

Samsung Submission in response to CMA's consultation on Google's general search services: proposed conduct requirements ('Proposed Conduct Requirements Consultation')

6.1 We welcome views on any aspect of the User Choice CR design or analysis set out above, but are particularly interested in stakeholder feedback on the following questions:

(a) Do you agree with the key design options we have considered in terms of effectiveness for the User Choice CR, including:

(i) Coverage of the Search Choice Screen

We do not have comments on the coverage of the Search Choice Screen.

(ii) Eligibility criteria to appear on the Search Choice Screen

The existing UK Choice screens do not include AI-based services at present. Paragraph 1.15(b) of the consultation identifies this as a drawback of the current solutions, and implies that this should change in future as offerings, user expectations and behaviour evolve. The draft definition of the Eligibility Criteria likewise implies that AI-based services will be eligible in future as their capabilities, and users' perceptions of them, change.

As mentioned in our submission in response to the CMA's additional questions on remedies in October 2025, we think this design choice could:

- conflict with the existing user experience on the device;
- exacerbate the current competitive disparity between AI assistants, likely resulting in an unlevel playing field; and unfairly favoring the currently most familiar and widely-used AI assistants over others;
- adversely affect device manufacturers and providers of other AI assistants by making partnerships and integrations more difficult or less viable, due to the anchoring effect of the most widely-known AI assistant being chosen as default search provider, hampering innovation;
- distort the incentives and design plans of AI assistants; and
- affect competition between AI assistants more widely.

We note that the conduct requirement consultation document does not address these issues, most pressing the impact of inclusion of generative AI-based services in the Search Choice Screen on the burgeoning and very different AI assistant market.

(iii) Determination of the list of eligible providers that would appear on the Search Choice Screen, and what role (if any) the CMA should play in that process

We consider the CMA's proposal of a biannual, rather than annual, assessment window to be appropriate, given the pace of development of search engines. This is conditional on the choice screen being fulfilled by an API etc, such that each re-assessment does not require a further Android update, due to the burden this is likely to apply to manufacturers, alongside user fatigue.

On balance, it seems appropriate to Samsung that Google retains discretion to apply the eligibility criteria, provided that its assessment is transparent reasonable and objectively justified. (CR Point 8) The CMA could use Googles compliance reporting (paragraph 4.71) to assess the legitimacy of Google's choices of eligible providers.

(iv) Frequency of display and timing of the Search Choice Screen

(v) Design of choice architecture on the Search Choice Screen

Questions 6.1(a) (iv) and (v) are interrelated, we have addressed both areas in tandem under thematic sub-headings.

### **Number of Providers**

Interpretative Note 9 (page 23) states that the CMA takes the view that approximately 12 Eligible Providers should be shown on the Search Choice Screen. We consider that 12 may be too high a number, with users having choice fatigue or information overload, particularly if each option has a short description alongside it.

The proposals also include a requirement that Eligible Providers not selected for the top 12 on the Search Choice Screen are easily accessible to users through other means. We do not object in principle, provided that the functionality is implemented alongside the Google API and does not require additional Android updates as the full list of Eligible Providers changes over time, in order to minimise user fatigue and the burden on manufacturers.

### **Frequency and Annual Prompts**

Adding and resurfacing more and more iterations of the Search Choice Screen could potentially undermine users' motivation to genuinely engage with other options due to increased user fatigue. While the CMA has acknowledged and apparently rejected this point (paragraph 4.34), we submit that it is a valid one. Any change in the default search provider could also trigger a further notification, requiring the user to spend more time to read and act upon it - Interpretative Note 24 (page 25). While the CMA considers this as a reason to downplay the effect on users, we believe the opposite is the case. Each prompt contributes to user fatigue and the onus should be on the CMA to justify the utility of each additional prompt.

The CMA recognises this when assessing the costs of the conduct requirement in paragraph 5.16 and 5.20.<sup>1</sup> In the absence of clear evidence from the CMA that repeating the prompt will have a measurable effect on take-up of third-party search services, and that this would in turn result in consumer benefit, we do not see how there is sufficient upside which would justify this incremental time cost. Please see our response to question 6.3, which addresses the purported benefits of the conduct requirements.

There is also a possibility that for some users, perhaps those less engaged in tech and mobile ecosystem development, the Search Choice Screen is something they engage with without thinking, and without being able to recall later which provider they have chosen. Requiring them to make a fresh decision again may cause them to inadvertently change their provider because they do not remember their previous choice. They could therefore end up in a situation where their search engine inadvertently changes, leading to a loss of their search history and a downgrade in familiarity and overall quality of experience. At Samsung's scale, even if only [CONFIDENTIAL] requests that could be challenging to manage.

We think more work needs to be done to substantiate to the need for the annual reminders. We appreciate that there is an exemption to the general obligation to show the Search Choice Screen annually for devices which have just shown the screen on device initialisation. We believe that device initialisation should be the only occasion on which the choice screen is surfaced. The CMA has not given a use case or explanation of why a user, having once selected their search engine, would change their mind a year later, having not shown any inclination to change it of their own volition during the year. Users are perfectly capable of making their decision once, and revising it themselves if they are no longer satisfied.

### **Device-level Default Setting**

We cautiously welcome the introduction of a one-stop-shop default setting allowing users to change the Chrome and search widget search provider at the same time, provided that it is designed in such a way that it is easy to understand and navigate and that it does not make it harder for users to change the provider for a single access point at a time (e.g., retain Google Search for Chrome but try out a new search engine for the search widget). We understand that Google will manage and execute implementation of the default settings changes.

### **Annual awareness campaigns.**

Interpretative note 7 (page 23) refers to Google providing sufficient notice to eligible providers on the 'annual' Search Choice Screen so that they can invest in marketing campaigns to maximise their possibility of being selected. We consider

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<sup>1</sup> The table at paragraph 5.20 gives an estimated aggregate cost to users of annual choice screens on Android devices of £[10-25 million], on top of costs to iOS and desktop users of £[5-20 million.]

that this would be a positive move that could allow for smaller providers to focus their efforts.

(vi) Option to 'test-drive' search providers on the Search Choice Screen

We appreciate that the 'test-drive' function is designed to assist in supporting users make informed decisions. However, in our view, the test-drive function, as currently designed, may lead to confusion and discourage users from making an informed decision.

We agree with Google's comments as reported in paragraph 4.49 of the consultation document. The 'test-drive' function is likely to require device-side changes (a test-drive button and follow-up notifications). We concur that this could raise implementation challenges. During the testing period, users might individually change the widget setting or the default provider in Chrome, or they might change the default provider for both access points in the setting menu. These changes could create conflicts between user configurations, making it challenging for the device to determine whether to terminate the test or prevent any changes during the testing period. Many users may forget that the test is ongoing. This could lead them to mistakenly believe that the issue is a device error if they find it impossible to change the device settings or encounter a notification about the sudden termination of the test.

The choice screen refreshing may also result in user confusion even where users do not change settings in the interim. As noted in paragraph 4.47 of the consultation document, the test-drive period is intended to be two weeks long. By the time those two weeks are over, consumers may have forgotten about their choices or may have lost interest in the test-drive itself. The reminder prompts at the end of the test period would contribute to the user fatigue and interruptions which we have previously commented on in respect of the annual Search Choice Screen refresh. Each intervention within the proposed Conduct Requirement should be assessed as part of the cohesive whole, rather than in isolation.

Given the implementation challenges of a test-drive function, we think the CMA should reconsider this functionality. Since users would be fully capable of revisiting the Search Choice Screen at any time they want (CR Point 5), the proposed test-drive function seems less necessary.

(vii) Device-level consumer journey to change default search provider on Android devices

Please refer to our answer on this point in response to questions 6.1(a)(iv) and (v).

(viii) Third-party access to a user's default search setting

We support this idea as it will provide valuable information for search providers to engage with users more efficiently, provided that due consideration is given to users' privacy.

(ix) Prompts displayed by Google that may inhibit effective user choice

Please refer to our answer to questions 6.1(a)(iv) and (v). As noted above, the ability for Google to send a further notification to confirm to users that their change to the Default Search Provider has taken effect adds one more to the growing list of prompts and sources of user friction and fatigue. This provides additional evidence against repeating the Search Choice Screen because each instance of its surfacing will lead to several user interactions, prompts or notifications.

With regards to the content of notifications, we agree with the emphasis in Interpretative Note 24 on neutral prompts that do not encourage the reversion to the previous default.

6.2 Do you agree with our proposals for compliance reporting and monitoring, in particular:

- (a) Do you agree that Google should provide 6-monthly compliance reports with metrics identified above broken down into monthly periods?
- (b) Do you agree that Google should provide a copy of any correspondence sent to a potential search provider rejecting their application to the CMA?

Yes (although this is of less relevance to Samsung as we are not a search provider).

6.3 Do you agree with our proportionality assessment for the User Choice CR?

We agree with the principles of the proportionality assessment but have concerns around the costs to users and the credibility of the benefits to consumers identified by the CMA.

In paragraph 5.11, the CMA notes that Google regularly interrupts users with prompts on Chrome on Android and iOS/iPadOS and that the CMA's increased frequency of displaying the choice screen would not be 'particularly problematic'.

Please refer to our answer to questions 6.1(a)(iv) and (v) as to why we come to a different conclusion on user fatigue and the risk of users choosing not to engage with Search Choice Screen as a result of information overload. We note in our response to question 6.1(a)(iv) that the CMA assessed the time costs of annual choice screens to Android users as approximately £[10-25 million].

Against this, the CMA identified benefit that considerably exceed these costs, assuming the benefit from search defaults better matching a user's preference is £149.10 per user, and that the Search Choice Screen results in an increase in switching of at least [0-0.5%].

We are not convinced that the extrapolated annual benefit of switching to Bing of £149.10 per user (paragraph 5.28) used in this calculation is robust, particularly given the small sample size, lack of replication, and design limitations (desktop only). The third-party research also assumes that users would change to a specific search engine, Bing. This is of limited use in the context of assessing the benefits of a choice screen where other search engines may not deliver the same benefit. The CMA also disregarded evidence showing the benefit of using Google Search. Any choice made by users on their own volition, whether selecting Google or other options, should be considered best matched with their preferences unless there is very compelling evidence to the contrary. There is no evidence that Bing or other search engines would better match users' preferences, while every choice of Google would deviate from their genuine preferences. In fact, it appears more reasonable to conclude that the most preferred and widely used service is the one that better matches users' preferences and delivers greater benefits to them.

In respect of the proportionality of annual reminders, the CMA has not attempted to check whether the same benefit to users, or increased switching rate, would apply at the annual reminder stage, once users have already made their choice on device set-up, and have built up search habits and history.

We note the CMA's point in paragraph 5.12 that the introduction of the new Search Choice Screen would enable the removal of the existing Dual Choice Screen (implemented in response to action taken by the European Commission). While this would avoid duplication or mutually incompatible choice screens, it does not fully address our concerns about user fatigue and information overload due to the additional features and repetition of the Search Choice Screen. The CMA's proposal is more complicated, with more moving parts and the potential for unforeseen consequences, going far beyond the relatively simple one-time only effects of the Dual Choice Screen.

Given the repetition of the choice screen at annual intervals would increase the costs to users identified by the CMA, and the limited evidence of incremental benefit to users from additional switching, we consider a one-time choice screen at device set up remains the best outcome for consumers.

6.4 What are the likely costs for OEMs arising from each of the design elements set out in this chapter?

Please see our response to questions 6.1(a)(iv) and (v) which identified a [CONFIDENTIAL].

### Final remarks

As noted in paragraph 1.7, Google Search remained the default option of the majority of users despite the implementation of the Android Choice Screen.

It is distinctly possible that the CMA's all-new Search Choice Screen will achieve the same outcome, due to the perceived quality of Google Search, and its overwhelming familiarity to users. As the CMA notes in paragraph 5.24(b), even small shifts in market share could have a disproportionately large effect on and be of great utility to alternative search providers by significantly increasing the scale of their search activity, and therefore the data they have with which to develop their search engine. Even so, it is not clear whether this effect would have an impact on Google Search's entrenched position on the search market.

We consider that the limited incremental utility of repeating the Search Choice Screen, relative to their cost, provides a powerful argument against annual reminders. The focus should be on an easily navigable and comprehensible Search Choice Screen on device initialisation, empowering users to make an informed choice, followed by easily navigable settings pages for them to choose defaults at a time of their choosing.

We also question the utility of the test drive function, or of the inclusion of generative AI-based services in the list of Eligible Providers.