

Publisher Conduct Requirements

[Redacted] welcomes the CMA's intention to introduce Conduct Requirements on Google to improve transparency across search generative features such as AI Overviews and AI Mode.

We agree with the CMA's diagnosis that publishers currently lack the information required to understand how their content is used and how users interact with search generative features. There is a significant asymmetry between the data available for paid-for search (which is near-real time, granular) and actionable and organic search functions. As the CMA identifies, the data gap is most evident for search generative features. We fully support the proposals for Google to provide new data tools relating to search generative features.

We agree Google should provide:

- User impressions, showing how often publisher content is surfaced in search generative features;
- Engagement metrics, including:
 - Clicks;
 - Click quality;
 - Impressions that led to clicks; and
- Clear separation of search generative features from all other search data, ensuring publishers can distinguish between organic, paid and search generative features performance.

We recommend strengthening the proposed data access in the following ways:

- Provision to publishers of a distinct identifier for search generative features' clicks (such as a UTM parameter or equivalent), ensuring publishers can attribute search generative traffic within their own analytics tools and distinguish it from other Google Search traffic;
- Timely reporting, ideally near-real time comparable to paid search (e.g., within 1–2 hours); and
- Accessible reporting interfaces, equivalent in functionality to paid search dashboards and APIs, enabling publishers to analyse and optimise performance effectively.

The need for an identifier

A distinct identifier on search generative features' clicks is essential because, without it, publishers cannot attribute search generative features traffic within their own analytics environments. While the CMA's proposed metrics, impressions, clicks, and click quality, provide high level aggregate reporting, they do not enable publishers to understand how search generative features' traffic behaves once users reach their sites.

In practice, traffic from search generative features currently appears indistinguishably within general Google/organic reporting, meaning publishers are unable to monitor user journeys, measure conversion, or evaluate the commercial impact of generative AI features

By contrast, paid search benefits from established tagging conventions (such as UTM parameters and auto tagging) that allow advertisers to analyse performance at a granular, session-level basis. This is why paid search data is genuinely actionable for optimisation and budgeting) and enabling advertisers to analyse performance at a granular, session-level basis.

Requiring Google to attach a consistent identifier, whether a UTM parameter, a dedicated referrer string, or an equivalent auto-tag, would provide parity between search generative features and paid search. It would allow publishers to:

- measure on-site behaviour and conversion attributable to search generative features;
- distinguish search generative features' traffic from standard organic search;
- reconcile Google's aggregate reporting with first party analytics; and third party analytics; and
- monitor the commercial and editorial impact of AI discovery on their own operations.

Without this identifier, publishers remain unable to verify or operationalise the CMA's proposed metrics, limiting the usefulness of the transparency obligations.

Timely reporting

Timely reporting is essential because search generative features' results displays can change rapidly, and publishers need the ability to diagnose traffic shifts and user behaviour as they occur. Without near-real time data, comparable to the 1–2 hour access already standard in paid search, publishers cannot identify sudden

drops, testing impacts, or commercial risks caused by changes in Google's search generative features' systems. Delayed reporting reduces the usefulness of transparency obligations, limits publishers' ability to respond to fluctuations.

Accessible dashboards

Accessible reporting interfaces are necessary to enable publishers to utilise the proposed metrics and operationalise them. Paid search already provides mature, well-integrated tooling that allows publishers to interrogate data at scale, automate reporting, and incorporate insights directly into optimisation and risk management workflows.

By contrast, if search generative features' metrics are only accessible through limited or standalone interfaces, publishers would lack the tools required to interpret traffic patterns, reconcile Google's reporting with their own analytics, or respond quickly to changes in Google's search generative features' systems.

User Choice Conduct Requirement

In the content of Google search services, we support the use of user choice screens. Search engines are free to use, easy for consumers to trial, and can be switched between with minimal friction. A well-designed choice screen in this environment can therefore promote genuinely informed consumer choice, increase visibility for alternative providers, and help ensure that default settings do not unduly influence user behaviour.

Browsers and search functionality are closely integrated with the operating system, and this structural linkage can give rise to anti-competitive effects when these services are co-owned. To ensure that consumers retain genuine freedom of choice and that rivals can compete on merit, it is important that appropriate Conduct Requirements and safeguards are in place. These measures should prevent the operating system from being used to preferentially steer users toward affiliated browser or search services, and instead promote a fair, open environment where consumers can select alternatives without friction or bias.

Specifically for the proposed Conduct Requirement, it is important that Eligible Providers do not need to pay any financial compensation as part of the Eligibility Criteria. It must be free to be listed as an Eligible Provider on the choice screen. Similarly, to facilitate choice and enable consumers to make an informed decision, each search provider listed on the choice screen should be able to provide sufficient information about the quality and nature of its products, which should be shown on the screen or accessed via a click through link for more detail about its product.

A clear regulatory framework

Finally, we would like to raise an overarching comment regarding the delineation between the Conduct Requirements and the Interpretative Notes. As with any regulation, the Conduct Requirements must provide a clearly articulated regulatory framework which cannot be circumvented. In our view, the effectiveness of the regime will depend heavily on the clarity with which obligations are formulated and the extent to which Google and third parties can look to the Conduct Requirements as the definitive source of mandatory requirements, rather than the accompanying Notes.

Effective regulation requires legal certainty. Google and third parties must be able to understand, with confidence, what is required for compliance. Regulatory frameworks that rely on the interpretation of supplementary documents risk creating ambiguity and inconsistent compliance approaches.

As such, it is essential that any requirements the CMA considers to be mandatory appear directly within the Conduct Requirement itself, and not in the Interpretative Notes. Guidance should serve its proper role: providing explanation, examples, and additional non-binding context to support interpretation.

The CMA states in its Conduct Requirements that it is open to Google to take a different approach for compliance to that outlined in the Interpretative Notes, while at the same time detailing what the CMA would "expect" to see in compliance (e.g. reporting frequency) or the "minimum" required (e.g. minimum information provided to third parties). It is unclear to us whether such elements of the Interpretative Notes are binding or not, or could be circumvented through an alternative approach to compliance.

Lack of certainty between mandatory vs voluntary obligations risks creating an inconsistent regulatory environment and complicates enforcement. Placing all binding rules and minimum standards in the Conduct Requirement itself will ensure that obligations cannot be circumvented or misinterpreted.