

Competition and Markets Authority  
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## Consultation Response

### **Which? response to the CMA's invitation to comment on its Strategic Market Status Investigation into Google's General Search and Search Advertising services**

**Submission date: 03/02/2025**

## Summary

Which? welcomes the invitation to comment on this designation investigation. The CMA is right to prioritise search as the first activity it investigates using the new powers it has been given to improve competition in digital markets. Search services are of fundamental importance to UK consumers given the ubiquity with which people use them to find information and to connect with firms. As the CMA notes, a competitive market could improve services for search users and lower advertising costs for businesses, ultimately leading to lower prices for consumers. However, Google has had unchallenged dominance in this market for many years, with issues evidenced by the CMA's Market Study in 2020 continuing to endure.

We believe the CMA has identified the correct issues to explore in the investigation, and we especially welcome the focus on potential interventions to give consumers more control over their personal data. Our research has shown that this matters greatly to consumers and interventions to give greater control could empower consumers and be pro-competitive.

## Full response

### ***Q1: Do you have views on the proposed scope of our investigation and candidate descriptions of Google's general search services?***

We support the proposed scope of the CMA's investigation. We agree that Google's general search activity includes all the user-facing aspects of its search engine. Also, it seems correct at this stage to treat general search and search advertising together as a single digital activity.

**Q2: Do you have submissions or evidence relevant to the avenues of investigation set out in paragraphs 26-28? Are there other issues we should take into account, and if so why?**

Not at this time.

**Q3: Do you have views on how Google's general search services might be affected by the development of AI interfaces providing alternative means of returning information?**

The development of AI interfaces is clearly a hugely significant development in the provision of search and will likely have a wide range of consequences for the market. In theory, it could stimulate competition. If consumers prefer to receive information through an AI interface then we would expect this innovation could provide a way for challenger firms to attract market share. However, this would only happen if people are able to freely switch search providers, but this is not currently the case for numerous reasons, including the role of defaults. Moreover, Google has been able to invest considerably to develop AI technologies and is therefore well placed to take advantage of the development of AI interfaces, especially compared to many of the existing challenger search services. It is therefore possible to imagine the development of AI interfaces actually entrenching Google's market power.

**Q4: Do you have views on whether the issues outlined in this section are the right ones for the CMA to focus on, or whether there are others we should consider?**

We believe the CMA has identified the correct issues to explore in the investigation.

**Q5: Do you have views on whether the potential interventions are likely to be effective, proportionate and have benefits for users, including consumers and business search users? Are there other measures the CMA should consider that would be more effective or proportionate, or that would deliver greater benefits for users?**

We believe that many of the potential interventions outlined in the invitation to comment are uncontroversial. For example, requirements on Google not to self-preference, restrictions on tying, requirements to have effective complaints processes, and requirements to ensure search rankings are non-discriminatory. In all these cases, there is considerable scope to introduce proportionate interventions that deliver benefits for users, both consumers and businesses.

We strongly welcome that the CMA will consider possible interventions to give consumers more control over their personal data. Which?'s research has found that many people are uncomfortable about the amount of personal data that is collected for the purposes of online

advertising and want to have greater control over its collection and use<sup>1</sup>, and action has been taken in other jurisdictions on this issue.<sup>2</sup> The CMA's design of conduct requirements will inevitably need to be carefully considered. The design of processes, the framing of choices and the provision of information will all have a substantial impact on the ability of consumers to genuinely exercise control.<sup>3</sup> However, a well-designed requirement that successfully gives greater control to consumers would both mitigate the effect of Google's market power and be pro-competitive, complementing other interventions the CMA might make to tackle weak competition and barriers to entry.

**Q6: What are the key lessons the CMA should draw from measures imposed in relation to general search services in other jurisdictions? Are there specific areas where imposing a similar measure in the UK is more or less important for their overall effectiveness?**

BEUC (the European Consumer Organisation) has raised a number of concerns about the non-compliance of Google regarding the obligations of the Digital Markets Act (DMA) for Google Search. Specifically, as at September 2024, BEUC was concerned that Google was non-compliant because:

- Google's redesign of its search results page had not eliminated Google's preferential treatment of its own services.
- Google's user interface designs steered consumers to agree to consent to use their personal data across Google services, including for online ads, rather than enabling them to make a freely given, informed consent choice.
- The designs and roll out of choice screen designs for browsers and search engines were not compliant and Google did not make it easy for consumers to change their default settings as the DMA requires.<sup>4</sup>

We recommend that the CMA be mindful of these compliance challenges when designing any conduct requirements that have similar purposes to these DMA obligations.

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<sup>1</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>

<sup>2</sup> In the EU, the Digital Markets Act (Article 5(2)) restricts gatekeepers from using consumers' personal data for advertising purposes and combining/cross-using consumers' personal data from a gatekeeper's core platform service with personal data from another of their services or with personal data from third party services, unless the end user has freely consented to this.

<sup>3</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>4</sup> BEUC (2024) *Implementation by Meta, Apple, Google, Amazon, Bytedance and Microsoft of their obligations under the DMA*. Available at: <https://www.beuc.eu/position-papers/implementation-meta-apple-google-amazon-bytedance-and-microsoft-their-obligations>

## 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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