



**EPC** European Publishers Council

**Response from the European Publishers Council  
To the CMA's Proposed Decision on Google SMS Designation  
21 July 2025**

The European Publishers Council (EPC) represents the interests of leading European news media and publishing organisations including from the UK. We welcome the CMA's proposed decision to designate Google's general search services under the Digital Markets, Competition and Consumers Act (DMCCA) and view this as a vital step towards ensuring fair competition and sustainable value exchange between large digital platforms and content creators.

However, we are concerned that the **proposed exclusion of both the Gemini AI Assistant and Google News** from the scope of the relevant digital activity could significantly undermine the CMA's ability to achieve the objectives of SMS designation—particularly the ability to impose **Conduct Requirements that secure fair and reasonable terms for the use of publisher content**.

We therefore urge the CMA to reconsider its proposed approach and to include **both Gemini and Google News** within the scope of the digital activity “general search services.”

**1. Gemini AI Assistant**

The CMA defines general search as “a service that searches the world wide web, and can draw on other sources, to return information on any subject.” On that basis, the **Gemini AI Assistant clearly performs the general search activity** and should be in scope.

**Gemini:**

- Receives user queries or prompts.
- Calls Google's Search APIs to retrieve grounded information from the open web.
- Returns structured results—often with hyperlinks—that mirror those seen in the SERP, AI Overviews, or featured snippets.

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This is not merely analogous to general search; it is a direct continuation of it. In fact, Gemini is functionally identical to the **AI Overviews and AI Mode**, which the CMA rightly proposes to include. The only difference is presentational: Gemini wraps retrieved content in a conversational interface rather than a ranked list.

We do not believe that Google's characterisation of Gemini as a "content generation tool" is sufficient grounds for exclusion. Many Gemini use cases involve **informational queries**, and even if grounded search responses occur only in a subset of queries, that is enough to qualify under the CMA's own logic, particularly in view of its inclusion of multi-functional services such as Discover.

The **user experience** further confirms this functional overlap. CMA consumer research shows that users do not clearly distinguish between responses from Search and those from Gemini. As Google increasingly integrates Gemini into the mobile ecosystem (notably as the default assistant on Android), users are shifting their search behaviour towards this interface. Indeed, Google itself promotes Gemini as a search alternative thereby positioning it not as a separate service, but as an **evolution of search**.

We also have concerns regarding Gemini's **dependence on Google's general search infrastructure** during both grounding and pre-training stages. Large-scale crawling and indexing of the open web including publisher content, has contributed to the development of the underlying language models that power Gemini. This reinforces its deep and structural integration with Google's general search activity.

Excluding Gemini from the scope of designation would risk **rendering future conduct requirements ineffective**, as Google could shift traffic, user queries, and publisher-derived value into a parallel system beyond regulatory reach. In particular, the **CMA's ability to enforce transparency, attribution, control, and fair terms for the use of publisher content would be substantially weakened**.

We note that the **CMA's own roadmap identifies securing fair and reasonable terms in relation to the use of publisher content** as a Category 1 Conduct Requirement. Excluding Gemini and Google News would materially impair the CMA's ability to apply this requirement effectively.

## 2. Google News

Google News also falls squarely within the CMA's definition of general search.

Unlike narrow verticals such as Google Flights or Shopping, which respond to highly structured commercial queries, Google News:

- Accepts **natural-language, open-ended queries** on a wide range of topics.
- Draws content from across the web including non-news sources.
- Uses the same **core infrastructure** as general search: crawling, indexing, and ranking.

Google's own documentation confirms that **Google News relies on web crawling** and that submission through Publisher Centre is optional. The functionality of Google News is fundamentally indistinguishable from general search; it is only the interface and topical emphasis that differ.

It would be inconsistent to include **Google Discover**, a passive, curated content feed, while excluding **Google News**, which allows active search and retrieval across a broad spectrum of topics. In fact, Google News more clearly performs the digital activity at issue.

Moreover, excluding Google News from scope would create serious **gaps in regulatory coverage**. Google could apply unfair ranking, inclusion, or monetisation practices in the news and publishing environment, free from the constraints of Conduct Requirements. While some protection might be offered through anti-leveraging measures, these are necessarily narrower and more burdensome to enforce. Bringing Google News within scope allows the CMA to apply direct, proportionate remedies to address harms to competition and content producers.

### 3. Conclusion

We recognise the CMA must apply a clearly defined legal test to determine whether services fall within the scope of general search. However, that test must be applied in a way that **reflects the true functionality and integration of services** within Google's ecosystem and avoids any artificial distinctions based on branding or monetisation models.

- **Gemini** performs the same core function as Search and AI Overviews.
- **Google News** operates as a general-purpose search engine for content, using the same infrastructure and logic as Search.
- Excluding either would **weaken the CMA's ability to achieve the intended policy goals** of SMS designation—especially those relating to the use of third-party content.

We therefore urge the CMA to revise its position and to include both **Gemini and Google News** within the scope of the designated digital activity “general search services.”