

News Media Association Response to the CMA Consultation - Google's general search services: proposed Conduct Requirements – User Choice Conduct Requirement

The News Media Association (“**NMA**”) is the voice of UK national, regional, and local news media in all their print and digital forms – a £4 billion sector read by more than 46.4 million adults every month. Our members publish around 900 news media titles, ranging from well-known national and international brands to independent local papers of record, including The Guardian, Financial Times, The Daily Telegraph and the Daily Mirror, to the Manchester Evening News, Kent Messenger, and the Monmouthshire Beacon.

1. Summary

The NMA supports the CMA's objective of promoting effective competition in general search and empowering users through the proposed Search Choice Screen. Measures that reduce default bias and facilitate switching are an important tool for constraining entrenched market power.

However, we have serious concerns about the potential inclusion of standalone AI assistants or chatbot-style services within the Search Choice Screen (particularly while Gemini remains outside the scope of the Strategic Market Status (“**SMS**”) designation). This would allow Google to use its SMS as a dominant and default search engine, to leverage that power to drive users from the search environment to unregulated AI assistants would undermine key objectives of the Fair Ranking Conduct Requirement (“**Fair Ranking CR**”) and Publisher Conduct Requirement (“**Publisher CR**”).

Including AI assistants also risks steering users away from a search service subject to pro-competition measures - including these CRs - towards unregulated intermediaries and bad actors that do not provide a search results page underneath their AI answers and are not subject to transparency or control requirements. Given the very low referral rates associated with AI assistant interfaces, this could accelerate traffic diversion from AI search service where publishers have an ability to opt-out towards bad actors who refuse to recognise publisher technical controls, including robots.txt, have significant adverse consequences for publishers' revenues and sustainability.

Until AI assistants such as Gemini are brought within the scope of the SMS designation, the CMA should ensure that the User Choice Conduct Requirement (“**User Choice CR**”) does not allow AI assistant to be included in the Search Choice Screen. And if Gemini is brought into the scope of the SMS designation, inclusion of AI assistants in the Search Choice Screen should not follow automatically.

2. Regulatory coherence and consistency

In its SMS decision, the CMA defines general search as a service that searches the web, drawing on other sources, to return information on any subject. The CMA chose not to include the Gemini AI Assistant within the scope of the designated activity, reflecting an assessment of supply and demand side substitutability and the framing of Gemini as a distinct product offering (rather than a determination that AI assistants are inherently incapable of meeting the definition of general search)

As highlighted in our response to the SMS designation consultation, we strongly support the inclusion of Gemini within the scope of the Google Search designation as soon as this is legally and evidentially possible. Bringing Gemini within scope would promote regulatory continuity, reduce the risk of circumvention, and better reflect how users increasingly experience search through Google's products.

Yet while Gemini remains outside the scope of the SMS designation, it would be inconsistent and harmful to treat those same services as equivalent to general search engines for the purposes of the User Choice CR.

3. The danger of steering users away from a Search service which should by design now promote competition to an unregulated AI assistant

The Search Choice Screen will steer users away from Google Search. Including AI assistants alongside traditional alternative search engines risks directing users away from services that continue to provide a search engine results page, even where AI-generated answers are present, and that will shortly be subject to a suite of CRs designed to improve control and transparency for publishers.

By contrast, standalone AI assistants do not provide any search results page below their AI-generated responses, and are not subject to equivalent regulatory obligations under the SMS regime. Given the already very low click-through rates associated with AI assistant interfaces relative to general search, inclusion of such services in the Search Choice Screen could accelerate traffic diversion away from regulated search services towards unregulated intermediaries, with significant implications for publishers' revenues and long-term sustainability.

Such an outcome would sit uneasily with the CMA's broader objectives through the Publisher CR and Fair Ranking CR.

News Media Association
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