionate.

## Data portability conduct requirement

We support this CR as a minimum requirement for improving the openness of Google's search data. This is a low-cost and low-risk intervention that will have a limited, but positive impact on consumers and market competition.

Although this requirement can be implemented quickly, and the costs of doing so are negligible, it must not come at the expense of delaying further data sharing ambitions. We consider the most tangible benefits from giving competitor search providers access to Google's search data will only be realised if further, more structured, data sharing arrangements are imposed. To ensure that the potential service innovation and market opening benefits from full and effective data sharing can be realised, the CMA must consider further data sharing intervention as a matter of priority. Any measure that builds on this CR should consider both user-generated data (such as click-and-query data) and search infrastructure data (such as Google's web index), and remove the onus on consumers to share the data. Further intervention may draw on the recent precedent set by the Google antitrust ruling in the US, but need not necessarily wait until the full appeals process has been completed - there is little point having an ex ante regulatory regime, but waiting until ex post competition law has run its course.<sup>7</sup>

### **Do you agree with the aim of the Data Portability CR and how we propose to implement the Data Portability CR to meet that aim?**

Facilitating the ability for consumers to easily share their Google search data with third-parties is in and of itself a reasonable aim, and to that end the proposed requirement and its implementation is an effective way of achieving this aim.

### **Do you consider the proposed Data Portability CR would result in the potential benefits we have identified (for example, value and innovation)?**

The CMA's assessment of benefits from this intervention are reasonable. We support the CR to the extent that it gives consumers greater control over their personal data by allowing them to extract it from Google more readily. Our research has found that people place significant value on their data and many people want to have greater control over the collection and use of their personal data, although we expect the direct consumer benefits, from increased monetisation and time savings, to be modest given the existing operation of the Data Portability API.<sup>8,9</sup>

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<sup>7</sup> United States and State of Colorado v Google LLC, 5 December 2025

<sup>8</sup> Which? (2021), Value of the Choice Requirement Remedy. Available at <https://www.which.co.uk/policy-and-insight/article/value-of-the-choice-requirement-remedy-ambD70F45tms>

<sup>9</sup> Which? (2021) Consumer data, targeted advertising and user choice. Available at: <https://www.which.co.uk/policy-and-insight/article/consumer-data-targeted-advertising-and-user-choice-aIScl4L0qEh7>

It may be that it results in greater benefits from increased investment and innovation in search services, but this will depend on the extent to which the API is taken up by rival search providers, which the CMA acknowledges has been limited to date.<sup>10</sup> The CMA acknowledges that increasing business access to customer data can increase investment and innovation, citing much larger scale data sharing operations such as Smart Data and Open Banking<sup>11</sup> which strengthens the case for further data sharing obligations.

We do not have further comment on the interpretive notes or proposed compliance reporting and monitoring at this stage.

## **Fair ranking conduct requirement**

We support the fair ranking CR as a way of bringing greater transparency and certainty to consumers and businesses. This will go some way to improving the trust in, and quality of, the search service Google provides. We support the CMA's specification of the requirement and consider it is likely to be effective in meeting the stated aims.

However, we consider this CR should be a first step to wider consideration of ranking and presentation of the Search Engine Results Page (SERP) as a whole. Organic results, the focus of this requirement, are just one part of the online search service and an increasingly small one following the emergence of AI overviews and continued prominence of specialised search services. The CMA's Google Search investigation roadmap highlighted two 'category two' priority measures that address the SERP more fully: fair treatment of specialist search services and greater transparency of search advertising.<sup>12</sup> For the first of these measures, the CMA noted that the need for this measure will depend in part on the effectiveness of this fair ranking requirement. Given the focus of this requirement is solely on organic search results, we strongly encourage the CMA to continue to pursue measures that target fairness and transparency across the SERP without further delay.

### **Do you agree with the proposed scope of the Fair Ranking CR?**

As acknowledged in the CMA's designation decision and roadmap, how Google ranks its search results includes consideration of specialised search services, paid for results and search responses generated by AI as well as organic results. To the extent that this CR represents a first step by starting with regulating the fairness of organic result ranking, we support the scope.

### **Do you have any views or evidence on the benefits or costs of the Fair Ranking CR?**

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<sup>10</sup> Paragraph 5.20 [Data portability conduct requirement](#)

<sup>11</sup> Paragraphs 5.22 and 5.23 [Data portability conduct requirement](#)

<sup>12</sup> [https://assets.publishing.service.gov.uk/media/6859810eeaa6f6419fade671/Roadmap\\_.pdf](https://assets.publishing.service.gov.uk/media/6859810eeaa6f6419fade671/Roadmap_.pdf)

Generally speaking, the benefits identified by the CMA are reasonable and we support the case for intervention based on the high likelihood that these benefits will outweigh any costs.

We note that the extent to which SEO costs for business will be reduced depends largely on the effectiveness of the increased transparency requirements. The interpretive notes set out high-level expectations of what additional transparency should look like, but how this will be implemented will be determined in part by Google's interpretation of these guidelines. We encourage the CMA to closely monitor how effective the transparency measures are following implementation and, if necessary, consider whether additional transparency requirements (for example, by specifying the publication of more granular ranking and performance data accessible via Google's Search Console) are required to ensure that businesses are able to realise tangible SEO costs reductions that could ultimately be redirected to increase investment and innovation.

We have no further response to the remaining consultation questions concerning the three components of the fair ranking CR.

## **Publisher conduct requirement**

Overall, we support this CR as an important step to giving greater control and transparency to publishers, consistent with the CMA's statutory objectives. AI summaries have, in a short period of time, had a transformative impact on the way consumers search and engage with the internet, and it is critical that businesses are able to deal with Google fairly and openly. In that short time, the absence of effective controls has already been damaging to publishers who have lost out on clicks to their content as a result of AI summaries.

We broadly agree with the benefits that the CMA identifies - that correcting for the current limitations will enable publishers to better monetise and invest more in their content. This will be to the ultimate benefit of consumers who will benefit indirectly through higher quality content as well as directly in the short term through greater attribution of AI in the content they consume. The CMA outlines that there may also be competitive benefits in adjacent activities such as AI assistants owing to the data advantages that its search services provide.<sup>13</sup> However, the CMA's assessment of costs recognises that any impact on Google's ability to train and ground generative AI features is likely to be minimal as the extent of Google's web index is likely to afford a level of robustness to content opt-outs.<sup>14</sup> Indeed, the CMA acknowledges that one of the most effective ways of mitigating Google's cost advantages is through an increase in improved payment terms to publishers (see comment below). We therefore do not consider that competition in adjacent activities is likely to be improved materially as a result of this CR, although we agree that even small competition improvements could have significant benefits.

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<sup>13</sup> Paragraphs 5.42 to 5.47 [Publisher conduct requirement](#)

<sup>14</sup> Paragraph 5.24 [Publisher conduct requirement](#)

## **Proposal to wait 12 months before deciding whether to take action to ensure publishers receive fair and reasonable terms for their content**

Ensuring fair and reasonable non-payment terms and payment terms for publisher content are separate but interrelated objectives. It is not necessarily unreasonable for the CMA to prioritise non-payment terms in this CR that focus on control, transparency and attribution and that further measures considering payment terms are subject to further investigation on a longer timetable.

The CMA has recognised in their investigation roadmap concerns that Google's bargaining position may be leading to unfair terms for publisher content, and that this has been exacerbated recently by the increase in AI Overviews.<sup>15</sup> In the proportionality assessment of this CR, the CMA acknowledges that improvements in publisher payment terms can reduce the extent to which Google faces cost advantages derived from its SMS position.<sup>16</sup> However, there is limited evidence in the CR, as published, that improving the control over and transparency and attribution of publisher content will lead to material changes in payment terms for publishers.

As such, we do not consider there is sufficient evidence that waiting for a predetermined timeframe of 12 months before considering further action is warranted. Delaying necessary interventions to support businesses in their dealings with Google search services also denies consumers from benefiting from higher quality and innovative services. We encourage the CMA to re-consider the application of a 12-month waiting period and, if necessary, give publishers further clarity about why delaying decision making is justified.

We have no further response to the remaining consultation questions concerning the three components of the publisher CR.

## **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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<sup>15</sup> Paragraph 3.20

[https://assets.publishing.service.gov.uk/media/6859810eeaa6f6419fade671/Roadmap\\_.pdf](https://assets.publishing.service.gov.uk/media/6859810eeaa6f6419fade671/Roadmap_.pdf)

<sup>16</sup> Paragraph 5.46 [Publisher conduct requirement](#)