

Response: CMA consultation on Google Search SMS Conduct Requirements

Introduction

[Redacted] welcomes the opportunity to respond to consultation on the proposed Conduct Requirements (CRs) for Google's general search services under the Digital Markets, Competition and Consumers Act 2024. This is an important milestone: the first substantive application of the digital markets regime.

[Redacted].

The Competition and Markets Authority's (CMA) proposed CRs sit within a broader objective: safeguarding open and contestable digital markets so that [Redacted] can compete on the merits and see a fair return on their investments.

[Redacted]

Executive summary

We support the proposals set out by the CMA as an important first step in addressing the issues in search, and agree that clear, enforceable conduct requirements are necessary to address the structural features of Google's market power in search and give businesses greater confidence that Google is using its entrenched dominance in search fairly. However, we share concerns that the proposed measures risk addressing symptoms rather than causes. This submission focuses on two proposed CRs:

- **Fair Ranking:** [Redacted] supports the CMA's objective of ensuring that Google's ranking and presentation of organic results are fair and non-discriminatory. Beyond the ranking of organic results, we ask the CMA to also address the structural privileging of Google's own specialised search services and its role as an impartial auctioneer in search advertising. Without addressing these issues rapidly through Category 2 interventions, the current proposal will not fully tackle the structural privileging of Google's own specialised services on the SERP, which is a central reason why ranking is unfair for many of Google's users.
- **Publisher Controls:** [Redacted] welcomes measures to improve publisher control and transparency in AI Overviews. Clear attribution and access to meaningful performance data are essential to ensure that the use of publisher content in AI features does not undermine traffic, visibility or competition. Greater insights into how users engage with publisher content in Google's search generative AI features will also provide greater certainty for publishers regarding the type of content they should invest in going forward.

While we believe the proposals will - if implemented properly - be an important improvement on the status quo for Google's users, it is important that the CMA pursue at pace the further CRs indicated in its Roadmap of possible interventions.

Fair ranking conduct requirement

Overview

[Redacted] strongly support the CMA's objective of ensuring that Google's ranking and presentation of organic search results is fair and non-discriminatory. As AI Overviews and AI Mode become increasingly prominent, the need for neutral treatment across the Search Engine Results Page (SERP) becomes even more acute. We support the CMA's proposal that Google must not discriminate against publishers who opt out of AI features, nor favour those businesses with which it has a commercial relationship. This consideration will be especially important as Google rolls out agentic commerce and takes a potentially selective approach to integrations

We also welcome the fact that, under the proposed CR, Google would no longer be able to fix AI Overviews or the integrated links to its specialised search services above organic results. Instead, the most relevant organic result could appear above these features where it is more relevant to the user query. This is a substantial improvement on the status quo, and the potential for greater visibility on the SERP should incentivise businesses to continue investing in high quality SEO landing pages.

Similarly, requiring the ranking and presentation of results in Google's search generative AI features to be subject to the same objective and non-discriminatory criteria as the rest of the SERP is vital. At present, the level of visibility that businesses enjoy in these features does not correspond with their organic ranking on the main SERP, with indications that Google's own services - or the businesses with which Google has a commercial agreement - do better on these search generative AI features. Restoring greater transparency and fairness to these features will give businesses greater confidence to engage in these new features and invest in tailored content for them, to the benefit of consumers.

While we believe the proposed CR will bring important benefits to businesses and consumers, we must note that it addresses only part of the competitive distortion present in search for Google's competitors in specialised search. While focusing on ranking principles for organic content, it does not adequately address the structural privileging of Google's own specialised services through their placement, format and integration within the SERP.

Without tackling this issue directly and at pace, the CR risks being less effective than it could be.

Self-preferencing

The integrated links to Google's own specialised services (including [REDACTED]) are not merely "search features". They are distinct specialised search services designed in a manner which systematically advantages Google over competing specialised providers.

Google's modules occupy premium real estate on the SERP, almost always above organic results or displacing competing sponsored listings such as paid search ads; are presented in visually prominent, interactive formats; displace more relevant third-party organic results and/or paid search ads below the fold; and benefit from integration and data advantages unavailable to their competitors. Such can be seen in Example 1, below.

[IMAGE REDCATED]

Example 1: Google's SERP ranking, February 2026

While under this proposal the ranking of Google's integrated links to its specialised services relative to organic results will be addressed, we appreciate that substantive consideration of specialised search services has been planned for Category 2. Nevertheless, we believe it is an integral part of levelling the playing field with Google Search and the CMA's plans for addressing this issue must be acknowledged within the foundation of these conduct requirements.

The issue of self-preferencing via specialised search services is not peripheral to fair ranking; it is central to it. A CR that addresses the relative ranking of Google's own products and services relative to those of equivalent third parties will only address half of the problem. For as long as Google is able to present its own specialised search services on the SERP in a way that is much more appealing to consumers without equivalent opportunities for third-parties, it is likely that Google's services will enjoy an unfair advantage in ranking as well as presentation - since greater user engagement with Google's result will improve its ranking, even if the same objective and non-discriminatory ranking criteria are applied to all services equally.

Third parties must, ultimately, have access to the same user signals and visual presentation standards to prevent discrimination and ensure genuine fairness.

[Redacted] under the EU's Digital Markets Act has shown that technical distinctions between general and specialised search can become avenues for avoidance. The CMA should pre-empt similar risks in the UK by ensuring that any decision affecting ranking or placement of Google's own vertical services is subject to the same non-discrimination standards as third-party providers. To that end we believe that, until the broader issue of Google's treatment of specialised search services is addressed under category 2 CRs, Google should be required to compensate for any unfair advantage the presentation of its vertical products grants to those products when applying the ranking criteria.

Objective Criteria

The Fair Ranking CR places an obligation on Google to ensure its ranking and presentation of organic results is objective and non-discriminatory, which is welcome in principle. However, this objective criteria is not set by the CMA, leaving the term

undefined. While the interpretive notes indicate that relevance and quality should be the central considerations, we believe the CMA needs to better define what it expects of Google.

Absent clearer parameters, Google could define its own criteria in a way that appears facially neutral, while still optimising in ways that continue to favour its own services- - for example, by granting more importance to domain authority over topical authority when applying the ranking criteria and policies to the SEO landing pages of its specialised search services .Therefore, it could assert compliance while preserving the same anti-competitive outcomes.

Arguably, an objective standard is only meaningful if it is auditable and enforceable by the CMA. [Redacted] therefore asks that the Fair Ranking CR requires Google to clearly articulate the criteria used to rank and present services where it competes downstream , and gives specific information on how it ensures its own services do not benefit from any subtle advantage in terms of ranking. The criteria should also be measured by user intent signals and neutral relevance scores, rather than Google's internal ecosystem metrics. The CMA must exercise significant oversight of how Google is complying, requiring demonstrations, simulations, or testing of ranking outcomes against this criteria, enabling verification that ranking criteria are not designed or applied in a self-preferential manner.

Without such mechanisms, the CR risks being procedural rather than substantive, and businesses will not have sufficient confidence in Google's ranking to enable them to invest in new content more confidently.

Interaction with paid results

The Fair Ranking principle must encompass paid results as in many commercial queries, large portions of the SERP are monetised, and paid placements in many verticals can also operate as a vehicle for self-preferencing. There is a fundamental structural imbalance in paid results: Google currently operates simultaneously as the referee (setting auction rules), the manager (providing bidding tools), and a competing player (via its own vertical search services and vertical specific sponsored ad units). This privileged 'triple-role' creates an inherent conflict of interest that high-level principles alone cannot resolve.

To ensure a level playing field, [Redacted] calls for the following:

- Prohibition of Privileged "Query Data" Use: Google must be prohibited from the privileged use of granular user signals - such as real-time "query data," search refinements via "chips," or specific "date selections" made in general search - to advantage its own vertical modules and/or vertical specific sponsored units.
- Data Parity Mandate: Any modifications to the auction environment or user intent signals derived from SERP interactions (like date-input boxes or destination chips) must be made accessible to all auction participants. Allowing Google's internal

"player" to optimise bids based on intent data that is hidden from third-party "managers" constitutes a form of information asymmetry that prevents competition on the merits.

- Auction Neutrality: clear role segregation to prevent monetised self-preferencing. Google's internal vertical units should be subject to the same 'quality score / ad rank' and pricing mechanics as independent providers, with no "back-door" access to the user's specific journey data.

We encourage the CMA to consider how the CR interacts with advertising placement and whether additional safeguards are required to prevent self-preferencing through monetised formats.

While we acknowledge that the CMA believes the ranking of sponsored and organic results should not be governed by one set of principles given the different criteria used in paid content, we believe that there is a strong case for the ranking of sponsored results relative to organic results to be included.

For many queries, the top organic results are likely to be more relevant than the sponsored results. With Google allowing competitors to bid on branded keywords, for example, the sponsored results may relate to non-relevant services that simply paid for the privilege to appear at the top of the SERP. However, the most relevant result - i.e. the one that the user specified in their query - may be much further down the page at present.

Requiring Google to ensure that the most relevant organic result could appear above sponsored results where justified would better support the overall objectives of the CR to ensure users see the most relevant and highest quality results for their query. Google is already introducing secondary units for sponsored results interspersed with organic listings, indicating that extending this obligation to cover sponsored results would not incur additional costs for Google while having important advantages.

Complaints procedure and enforcement

We support the CMA's intention to introduce a complaints mechanism. However, as currently described, the proposal lacks sufficient clarity and enforceability. A revised procedure must ensure timely resolution and regulatory oversight.

A complaints procedure without clear time limits, defined investigative steps, and binding outcomes risks becoming ineffective for complainants. We also believe there should be a requirement for Google to provide rationale for their decisions in any investigations

More fundamentally, complaints mechanisms cannot substitute for clear ex-ante obligations, external oversight and robust enforcement by the CMA. Businesses should not be required to litigate fairness on a case-by-case basis against a dominant competitor with its own commercial interests. The regulatory framework must prevent discriminatory

outcomes before they occur.

Publisher controls

[Redacted] welcomes the introduction of a publisher controls CR as a mechanism for greater control, transparency and attribution. However, the CR should address the fundamental disruption caused by generative AI in Search, which threatens to dismantle the economic foundation of the open web.

Definition of publisher

[Redacted] strongly supports the broad definition of 'publisher' to capture all businesses making content available via Google Search. Many of the concerns that news publishers have around the unattributed use of their content in search generative AI features are shared by all kinds of businesses, and giving greater control, transparency and attribution for all users will meaningfully reduce costs for businesses and enable more informed investment decisions.

Attribution

[Redacted] strongly supports the CMA's proposal to address publisher concerns in relation to AI Overviews and AI Mode. [Redacted]. Where that content is used in AI-generated responses, attribution must be clear and meaningful and on a similar basis to the attribution of Google's own separate products and services.

Currently, Google Search's AI Overviews can utilise vague citations or buried references, meaning that content is unfairly and disproportionately absorbed given the amount of traffic that it drives to the original publisher.

Attribution to publishers across search generative AI features should be clearly presented, including prominent identification of the source through direct, clickable hyperlinks to the referenced material.

Data Access and Transparency

As AI Overviews and AI Mode become more prominent, publishers lack visibility into:

- The extent to which their content is used;
- The share of impressions and engagement attributable to AI features;
- The impact on organic traffic and referrals.

Without access to granular data, disaggregated between AI Mode and AI Overviews, publishers cannot assess performance, adapt their content strategy and investment decisions, or evaluate harm. We therefore support the CMA's proposal that Google must

share data relating to search generative AI features and encourage that this includes all the data indicated by the CMA, including:

- Impression and click-through metrics specific to AI features;
- Query-level or sufficiently granular reporting; and
- Clear differentiation between organic search traffic and AI-generated referral traffic

However, for this requirement to be truly helpful to businesses, user engagement data must be disaggregated between AI Overviews and AI Mode. These two features are fundamentally different, with AI Overviews serving factual summaries intended to answer standalone queries, while AI Mode is a conversational assistant optimised for more complex, long-tail queries. Google itself has indicated that the direction of AI Mode is quite different from AI Overviews, with substantially different features (including agentic commerce).

Such different features will lead to very different user behaviours, and thus optimising content for these two features will require quite different approaches for businesses. Aggregated reporting would make it harder for businesses to decide which type of content to invest in. It would also likely mean businesses still spending significant amounts of money on external tooling, or internal resource, to identify the differences in user engagement themselves. This would lead to higher costs than necessary and less effective investment and content strategies for Google's business users.

Transparency in this context is not merely informational; it is essential for competitive viability and impacts businesses' content strategies. We believe requiring Google to disaggregate the data is a proportionate obligation considering the objective of the CR and the significant advantages.

Transparency must also encompass 'data neutrality.' Google should be prevented from leveraging general search query data to unfairly benefit its own specialised search services. A similar argument could be made regarding AI Overviews, which also inject themselves on the SERP and displace other results. This use of data should only be acceptable if the data is shared with all market participants on an equal and fair basis.

Conclusion

[Redacted] supports the CMA's efforts to introduce clear conduct requirements under the new digital markets regime. The proposed Fair Ranking and Publisher Control measures are an important first step which will benefit Google's business users and UK consumers.

To achieve their objectives, however, the conduct requirements must address the structural privileging of Google's own specialised services, testing Google's ranking algorithms to verify compliance.

The CMA must also address the structural privileging of Google's own specialised services, through rapid Category 2 interventions relating to specialised search and

advertising. In ads, the fundamental issue is one of structural integrity: Google currently operates simultaneously as the referee (setting the rules of the auction), the manager (providing the bidding tools), and a competing player (via its own vertical search services & [Redacted] ad carousels). This 'triple-role' creates an inherent conflict of interest that no high-level principle can resolve without specific, enforceable guardrails on role segregation and auction neutrality. While we understand the CMA's proposal to review this in the next stage, we believe that it is necessary for the current conduct requirements to acknowledge the self-preferencing in specialised search services and give clear commitments to addressing this robustly.

Additionally, [Redacted] calls for further clarity on how Google's objective criteria will be audited by the CMA and the enforcement of complaints mechanisms. As the search landscape evolves toward AI-driven interfaces, the CMA must also establish clear requirements that ensures fair attribution and transparency of how data is used by Google, allowing publishers to also benefit from this use of data and incorporate into future strategies.

[Redacted] remains committed to engaging constructively with the CMA. We are willing to provide further evidence, including practical examples of SERP presentation, visual parity/pixel-dominance metrics, and market impact, to support the development of an effective and proportionate regime that ensures the long-term viability of the [Redacted] sector.