

News Media Association Response to the CMA Consultation - Google's general search services: proposed Conduct Requirements – Fair Ranking 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 News Media Association (“**NMA**”) welcomes the CMA’s proposed Fair Ranking Conduct Requirement (“**Fair Ranking CR**”) and supports its core objectives of ensuring that Google’s ranking decisions are non-discriminatory, objective, transparent, and subject to an effective complaints procedure. The NMA agrees that confidence in ranking outcomes is essential for both consumer confidence and publishers’ ability to invest and deliver high-quality content to users.

The CMA’s proposals address several long-standing concerns raised by publishers, particularly in relation to transparency around ranking criteria and changes, the treatment of publisher content within search generative AI features. We also welcome the availability of complaints and redress mechanisms. The NMA broadly supports the direction of travel set out in the CR and Interpretative Notes (“**INs**”), while identifying areas where greater clarity and specificity would improve effectiveness.

In particular, the NMA highlights the need to:

- Strengthen the Fair Ranking CR so publishers can assess ranking outcomes against clear, objective standards.
- Make explicit that the Fair Ranking CR prohibits outcomes that disadvantage publishers for exercising content controls, not merely intentional discrimination.
- Clarify what constitutes sufficient notice of material ranking changes so publishers can take mitigating action in practice.
- Strengthen complaints handling by setting clearer expectations on response times and remedies once harm is identified.
- Broaden access to independent adjudication beyond manual de-indexing to cover other policies or procedures with equivalent effects.
- Ensure the Fair Ranking CR properly regulates the relative ranking and presentation of organic results alongside Search and AI features on the SERP.

2. Non-discrimination and objectivity

The NMA welcomes the CMA’s clarification in the INs that Google’s ranking decisions should provide users with “the most relevant and high-quality results”. The NMA also agrees with the factors identified by the CMA to ensure that ranking decisions are non-discriminatory and objective.

From a publisher's perspective, these principles are essential to maintaining trust in Google's ranking systems. Where ranking outcomes cannot be understood or tested against clear standards, publishers may reasonably fear discrimination or distortion, even in the absence of direct evidence in individual cases. The Fair Ranking CR therefore plays an important role in establishing formal obligations and provides a framework against which Google's conduct can be assessed.

The CMA should make it explicit that Google must not implement changes that have the effect of disadvantaging publishers for exercising content controls, rather than making the Fair Ranking CR a purely intent-based standard. Publishers need confidence that opting out of AI uses will not translate into reduced prominence in general search through knock-on effects. Ranking signals and performance proxies from one surface should not be permitted to inappropriately influence treatment on another, and Google should be required to test for - and mitigate - cross-surface impacts, with independent scrutiny where appropriate. Google should be required to provide comparative outcome data (e.g. visibility and click distribution) for cohorts of publishers that exercise controls versus those that do not.

3. Transparency and notice of ranking changes

The NMA supports the Fair Ranking CR provisions that require Google to provide publishers with sufficient transparency about ranking decision-making and advance notice of material changes to ranking criteria and procedures, so that publishers can understand impacts and identify potential distortion or discrimination. We agree with the broad definition of material changes, which includes changes where publishers could take mitigating action and changes driven by policy or regulatory objectives. We also agree with the decision to include the introduction of new or revised ranking criteria and policies must be covered by the transparency and notice provisions, with Google expected to explain the purpose and affected publisher categories.

The NMA considers this framework broadly consistent with previous proposals it has advanced. However, the NMA notes that neither the CR nor the INs provide guidance on what constitutes "sufficient notice" in practice. From a publisher's perspective, the effectiveness of transparency obligations depends not only on the content of information provided, but on its timeliness. Without clearer expectations, there is a risk that notice is provided too late to be operationally useful, limiting publishers' ability to adapt and increasing avoidable costs. We suggest that a 30 business-day notice period for material changes be included in the CR or INs.

4. Non-distortion and complaints handling

The NMA welcomes the inclusion of mechanisms around complaint handling, but questions whether the current level of prescription regarding process and timings is sufficient. In particular, the absence of clear expectations around response times and immediate remedies when a complaint is upheld may limit the practical utility of the complaints process for publishers.

In practice, opaque content policy application – such as Google's Site Reputation Abuse Policy - can function as a de-ranking mechanism with effects comparable to removal. Google should be required to apply such policies consistently and transparently, to provide meaningful case-level explanations, and to engage directly with affected publishers so that the basis for

enforcement - and the steps needed to remedy any issue - can be clearly understood and addressed.

As drafted, Google may only be required to implement remedies to correct negative market impacts following complaints after: Google has made a report to the CMA summarising complaints; the CMA has judged that a Google policy is having a “material” adverse impact; and Google examines whether the adverse impact is indeed “material”; and Google then sets out what steps it will take. This protracted process could take many months to complete, with publishers suffering material adverse impacts for an extended period. The CMA should create incentives for Google to make changes to its policies prior to CMA judgments regarding whether an adverse impact is “material”, or at the very least set very tight deadlines for remedies after the regulator has identified a “material” adverse impact.

The effectiveness of redress depends on governance as much as availability. The design and operation of complaint handling should not be left entirely to Google, even with reporting obligations. High-level references to EU Digital Markets Act remedies are not a substitute for a CMA-designed process with clear service levels, enforceable timelines and meaningful escalation. The CMA should specify minimum procedural standards, including responsiveness targets and obligations to implement corrective steps within defined periods once harm is identified.

The NMA also queries whether recourse to an independent adjudicator should be available in a broader range of cases, rather than being limited to manual exclusions from the search index. Other Google policies or procedures can have a practical impact similar to manual exclusion, or can cause a devastating drop in publisher visibility. The CMA should consider broadening the circumstances in which recourse to an independent adjudicator is available.

5. Scope of the Fair Ranking CR

The NMA strongly welcomes the scope of the Fair Ranking CR, which includes both the ranking and presentation of organic search results within search generative AI features, and the ranking of organic search results relative to search features and search generative AI features on the search engine results page.

This scope reflects the reality that publisher visibility is increasingly shaped by the interaction between traditional organic results and AI-driven features such as AI Overviews. Ensuring that fairness obligations apply in these contexts is essential if the CR is to remain effective as search interfaces evolve. To make the Fair Ranking CR durable, the CMA should treat any systematic prioritisation of Google’s AI search features over organic results as a core risk, particularly where the effect is to displace publisher links beyond meaningful visibility.

The CMA should also recognise that different generative environments can produce materially different user behaviour and referral dynamics. AI Overviews and AI Mode, for example, are not interchangeable surfaces: they can differ in presentation, depth of interaction and attribution formats. Fair ranking safeguards should therefore be capable of being applied and assessed on a feature-specific basis as interfaces evolve, so that participation choices remain viable as products mature.

6. Benefits and costs

The CMA identifies the principal benefits of the Fair Ranking CR as increased confidence in ranking (supporting investment) and reduced costs to businesses. The CMA also expect better functioning markets through reduced distortions caused by ranking changes.

The NMA agrees with this assessment. Greater confidence and predictability in ranking outcomes can reduce the resources publishers must devote to defensive optimisation and reactive mitigation, freeing up capacity for investment in content and services that benefit users. Similarly, clearer notice and explanation of changes can materially reduce operational costs and uncertainty.

7. Implementation period

The CMA proposes a six-month implementation period following imposition of the Fair Ranking CR. The NMA considers this longer than necessary for the core obligations set out in the CR. Many of the requirements relate to governance and process, rather than the engineering time or development of entirely new technical systems. A shorter implementation period would enable publishers and consumers to benefit more quickly from improved transparency and confidence in ranking outcomes. The implementation period should be shortened to three months, unless Google can solidly evidence why a longer period is required from an engineering perspective.

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