

## Response to CMA Consultation on Proposed Search Conduct Requirements

### I. Introduction

1. Google welcomes the opportunity to respond to the CMA's consultation of 28 January 2026 (**Consultation**) on proposed conduct requirements (**CRs**). While Google is committed to the DMCCA's statutory objectives of fair dealing, open choices, and trust and transparency,<sup>1</sup> certain proposed CRs, as drafted, would have disproportionate and detrimental consequences for users, publishers, businesses, and other partners, as well as Google's ability to innovate and invest in the UK.
2. Google's observations on each of the four proposed CRs are detailed below (see Section II for Fair Ranking, Section III for User Choice, Section IV for Publishers and Section V for Data Portability). These observations acknowledge proposed CRs that offer a pragmatic way to address certain areas of contention. But they also identify proposed CRs that are unjustified; lack a proper legal or evidential basis; and would undermine consumer interests, investment, and innovation in the UK. The Consultation proposes the imposition of onerous parallel reporting obligations under the various CRs that would add complexity and lead to near-constant regulatory red tape.
3. **Fair ranking.** The Consultation explains that the CMA has received no evidence that Google's ranking is unfair. Instead, the proposed CR seeks to improve an alleged subjective "*lack of trust*" and "*perception*" of unfairness from a handful of complainant publishers. While Google is happy to work with the CMA to improve trust in its ranking, the proposed CR would not be a proportionate means of achieving this goal and is not likely to result in benefits for consumers.
4. On the contrary, the proposed transparency-related and complaints-focused obligations are onerous, unnecessary, disproportionate, and simply unworkable in practice. They risk exposing Search to exploitation and manipulation by spammers and bad actors, and burying Google in arduous assessments of publisher complaints and near-constant reporting.
5. Google's alternative proposal would be more effective in achieving the CMA's objectives in a less onerous way than the proposed CR and should be reconsidered by the CMA.
6. **User choice.** Google recognises that carefully designed choice architecture measures can benefit UK consumers and satisfy the CMA's goals to "*improve consumers' awareness of, engagement with and confidence in, search services [...] and their ability to switch default search providers easily and quickly.*" The proposed CR taken in its totality, however, is a

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<sup>1</sup> Digital Markets, Competition and Consumers Act 2024 (**DMCCA**).

disproportionate means to achieve the stated objective. The costs of user harm from frustrating and annoying interruptive choice pop-ups—which CMA research finds users “generally dislike” and are “unlikely to engage with”<sup>2</sup>—and OEM implementation costs from UK-specific device-side changes far outweigh any contemplated benefits for users.

7. Based on the Consultation proposals, Google provides below the example of a user who will see at least 6 interruptive pop-ups during the first two weeks of the CRs coming into effect and at least 10 interruptive pop-ups per the lifetime of an Android device (at which point the cycle of interruptive pop-ups will then restart). The Consultation acknowledges that “asking users too often can overwhelm them and lead to poor decisions”; this is due to well-established effects of choice overload, decision fatigue, irritation, and user disengagement. But the Consultation’s proposals, in their totality, would lead to that outcome.
8. By contrast, Google’s multi-pronged proposals to (i) introduce newly-designed choice screens that show during device setup, (ii) extend these screens to additional devices (Pixel and Chrome on iOS and Windows), (iii) launch a system-wide default setting for search services on Android (**central switch**), and (iv) build an API that will allow search services on Android to prompt users to be set as default, are far less costly and equally effective means of achieving the CMA’s stated objectives.
9. **Publishers.** Google acknowledges the importance of publishers having meaningful control over how their content is used, consistent with maintaining users’ ability to access information through Search features and promoting continued innovation. Google disagrees with claims that recent innovations in Search have harmed publishers. But having discussed the Consultation’s proposal with publishers over the course of the last few weeks, Google recognises the potential utility for publishers of the core proposals: a new Search generative AI (**genAI**) grounding control and clarifying Google-Extended.
10. Certain aspects of the proposed CR would, however, fundamentally undermine the viability of these proposals and lead to the type of excessive regulation that government policy aims to avoid, *i.e.*, regulation that is motivated by unclear and unevidenced harms, but will have a detrimental effect on the quality of AI services to users and on innovation in the UK.<sup>3</sup>
11. For example, the Consultation proposes a broad disclosure obligation on how Google’s genAI services work beyond Search, which is unrelated to the proposed Search genAI control and directly pre-empts developing government policies on exactly this issue. The

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<sup>2</sup> Verian Group UK, [Mobile Browsers Consumer Research – Understanding and usage of mobile browsers on smartphones for the CMA web browsers market investigation](#) (August 2024), p. 75.

<sup>3</sup> Policy Paper, [Strategic steer to the Competition and Markets Authority](#) (15 May 2025); Department for Science, Innovation and Technology, [AI Opportunities Action Plan](#) (13 January 2025).

Consultation proposes regulating how Google attributes content to sources, even though Google has every incentive to prominently attribute content to publishers, particularly since the proposed Search genAI control allows publishers to opt out if they are dissatisfied with the benefits of the feature. And the Consultation asks about splitting Google-Extended into two separate controls, despite articulating no harm that this proposal is intended to solve; identifying no benefits to competition or consumers that would result; and seemingly not considering the engineering costs, complexity for publishers, and delay to implementing the CR (compared to maintaining and clarifying Google-Extended).

12. **Data portability.** The Consultation rightly recognises the benefits that Google’s Data Portability API (**DPAPI**) is having in the EU and the UK, where it has been implemented voluntarily. It proposes a CR that will facilitate the continued provision of the DPAPI in a manner that is proportionate and coherent across jurisdictions.

## II. **Fair Ranking**

13. Search is central to Google’s mission to organise the world’s information. Search’s ranking systems are pivotal to presenting the most relevant and most useful results to a search query.<sup>4</sup> Search does not provide any special advantages based on personal or financial relationships.<sup>5</sup> Nor does it give first-party content or services special treatment in ranking.<sup>6</sup> These principles are entrenched in the operation of Search. And they are protected by Google’s existing policies and processes.
14. It is therefore unsurprising that the CMA has found no evidence that Search’s ranking decisions are unfair.<sup>7</sup>
15. Because there is no evidence of any unfairness in Google’s ranking, the Consultation instead raises a tenuous theory based on the following chain of reasoning. First, it claims some publishers allegedly have a “*lack of trust*” and subjective “*perception of unfairness*” in Google’s ranking, based on claims from a small handful of publishers.<sup>8</sup> Second, it speculates that these publishers are allegedly holding back investments in the UK because of this

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<sup>4</sup> See Google Search, [Automatically generating and ranking results](#).

<sup>5</sup> See Google Search, [Our approach to Search](#).

<sup>6</sup> See Google Search, [Our approach to Search](#).

<sup>7</sup> [Fair Ranking Consultation](#), para. 1.11.

<sup>8</sup> [Fair Ranking Consultation](#), para. 1.11. As discussed in **Confidential Annex 4**, the publishers that supposedly raised this concern represent a miniscule fraction of UK publishers. No corroborating evidence is provided.

subjective perception.<sup>9</sup> Third, it assumes that the proposed CR—“*even if not resulting in material changes to how Google’s systems and policies operate*”—would somehow unlock publisher investment into the UK.<sup>10</sup>

16. This tenuous theory is, in itself, inherently unlikely. Each element in the chain lacks evidentiary support, resting instead upon assertions of a handful of self-interested complainants. And the theory is based on the proposition that Google is and has been acting irrationally. In reality, Google has no incentive for publishers to hold back innovations or investments. It is in Google’s interest for web publishers to be as high-quality and innovative as possible: that makes using Search a better experience for users, which benefits Google.
17. Because the Consultation’s theory is tenuous and lacks evidence, it is particularly important that the CMA establishes conclusively that the CRs it proposes are proportionate (s.19(5) DMCCA) and likely to result in consumer benefits (s.19(10)).<sup>11</sup>
18. Regrettably, several aspects of the proposed CR do not fulfill these legal requirements. They are unnecessary, overly broad, and disproportionate. Rather than promoting consumer benefits, they would harm consumers in the UK by exposing Google’s ranking to manipulation, delaying improvements for UK consumers, and imposing needless red tape and costs that would otherwise be used for product improvement and innovation.
19. Google’s alternative proposal described below would be more effective at addressing the CMA’s objectives in a less onerous way, guarding against degraded Search experiences for UK consumers, and aligning with the Government’s Strategic Steer to the CMA.<sup>12</sup>
20. If, despite this, the CMA decides to pursue the proposed CR (or some of its provisions), Google has explained why the proposed CR would be ineffective at achieving the CMA’s objectives, unworkable, disproportionate, and/or not result in consumer benefits.

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<sup>9</sup> No evidence is provided in the Consultation that investments or innovations are being held back as a result of an alleged lack of trust or perception of unfairness in Google’s ranking. The only example that the Consultation cites is of a specialised search site that has launched into new verticals – *i.e.*, increasing (not decreasing) its investment ([Fair Ranking Consultation](#), para. 1.10(b)).

<sup>10</sup> [Fair Ranking Consultation](#), para. 1.12.

<sup>11</sup> See [Tesco Plc v Competition Commission](#) [2009] CAT 6, paras. 139 and 143; [Barclays Bank Plc v Competition Commission](#) [2009] CAT 27, para. 21; and [BAA v Competition Commission](#) [2012] CAT 3, para. 20(7).

<sup>12</sup> Department for Business and Trade, [Strategic steer to the Competition and Markets Authority](#) (15 May 2025).

**Google’s alternative proposal would achieve the CMA’s objectives more effectively and more proportionately than the proposed CR**

21. The Consultation recognises the “*overlap*” between Google’s proposed package of measures and paragraph 5 of the proposed CR, and indicates that Google’s transparency proposals represent an “*improvement*” as compared to Google’s existing practices.<sup>13</sup> The Consultation’s overall assessment is flawed, however, because Google’s proposal would equally, if not more, effectively achieve all the CMA’s objectives in a less onerous way, avoiding unnecessary red tape. As a result, Google’s proposal would be more proportionate than the proposed CR. Taking each limb addressed by the Consultation in turn:

- **Non-discrimination and objectivity.** The Consultation confirms that there is no evidence of unfair ranking; Google’s ranking adheres to Google’s Honest Results Policy and FWCP; Google has no incentive to deviate from these policies’ underlying principles; and Google’s proposal always extended the concept of fairness to all of Search, including new Search features. Therefore, Google’s proposed public commitment to continue to comply with fair ranking principles for existing and future Search features satisfies the CMA’s objective to ensure Search ranks results using objective and non-discriminatory criteria.
- **Transparency.** The Consultation acknowledges the extensive information that Google already freely publishes today.<sup>14</sup> It concedes that Google’s proposal to publish a version of FWCP “*largely matches our proposed Fair Ranking CR requirements on this point.*”<sup>15</sup> The Consultation, however, overlooks the ability of the actionable policy updates, annual roundtable, and public report components of Google’s proposals to fully and proportionately achieve the CMA’s fair dealing and trust and transparency objectives. The Consultation’s concerns with the roundtables—which would not, contrary to the Consultation, concern only the complaints process—are unsubstantiated and misconceived.<sup>16</sup>

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<sup>13</sup> [Fair Ranking Consultation](#), para. 5.11.

<sup>14</sup> [Fair Ranking Consultation](#), para. 4.12.

<sup>15</sup> [Fair Ranking Consultation](#), para. 5.13(b).

<sup>16</sup> [Fair Ranking Consultation](#), para. 5.13(c). The Consultation raises concerns about the roundtable around an (i) alleged “*limitations on attendees*” and (ii) the “*significant amount of time*” between roundtables. But Google did not propose any limit on potential attendees (the roundtable could trivially be accompanied by a video broadcast to accommodate viewing by any publisher). And no evidence is provided that annual roundtables would be insufficient: indeed, in its SMS investigation into Google’s mobile ecosystem—where the precise same concern has been raised—the CMA has accepted commitments from Google for annual roundtables. The roundtable would, moreover, be additive to the existing fora on which Google provides information (see **Annex 3**) and Google’s commitment to provide updates on all actionable policy updates.

- **Non-distortion and complaints.** While incorrectly assessing the proposed roundtable solely by reference to complaints, the Consultation notes the “*lack of any substantive obligation on Google to consider complaints.*”<sup>17</sup> But the Consultation does not recognise the fact that the roundtable was proposed *in addition* to Google’s existing (continued) complaints mechanisms, which allow for any-time reporting of spam and SafeSearch complaints. Google has every interest in receiving, considering, and addressing viable complaints to ensure the effectiveness of Search ranking for its users.

22. Google urges the CMA to reconsider its assessment of Google’s alternative proposal and is willing to discuss it further with the CMA. Google explains below the reasons why the proposed CR would, by contrast, be ineffective, unworkable, disproportionate, and not result in consumer benefits. This further demonstrates why Google’s alternative proposal should be reconsidered as a more effective route to achieve the CMA’s objectives in a less onerous way.

***Google will continue to rank its search results in an objective, non-discriminatory manner based on relevance and quality***

23. The proposed CR obliges Google to “*apply objective and non-discrimination criteria*” to ranking organic search results.<sup>18</sup> In particular, the proposed CR requires Google to disregard whether a publisher has (i) chosen to advertise on Google, (ii) entered into a commercial or contractual arrangement with Google, (iii) chosen to opt out of its content being used for Google’s genAI features or Google service other than Search, or (iv) exercised rights against Google.

24. Google complies with these principles. Google ranks results based on relevance and quality, to present users with the most relevant results, in the most useful way possible. Google promulgates its approach to ranking via its public Honest Results Policy<sup>19</sup> and reams of additional material.<sup>20</sup> These materials, together, have long provided publishers with confidence in Google’s approach to ranking.<sup>21</sup>

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<sup>17</sup> [Fair Ranking Consultation](#), para. 5.13(c).

<sup>18</sup> [Fair Ranking Consultation](#), Draft CR, para. 4.

<sup>19</sup> [Fair Ranking Consultation](#), para. 1.9.

<sup>20</sup> See **Annex 3** for a summary of some of the material that Google makes publicly available that explains its approach to ranking. The Consultation recognizes that Google makes available considerable material on the operation of its ranking ([Fair Ranking Consultation](#), para. 4.12).

<sup>21</sup> [Fair Ranking Consultation](#), para. 5.16 (“*For the non-discrimination part of the Fair Ranking CR, we consider that compliance requires Google to do what is broadly reflected in its Honest Results Policy*”).

25. The Consultation suggests that the Honest Results Policy “cannot be independently verified by third parties.”<sup>22</sup> But the CMA investigated Google’s approach to ranking over the past 12 months, collecting evidence, data, documents, and explanations from Google’s engineers and senior executives. Faced with that body of evidence, the Consultation concludes that there is no evidence Google’s ranking is unfair.<sup>23</sup> It therefore was possible for the CMA to verify Google’s approach as set out in the Honest Results Policy. The conclusion was that there is no evidence of unfairness.
26. Despite that acknowledgment, the Consultation repeats an unverified and unsubstantiated claim from “a few” publishers that Google upranked Reddit content “following securing [...] a data partnership in 2024.”<sup>24</sup> But as the Consultation makes clear, Google “launched a core update in November 2023 to prioritise user-generated content,”<sup>25</sup> i.e., several months before the Reddit deal. That was part of an announced “series of ranking improvements to show more first-person perspectives in results, so it’s easier to find this content across Search.”<sup>26</sup> That update was not specific to Reddit; had nothing to do with Google’s commercial relationships (it pre-dated the data partnership with Reddit by several months); and was solely about improving the quality of Search for users in response to evolving user preferences.
27. The Consultation similarly cites a baseless allegation that Search ranks content from YouTube more favorably than other video content providers.<sup>27</sup> No evidence is provided in support. Google ranks video content based on its relevance and usefulness for users. YouTube is a popular and high-quality video sharing platform that has relevant videos for many queries. It is therefore not surprising that a search engine like Google might identify relevant results from YouTube. Other search engines rank YouTube content equally if not more prominently.
28. The Consultation also includes a general concern from a few publishers that their interactions with Google may impact their ranking performance. No evidence is provided in support.<sup>28</sup> The claim is incorrect because Google ranks search results solely based on

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<sup>22</sup> [Fair Ranking Consultation](#), para. 1.9.

<sup>23</sup> [Fair Ranking Consultation](#), para. 1.11.

<sup>24</sup> [Fair Ranking Consultation](#), para. 1.9(b(i)) and fn. 8.

<sup>25</sup> [Fair Ranking Consultation](#), fn. 8.

<sup>26</sup> [Fair Ranking Consultation](#), fn. 8. See also Google, [New ways to find just what you need on Search](#) (15 November 2023).

<sup>27</sup> [Fair Ranking Consultation](#), para. 1.9(b)(iii).

<sup>28</sup> [Fair Ranking Consultation](#), para. 1.9(b)(ii).

relevance and quality; its commercial relationships have no impact on ranking decisions. The CMA identified no evidence to the contrary over the course of its 12 month investigation.

29. These unverified allegations illustrate why it is important that claims are examined properly and objectively, and are not simply repeated from self-interested complainants.
30. As far as Google can tell from the Consultation, the only other issues that publishers have raised with Google's ranking relate to Google's introduction of the Site Reputation Abuse Policy (**SRAP**) and Google's SafeSearch feature.<sup>29</sup> These policies are entirely legitimate, transparent, fair, and non-discriminatory:
  - a. The SRAP reflects Google's long-standing, publicly-stated position that sites may not pay to increase their ranking. It plays a critical role to ensure that all sites (and their content) are ranked fairly based on their relevance and quality. It preserves a level playing field by preventing a manipulative tactic (site reputation abuse) where unrelated content is hosted on a high-reputation site to unfairly benefit from the host's high-quality signals, leading to distorted search rankings. Thousands of complaints from users and genuine site owners—who lose traffic to sites that manipulate Google's ranking—underscore the severity of site reputation abuse, and why Google took appropriate steps to address it. Google expands on these matters in **Annex 1**.
  - b. SafeSearch is a tool designed to protect minors and provide adult users with the option to avoid or blur out explicit content, if they choose to do so. Websites are not removed from Google as a result of SafeSearch. Instead, explicit content is filtered out for users who are under 18, or it is blurred or filtered out for users over 18 who have enabled SafeSearch's blurring or filtering option and are exercising their choice not to be exposed to such content. SafeSearch is consistent with the Government's efforts in seeking to enhance the protection of children when they are online.<sup>30</sup> Google expands on these matters in **Annex 2**.
31. In short, the evidence shows unambiguously that Google already applies objective and non-discriminatory criteria to rank search results. And Google provides abundant public material on the operation of its ranking. These foundational points are important for assessing the proportionality of the proposed CR and whether it is likely to result in consumer benefits.

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<sup>29</sup> [Fair Ranking Consultation](#), para. 1.17.

<sup>30</sup> Section 1(2) [Online Safety Act 2023](#) (“*this Act (among other things) imposes duties which, in broad terms, require providers of services regulated by this Act to identify, mitigate and manage the risks of harm (including risks which particularly affect individuals with a certain characteristic) from (i) illegal content and activity, and (ii) content and activity that is harmful to children*”). See also Ofcom, [Statement: Protecting children from harms online](#) (24 April 2025).

**The proposed CR must protect Google’s ability to continue innovating in Search for the benefit of UK users**

32. The Consultation’s interpretative notes clarify that “*nothing in paragraph 4 [of the proposed CR] is intended to reduce or undermine Google’s ability to introduce [...] new [search] features.*”<sup>31</sup>
33. Google welcomes this acknowledgment. This wording should however be included in the proposed CR itself so that it is clear that the CR does not apply to Google’s experimentation with new Search features, as Google needs a period of time to test and assess fair presentation for such features. This amendment is important to ensure that the proposed CR does not inadvertently chill Google’s incentive to develop and launch improvements and innovations for Search in the UK. Making this amendment would also provide more transparency to publishers and therefore dispel any distrust or inaccurate perceptions of Google.

**Google will continue to provide useful information on its ranking policies and will supplement these to comply with the proposed CR**

34. The proposed CR requires Google to “*provide publicly sufficient information*” about how it undertakes ranking and presents organic search results.<sup>32</sup> Google already publishes abundant information on its ranking policies, as described in **Annex 3**, and as the Consultation recognises.<sup>33</sup>
35. Google is nonetheless prepared to supplement these materials by publishing an external version of the existing (but currently internal-only) Fair Wholepage Composition Policy (**FWCP**) and an explanation of how search results are fairly presented within AI Overviews and AI Mode.
36. These additional materials will provide publishers with yet further assurance that Search ranks results fairly. The Consultation recognises that publishing a version of the FWCP “*largely matches our proposed Fair Ranking CR requirements on this point.*”<sup>34</sup>

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<sup>31</sup> [Fair Ranking Consultation](#), Interpretative Notes, para. 6.

<sup>32</sup> [Fair Ranking Consultation](#), Draft CR, para. 5.

<sup>33</sup> [Fair Ranking Consultation](#), para. 4.12.

<sup>34</sup> [Fair Ranking Consultation](#), para. 5.13(b).

**Transparency: the proposed CR requires amendment to provide more certainty for all stakeholders**

37. Google has long supported the CMA’s objective to provide publishers with transparency on ranking changes to “*allow businesses to be better able to optimise their performance and respond to changes*” and “*identify the cause of, and mitigate, potential unintended material negative impacts or costs.*”<sup>35</sup> This is in Google’s interest (because it improves the quality of Google’s search engine) and is why Google makes available significant volumes of material on the operation of its ranking, as shown in **Annex 3**.
38. At the same time, there are limits to the information that search services like Google can disclose about the operation of their ranking. Disclosure of ranking details would have a number of adverse consequences:
- a. It would make it easier for websites to manipulate a search engine’s ranking system to appear more relevant or higher quality than they are, with adverse consequences for the quality and usefulness of the search engine, while harming users by exposing them to more spam, scams, and malware.
  - b. The details of how a search engine ranks results represent a core value of its business. Disclosing these details would allow competitors to copy innovations and free ride on investments and intellectual property, thereby disincentivising both the inventor and the free-rider from developing and launching improvements.
  - c. Ranking is governed by numerous different algorithms and signals that depend on the type of results or queries at issue, are subject to constant development, and are impacted by the constantly evolving content available on the web. This complexity means that detailed disclosure is impractical.
39. It is therefore common ground that Google cannot describe publicly the precise workings of its ranking, the signals on which it is based, or give notice of changes that could then simply be subverted. As the CMA has stressed, “*if the decision logic behind Google’s search algorithm was commonly known then it would encourage content providers to ‘game’ the algorithm in an attempt to improve their position in the search results page.*”<sup>36</sup>

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<sup>35</sup> [Fair Ranking Consultation](#), para. 4.17.

<sup>36</sup> CMA, [Online Platforms and Digital Advertising Market Study \(DAMS\) Final Report](#) (1 July 2020), para. 5.342. See also CMA, [Mobile Ecosystems Market Study Final Report](#) (10 June 2022), para. 6.100, which made the same point in relation to Play ranking (where the substantive issue is the same): “[D]isclosing [...] signals that determine specifically how an app scores against a particular parameter [...] could risk developers optimising their apps to ‘game the system.’”

40. To give an example: Google uses the PageRank signal as a means to evaluate the quality of a site. The PageRank signal examines the number and quality of links that a website receives from other websites. If a website receives a lot of links from other websites, that indicates that the website likely provides useful content for users.
41. But because the PageRank signal is widely known, it is subject to manipulation by websites. In particular, sites may buy incoming links as a means to artificially enhance the PageRank signal. To Google's algorithms, it will look like the website is receiving many link references and so must have good content. But in reality these paid-for link references are artificial and do not indicate quality.
42. Such manipulations harm users because, rather than seeing the most relevant and useful sites, they are exposed to sites with low quality or harmful content. And it harms genuine publishers and businesses because their sites will rank lower than manipulative sites.
43. Therefore, Google employs signals to detect and demote sites that are engaging in link buying and other types of manipulation. Google not disclosing those signals is critical to preserve the quality of Google's results. Otherwise, Google's results would be overrun by spam sites and the quality of its results would be seriously damaged, to the detriment of users and genuine sites.
44. To address this risk, the proposed CR should expressly exclude the disclosure of any information that could be exploited by bad actors for the purposes of manipulating Google's ranking. The Consultation recognises that "*there may be legitimate reasons to restrict certain public information about ranking*" where disclosure "*enables the manipulation of search results to consumers' detriment by bad actors.*"<sup>37</sup> But the proposed CR needs a specific carve out making clear that any disclosure that could lead to manipulation of Google's search results to consumer detriment is not required.
45. The interpretative notes make clear that Google should not need to disclose (i) "*proxy signals relied on to inform ranking scores*", (ii) "*minor everyday ranking improvements*", (iii) "*detailed information that would undermine the legitimate aim of the policy or ranking decision leading to the update*" and (iv) commercially sensitive information.<sup>38</sup> To ensure transparency for all stakeholders and promote legal certainty for how Google's disclosures should operate, these exclusions in the interpretative notes should be part of the CR itself. In addition, as noted, a general carve out for "*any information that could lead to manipulation of Google's results*" should be added as an additional exclusion (*i.e.*, a new item (v) to the list above).

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<sup>37</sup> [Fair Ranking Consultation](#), para. 4.15.

<sup>38</sup> [Fair Ranking Consultation](#), Interpretative Notes, paras. 8-10.

46. Finally, the proposed CR refers to a requirement for Google to disclose changes that are (i) “made to meet a specific policy objective” and (ii) “made to comply with a regulatory requirement.”<sup>39</sup> These two additional categories of disclosure should be removed from the proposed CR, for three reasons:

- It is unclear and not explained what these disclosure obligations (i) and (ii) are intended to cover that would not be captured by the requirement to disclose “actionable” changes and are not excluded by the carved out exceptions in the interpretative notes. There is no discussion of how this disclosure requirement is proportionate to a statutory objective or would be likely to result in consumer benefits.
- As to the requirement for disclosure of changes “made to meet a specific policy objective,” Google does not know what this means in practice. It is too vague and imprecise to give rise to hard-edged disclosure obligations.
- As to the requirement for disclosure of changes “made to comply with a regulatory requirement,” in risk-based regulatory frameworks like the Online Safety Act (**OSA**) or the Digital Services Act, any single discrete action may contribute to the risk mitigations that, as a whole, are required by regulation, without necessarily being required on their own to comply with a regulatory obligation. For instance, Google’s overall practice of ranking high-quality and authoritative content is a mechanism to reduce the risk of harmful content appearing in Search in compliance with the OSA. But it does not follow that every launch that improves Google’s ability to assess quality—and therefore strengthens Google’s position under the OSA—was done “to comply” with the OSA.

47. Together, Google’s proposed amendments to the proposed CR would provide Google with more certainty about the steps required to launch Search updates and thereby preserve Google’s incentives to launch improvements to improve Search to benefit UK users. And they would promote the CMA’s objective to achieve “greater publisher confidence” because the revised wording would improve transparency for UK publishers about how Google’s disclosures will operate.

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<sup>39</sup> [Fair Ranking Consultation](#), Interpretative Notes, para. 9.

**Transparency: the interpretative notes should be adjusted to clarify the extent of the proposed disclosure requirements**

48. The interpretative notes explain the CMA's expectation for Google to disclose, with respect to changes to policies and procedures, the *"nature of the change, its purpose (including key specifications) and potential publishers that may be affected by the change."*<sup>40</sup>
49. The interpretative notes should be amended to clarify that Google is not required to identify individual or specific publishers for five reasons:
- First, any identification of individual or specific groups of publishers that have violated Google's policies would provide spammers with insights into Google's spam detection practices and give rise to negative consequences, as described above.
  - Second, granular disclosure of this nature would effectively label individual or particular groups of publishers as spammers or manipulators, which would expose Google to the risk of defamation claims.
  - Third, granular disclosure of this kind would similarly expose Google to the risk of discrimination claims (*i.e.*, assertions that Google's spam detection and prevention policies unfairly target and disadvantage one group of publishers over another), even when the difference is simply due to the imperfect ability to predict all affected publishers.
  - Fourth, many changes potentially impact all publishers, (*e.g.*, mobile-first indexing) and it would be burdensome or infeasible for Google to need to identify specific publishers or even specific types of publishers that may be affected.
  - Fifth, there is no explanation of how the identification of particular publishers is proportionate to achieve the fair dealing and/or trust and transparency objectives or likely to result in consumer benefits, as required by law. For instance, it is implausible that trust or transparency is promoted by identifying the potential spammers that may engage in a manipulative practice that would be targeted by a change in policy, or that UK consumers would benefit in any way.

**Non-distortion: the CMA's proposal for third-party auditing of the proposed CR is unnecessary, inefficient, and disproportionate to achieve the CMA's objectives**

50. The Consultation envisages *"a baseline compliance audit"* of the proposed CR; it *"provisionally"* envisages that a third party should carry this out.<sup>41</sup> Requiring a third party to

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<sup>40</sup> [Fair Ranking Consultation](#), Interpretative Notes, para. 8.

<sup>41</sup> [Fair Ranking Consultation](#), para. 4.32(b).

carry out the audit is unnecessary, inefficient, and a disproportionate means of achieving the CMA's objective, especially where the CMA has found no evidence of any unfair ranking.

51. Involving a third-party auditor would require significant resource diversion to educate and familiarise the auditor with Google's internal policies and procedures, hampering Google's ability to focus on innovating for UK consumers. A robust, *Google-led* baseline audit—subject to CMA review—would provide an improved level of transparency and assurance more efficiently and proportionately. Google is happy to engage with the CMA to devise an internal audit framework, including appropriate audit metrics, that meets the CMA's standards for independence and reliability.
52. Finally, the objective of the proposed CR is to increase publisher confidence that they will be treated fairly, against the background of no evidence of unfairness. That objective is better achieved through an audit supervised by the CMA—the public body entrusted with the enforcement of competition rules and the DMCCA—than a third-party that Google would need to pay to perform the audit.

***Non-distortion: the CMA's proposal for six-monthly compliance reporting is too burdensome and risks slowing down innovation in Search***

53. The Consultation proposes that Google will “*submit to the CMA and publish six-monthly compliance reports, supplemented with regulatory dialogue on a six-monthly basis.*”<sup>42</sup> The suggested six-monthly cadence is too frequent and represents an onerous regulatory burden of precisely the kind of disproportionate red tape that the Government has committed to rooting out, not positively imposing.<sup>43</sup>
54. Recall: there is no evidence that Google's ranking is unfair. Rather, the proposed CR's stated purpose is to increase publisher trust in Google. No evidence is provided as to why a publisher would have more trust in Google with a six-month reporting cycle compared to an annual reporting cycle. Nor is any evidence given as to why a six-month reporting cycle would be more likely to give rise to consumer benefits as compared to an annual reporting cycle. Both notions are implausible.
55. Google, moreover, has offered to provide bespoke updates to the CMA on significant changes arising between annual reports, to ensure that the CMA is kept up-to-date on important changes. Google also has an effective open regulatory dialogue with the CMA involving regular check-ins, as the Consultation recognises, which would be an avenue to

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<sup>42</sup> [Fair Ranking Consultation](#), para. 4.33.

<sup>43</sup> See, e.g., The Guardian, [Reeves says rules and red tape are 'boot on the neck' of business](#) (15 July 2025).

provide the CMA updates as necessary. These touchpoints, together with annual reporting, are sufficient to meet the fair dealing and trust and transparency objectives.

56. By contrast, submitting compliance reports on a six-month cadence would chew up the resources of Google’s engineers and product teams, slowing down Search improvements and launches, and disincentivise Google from launching innovative features available to users elsewhere in the world in the UK. It is at odds with any ambition to “*boldly regulate for growth in the service of prosperity across [the UK].*”<sup>44</sup>
57. Annual reporting—complemented by Google’s proposal for bespoke updates on significant changes—would ensure sufficient CMA oversight in a more reasonable, practical, and proportionate manner. And it would be consistent with other regulatory frameworks and the compliance reporting cadence proposed by the Data Portability CR.

***Complaints: the proposed CR fails to delineate the scope of potential complaints to which the revised process should apply or identify any perceived gaps in the current process; it requires amendment***

58. The proposed CR refers to a “*clear and accessible process for handling complaints from publishers,*” which “*allows publishers to indicate any potential adverse impacts on the functioning of any market in the United Kingdom in which they are active.*”<sup>45</sup> Google is committed to engaging constructively with publishers as they are vital for Search. This includes engaging with and remedying publishers’ complaints. For this reason, Google has in place a number of complaints channels and processes today (e.g., spam and SafeSearch policies, and processes to monitor updates including human rater feedback, hold-back experiments, and social media monitoring).
59. The Consultation does not evidence any shortcomings in complaints relating to any part of Search, including either spam or SafeSearch, which the Consultation identifies as being the two policies the CMA has examined.<sup>46</sup>
  - **Spam.** The Consultation describes how a publisher submitted seven reconsideration requests in respect of manual penalties Google applied to two sections of its

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<sup>44</sup> See, e.g., The Guardian, [Reeves says rules and red tape are ‘boot on the neck’ of business](#) (15 July 2025).

<sup>45</sup> [Fair Ranking Consultation](#), Draft CR, para. 6.

<sup>46</sup> [Fair Ranking Consultation](#), para. 1.23.

website.<sup>47</sup> But the Consultation acknowledges that in response to these requests, Google provided feedback and lifted the penalty from one section of the website.<sup>48</sup> In other words, Google received and addressed the complaint.

- **SafeSearch.** The Consultation refers to one supplier, Lovehoney, having “*unsuccessfully*” urged Google to change its SafeSearch feature.<sup>49</sup> The LoveHoney experience does not reveal a systemic absence or failure of Google’s complaints mechanism that requires regulatory intervention.

60. For this reason, the Consultation’s suggestion for Google to expand its existing complaints mechanism is unfounded. In the absence of evidence requiring any incremental steps, expanded measures are unnecessary, disproportionate, and not likely to give rise to consumer benefits.
61. The Consultation describes the proposed “*complaints-led process*” as enabling “*Google to focus on those issues raised by parties rather than trying to anticipate and mitigate every potential issue ahead of time,*” but the scope of potential complaints captured by the proposed CR is near-limitless. As drafted, paragraph 6 of the proposed CR risks requiring Google to log any and every complaint about any change to ranking (e.g., a publisher dropping from slot 2 to slot 6). Changes of this nature are a natural and unavoidable result of any ranking (as the Consultation recognises<sup>50</sup>), including fair, objective, and non-discriminatory ranking: by definition, one publisher is ranked ahead of or below another. The Consultation cites no evidence for imposing complaints-related obligations of this kind on Google.
62. The suggested scope of the complaints process is therefore unworkable in practice and requires clear parameters. The proposed CR should be revised to exclude complaints about publishers’ individual ranking relative to others, and to require only that Google maintains its existing complaint channels.

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<sup>47</sup> [Fair Ranking Consultation](#), para. 1.23(a) and fn. 35. In general terms, multiple reconsideration requests in relation to manual demotions are not unusual or indicative of Google being slow to engage as there are commonly multiple reconsideration requests per publisher concern where Google needs more information than a publisher initially provided.

<sup>48</sup> [Fair Ranking Consultation](#), fn. 35.

<sup>49</sup> [Fair Ranking Consultation](#), para. 1.23(b).

<sup>50</sup> [Fair Ranking Consultation](#), para. 1.18.

**Complaints: the reporting obligations proposed by the CR are inappropriate and disproportionate to achieve the CMA's objectives**

63. The proposed CR proposes two elements of reporting: (i) Google providing the CMA with “regular summaries of the complaints it receives” and (ii) Google producing and publishing a report where the “CMA considers that a specific policy or procedure (or combination of policies and procedures) related to any of the matters described in paragraph 2 may be having a material adverse impact on the functioning of any market in the United Kingdom.”<sup>51</sup> These components are inappropriate and disproportionate means of achieving the CMA’s objectives.
64. **Regular summaries of complaints.** The interpretative notes envisage Google summarising complaints received “on at least a quarterly basis” and including, as part of the summary, “Google’s assessment of the ‘materiality’ of such complaints,” where “materiality” should account for “the number of firms affected and the nature and size of the impact on them.” Quarterly reporting is onerous, unnecessary, and disproportionate. Complaints could be summarised instead in an annual report to the CMA.
65. Further, obliging Google to assess the nature and size of impacts on individual complainants would impose a highly subjective, onerous, and counterproductive burden. It is not possible to identify or understand purported “impact” from any initial review of complaints, and the proposed CR would skew results in favour of a small number of the loudest voices.<sup>52</sup> For example, the proposed CR risks diverting Google’s resources from rectifying the underlying cause of a complaint impacting a large group of publishers, to analysing a single-publisher issue with allegedly significant impact to just that one publisher (but a small relative impact to all Search stakeholders). The interpretative notes’ reference to “number of firms affected” is a more appropriate and objective barometer of “materiality” that avoids this sort of bias in complaints handling.
66. In addition, the proposed CR requires Google’s complaint summaries to include an assessment of the “materiality” of the complaints to inform the CMA’s assessment as to whether the underlying issue may have an adverse impact on the functioning of any market in the UK. This cumulative, two-stage mechanism means that any “stage one” assessment by Google of the “nature and size of the impact on [publishers]” and their “materiality” would, in practice, require Google to develop a hypothesis as to whether there are potential implications for any UK market more broadly. This compounds the burden of the proposed CR.

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<sup>51</sup> [Fair Ranking Consultation](#), Draft CR, paras. 7-8.

<sup>52</sup> [§<].

67. This complexity, combined with the proposed quarterly frequency, is unworkable in practice. The interpretative notes corresponding to paragraph 7 of the proposed CR should be amended to refer to (i) annual complaints reporting, and (ii) volume of complaints as the only parameter of “materiality”. Volume of complaints is an objective, measurable, and repeatable metric for Google’s impact assessment, rather than subjective factors that necessitate Google undertaking additional (initial) assessments to benchmark any estimated competitive, financial, or other impact.
68. **Report.** The proposed CR requires Google, where requested by the CMA, to (i) examine whether a policy or procedure is having a “*material adverse impact on the functioning of any market in the United Kingdom*” and (ii) propose steps to reduce or remove any adverse impact. As a starting point, any such report will, by definition, correspond only to Google’s perspective and risks artificially construing Google’s viewpoint as a proxy for independent market assessment. It shifts onto Google the sort of analytical responsibilities that—generally speaking—would more appropriately reside with the public body, the CMA.
69. In any event, the proposed CR’s scope for this report should be significantly revised: the open-ended and highly subjective language would require a second-guessing of Google’s policies whenever they may have a “material adverse impact” on any UK market. This could oblige a revision or rollback of virtually any Search policy—even if such impacts are necessary and justified based on the legitimate objectives of Google’s changes— because a material impact (which could be direct or indirect) may be the entire point of the policy. The proposed CR risks seriously chilling improvements to Search in the UK due to the threat of bureaucratic micromanagement of Google’s Search improvements. In light of this, the reporting requirement in paragraph 8 of the proposed CR should be removed in its entirety.
70. At a minimum, any assessment of “material adverse impact” should focus on any potential significant inadvertent impact on publishers, such as algorithmic misclassifications relating to Google’s spam policies. This scope would exclude, for example, a complaint about one publisher being ranked lower than another as a result of ordinary course ranking decisions. In addition to limiting this obligation to inadvertent impacts, the proposed CR should specify the factors that will inform the CMA’s assessment of materiality, which triggers this obligation, in order to provide certainty for Google and publishers. The materiality threshold will need to be sufficiently high to ensure that any obligation is focused on significant issues only.

***The CMA has failed to conduct a proper proportionality assessment of the proposed Fair Ranking CR***

71. The proportionality assessment of the proposed Fair Ranking CR in the Consultation understates its costs and overstates its benefits.

72. **First, the Consultation misidentifies the benefits of the proposed CR.** The Consultation identifies as one the “*main benefits*” of the proposed CR the “*elimination or mitigation of some of the distortions caused by Google’s ranking changes.*”<sup>53</sup> But this alleged benefit is deeply inaccurate given there is no evidence of any unfairness in ranking.<sup>54</sup>
73. The purpose of the proposed CR is, as set out in the Consultation, simply to address the alleged subjective perception of a few publishers that Google’s ranking is unfair. For the purposes of the proportionality assessment, the CMA cannot rely on a different benefit. This fundamentally invalidates the proportionality assessment in the Consultation from the outset.
74. **Second, the Consultation’s assessment of costs to Google is unrealistic and incomplete.** The Consultation underestimates the costs to Google of the complaints reporting obligation in particular, because it anticipates Google “*carrying out a relatively small number of investigations*”<sup>55</sup> without any articulation of the assumptions or considerations underpinning this assessment, and without any limits to the scope of complaints that publishers can bring (especially given the proposed CR refers to complaints relating to “*any market in the United Kingdom*”<sup>56</sup>).
75. The CMA’s cost estimate of up to £1 million annually for the non-distortion part of the proposed CR involving “*engaging with complainants, reporting to the CMA and carrying out a relatively small number of investigations*” is too low and unrealistic.<sup>57</sup> Google expects, based on its experience in other jurisdictions, that the costs for the non-distortion part of the CR would be considerably higher. For example, Google spent approximately [§<] on a Monitoring Trustee’s involvement in a single case in France (excluding any related internal costs). A large portion of the Monitoring Trustee’s role involves handling and tracking publisher complaints, and identifying significant alleged issues, which is broadly equivalent to some of the workstreams required for the proposed CR.
76. It follows from this that the CMA’s estimate in the Consultation of total compliance costs—including the non-discrimination and transparency parts of the proposed CR, as well as the non-distortion part—of up to £15 million of total costs over a five-year period is a serious understatement. This estimate is [§<] the costs incurred by Google in France for only complaints-related issues, as noted above. Google expects that the actual costs of

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<sup>53</sup> [Fair Ranking Consultation](#), para. 5.20(c).

<sup>54</sup> [Fair Ranking Consultation](#), para. 1.11.

<sup>55</sup> [Fair Ranking Consultation](#), para. 5.17.

<sup>56</sup> [Fair Ranking Consultation](#), Draft CR, para. 6.

<sup>57</sup> [Fair Ranking Consultation](#), para. 5.17.

compliance over a five-year period for the full requirements of the proposed Fair Ranking CR would be considerably higher than its experience in France given the more extensive scope of the proposed CR in areas such as scope and frequency of reporting, and auditing of internal procedures.

77. The Consultation also overlooks the costs of the proposed CR for end users. Costs for end users include foregone or delayed innovation due to resources being diverted to activities such as complaint handling and Google's increased disincentive to launch Search improvements in the UK to avoid bureaucratic micromanagement.
78. **Third, the Consultation provides no evidence that the proposed CR will have any impact on, let alone benefit to, publishers' investment decisions.** Each publisher naturally makes their own calculation as to the appropriate expenditure on marketing and their own determination of the prioritisation of search engine optimisation, advertising, or brand building more broadly. This assessment will also evolve over time in the normal course of business, according to each publisher's individual requirements and objectives and the competitive landscape. Ranking is therefore inherently individual, uncertain, and subject to change, which the Consultation expressly acknowledges: ranking systems "*by their very nature are intended to affect the ranking of one publisher's content relative to others*."<sup>58</sup>
79. But the Consultation asserts that publishers' subjective lack of trust in Google, perception of unfair ranking, and insufficient transparency has led to "*detering investment*," without sufficient specification or evidence.<sup>59</sup> The Consultation refers to a handful of anecdotes about the impact of changes to Google's ranking algorithm on publishers' estimated person-hours, spend on third-party tools, and revenue,<sup>60</sup> and makes no attempt to evidence or model any link to investment, business profit, or economic value. The Consultation also never explains how these publishers would have avoided these anecdotal situations with increased transparency or additional complaint processes from Google, rather than still facing these costs simply due to the nature of how search engines operate. The Consultation's conclusion that the CMA "*expect[s]*" the proposed CR to provide businesses with "*greater confidence to take decisions that are in their commercial interests and to increase investment and innovation to the benefit of users*" lacks sufficient evidential basis to justify the proposed CR.<sup>61</sup>
80. **Fourth, the Consultation's "break-even" assessment is fundamentally flawed because it uses inflated value pools.** The Consultation states, by reference to businesses' supposed

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<sup>58</sup> [Fair Ranking Consultation](#), para. 1.18.

<sup>59</sup> [Fair Ranking Consultation](#), paras. 1.10-1.11.

<sup>60</sup> [Fair Ranking Consultation](#), paras. 1.13-1.14 and 5.23-5.27.

<sup>61</sup> [Fair Ranking Consultation](#), para. 5.29.

“greater confidence” to “increase investment and innovation”<sup>62</sup> that “the CR would have to increase the economic value of Google’s general search and search advertising by less than 0.01%” to exceed the costs of the proposed CR.<sup>63</sup> This estimate of the required economic benefits (i.e., increase in value) is artificially low: it is calculated by reference to a value pool that combines both paid and organic traffic, despite the proposed CR only addressing the latter, and does not establish any evidential basis for how the proposed CR would impact or increase return on ad spend. This fatally undermines the Consultation’s proportionality assessment.

81. **Fifth, the Consultation fails to evidence search engine optimisation (SEO)**

**inefficiencies.** The Consultation ambiguously refers to “*inefficient outcomes*” with respect to SEO costs but relies only on anecdotal evidence from three publishers to assume market-wide applicability.<sup>64</sup> The Consultation extrapolates from “*overall spend on SEO in the UK*” to conclude that only a “*very modest efficiency improvement in the SEO process of less than 0.1%*” is required to exceed the expected costs of the proposed CR.<sup>65</sup> But this “break-even” analysis fails to withstand scrutiny. Aside from lacking a robust evidential basis, it is premised on a material underestimation of the proposed CR’s costs to Google and suffers the same shortcomings as described above.

III. **User Choice**

82. Google welcomes a CR focused on enhancing user choice. Carefully designed choice screens with clear eligibility criteria and an information screen that explains the consequences of users’ choices are proportionate means to address the CMA’s objectives.

83. Google is willing to complement existing choice screens with two important new functionalities that will ensure users can easily change their default search service post-choice screen and that search services have additional opportunities to attract users:

- Google is willing to introduce a system-wide default setting for search services on Android (**central switch**); and
- Google is willing to introduce an API that will enable search services to test whether they are the default on Android and prompt users so that they can be set as default.

84. These two new launches will ensure that, consistent with the goals of the Consultation, users will have “*improve[d] awareness of, engagement with and confidence in, search services*”

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<sup>62</sup> [Fair Ranking Consultation](#), para. 5.29.

<sup>63</sup> [Fair Ranking Consultation](#), para. 5.30.

<sup>64</sup> [Fair Ranking Consultation](#), paras. 5.31 and 5.33.

<sup>65</sup> [Fair Ranking Consultation](#), para. 5.34.

and “switch default search providers easily and quickly,”<sup>66</sup> not only at the time of the choice screen but at any other moment.

85. By contrast, certain other components of the proposed User Choice CR are disproportionate and unnecessary. The Consultation does not properly take into account the harm to users and OEMs from the bombardment of different interruptive pop-ups that the Consultation proposes, and less costly means to achieve the same goals.
86. In particular, the CMA should re-evaluate components of the proposed CR that would require Google and OEMs to build frustrating pop-ups that interrupt users in their daily tasks. These proposals (i) are annoying for users, (ii) require UK-specific device-side changes that would impose costs on OEMs that may feed through to increased retail prices for users; (iii) overlook broken user experiences; and (iv) are unnecessary in light of the new proposals Google has made for the central switch and ability for search services to prompt on Android.
87. We are deeply concerned that the proposed CR will degrade the quality of Android devices and Chrome on non-Android devices, reducing Android’s and Chrome’s ability to compete against the market leader Apple (iOS and the exclusively preinstalled Safari). This result undermines the CMA’s objectives in its SMS investigations into Google’s and Apple’s mobile ecosystems to strengthen competition and improve the quality of mobile devices for UK consumers.

***Google is willing to implement mandatory choice screens for eligible search services in the UK, preceded by an information screen***

88. Android promotes more choice than any other OS. It provides a wide range of methods for users to exercise their choices in easy, intuitive ways, as often as they would like, including through choice screens, the intents system, and easily accessible default Settings menus. The Consultation recognises that “Google’s existing choice architecture [...] offers consumers the ability to make some choice about their preferred search providers.”<sup>67</sup> By contrast, Microsoft frustrates users’ choices through technical restrictions, nudges, and dark patterns that push its own services on users.<sup>68</sup> And Apple exclusively preinstalls its services and provides limited ability for developers to offer choice and for users to switch.<sup>69</sup>

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<sup>66</sup> [User Choice Consultation](#), para. 2.7.

<sup>67</sup> [User Choice Consultation](#), para. 1.14.

<sup>68</sup> See, e.g., The Verge, [Every trick Microsoft pulled to make you browse Edge instead of Chrome](#) (1 January 2026); Mozilla, [How Microsoft’s Design Tactics Compromise Free Browser Choice](#) (January 2024); Browser Choice Alliance, [Microsoft uses dark patterns, technical roadblocks, and deception to stop consumers from selecting the browser they want and setting it as default](#) (26 November 2024).

<sup>69</sup> For example, browser developers on iOS are required to use the WebKit browser engine. And

89. Google has been showing choice screens for search services on Android in the UK since 2019. On average, every UK citizen with an Android phone has already been forced to select their default search service for their Android device at least once. In fact, the Consultation calculates that *73% of Android users will already have selected their default search engine through a choice screen **three or more times***.<sup>70</sup> By contrast, neither Apple nor Microsoft show choice screens that allow users to select their chosen services.
90. Google is willing to implement the search choice screens that it has already been showing on a mandatory basis at device setup on new Android devices. It is willing to extend choice screens to appear on new Pixel devices. And it is willing to show search choice screens in Chrome on Apple and Microsoft Windows devices, even though Safari and Edge are exclusively preinstalled on these platforms and so consumers that use Chrome have made a conscious choice to download and use Chrome with its default search service, instead of Apple's and Microsoft's exclusively preinstalled alternatives.
91. Google will determine applicants' eligibility for the choice screen by applying the eligibility criteria referenced in the Consultation.
92. Google will show an information screen prior to the choice screen. A screen with balanced and clear information can lead to informed choices by helping users understand the implications of their choice.
93. Google will engage with the CMA further on design specifications, such as the number and selection of providers and randomisation logic, within the general framework set out in the Consultation.
94. The Consultation seems to envisage requiring Google to show additional providers that do not fit on the first screen.<sup>71</sup> There is no evidence or discussion of this second screen at all in the Consultation, let alone a proportionality analysis or assessment of how it is likely to result in consumer benefits, as required under the law. Google is willing to discuss this proposal but lacks a proper understanding of what is envisaged and how it fits within the DMCCA's legal framework, which precludes Google's ability to engage meaningfully at this stage.

***Google is prepared to build and implement in the UK a central default switch for search services and to allow third-party search services to check if they are a user's default***

95. Google is prepared to complement search choice screens by implementing in the UK a central default switch for search services. The central switch will be easily accessible in the

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browsers on iOS can check if they are a user's default a maximum of 4 times a year (there are no frequency restrictions on Android).

<sup>70</sup> [User Choice Consultation](#), para. 4.31.

<sup>71</sup> [User Choice Consultation](#), Draft CR, para. 3(b).

Settings menu of Android devices and will allow users to select their preferred default option from a list of search services installed on the device at any point in time, especially when they are likely to be the most engaged. The central switch will propagate to the widget on the default home screen.

96. The central switch will not propagate to browsers, because having a central OS setting change the configuration of browsers would be confusing for users. Browsers compete by independently choosing their preferred search service and whether to offer users the ability to switch it. For example, on Chrome users can easily switch their default search service by navigating to Settings > Search Engine. (By contrast, DuckDuckGo's browser does not allow users to switch their default search service.)
97. Google will build capabilities for search services installed on an Android device to determine if they are a user's default service. Google will also grant search services the ability to prompt their users in their apps to encourage them to set their app as default once it introduces the central switch.<sup>72</sup> Google will not set limits on the frequency of prompting. In-app prompts are a proportionate way to ensure that users are exposed to different search services and educated about the ability to switch their default.
98. In-app prompts ensure that the opportunity to change defaults is provided to the user during the use of a search service, when they are likely to be thinking about their preferred search provider and when a reliable signal exists the user may benefit from being offered the opportunity to set the specific app as default.
99. Conversely, interrupting users mid-flow when they are using their device for tasks unrelated to search (e.g., making a call, watching a video, or taking a photo), when they are not thinking about or engaging with a specific provider, is interruptive, frustrating, and likely to lead to disengagement. Similarly, adding an additional button that allows users to resurface the choice screen from Settings in addition to a central switch and in addition to Chrome Settings is likely to lead to user confusion, given the features will have very similar functionality. The proposals for additional choice architecture changes are unnecessary and disproportionate in light of the central switch and search services' new ability to prompt users directly.

***Google will continue to ensure that any prompts relating to search services are fair and balanced***

100. Google will continue to ensure that any prompts relating to search services, such as any informative dialogues relating to changes in a user's default search service, are presented in a fair and balanced manner.

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<sup>72</sup> Chrome already allows search services to prompt users to set them as default by offering search extensions on the Chrome Web Store.

101. The dialogue that Google currently displays on Chrome when a user installs a search extension that seeks to change the user's default search service is informative in nature. This is *not* a prompt for Search. It applies to all search services in the same way.
102. The dialogue allows users to confirm that they intended for the extension to change their default search service, and protects user choice. The current language in the confirmation dialogue is neutral and applies irrespective of the search service that is set as default prior to the extension changing it (*i.e.*, the dialogue also shows where the user had a third-party search service set as default). Google does not show any prompts that encourage users to switch to Search on Android or in Chrome.

***Google is open to discussing with the CMA the appropriate compliance reporting metrics and implementation timeline***

103. Google notes the CMA's suggested compliance reporting metrics and compliance reporting timeline and is happy to discuss these further with the CMA. In relation to frequency of reporting, Google refers to its comments above in relation to the Fair Ranking CR, which explain why six-monthly reporting is unnecessary and disproportionate. Annual reporting would align with international norms and strike the correct balance between providing sufficient reporting to the CMA while not being disproportionately burdensome. As for implementation timelines, certain elements of the proposed CR would require complex changes to Android and Chrome, and Google is likely to require additional time to build and launch certain new features.

***The CMA's proposals for multiple interruptive choice moments are disproportionate and unjustified***

104. The Consultation suggests that the choice screens are ineffective because they are not shown frequently enough. No user outreach, studies, research, internal documents, data, or evidence is advanced to support this proposition. Rather, the claim is based on self-interested arguments from four providers— Ecosia, DuckDuckGo, OpenAI, and Perplexity—who conclusively said that “*choice screens should be shown [...] on a regular basis.*”<sup>73</sup> No evidence is provided as to why this would create a better outcome for users, competition, or innovation than the choice screens that Google already shows, the new screens Google is proposing, and the new central switch and prompting API that Google is willing to build.
105. Based on the claims from third parties, the Consultation advances two proposals for repeated, interruptive choice moments on Android: choice screens that repeat annually and choice screens that allow users to “test drive” a provider for a certain period before showing again.

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<sup>73</sup> [User Choice Consultation](#), para. 4.32.

106. These proposals would harm users and would significantly increase costs for OEMs. They are disproportionate because the objective that they seek—to ensure users can make “ongoing active choices and respond to any new trends in search”<sup>74</sup>—is achieved via Google’s existing choice screens, the new choice screens Google is proposing, Google’s newly-proposed central switch, and the new default prompting API.
107. **The proposals would harm users.** It is common ground that choice screens should seek to promote user autonomy to make choices against user friction and the acknowledged frustration that comes from too many interruptive choice moments.<sup>75</sup> As the Consultation highlights, “asking users too often can overwhelm them and lead to poor decisions”; this is due to choice overload, decision fatigue, irritation, and user disengagement.<sup>76</sup> The CMA’s research confirms that users “generally dislike prompts or pop-ups interrupting them” and are “unlikely to engage with it very closely.”<sup>77</sup>
108. But the proposed CR could result in Android and Chrome users in the UK being overloaded with interruptive pop-ups. For example, under the proposed CR, a user who has bought a new Android device and has two Chrome profiles on a non-Android device could be subject to **a minimum of six interruptive pop-ups in the course of just two weeks** (test drive followed by choice screen, x3). And users who already have an Android device and make use of other default switching opportunities that Android and Chrome offer could be subject to even more frequent interruptions and stuck in an endless loop of interruptive choice screens.
109. Take the example of a user who buys a new smartphone in March 2026 (prior to the CR coming into force), uses Chrome on her desktop device, with two separate profiles for personal and work (as many Chrome users do), adds or deletes search widgets (as many Android users do), and proactively changes her default search service via the new central switch or API prompt:
- **March 2026 – Android device setup.** The user sees the choice screen when she is setting up her new Android device (Google’s current choice screen following the *Android* remedy implementation). Note: this user, if she is like 73% of UK users and upgrades her Android device every ~2 years, will likely already have selected her preferred search service from a choice screen around 3 or more times.

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<sup>74</sup> [User Choice Consultation](#), para. 4.33.

<sup>75</sup> [§<].

<sup>76</sup> [User Choice Consultation](#), Interpretative Notes, para. 1(a). [§<].

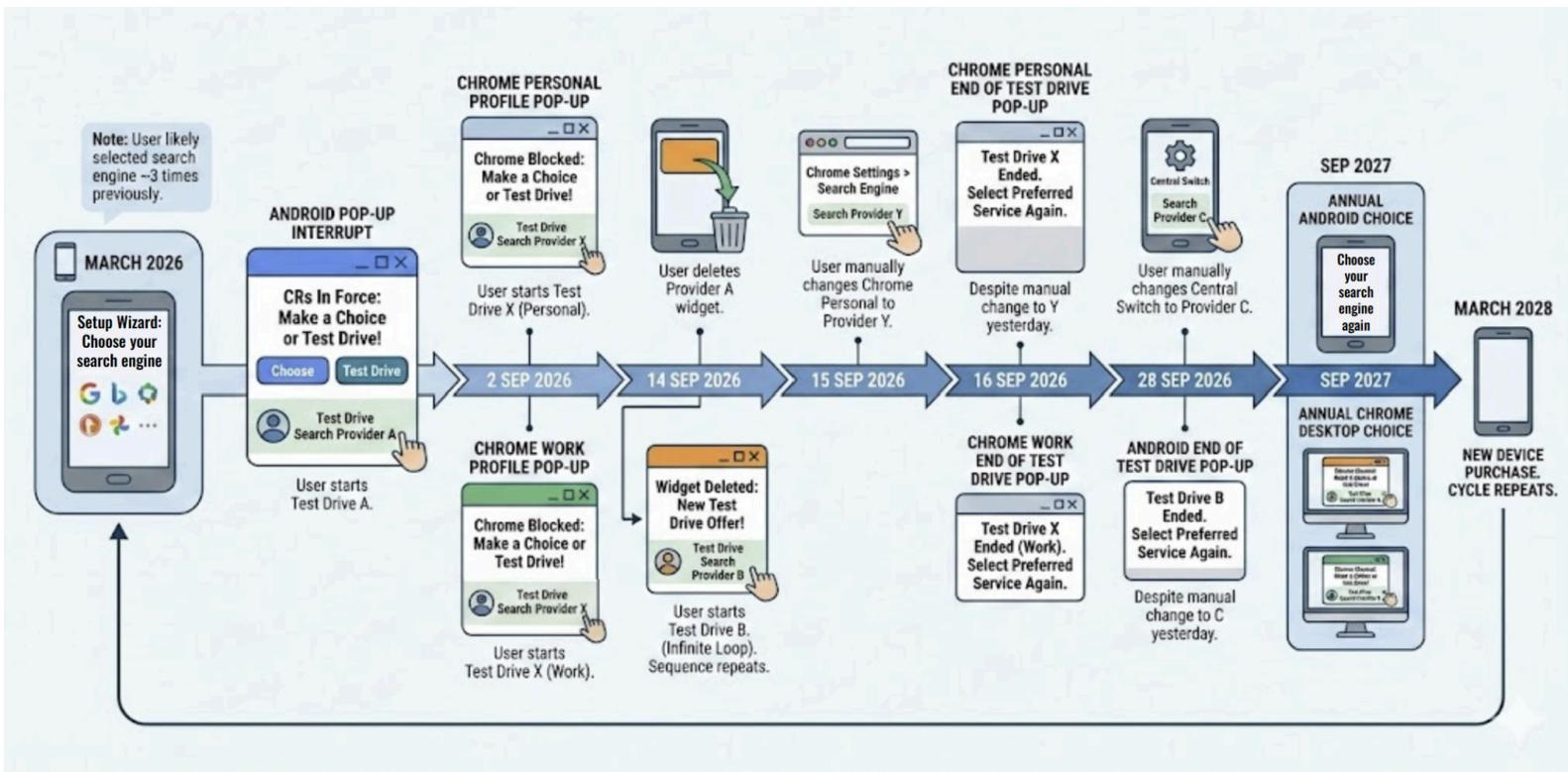
<sup>77</sup> Verian Group UK, [Mobile Browsers Consumer Research – Understanding and usage of mobile browsers on smartphones for the CMA web browsers market investigation](#) (August 2024), p. 75.

- **1 September 2026 – Android choice screen and start of test drive.** Proposed CR comes into force and a pop-up interrupts the user and forces her to make another choice or choose to test drive. The user chooses to test drive Search Provider A.
- **2 September 2026 – Chrome choice screen on personal profile and start of test drive.** A pop-up blocks the user from using Chrome and forces her to select a default search service or choose to test drive. The user chooses to test drive Search Provider X.
- **2 September 2026 – Chrome choice screen on work profile and start of test drive.** A pop-up blocks the user from using Chrome and forces her to select a default search service or choose to test drive. The user chooses to test drive Search Provider X on her second profile, too.
- **14 September 2026 – widget deletion.** The user deletes Search Provider A's widget on her Android device.
- **14 September 2026 – start of second test drive on Android.** A pop-up interrupts the user, offering a new test drive before the initial test drive ends. This sequence of widget deletion > being offered a refreshed test drive can repeat infinitely. The user selects Search Provider B.
- **15 September 2026 – switching search provider on Chrome personal profile.** The user navigates to Chrome Settings on her personal profile to change her default search service to Search Provider Y before the end of the test drive.
- **16 September 2026 – end of test drive on Chrome personal profile.** A pop-up interrupts the user at the end of the test drive for Search Provider X, asking the user to select her default search service once again, despite the user having changed her default service from Chrome Settings to Search Provider Y just a day earlier.
- **16 September 2026 – end of test drive on Chrome work profile.** A pop-up interrupts the user at the end of the test period for Search Provider X, asking the user to select her default search service once again on her work profile.
- **27 September 2026.** The user is prompted by Search Provider C when she is in the app, offering her to set it as default. The user navigates to the central switch during the test drive period to change her default search service to Search Provider C.
- **28 September 2026.** A pop-up interrupts the user at the end of the test period for Search Provider B, asking the user to select her default search service once again, despite the user having changed her default provider from the central switch to Search Provider C just a day earlier.

- **September 2027 – annual choice moment on Android.** Another pop-up appears and the user sees the choice screen again.
- **September 2027 – annual choice moment on Chrome desktop profiles.** Another set of pop-ups appear and the user sees the choice screen again on each Chrome profile.
- **March 2028.** The user buys a new device and repeats the steps above (assuming an average device lifetime of 2 years).

Overall, this user will have seen a total of 10 interruptive pop-ups, before then repeating the cycle on her new Android device.

### Timeline of interruptive prompts – Android and Chrome



110. As illustrated with an Android smartphone and a desktop device in the example above, users who have more than one device will be subject to frequent interruptions on *each* device, including on each profile in Chrome on each of their non-Android devices, compounding the frustration suffered from increased friction. For example, a user who uses an Android smartphone, Chrome on her iPad tablet, and two profiles on Chrome on her desktop computer would be subject to multiple interruptive choice screens across those devices.

111. The Consultation cursorily seeks to dismiss Google’s legitimate concerns with user fatigue and frustration with these interruptive prompts, by remarking that the intervention would

amount only to “*relatively short prompt to consider [users’] search choice once a year.*”<sup>78</sup> Besides being factually wrong (because the interruption would be more frequent, as discussed above, taking into account the cycle of new devices and Chrome profiles), the CMA’s position that annual prompting is not too onerous has no evidentiary basis.

112. In reality, copious evidence shows that interruptive prompts are frustrating and annoying for users:

- Google user research shows that two thirds of users prefer selecting their defaults at device setup rather than through interruptive prompts. The same research indicates that forcing users to make a choice after device setup leads to frustration and disengagement. In particular, users do not want to be interrupted from their tasks to be forced to make choices. For example, one user explained “*Like, okay, ‘I have to find a way how to save my grandma from choking on a fishbone.’ I don’t want to second guess ‘maybe I should use DDG for the privacy.’ I would rather have it sorted beforehand.*”<sup>79</sup>
- Real-life user reactions following the implementation of interruptive DMA choice screens on existing devices in the EU evidence the risk of user frustration is not merely theoretical; users’ comments include “*[Y]ou’ve made me very angry by forcing me to choose a default search engine! Could you please add a “I have already selected” option there...*” and “*Can you please STOP asking always the same things at every login?*”<sup>80</sup>
- The CMA’s own research confirms that users “*generally dislike prompts or pop-ups interrupting them*” and are “*unlikely to engage with it very closely.*”<sup>81</sup>

113. The CMA “*acknowledge[s] that there is limited benefit to a user being shown the choice screen twice in quick succession*” and proposes an exemption to show the choice screen if a user has set up a new device in the preceding six months.<sup>82</sup> This exemption is insufficient to address the problem the CMA identifies and Google does not, in any event, have reliable technical infrastructure in place to implement it.

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<sup>78</sup> [User Choice Consultation](#), para. 4.34.

<sup>79</sup> User quote from user research on the CMA’s file: [redacted] in the Mobile Browsers and Cloud Gaming Market Investigation.

<sup>80</sup> [redacted].

<sup>81</sup> Verian Group UK, [Mobile Browsers Consumer Research – Understanding and usage of mobile browsers on smartphones for the CMA web browsers market investigation](#) (August 2024), p. 75.

<sup>82</sup> [User Choice Consultation](#), para. 4.36.

- **The exemption is insufficient to address the problem as users will still get annoying prompts repeatedly.** The CMA fails to take into account the proactive default choices users may make outside of a choice screen. For example, imagine a user who buys a phone on 1 January 2027 and selects Google to be the default search service. The user later navigates to the new central switch to change her default to Bing on 31 May, or is prompted by Bing to do so via the new API Google is introducing. The CMA's annual choice screen is set for 1 June and so the very next day the user then receives an interruptive pop up asking her yet again to select her default search service, despite having changed her default to Bing just a day ago. The exemption would not apply in this scenario but it would still be a frustrating experience for a user who has just changed her default to be shown the choice screen a day later.
- **Google does not have reliable technical infrastructure in place to implement the exemption.** Google does not have a reliable signal that provides an accurate timestamp for when a device was set up. Accordingly, Google cannot refer to these signals to suppress a further choice screen. And Google also does not have infrastructure in place to identify and log defaults proactively switched by users (*i.e.*, outside of the choice screen at device setup), as described above, meaning it could not suppress choice screens following such changes. The bottomline is that users in the UK, under the Consultation's novel and disproportionate proposals, would be likely to be overloaded with annoying and repeated pop ups that interrupt them in their daily tasks.

114. The CMA's analogy with the default prompts shown on Chrome to justify frequent and interruptive choice moments is deeply misguided:<sup>83</sup> a user who uses an app frequently may prefer that app to be their default. Following from this, Chrome shows default prompts when it detects that the user uses Chrome regularly (Chrome only prompts after the user has opened Chrome browser for the third time), providing a strong and reliable signal that the user may gain value from setting Chrome as default. Conversely, there is no such indication or signal that a user who has already seen a search choice screen and selected their default would benefit from repeated, identical choice moments outside of apps.

115. The appropriate analogy with the prompts that Chrome may show to be default for a user that frequently uses Chrome, is for search services on Android to be able to prompt the user to be default. As discussed above, Google is willing to build the ability for search services to prompt UK users to be set as default on Android.

116. **The proposals risk significant costs to OEMs.** The CMA's proposals for multiple interruptive choice moments will require complex implementation by OEMs, resulting in increased costs. Implementing choice screens that retrigger annually and can be resurfaced

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<sup>83</sup> [User Choice Consultation](#), para. 4.34.

via the Settings menu, and the ability to test drive a search service before being prompted with a new choice screen all require device-side changes that OEMs would have to implement.

117. If the final CR requires choice screen modalities that significantly differ from existing choice screens in the European Economic Area and UK, OEMs may have to develop UK-specific devices (**Stock Keeping Units** or **SKUs** in technical terms) to ensure the choice screens operate in a particular way. Having diverging choice screen requirements would be costly for OEMs, who run on thin margins and whose businesses therefore stand to be impacted significantly by even small increases in cost. Faced with additional costs, OEMs would have to redirect resources that would otherwise go to building better products for UK consumers and exerting competitive pressure on Apple to regulatory implementation.
118. OEMs have been vocal to the CMA that regulatory-mandated changes that increase their costs are likely to lead to increased retail prices for UK consumers.<sup>84</sup> The Consultation makes only cursory reference to costs to OEMs and fails to include their costs in its proportionality assessment. The CMA needs to take this issue seriously and engage with OEMs before imposing CRs that will impact OEMs' business models and budgets, and risk higher prices and reduced innovation for UK consumers.
119. Taken together, the costs are disproportionate to the benefits the CMA is seeking to achieve with these measures. Google's new proposals for a central switch for search services on Android devices and the ability for those search services to detect whether they are default via an API and prompt users are less onerous, but equally effective means to achieve the CMA's aim to "*ensure that consumers are able to make an active and informed choice about which service they use to encourage competition.*"<sup>85</sup>
120. Indeed, the CMA in its mobile browsers and cloud gaming market investigation endorsed a central switch and user prompting as a means to allow users to switch between services.<sup>86</sup> The proposals for multiple interruptive choice moments should therefore be dropped from the final CR and Google's proportionate alternative adopted.

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<sup>84</sup> See, e.g., CMA SMS Investigation into Google's General Search and Search Advertising, [Samsung Response to Invitation to Comment](#) (14 January 2025) and CMA SMS Investigation into Google's Mobile Ecosystem, [Samsung Response to Invitation to Comment](#) (23 January 2025).

<sup>85</sup> [User Choice Consultation](#), para. 5.33.

<sup>86</sup> CMA, [Mobile browsers and cloud gaming final decision report](#) (12 March 2025), paras. 8.320-8.321.

**The CMA’s proposal for a test drive overlooks implementation challenges and risks unintended behavioural consequences from users**

121. The test drive proposal would harm users and OEMs for the reasons discussed in the section above. The novel concept of a test drive raises complex implementation challenges, and risks unintended behavioural consequences from users. And it is unnecessary in light of Google’s better proposals for a central switch for search and ability for search services to prompt.

122. **First, the CMA’s proposal for a test drive proposal is rooted in a flawed understanding of the current default switching framework on Android.** The Consultation proposes a test drive to allow users to eventually settle on “*an enduring search service default.*”<sup>87</sup> This proposal is misconceived, as no default is “enduring”. Users can easily switch their default services at any time and will be able to do so in an even more straightforward manner when Google implements the central switch for search services described above.

123. In other words, users can already “test drive” as many providers as they would like, “*with the comfort that they can easily change their mind if they so wish,*”<sup>88</sup> by simply changing their default service at their convenience. And users are aware that they can do so: the CMA found that 83% of Android users are confident in switching their default services (and this is before Google introduces a central switch for search).<sup>89</sup>

124. **Second, the test drive proposal overlooks complex implementation challenges arising from user configurations during the trial period.** [§<], the test drive proposal raises a series of scenarios for which an easy solution or answer does not exist.<sup>90</sup> For example:

- **Conflict with user default configuration.** How will the choice screen logic respond if a user manually changes her search default (e.g., by using the new central setting) *before* the test drive period ends? Every possible option in this scenario raises new challenges and fails to provide a satisfactory solution.
  - Option 1: The subsequent choice screen is suppressed to respect the user’s manual choice. This option renders the “test drive” incomplete and may confuse or frustrate users who expect the choice screen to show again.

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<sup>87</sup> [User Choice Consultation](#), para. 4.48.

<sup>88</sup> [User Choice Consultation](#), para 4.47.

<sup>89</sup> Accent, [Consumer purchasing behaviour in the UK smartphone market for the CMA’s Mobile Ecosystems Market Study - Final Report](#) (June 2022), Figure 19.

<sup>90</sup> [§<].

- Option 2: The choice screen reappears despite the user’s manual change. This overrides the user’s explicit action, creating confusion and frustration for users who have decided to use the search service they have manually selected. The CMA has recognised the user frustration this particular example may cause in a different context, explaining that “*prompting a user to switch their default service even though the user has already selected them as their default*” is “*unnecessary, misdirected, or confusing.*”<sup>91</sup>

- **Conflict with user widget configuration.** If a user deletes the search widget from their home screen during the trial, will the next choice screen force a new widget onto the home screen for the next selected provider? This creates a conflict between the mechanism of the test drive and the user’s likely preference for a clean home screen without a widget.

Alternatively, a user could have also added a third-party widget prior to selecting the test drive. When the user then selects a provider for her test drive (either the provider of the widget or a different provider), Android would need to insert a second widget on the home screen (as Android cannot tell whether a widget already exists on the home screen and block one from being added), creating a crowded home screen with two widgets (from two separate providers, or duplicate widgets from the same provider if the user’s test drive selection was the same as their original widget).

- **Conflict with user preference for search apps.** Currently, the Android choice screen downloads the app of the selected provider. If a user moves from one trial to another, or selects a different “enduring” service, how is the previous app handled? Will it be automatically deleted (which may be technically challenging or infeasible to implement and may not reflect the user’s preference if they wish to be able to switch back easily) or retained on the device (which may lead to “bloatware”, where a user accumulates multiple search apps they do not intend to use, degrading device performance and user satisfaction)?
- **User confusion from choice screen refreshing.** The list of providers on the choice screen is refreshed periodically. If a test drive concludes after a refresh cycle, which list takes precedence? If the system displays the new list, the user may be unable to select a provider they recall from the original trial. Conversely, showing an outdated list may present options that are no longer eligible or technically supported.

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<sup>91</sup> [User Choice Consultation](#), para. 4.59.

125. The Consultation does not propose any solutions to these serious challenges. It refers to them but does not engage with them at all.<sup>92</sup>
126. In its discussions with Google, the CMA has referred to a Safari extension that allows users to test using different providers for the Safari omnibox for a limited period. This functionality is fundamentally different to the test drive proposal outlined in the Consultation. The Safari extension does not concern default settings, but rather time-limited permissions that the user can choose to grant a browser extension. At the end of the permission period, the extension loses the permissions and the omnibox snaps back to the default without interrupting the user or informing them. The extension therefore does not raise any of the complexity challenges or user experience issues discussed above. It would be deeply misguided to analogise the Safari snap-back extension with the challenges of the Consultation's proposed test drive that Google has described.
127. **Third, the proposal risks unintended behavioral consequences for users.** Google's UX experts have expressed real concerns over user perception of the "set as default" button on a choice screen when placed next to a "test drive" button. Users may be likely to interpret these as contrasting selections, implying that the "set as default" is an irreversible, high-stakes, and inherently risky choice. The CMA has not investigated this matter.
128. Finally, the CMA assesses the proportionality of the test drive feature on a standalone basis by weighing its specific costs (on top of the costs generated by the other components of the proposed User Choice CR) against the value of its purported benefit (defined as search defaults better matching a user's preferences). But as discussed in detail below, the CMA fails to assess additional costs of (i) the harm to users as a result of time spent navigating through additional test drive choice screens and (ii) the additional time that users would likely spend on every search choice screen due to the confusion caused by a "test drive" button. And there is no discussion at all of the costs to OEMs.
129. The CMA's goal to "*allow consumers to experience and test other search providers ... with the comfort that they can easily change their mind if they so wish*"<sup>93</sup> is achieved by a central switch and by allowing search providers to prompt users in their apps to be set as default. A central switch allows users to change their mind regarding their preferred search service at any time by simply navigating to the Settings menu; prompts shown in apps allow users to be presented with the opportunity to change their defaults in context.

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<sup>92</sup> [User Choice Consultation](#), para. 4.49.

<sup>93</sup> [User Choice Consultation](#), para. 4.47.

### ***The CMA's proportionality assessment relies on flawed economic modelling***

130. The Consultation evaluates whether the proposed CR produces disadvantages which are disproportionate to their aim by assessing the proposed CR's costs and benefits and weighing them against each other.
131. The CMA's assessment significantly understates the costs of the proposed CR and overstates the benefit that users gain from changing their default search provider because it is calculated against the wrong baseline.
132. In particular, it is calculated against a purported benefit of users not being able to select their chosen search service: but users on Android will be able to select their chosen search service thanks to choice screens at device setup, the central switch, and ability for search services to prompt. The right baseline for the analysis is instead the incremental benefit from the Consultation's novel proposals for interruptive annual screens and the test drive. No proportionality assessment is provided against that baseline, which renders the entire assessment obsolete from the outset.
133. **First, the Consultation's cost modelling significantly underestimates the costs of the proposed CR.** It disregards costs to OEMs and costs resulting from user fatigue and disengagement, which would increase with every additional interruptive choice moment. The failure to consider this category of costs is particularly striking as one of the categories of benefits of the proposed CR which the CMA weighs against these costs is an "*improvement in user experience*" as a result of increased competitive pressure on Google.<sup>94</sup> The CMA's cost analysis is flawed for the following reasons:
- **Highly speculative estimate of time to complete choice screen.** The CMA quantifies the time cost of choice screens by reference to a Mozilla study, based on a static assumption of 25 seconds spent on the choice screen. The CMA does not evaluate the reliability of the Mozilla study's time estimate. Moreover, the CMA assumes that "*the average user would take roughly the same time*" to complete the choice screens in the proposed CR, overlooking the fact that the proposed CR includes new and complex design elements (e.g., test drive) that are likely to increase the time users take to complete the choice screen.<sup>95</sup>
  - **Underestimation of number of choice screens shown.** The CMA multiplies its cost estimate per user by the number of choice screens it expects will be shown. But the CMA's estimate does not take into account the increased number of times the choice

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<sup>94</sup> [User Choice Consultation](#), para. 5.38(a).

<sup>95</sup> [User Choice Consultation](#), para. 5.13.

screen may be retriggered as a result of the scenarios discussed above (e.g., user deleting the provider of the widget they are test driving during test drive).

134. Even on the Consultation's own premises, the cost to UK consumers of the Consultation's proposal for annual choice screens comes to approximately £5 million a year. This is a sunk cost to the UK consumer that comes with no benefit. In particular, there is no benefit to UK consumers in repeated interruptive pop-ups—as the CMA research has found, users “*generally dislike prompts or pop-ups interrupting them*”—compared to Google's proposals for choice screens at Android setup, choice screens on Chrome, a central switch, and a default prompting API.
135. More generally, the CMA's calculation of the additional costs, temporal or otherwise, of the harm to users that the test drive function would generate is opaque and does not provide insight into the CMA's methodology such that Google can evaluate it. The CMA attempts to justify skipping this assessment by stating that “*given our low estimate of the per user average cost of showing a choice screen [...] relative to the benefit to users of choosing a provider that better matches their preferences [...], it is unlikely that such costs would materially affect our assessment.*”<sup>96</sup> But users are already (and will be even more under Google's proposals) selecting their search provider that best matches their preference, based on the multiple choice screens they already have seen, the additional screens that Google will implement, the central switch for search services, and the ability for search services to prompt. The repeated additional screens provide no additional benefit in this regard; only cost.
136. **Second, the Consultation's quantification of benefits incorrectly assumes a baseline of no choice, overstates switching rates per choice screen, and fails to provide economic evidence for the break-even approach.** The CMA's quantification of the benefits of the proposed CR are therefore wrong:
- **Incorrect counterfactual.** The CMA quantifies the benefits of the proposed CR against a counterfactual of no choice. This assessment is deeply flawed: UK users have been seeing choice screens since 2019 and choosing their preferred search provider. Google is committed to modifying these screens, extending them to new devices (Pixel and Chrome on non-Android), implementing a central switch for search services, and building the ability for search services to switch. The CMA's proportionality assessment should have instead focused on the incremental benefit from the additional interruptive choice moments (the annual interruptive screens and the test drive). There is no analysis at all of this incremental benefit, which means the entire proportionality assessment is flawed from the outset.

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<sup>96</sup> [User Choice Consultation](#), para. 5.17.

- **Overstated switching rates.** The CMA assumes an unrealistically high rate of annual switching (“[u]sers’ preferences and the available options may change from one year to the next”).<sup>97</sup> This is far from reality: users tend to like and continue using the provider they have set as their default for more extended periods of time and would be unlikely to change their default provider each time they are presented with a choice screen. In other words, while the benefits of the choice screen diminish with time as users’ preferences solidify, the costs remain constant, making the CR increasingly disproportionate over time.
- **Lack of evidence for break-even approach.** The CMA fails to provide economic or other evidence to support its findings on the likelihood and magnitude of benefits occurring. The CMA simply asserts that the benefits will occur and assumes that small benefits are sufficient to offset costs, without providing justifications for this assumption.

137. Even assuming the Consultation’s assessment was conducted against the correct baseline (which it is not), the Consultation’s estimate of the benefit is fundamentally misguided. The CMA relies on an academic study’s finding (Allcott et al. 2025) that baseline Edge users value Bing over Google by an amount equivalent to \$7.56 over a two-week period, which the CMA extrapolates to a £149.10 annual “consumer benefit.” This calculation is methodologically flawed and misapplies the study’s findings:

- **The CMA relies on a false equivalence by wrongly assuming the preferences of an Edge user is a proxy for the broader ecosystem.** The \$7.56 figure specifically measures the preexisting loyalty of baseline Edge users who actively prefer Bing. As the study itself notes, this is a self-selected, small subset of consumers. Using the preferences of this specific cohort as a proxy for the “value of alternative choice” that an Android or Chrome user would derive from a choice screen is a false equivalence that artificially inflates the CMA’s benefit calculation.
- **The \$7.56 figure measures a willingness to participate in a paid experiment, not true consumer surplus.** The underlying valuation measures users’ willingness to accept payment to participate in an experiment, not their genuine economic preference. The study’s data proves this: the users who were paid \$1 to try Bing reverted to Google at higher rates than those who were paid \$25,<sup>98</sup> showing the payment amounts do not correlate with preference strength. If these payments accurately captured the strength of relative preferences, the opposite would be true (users who were paid more would revert to their pre-payment provider more,

<sup>97</sup> [User Choice Consultation](#), para. 5.44.

<sup>98</sup> See Allcott et al., Sources of Market Power in Web Search: Evidence from a Field Experiment (2025), Figure 3.

reflecting that they only agreed to switch for the payment). Therefore, extrapolating an experimental participation fee into a £149.10 annual "consumer benefit" lacks a sound economic foundation.

#### IV. Publishers

138. Google supports the CMA's objective of ensuring publishers have control over how their content is used. Google has reviewed the CMA's proposals to introduce a control over the use of publisher content for grounding in Search genAI features and to clarify Google-Extended, and considers them achievable. The proposed CR rightly does not take forward unworkable alternatives, such as crawler separation and training/fine-tuning controls for Search genAI features.
139. The CMA must address the current lack of proportionality in the proposed CR, ensure it corresponds to the core alleged harm, and maintain the CMA's stated ambition of appropriately balancing innovation and intervention in the UK. In particular, the following issues need to be resolved, which Google expands on below:
- **Controls.** The CMA has invited evidence on whether it should require a complete reworking of Google-Extended. That proposal lacks any legal or evidential basis, and would not deliver user benefits. Implementing such a requirement would necessitate a global reworking of Google-Extended, which would be inherently extra-territorial and disproportionate.
  - **Transparency.** The proposed CR encompasses broad, vague transparency proposals that undermine legal certainty, cut across ongoing policy work by the government, and could jeopardise trade secrets. There are internal contradictions in how the proposed CR contemplates clarifying the scope of Google-Extended. And 'per-feature' data reports that the proposed CR anticipates are misaligned with the proposed Search genAI control.
  - **Attribution.** Prescriptive requirements are unwarranted since Google is already motivated to strike the right balance between attribution and usability, and will become even more motivated once the new control takes effect. Excessive attribution of lots of sources may worsen the user experience and lead to fewer clicks; not more. But too little attribution and publishers may decide to opt out, depriving Google of their content for grounding Search genAI features.
140. Finally, notwithstanding Google's willingness to cooperate with the CMA on its proposals, Google also takes this opportunity to correct certain incorrect claims regarding Search.

***Controls: the proposed CR is superior to alternative interventions, but must be kept within proportionate limits***

141. Google has long supported measures to offer publishers meaningful control over how their content is used, including through tags like ‘nosnippet’ and Google-Extended.<sup>99</sup>
142. The CMA’s proposed additions to Google’s existing controls – a new Search genAI grounding control and requirement to maintain Google-Extended (with a clarified description) – are superior to alternative solutions that have been put forward and dismissed by the CMA. Taking each alternative solution in turn:
- **Crawler separation.** Crawler separation would be an extreme structural remedy that imposes costs and major disruption to Search and Search users; dampens investment by diverting resources from developing new features to re-engineering existing ones; potentially doubles the crawling load on websites whose publishers want to appear in genAI features and products; achieves no tangible benefits to consumers; and does not offer any improvement on the control that the proposed CR puts forward.
  - **Training / fine-tuning control for Search genAI features.** We agree with the CMA’s exclusion of a training/fine-tuning control for Search genAI features from the proposed CR<sup>100</sup> and note that the Consultation does not provide evidence supporting such an intervention.<sup>101</sup> A training/fine-tuning control for Search genAI features is disconnected from concerns about traffic substitution. And it would *damage* innovation by preventing the use of these models to support other tasks within Search, including those that contribute to ranking and quality, where the use of data crawled for Search is essential.<sup>102</sup> Because these models are increasingly integrated into how Search understands and categorizes web content, a publisher’s choice to exclude their data from fine-tuning could prevent Search from accurately evaluating that content’s relevance. This could inevitably impact the ability to properly rank that site among others, to the detriment of both the publisher and the user experience. Consequently, if a publisher opted their content out of being used

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<sup>99</sup> Google, [An update on web publisher controls](#) (28 September 2023).

<sup>100</sup> Before imposing a CR, the CMA must “*carry out a public consultation on the conduct requirement which it proposes to impose.*” [Section 24\(1\)\(a\)](#) DMCCA.

<sup>101</sup> We note that the CMA claims in the Consultation that “*several*” unspecified publishers were concerned about use of content for training/fine-tuning ([Publisher Consultation](#), fn. 39). However, the CMA otherwise does not point to any evidence, and has excluded this type of control from the CR that it intends to impose.

<sup>102</sup> [Publisher Consultation](#), paras. 4.10–4.11.

by a model that undertakes ranking, that could lead to a drop in their website's position in Search.<sup>103</sup>

- **Splitting Google-Extended into training and grounding controls.** Splitting Google-Extended into separate training and grounding controls has no proper basis.<sup>104</sup> It lacks any explanation, theory of harm, or evidence supporting its inclusion in the proposed CR. In particular:
  - It does not cohere with the problem statement set in the proposed CR; namely, a *“lack of clarity over the scope of ‘Google-Extended’, which means that publishers are uncertain about how it operates in practice”*.<sup>105</sup> The solution for a lack of clarity is providing more clarity, as acknowledged by the proposed CR. The solution is not to replace one comprehensive control with two narrower ones, in turn requiring Google to re-wire its infrastructure and publishers to spend more time managing their selections, with no additional benefit for consumers.
  - If the theory of harm relates to the use of ‘Search Content’ in non-Search products, that concern is solved by Google-Extended as it already exists, which enables publishers to opt their content out of being used in this way. Demanding a more granular set of controls to let publishers decide precisely *how* their content is used in non-Search products is untethered from this theory of harm.
  - Finally, a complete overhaul of Google-Extended would be a free-rider's charter, allowing publishers to opt their content in for grounding and display, which can lead to more traffic, but opting out of the training that makes genAI products possible. This will have a negative effect on the quality of genAI products and future innovation.

***Transparency: any measures should be linked to the proposed controls and stay within coherent and proportionate limits***

143. Google proposes five revisions to the proposed CR to improve the proposed transparency measures:

144. **First, Google-Extended should be clarified through a future-proof, product-agnostic definition.** The range of genAI products is changing rapidly. Services that are widely-used

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<sup>103</sup> As set out at [Publisher Consultation](#), para. 4.10(d).

<sup>104</sup> [Publisher Consultation](#), para. 4.13.

<sup>105</sup> [Publisher Consultation](#), para. 1.11(b).

today, such as Gemini Apps and Vertex AI, did not exist a few years ago. Likewise, the models on which those services are based continue to grow in number, with Google releasing Veo and Imagen alongside Gemini Foundation Model. The pace of change is likely to intensify still further as advances in AI continue.

145. For a control like Google-Extended, this rapid innovation creates a challenge in describing its scope. Simply listing all products that are ‘in’ or ‘out’ is not a sensible, future-proof solution in circumstances where products and models are frequently released, deprecated, or add in genAI components for the first time.
146. The better solution is, as in the proposed CR, to commit to a “*product-agnostic*”<sup>106</sup> definition of Google-Extended’s scope, while explaining the control’s overall purpose and any exceptions. This approach would provide a principled definition that can adapt to the future, rather than a brittle list that needs frequent updating.
147. Despite endorsing the approach of having a product-agnostic definition, the interpretative notes also appear to support the contrary model of requiring Google to “*list those Google products, services and other activities to which each control relates.*”<sup>107</sup> This note is an internal contradiction that should be removed.
148. **Second, transparency should be linked with the proposed control.** The proposed CR requires Google to “*publish clear and detailed information explaining how Search Content is used for the training and grounding of its generative AI services and features.*”<sup>108</sup> The interpretative notes then state that the goal is to enable publishers to decide “*whether to give consent to Google for use of their Search Content for these purposes [i.e., training and grounding of gen AI services and features]*” – not limited to exercising the Search genAI and Google-Extended controls.<sup>109</sup>
149. This proposed transparency obligation goes well beyond providing the information necessary for publishers to assess whether to exercise the controls set out in the proposed CR. Instead, it appears to contemplate a much broader disclosure obligation relating to the inner workings of Google’s AI features and services. The concern that publishers may be harmed by Google leveraging content crawled for Search in Search genAI features and non-Search genAI products is already fully addressed by the proposed Search genAI grounding control and a clarified Google-Extended control. Therefore, this proposed transparency obligation, which seems to propose a general duty to disclose how Search

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<sup>106</sup> See, e.g., [Publisher Consultation](#), paras. 4.14-4.19 and 4.35; fns. 49 and 58.

<sup>107</sup> [Publisher Consultation](#), Interpretative Notes, para. 7.

<sup>108</sup> [Publisher Consultation](#), Draft CR, para. 4(a).

<sup>109</sup> [Publisher Consultation](#), Interpretative Notes, para. 6.

Content is used in Google’s genAI features and products, is disconnected from the CMA’s stated theory of harm. Because these requirements would apply exclusively to Google under the SMS regime, this mandate risks creating a significant competitive asymmetry, forcing Google to reveal strategic insights to rivals who remain under no such obligation. Moreover, the reference to publishers needing to ‘consent’ to the use of their content introduces a concept that is not settled or accurate under existing copyright law — a matter that anyway falls far outside the scope of the DMCCA and the CMA more generally.

150. Further, there is an immediate concern that the proposed obligation cuts across the government’s ongoing policy work on the appropriate degree of transparency for AI developers to provide.<sup>110</sup> This topic is complex with clear trade-offs, as greater transparency may undermine developers’ ability to protect trade secrets. Pre-empting the government’s conclusion would introduce overlapping and potentially contradictory regulations that place Google under heavier restrictions than its close AI rivals. As the CMA acknowledges, governmental policy work is a basis to de-prioritise overlapping CMA intervention.<sup>111</sup> There is no principled basis to displace in-depth policy analysis by the government with an exceptionally thin assessment in the Consultation.

151. **Third, the CMA’s evidence shows that there is no need for additional ‘click-quality’ metrics.** The Consultation suggests that a new ‘click-quality’ metric is required, on the basis of just a small selection of assertions. The CMA’s own evidence therefore indicates that the vast majority of publisher respondents already possess the tools necessary to assess referral quality.<sup>112</sup> Therefore, the evidence does not support the conclusion that a mandated

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<sup>110</sup> Contrary to the CMA’s intention not to do so – see [Publisher Consultation](#), para. 4.79. See also the Government’s [Statement of Progress](#) (15 December 2025), contemplating “*legal transparency duties*”.

<sup>111</sup> CMA, [Prioritisation Principles](#) (30 October 2023), para. 3.14 (“*alternatives to CMA action could include private enforcement, market developments, self regulation, new regulatory or legislative developments, or changes in government policy*”). The Consultation’s proposal also contradicts previous CMA commitments to taking careful account of the Copyright/AI consultation when considering interventions in this area: see CMA, [Roadmap of possible measures to improve competition in search](#) (24 June 2025), para. 3.12.

<sup>112</sup> The CMA appears to cite just 5 RFI responses to support its conclusion that a click-quality metric is required ([Publisher Consultation](#), fn. 68). Cf. [Publisher Consultation](#), fn. 1, which confirms that the CMA analysed just 13 news and press publisher RFI responses.

click-quality metric is either proportionate or necessary to achieve the CMA's objectives<sup>113</sup> and this requirement should be removed from the proposed CR.<sup>114</sup>

152. The proposed requirement to disclose further metrics would also [§]. Because this CR applies exclusively to Google, this mandate creates an untenable competitive asymmetry, forcing Google to reveal its quality-evaluation methodologies while its rivals remain under no such obligation.
153. Furthermore, publishers are already well-positioned to determine the true value of a referral using their own on-site analytics in conjunction with existing Search Console data. Rather than imposing a metric that [§], Google proposes to continue to work with the CMA to explore actionable, proportionate metrics for Search genAI features.
154. **Fourth, per-feature data metrics are unactionable and unworkable.** Google agrees with the CMA that there are no clear or actionable benefits to providing per-feature data.<sup>115</sup> However, Google is concerned that the CMA envisages per-feature data as a possible alternative to 'click-quality' metrics. Both proposals—in relation to both genAI and non-genAI Search features—are unworkable because they are unactionable, would result in inconsistent and unpredictable data, have no legal basis for imposition, and are unwarranted, and disproportionate to the CMA's objective. Furthermore, Search is an integrated product and not merely a collection of separable features, so per-feature metrics are unlikely to be valuable without the broader context of Search.

- **Unactionable.** 'Per-feature' data would not be actionable for publishers, as Search is a constantly evolving product. Google continues to add and remove features to and from Search in response to user preferences, trends, and feedback, and all features compete with each other to appear on the search engine results page (**SERP**). Reporting on a per-feature basis would make it difficult for publishers to observe the interconnection between different features on Search, leading to fragmented data that could misguide a publisher's understanding of their overall traffic and visibility.
- **Inconsistent and unpredictable results.** 'Per-feature' data would instead lead to inconsistent and unpredictable data and would quickly increase complexity for

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<sup>113</sup> CMA, [Delivering the 4Ps under the digital markets competition regime](#) (30 April 2025). ("To spur investment and innovation across digital markets, we have been clear that **any regulatory intervention we make must be** proportionate, targeted, **evidence-led**, and tailored to maximise impact whilst minimising costs.")

<sup>114</sup> See Sarah Cardell, [Speech: Promoting competition and protection consumers in the digital age: a roadmap for growth](#) (10 March 2025). ("Delivering effectively at pace means streamlining our approach to our investigations. [This includes] [r]apidly standing down lines of enquiry where **no clear evidence** of concern arises." (emphasis added)).

<sup>115</sup> [Publisher Consultation](#), para. 4.44.

publishers. It significantly increases the risk of misuse / gaming by bad actors that could damage user and publisher experience. And it would require Google to shift resources from supporting the UK's growth and AI ambitions to burdensome compliance requirements.<sup>116</sup>

- **No legal basis.** There is no legal basis for the CMA to impose this intervention across Google's full general search service (or any part of it). The CMA has not identified any corresponding deficiency in fair dealing, open choices, or trust and transparency that relates to the absence of 'per-feature' data,<sup>117</sup> as no such deficiency exists.
- **Unwarranted and disproportionate to the CMA's objectives.** An imposition of per-feature metrics would be unwarranted and disproportionate. There is no evidence that the metrics Google currently provides lead to harm; this intervention would not promote innovation or competition; and it would substantially increase Google's compliance burden and costs in return for no consumer benefit.<sup>118</sup>

155. **Fifth, adversarial testing by a third party is not needed to verify that the controls are working as intended.** As noted above, the CMA has at no point found that Google's controls, such as Google-Extended, fail as a technical matter. When a developer opts their content out of being used to train and ground non-Search genAI products via Google-Extended, that decision is respected and implemented. Imposing a third-party testing requirement would create a significant and unnecessary compliance burden that is not justified, given that the CMA has not identified any deficiency in Google's systems.

156. In practice, publishers are already equipped to verify the effectiveness of these controls themselves. By entering prompts related to their specific content, publishers can confirm in real-time whether their opted-out material is being surfaced in AI features. It is unclear why a third party would be better positioned to perform these tests than the publishers who possess the most intimate knowledge of their own content and their specific control selections, and the CMA should remove this disproportionate requirement from the final CR.

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<sup>116</sup> Department for Science, Innovation and Technology, [AI Opportunities Action Plan](#) (13 January 2025); see too The Guardian, [Reeves says rules and red tape are 'boot on the neck of business](#) (15 July 2025).

<sup>117</sup> The CMA can only impose a conduct requirement if it would be proportionate to do so for one of these objectives. [Section 19\(5\)](#) DMCCA.

<sup>118</sup> The CMA cannot impose a conduct requirement before it has regard to the benefits for *consumers* that would likely result. [Section 19\(10\)](#) DMCCA.

***Attribution and factuality: Interventions are not needed because Google has a strong incentive to ensure proper attribution and transparency***

157. The proposed CR relating to attribution and factuality is unnecessary and unworkable, for the reasons explained below. The CMA's justifications for the proposed CR are based on a misguided understanding of Google's current processes.
158. **First, Google already has strong incentives to ensure effective attribution, which the new control would strengthen.** Google's approach to attribution reflects the fundamental goal of Search: to present users with helpful results, backed by relevant, high-quality sources. Google's incentives are therefore already aligned with users and publishers on the value of effective attribution.
159. Google therefore strongly disagrees with the CMA's assertion that formal requirements around appropriate levels of attribution are needed.<sup>119</sup> Failing to provide proper attribution would likely reduce traffic to publishers, increasing the risk that they opt out of their content being used for grounding or display in Search, which in turn impacts Google's ability to show AI Overviews and AI Mode. Moreover, the Consultation provides no evidence of Google's attributions being somehow inadequate relative to market standards or other objective benchmarks. In fact, attribution to underlying sources in AI Overviews is market-leading, with descriptive and prominent link icons within the response.

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<sup>119</sup> [Publisher Consultation](#), para. 4.58.

key facts about the solar system

AI Overview

The solar system, formed about 4.6 billion years ago, consists of the Sun, eight major planets, and countless smaller bodies like dwarf planets and asteroids. The Sun contains 99.8% of the total mass. Four rocky inner planets (Mercury-Mars) are separated from four outer gas giants (Jupiter-Neptune) by an asteroid belt.

**Key Facts About the Solar System:**

- The Center:** The Sun is a star composed of hydrogen and helium, generating energy through nuclear fusion.
- Planetary Structure:** The inner planets (Mercury, Venus, Earth, Mars) are rocky, while the outer planets (Jupiter, Saturn, Uranus, Neptune) are gas giants with no solid surfaces.
- Orbits:** All planets orbit the Sun in an elliptical path in the same direction. Mercury has the fastest orbit (88 days), while Neptune takes 165 Earth years.
- Unique Features:** Venus rotates backward and has a day longer than its year. Saturn's rings are made of 90% water ice. Jupiter's Great Red Spot is a storm larger than Earth.
- Dwarf Planets:** There are five officially recognized dwarf planets: Pluto, Ceres, Eris, Makemake, and Haumea.
- Age and Location:** The solar system is 4.5–4.6 billion years old and is located in the Milky Way galaxy's Orion-Cygnus Arm.
- Mass and Energy:** The Sun holds 99.8% of the system's mass. It takes about 8 minutes for light from the Sun to reach Earth.
- Moons:** There are hundreds of moons orbiting planets and dwarf planets, with Jupiter and Saturn having the most.

Dive deeper in AI Mode

160. The CMA is requesting unprecedented changes to Google’s flagship product. If implemented, Google would have every incentive to demonstrate to publishers the meaningful benefits of inclusion in Search genAI features. Layering on rules to goldplate existing market incentives is unnecessary, disproportionate, and will lead to satellite disputes about what these unnecessary rules mean if a particular publisher decides that they would prefer to be linked in a different way.

161. **Second, the CMA’s expectations for ‘significant contribution’ are unworkable and could reduce clicks to publishers.** The CMA expects Google to provide users with a “*clear means to access*” content that “*makes a significant contribution*” to a response.<sup>120</sup> But it fails to acknowledge the inherent difficulty of determining what a “significant” contribution is.

162. For example, there may be several pieces of content that “contribute” to a response in a loose sense, but which are ultimately irrelevant to the response provided to the user (such as

120 [Publisher Consultation](#), Interpretative Notes, paras. 11(b) and 4.74(v).

where there may be entity conflation issues).<sup>121</sup> In these circumstances, there will be no part of the response for the user to access the ‘irrelevant source’, without degrading the quality of the response given to the user.

163. But the CMA’s proposal envisages Google doing exactly this - it logically requires Google to show dozens of potentially irrelevant or unreliable sources to users to protect against non-compliance. Not only will this degrade the quality of Search (and so create a consumer disbenefit), it will also damage user trust in the sources that are surfaced because those sources were not necessarily relevant to the user’s query. In turn, this is likely to harm the reputation of publishers and could reduce the number of clicks they receive.

164. **Third, the CMA’s proposal for reporting factuality metrics is unworkable, disconnected from the CMA’s theories of harm, and would reduce competition.** The CMA claims that publishing Google’s approach to factuality would improve publishers’ abilities to decide whether to opt-out of Search genAI features. This suggestion is incoherent and damages Google’s ability to compete and invest. An initial report on factuality to the CMA after 12 months would instead allow Google and the CMA to take stock of the impact of the proposed CR and consider how to proceed. We urge the CMA to re-consider its proposal and consider a more realistic and proportionate solution, for the following reasons:

- **The intervention is unsubstantiated.** The CMA has offered no evidence of material issues with inaccurate attribution: the Consultation points to just two RFI responses on an adjacent issue as evidence<sup>122</sup> and acknowledges that the probabilistic nature of these features makes it impossible for **anybody** to develop models which never return inaccurate responses.<sup>123</sup> The absence of such evidence alone is sufficient for the proposed intervention to not proceed.<sup>124</sup> Google is already highly incentivised to ensure responses are factually accurate in order to provide a high-quality user

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<sup>121</sup> For example, if a user asks for the “population of London”, the model would initially need to determine whether the response should answer for “London, UK” or “London, Canada”. Accordingly, the model may receive responses from the query fan-out for both, before disregarding the irrelevant information on London, Canada, having determined that the user is asking about London, UK (even though that content “contributed” to the end response to the user). The proposed CR does not—and cannot—account for this.

<sup>122</sup> [Publisher Consultation](#), para 4.62(a).

<sup>123</sup> [Publisher Consultation](#), fn. 20.

<sup>124</sup> CMA, [Delivering the 4Ps under the digital markets competition regime](#) (30 April 2025). (“To spur investment and innovation across digital markets, we have been clear that **any regulatory intervention we make must be** proportionate, targeted, **evidence-led**, and tailored to maximise impact whilst minimising costs.”). The CMA is bound by this statement in line with the principle of legitimate expectations. See, e.g., para. 40 of the judgment of Lloyd-Jones LJ (as he then was), *R. (on the application of Patel) v General Medical Council* [2013] EWCA Civ 327.

experience and preserve the reputation of its genAI features. In other words, Google’s and publishers’ interests are aligned.

- **The intervention would require Google to disclose competitively sensitive information to rivals, harming competition.** The CMA-commissioned research for the Designation Decision confirms that getting a search ‘correct’ is an influential factor, particularly when users perceive the stakes to be higher (e.g., where inaccurate information may have a negative effect).<sup>125</sup> The way Google and other companies approach this task and seek to ensure factuality is not a matter of public record; it is a business secret that helps differentiate between companies.

The CMA’s proposals would therefore soften competition, damage Google’s incentives to invest in factuality-enhancing changes, and encourage free-riding by rivals. Moreover, the proposed CR contains no safeguards for Google’s legitimate commercial interests, which contradicts the UK’s reputation as a “*haven of stability*” for global investment in AI.<sup>126</sup>

- **The intervention does not provide any value to publishers in practice.** The only value in viewing Google’s approach to factuality is either to replicate it (allowing rivals to free-ride) or to misuse it (by gaming Google’s systems). It is not an actionable metric that is required to determine whether to exercise Google-Extended or the CMA’s proposed control.
- **Making this information public would disadvantage Google in other markets where Google lacks substantial and entrenched market power (SEMP).** For example, making this information public would have negative consequences for Google in markets like AI Assistants or model development<sup>127</sup> where Google does *not* have SEMP — [§<].<sup>128</sup> The CMA-commissioned consumer research for the Designation Decision confirms that factuality influences how users choose to use AI assistants.<sup>129</sup> As stated, the proposed CR would bind on Gemini Apps and weaken their

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<sup>125</sup> Thinks, [Exploring consumers’ search behaviours - qualitative research report](#) (May 2025), p. 27.

<sup>126</sup> See, e.g., [Reeves tells Davos: Britain is the best place in the world to invest](#) (20 January 2026).

<sup>127</sup> The CMA has previously found that there is a separate market for the development of foundation models. See, e.g., CMA, *Microsoft/Inflection Decision* (4 September 2024), para. 151.

<sup>128</sup> [§<].

<sup>129</sup> Thinks, [Exploring consumers’ search behaviours - qualitative research report](#) (May 2025), p. 53.

competitiveness relative to rival AI assistants, thereby undermining the SEMP condition as a gateway to finding SMS and imposing CRs.<sup>130</sup>

- **The proposal for six-monthly compliance reporting is disproportionate.** The proposal is disproportionate to the CMA’s aims and would tie up resources in an intensive bureaucratic reporting cycle. Six-monthly reporting would require Google to redirect significant resources away from innovation and investment in the UK towards a never-ending regulatory dialogue on granular and sensitive aspects of Google’s confidential and proprietary information. And—together with the onerous reporting requirements proposed in the other CRs—the burden placed on Google compounds with every additional reporting requirement that the CMA proposes to impose, taking away Google’s ability to focus on investment and innovation. These mushrooming compliance burdens are precisely the kind of disproportionate red tape that the Government has committed to rooting out, not positively imposing.<sup>131</sup>

165. **Fourth, the CMA falsely equates page-level opt-outs and the complaints mechanism to justify unnecessary interventions.** Google welcomes the confirmation that there is no need to provide an additional mechanism for publishers to raise concerns about factuality.<sup>132</sup> However, Google disagrees with the CMA’s assertion that Google’s existing processes are limited.

166. Google’s existing mechanism is effective. Google receives [3<] of pieces of feedback via the thumbs up / thumbs down mechanism every day. These simple visual icons allow both publishers and users to quickly flag if something is incorrect, with a specific option to select “not factually accurate”.

167. The nature of these models requires systematic refinement: these models are probabilistic. It is impossible to fix inaccuracies with a simple tweak. The only solution is to use feedback. If there are systematic *problems* with factuality, then it is reasonable to expect publishers to exercise their choice to remove their content from Search, which the proposed Search genAI control would facilitate. Google therefore has every incentive to ensure that it addresses systematic problems. But it is not feasible or realistic to impose a page-level opt-out as a solution to factuality concerns. As the responses to users are non-deterministic, there is no guarantee that exercising a page-level opt-out would address a systematic problem.

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<sup>130</sup> This limiting principle is essential to the DMCCA. Parliament expressly did not grant powers to intervene in areas where digital platforms lack ‘substantial and entrenched’ market power ([DMCCA Explanatory Notes](#), paras. 95-96) and instead face effective competition.

<sup>131</sup> See The Guardian, [Reeves says rules and red tape are ‘boot on the neck’ of business](#) (15 July 2025).

<sup>132</sup> [Publisher Consultation](#), para. 4.66.

168. It would, moreover, be disproportionate to require Google to offer page-level opt-outs. Constantly crawling and re-crawling content that is constantly being opted in and out will increase costs for Google, and thereafter increase crawl costs for publishers. It may lead to user confusion and a fragmented and inconsistent user experience. These are real and serious risks that are disproportionate to the CMA's aims.

**Assessment: While Google is prepared to work constructively with the CMA on publisher controls, two claims in the Consultation need correction**

169. As explained in the introduction, Google also takes this opportunity to correct two factually incorrect claims in the Consultation.

170. **First, Google accounts for a modest proportion of traffic referrals to news publishers.** The CMA relies on data from a small minority of publishers to claim that Search is “*important for virtually all content creators*”<sup>133</sup> and accounts for 37% of online referrals for news and press publishers.<sup>134</sup> This is incorrect.

171. Ofcom's findings confirm that Google is not a particularly important source of traffic for news publishers, nor a 'key route' through which consumers access news.<sup>135</sup> The 37% figure is based on serious methodological errors, inappropriately narrow datasets, inappropriate assumptions, and major limitations in the data that key publishers provided. It is also inconsistent with Google's own analysis. These points are addressed in **Confidential Annex 5**. This also has knock-on consequences for the CMA's analysis at para. 5.34 of the Publisher Consultation.

172. **Second, declines in publisher traffic relate to long-term structural trends pre-dating the launch of AI Overviews and AI Mode.** The way that users consume content online is changing. Recent surveys from the Reuters Institute and Ofcom show that web traffic to traditional publishers has been in steady decline for over a decade and that consumers are increasingly turning to 'news scrolling' on social media rather than established news

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<sup>133</sup> [Publisher Consultation](#), para. 1.6.

<sup>134</sup> [Publisher Consultation](#), fn. 1.

<sup>135</sup> Ofcom, [News consumption in the UK: 2025](#) (21 July 2025). Figure 3 (p. 8) explains that 'online intermediaries' (including Search) as a whole account for just 29% of average daily minutes of news consumption. Figure 5 (p. 10) shows that, within the 'online intermediaries' category, Search lags Meta by a substantial distance.

brands.<sup>136</sup> This shift is particularly pronounced among younger demographics; for those aged 16-24, social media is now the primary gateway for news. TikTok, in particular, has seen a surge in news usage, reaching 11% of the UK adult population compared to just 1% in 2020.<sup>137</sup> There is a growing trend toward audio-based news consumption, with roughly one-third of UK adults 35-44 years now engaging with podcasts, and audiences over the age of 35 increasingly seeking out news-specific podcast content.<sup>138</sup>

173. These long-running structural changes have impacted the distribution of overall referral traffic for over a decade, long before Google launched AI Overviews or AI Mode in 2024 and 2025, respectively. For example, in **2016**, the European Commission (**EC**) found that 47% of UK users who browse and read news using news aggregators, social media, and search engines did not click on any links to access the articles.<sup>139</sup>
174. Google also observes these changes in its data: the total organic click volume from Search to publishers has not materially changed and traffic is going to an increasingly diverse set of publishers<sup>140</sup>—*increasing* the plurality of web content, not reducing it.
175. The Consultation fails to account for these trends and instead relies on a small, select group of news and press publishers, rather than obtaining evidence from a full representation of publishers on the open web. In particular:
  - The Consultation appears to rely on the responses of just 13 press and news publishers as a representative proxy for *all* publishers (whether they offer news

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<sup>136</sup> Ofcom, [Light-hearted news on social media drawing Gen Z away from traditional sources](#) (20 July 2023): “Online news sources – particularly social media sites and apps – are the dominant means by which younger people in the UK access news, meaning their direct relationships with traditional news brands are weakening.” Moreover, a recent Ofcom survey indicates that while BBC remains the most accessed news source (at 67%), it is followed by Meta (39%). For younger audiences (aged 16-24), social media has become the main way to access news (Ofcom, [News consumption in the UK: 2025 - Research findings](#) (21 July 2025), p. 5). And a recent survey by the Reuters Institute indicates that the use of online news sites as a source of news continues to decline (a trend which predates the launch of Search AI features by over 10 years), while the use of social media and video platforms increases (Reuters, [Reuters Institute Digital News Report 2025](#) (2025), p. 10).

<sup>137</sup> Ofcom, [News consumption in the UK: 2025 - Research findings](#) (21 July 2025), p. 5.

<sup>138</sup> Ofcom, [Media Nations UK](#) (July 2025), pp. 87-88.

<sup>139</sup> European Commission, [Internet users’ preferences for accessing content online](#) (September 2016), p. 33.

<sup>140</sup> Google, [AI in Search is driving more queries and higher quality clicks](#) (6 August 2025).

content or not).<sup>141</sup> This is irrational given the shifts in user preferences away from press and news publishers,<sup>142</sup> therefore the CMA must abandon this finding.

- The Consultation does not offer any evidence to demonstrate that Search genAI features are responsible for the ongoing, decade-long user-led trend of declines in web traffic to publishers. As noted above, the EC found in 2016<sup>143</sup>—and the CMA supported the finding in 2020<sup>144</sup>—that almost half of UK users do not click through to the underlying sources. Yet the CMA now suggests in 2026 that Google’s Search genAI features are responsible,<sup>145</sup> even though AI Overviews were not launched in the UK until September 2024, and AI Mode not until July 2025. These features cannot be responsible for long-term trends affecting publishers at large.
- The changes in user behaviour also accentuate the benefits of AI Overviews to both users and publishers. As the CMA has found, AI Overviews deliver consumer benefits,<sup>146</sup> which are accorded special importance by the DMCCA.<sup>147</sup> AI Overviews materially increase user satisfaction and reduce Search friction by synthesizing multiple sources into concise, context-rich responses, while also prominently linking to the underlying pages. And Google data shows that AI Overviews increase query volume and deliver higher quality clicks to publishers,<sup>148</sup> thereby increasing, rather than decreasing, publishers’ ability to monetise their content.
- The CMA’s analysis misrepresents the impact of AI Overviews on click-through rates. Like all content shown on the SERP, AI Overviews must earn their place on the merits, through relevance, topicality and quality. AI Overviews do not show for every query, but only for queries for which they provide additional benefit beyond what users

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<sup>141</sup> [Publisher Consultation](#), fn. 1.

<sup>142</sup> The CMA cites this data to substantiate the claim that “*Search is important for virtually all content creators*”. [Publisher Consultation](#), para 1.6.

<sup>143</sup> European Commission, [Internet users’ preferences for accessing content online](#) (September 2016), p. 33.

<sup>144</sup> CMA, DAMS Final Report (1 July 2020), [Appendix S](#), para. 42.

<sup>145</sup> [Publisher Consultation](#), para. 1.15.

<sup>146</sup> [Publisher Consultation](#), fn. 213,

<sup>147</sup> See Section 19(10) DMCCA. During the passage of the DMCC Bill, the Parliamentary Under-Secretary of State for Tech and the Digital Economy confirmed that “**Consumer benefit is a central focus of the digital markets regime**. The DMU must consider consumer benefit when shaping the design of its interventions.” (Hansard, [Digital Markets, Competition and Consumers Bill Volume 741: debated on Monday 20 November 2023](#)).

<sup>148</sup> Google, [AI in Search is driving more queries and higher quality clicks](#) (6 August 2025).

might already get on a result page and where Search has high confidence in the quality of the AI-generated responses. In fact, AI Overviews only show in response to a minority of queries. Accordingly, assessing the claimed decreased click-through rates in the slice of queries where AI Overviews appear is not relevant for assessing traffic decline overall, or for news publishers specifically.

**Suggestions that Google has an advantage in model development or AI assistants are speculative and inconsistent with the SMS designation decision**

176. The CMA claims that Google’s position in general search may provide Google’s AI assistant and Search genAI features with a competitive advantage over other developers of AI assistants or AI models, and that imposing the proposed CR would support the “contestability of general search and adjacent activities.”<sup>149</sup> This claim is irrational and repudiates the CMA’s Designation Decision, for four reasons.
177. **First, the SMS Decision Notice lists AI Overviews (and AI Mode) as part of the ‘Google Search product’ – not a separate AI assistant or other product.**<sup>150</sup> This decision was supported by multiple respondents throughout the designation process,<sup>151</sup> and the CMA subsequently stated that these inclusions were an “essential” part of the Designation Decision.<sup>152</sup> Any characterisation of AI assistants as rivals to Google’s Search genAI features is therefore at odds with the CMA’s Designation Decision and creates an internal inconsistency that undermines the rationale for the proposed CR.<sup>153</sup>
178. **Second, the Consultation’s attempt to forgo the distinction between AI assistants and Search is misguided.** The Consultation attempts to side-step this distinction by referring to AI assistants as Search-adjacent,<sup>154</sup> seemingly to overcome the CMA’s inability to impose CRs on Google in activities where Google does not have SEMP. But this description is unsubstantiated and applied for the first time in the Consultation—it was not a part of the Designation Decision, which the Consultation cannot retroactively revise.

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<sup>149</sup> [Publisher Consultation](#), paras. 5.43 and 5.45.

<sup>150</sup> CMA, [SMS Decision Notice](#) (10 October 2025), p. 4.

<sup>151</sup> [Final Decision Report](#), fn. 105.

<sup>152</sup> See Sarah Cardell, [Speech: Promoting competition and protecting consumers to drive growth and improve household prosperity](#) (20 November 2025). (“We decided it was essential to include the use of AI Overviews and AI Mode”).

<sup>153</sup> The Designation Decision also found that AI assistants “are a limited alternative to Google’s general search products” ([Final Decision Report](#), para. 5.67) and concluded that the CMA-commissioned consumer research shows that “AI assistants are likely to continue being used in tandem with traditional search providers for some time” ([Final Decision Report](#), para. 5.56).

<sup>154</sup> See [Publisher Consultation](#), paras. 5.30, 5.44, 5.48, and 5.50.

179. Indeed, the CMA found that AI assistants (such as Gemini Apps and ChatGPT) were complementary to search engines (such as Search (and its constituent parts such as AI Overviews and AI Mode))<sup>155</sup> rather than competitors. Introducing the terminology of AI assistants being ‘Search-adjacent’ does not reconcile this contradiction.
180. **Third, Google’s current opt-outs are sufficient and effective.** The Google-Extended control already enables publishers to effectively opt out of content for training and grounding Google’s foundation models and applications outside of Search in a way that does not impact their ranking in Search. The Consultation has not raised any concerns regarding the effectiveness of the current design of Google-Extended; nor is there basis for any.<sup>156</sup> Third-party criticism that Google-Extended does not offer remuneration is irrelevant. Google-Extended’s purpose is to let publishers opt their Search-crawled content out of being used to train and ground non-Search products; a job it does well.
181. **Fourth, market evidence unequivocally shows that Google has no advantage in the development of models or AI assistants.** The CMA’s claim is contradicted by clear market evidence. The current AI landscape is intensely dynamic and hypercompetitive. AI companies have experienced explosive growth, access to vast funding, ample distribution opportunities, and easy access to data. To take just a few examples:
- OpenAI is the unparalleled market leader, with ChatGPT hitting ~800m weekly active users in 2025, used by over 10% of the world’s adult population;<sup>157</sup>
  - Microsoft, Amazon, Meta, Nvidia, and Apple, which together have a market capitalization of over \$16 trillion, each have state-of-the art LLMs and are present at almost every layer of the AI stack;<sup>158</sup>
  - There are over 630 publicly known AI foundation models<sup>159</sup> and over 200,000 active AI companies;<sup>160</sup>

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<sup>155</sup> The Designation Decision found that AI assistants “are a limited alternative to Google’s general search products” ([Final Decision Report](#), para. 5.67) and concluded that the CMA-commissioned consumer research shows that “AI assistants are likely to continue being used in tandem with traditional search providers for some time” ([Final Decision Report](#), para. 5.56).

<sup>156</sup> [Publisher Consultation](#), para. 4.12.

<sup>157</sup> TechCrunch, [Sam Altman says ChatGPT has hit 800M weekly active users](#) (6 October 2025); Chatterji et al., [How People Use ChatGPT](#) (September 2025).

<sup>158</sup> The Motley Fool, [The Largest Companies by Market Cap in February 2026](#) (2 February 2026).

<sup>159</sup> Stanford Center for Research on Foundation Models, [Ecosystem Graphs for Foundation Models](#) (maintained).

<sup>160</sup> StartUs Insights, [How Many AI Companies are There? A 2026 Global Breakdown](#) (31 October 2025).

- Samsung has announced that Perplexity will be integrated as an “AI agent” on upcoming flagship Galaxy devices, with quick-access controls, a dedicated voice wake phrase for easy access, and deep integration in system-level apps;<sup>161</sup>
- In 2025, AI companies raised more than \$100 billion in funding, with OpenAI alone raising \$40 billion;<sup>162</sup>
- In 2026, Anthropic has raised a further \$30 billion as it prepares for its IPO;<sup>163</sup> and
- In 2026, OpenAI is expected to raise an additional \$100 billion.<sup>164</sup>

182. Both market reality and expectations are not consistent with Google having a material advantage in AI development or other AI companies needing a helping hand.

## V. **Data Portability**

183. The Consultation proposes that Google provide third parties authorised by a UK end user with tools to facilitate data portability. The Consultation clarifies that Google can meet this obligation by making its DPAPI available to UK end users on the same terms and to the same standard as within the EEA.<sup>165</sup>

184. Google already makes the DPAPI available to UK end users on a voluntary basis. Formalising this solution through a CR is, Google understands, intended to confirm the continued availability of effective data portability for UK users, provide legal certainty, and avoid unnecessary divergence between the UK and the EEA. With this in mind, Google acknowledges that the proposed CR could further promote confidence in businesses investing in data portability over the long term.

### ***The proposed CR ensures continued data portability for UK users***

185. Google welcomes the Consultation’s proposal to anchor the proposed CR in the existing DPAPI. Google’s DPAPI is a robust, operational, and market-leading solution. [§<].

186. Google continues to build on this progress. Over the past year, Google introduced forward-looking access and date-range filters for developers requesting users’ activity data,

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<sup>161</sup> Samsung Newsroom, [Galaxy AI Expands Multi-Agent Ecosystem To Give Users More Choice and Flexibility](#) (22 February 2026).

<sup>162</sup> Crunchbase, [These Were The Largest Funding Rounds Of 2025](#) (2 January 2026).

<sup>163</sup> Financial Times, [Anthropic raises \\$30bn at a \\$350bn valuation in latest funding round](#) (12 February 2026).

<sup>164</sup> Trading View, [OpenAI in talks to raise up to \\$100B at \\$750B valuation: report](#) (18 December 2025).

<sup>165</sup> [Data Portability Consultation](#), Draft CR, para. 3.

and enhanced developer-facing documentation to make information clearer and more accessible for non-technical audiences. In parallel, Google has been working hand-in-hand with end users, developers, and OEMs, conducting extensive technical pilots and refining the DPAPI based on feedback from the market.

187. The CMA's evidence demonstrates that the DPAPI translates the data portability mandate into a practical, industry-leading solution, which *"outperforms those implemented by other DMA gatekeepers"* and reflects that *"Google is more willing than other gatekeepers to engage with stakeholders and make improvements."*<sup>166</sup>
188. Google welcomes the CMA's clarification that no significant shortcomings were identified in relation to the DPAPI's predictability, reliability, or scalability;<sup>167</sup> the costs of security verification to access restricted scopes are justified to ensure third parties meet industry standards;<sup>168</sup> a service level requirement would not be more effective than the DPAPI in achieving the CMA's objectives;<sup>169</sup> and no changes to the current consent flow are required, as it already ensures informed user choice.<sup>170</sup>
189. By requiring the continued availability of an API that stakeholders already regard as effective, Google understands that the proposed CR aims to accelerate uptake, support innovation, and ensure that users can port their data in an effective and practical manner to *"facilitate switching"* and *"multi-homing"*,<sup>171</sup> while positively *"impacting investment decisions, and therefore growth and innovation."*<sup>172</sup> On that standard, the DPAPI clearly succeeds: it ensures real-world usability and meaningful user benefits, while delivering on the data portability objective.

### **Aligning the proposed CR with the DPAPI avoids fragmentation and supports investment**

190. Google welcomes the CMA's clarification that UK-specific data portability requirements should be avoided.<sup>173</sup> Misalignment between the technical functioning of Google's API in the UK and the EEA would *"materially increase costs,"* including *"multiple separate compliance*

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<sup>166</sup> [Data Portability Consultation](#), para. 1.5.

<sup>167</sup> [Data Portability Consultation](#), paras. 1.23 and 4.14.

<sup>168</sup> [Data Portability Consultation](#), para. 1.22.

<sup>169</sup> [Data Portability Consultation](#), para. 5.5.

<sup>170</sup> [Data Portability Consultation](#), para. 1.24.

<sup>171</sup> [Data Portability Consultation](#), para. 1.1.

<sup>172</sup> [Data Portability Consultation](#), para. 1.21.

<sup>173</sup> [Data Portability Consultation](#), paras. 4.11 and 5.8.

*burdens*” and additional “*engineering costs*,”<sup>174</sup> reduce the ability of developers to “*re-use their existing implementation*,” and weaken investment incentives by increasing “*perceived business risk*.”<sup>175</sup>

### ***The interpretative notes provide the flexibility necessary for effective data portability***

191. Google supports the CMA’s proposal to rely on interpretative notes to provide further clarification where appropriate. This approach is particularly well suited to data portability, as it provides the flexibility needed to reflect implementation experience, technological developments, and stakeholder feedback.
192. Since launching the DPAPI in March 2024, Google has continuously updated, enhanced, and refined it in response to developer feedback, user experience insights, and operational learnings. This experience demonstrates that the ability to iterate and adapt has been critical to ensuring the DPAPI’s real-world usability and sustained adoption.
193. At the same time, certain provisions in the interpretative notes would benefit from additional clarification to ensure predictability and proportionality. In particular:
  - **Reasonable endeavours to maximise uptime.** It would be helpful for the CMA to clarify that the provision to provide “*all reasonable endeavours to maximise any data portability tool’s uptime*”<sup>176</sup> should be assessed against objective industry benchmarks. As with any large-scale technical system, limited downtime for the DPAPI may occasionally be necessary for maintenance, security updates, capacity upgrades, or in response to unforeseen incidents.
  - **Sufficient notice of material changes.** It would be helpful for the CMA to clarify what amounts to “*material*” change and “*sufficient*” notice in relation to the provision that requires Google to give “*sufficient notice*” of “*material changes*” to the data portability tools to authorised third parties and UK end users<sup>177</sup>. Changes that do not affect the scope, functionality, or technical integration of the DPAPI (e.g., minor updates, bug fixes, or security patches) should not trigger a notice obligation. Where changes have a meaningful impact, notice should be proportionate to their technical

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<sup>174</sup> [Data Portability Consultation](#), para. 5.8 and fn. 79.

<sup>175</sup> [Data Portability Consultation](#), para. 1.8.

<sup>176</sup> [Data Portability Consultation](#), Interpretative Notes, para. 3(a)(i).

<sup>177</sup> [Data Portability Consultation](#), Interpretative Notes, para. 3(f).

significance and the time reasonably required for developers to assess and adapt their implementations.<sup>178</sup>

***The proposed compliance monitoring framework ensures regulatory coherence and transparency***

194. The CMA proposes to monitor compliance through an annual compliance report, reporting of key metrics, and ongoing stakeholder engagement.<sup>179</sup> This approach aligns with the compliance reporting Google already provides in relation to its DPAPI to the EC, which centers on measurable outcomes including uptake, performance, and reliability, and has proven to be an effective and transparent mechanism for demonstrating compliance with data portability obligations.

**VI. Conclusion**

195. Google recognises the CMA’s legitimate interest in understanding our products and business. Search is a uniquely innovative service that provides numerous benefits to both UK consumers, and UK businesses. Google indicated at the outset of the CMA’s designation process that it is committed to being a DMCCA-compliant partner.<sup>180</sup> Google’s engagement with the CMA throughout this process and on these topics is proof of that commitment.

196. Google welcomes the opportunity that a pragmatic and purposeful approach to digital markets offers and look forward to working with the CMA towards a constructive resolution that is future-proof, effective, and proportionate to the concerns articulated.

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<sup>178</sup> Google provides public documentation on the DPAPI for users through its Help Center (see Google Account Help, [Share a copy of your data with a third party](#) (maintained)) and for third-party developers through [Google for Developers](#). This documentation serves as the most up-to-date source of information on the DPAPI and is continuously updated to reflect changes or additions to the API. Google also shares major production updates to the DPAPI on its release notes page: see Google, [Data Portability API Release Notes](#) (last updated 20 February 2025).

<sup>179</sup> [Data Portability Consultation](#), para. 4.18.

<sup>180</sup> See [CMA Search SMS Investigation – Google’s Response to the CMA’s Invitation to Comment](#) (3 February 2025).