

Response to the Competition and Market Authority's (CMA) Consultation on Google's general search services: proposed conduct requirements

This submission is made *jointly* on behalf of the following organisations:

Impress: the Independent Monitor for the Press (CIC)

The Independent Media Association

The Association of Online Publishers

The Independent Publishers Alliance

The Independent Community News Network

About



Impress is a not-for-profit independent press regulator that is approved under the Royal-Charter on self-regulation of the press, as part of reforms that were designed to implement the recommendations of the Leveson Inquiry into the Culture, Practices and Ethics of the Press. We have been recognised by the Press Recognition Panel (PRP) to operate independently and effectively in the public interest to protect the public, individual rights and the freedom of the press. We regulate the content and news gathering activities of 138 publishers representing an audience of 20 million from a diverse range of communities and interests, while enabling publishers, journalists and content creators to act ethically and responsibly. For more information, please visit www.impressorg.com.



The Independent Media Association is dedicated to promoting the work of independent media in the UK representing a fast-growing segment of the UK's creative and digital economy. IMA members are financially independent, UK-based publishers producing high-quality public-interest information, with many regulated by Impress. For more information, please visit www.ima.press.



The Independent Publishers Alliance is a nonprofit community committed to championing, advocating for, and interconnecting independent publishers. For more information, please visit www.the-alliance.co.uk.



The Association of Online

Publishers (AOP) is an industry body representing digital publishing companies that create original, branded, quality content. AOP champions the interests of media owners from diverse backgrounds including newspaper and magazine publishing, TV and radio broadcasting, and pure online media. For more information, please visit www.ukaop.org.



The Independent Community News

Network (ICNN) is the UK's representative body for the independent community news sector. ICNN exists to promote the interests of UK independent news publishers and to champion new and sustainable forms of local journalism. It is the voice of more than 120 UK local news organisations. Our objectives are to increase recognition of these publishers and the vital work they do, make representations on their behalf to government, regulatory bodies, third sector funders, businesses, and advocate for better opportunities for all. For more information, please visit www.communityjournalism.co.uk.

Summary

We submit that the CMA's proposed Publisher Conduct Requirements for Google represent a long-overdue acknowledgement of the structural harms that flow from its entrenched position and market power in general search. However, while the Category 1 controls listed in the CMA's Roadmap as Choice Screens, Fair Ranking, Publisher Controls and Data Portability may bring marginal transparency and limited procedural fairness, they do not correct, mitigate, or even meaningfully address the core source of harm identified by the CMA itself: that Google's market power arising from its strategic market status allows it to disregard content owners property rights and extract

monopoly rents from advertisers while using publisher content and simultaneously degrading publisher visibility in the Google Search results.

Publishers are dependent on search results as referral pathways (some publisher businesses represented in the co-signed associations relying on traffic for up to 90% of their traffic generation) from which publishers derive their revenue and Google is thus threatening both the sustainability of UK publishing and the plurality of news, media and information available to consumers online.

The decision to delay the Category 2 conduct requirements by a further 12 months is not only disappointing but dangerous. Category 2 have been summarised as including:

“publisher concerns about the impact of Google’s bargaining position, and whether they are receiving fair and reasonable terms (including payment terms); concerns from specialised search services that they are not treated fairly by Google; and concerns about transparency and control in relation to search advertising.”

The CMA’s approach ignores property rights. Publishers own their content and those using it must ask permission. Taking without permission or payment is illegal, whether of physical or intellectual property. To characterise the publisher position as one of concern over terms is incorrect. [REDACTED]. For the CMA to fail to intervene and protect UK publishers’ property rights is to enable Google’s [REDACTED].

Category 2 conduct requirements are essential for the survivability for a significant majority of operators in the market, particularly UK SMEs. Further delay also risks further entrenching the very harms that the CMA’s proposed interventions are designed to prevent, and it grants Google a regulatory grace period during which it can further consolidate its control over discovery, distribution, and now interpretation of digital information. Far from being a cautious or pragmatic sequencing, the delay undermines the effectiveness of the entire intervention and purpose of the legislation.

As a political matter Rt Hon Lisa Nandy MP, Secretary of State for Culture, Media and Sport, has [stated](#),

“When we started this process, there was a particular concern about the role that Google plays because of the search engines, so if opting out means opting out of the search engine, then you have effectively killed off your business before you have started. What has emerged as a stronger concern since then are these AI summaries you get when you use Google.”

We consider that given the level of political sensitivity and importance placed on this issue it is imperative that the CMA act swiftly and in line with the Minister’s concerns and expectations.

We consider that the CMA should design conduct requirements that remedy and redress the power imbalance between Google and publishers. This includes mandatory transparency obligations, enforceable data-disclosure duties, and mechanisms that prevent Google from using its informational advantage to dictate outcomes unilaterally. A sustainable news ecosystem depends on dismantling these entrenched asymmetries.

We recommend the following:

1. Accelerate the Implementation of Category 2 Conduct Requirements
2. Require AI-Based Search Features to Generate Referral Traffic, Not Replace Publishers
3. Replace the Binary Opt-Out with Genuine, Multidimensional Publisher Controls
4. Provide Publishers with Holistic Control Over How Their Content Appears
5. Introduce Retroactive Opt-Out Rights for Training and Grounding Data
6. Codify Definitions of “Objective”, “Non-Discriminatory”, “Relevant”, and “High-Quality”
7. Create a Strong, Independent Backstop to the Complaints Process
8. Narrow the “Commercially Sensitive Information” Exemption
9. Establish a Transparent, Non-Discriminatory Materiality Threshold
10. Mandate Advance Notice and Public Disclosure of Ranking Changes
11. Establish a CMA-Managed Privacy-Preserving Market Impact Dashboard
12. Require Structural Independence for Any Skilled Person or Assessor

Background

The fundamental consumer benefit at stake in this market is access to accurate, reliable and independently produced information.

Google is not a producer of news or media, nor does it consider itself to exercise editorial control in the way publishers do; it insists it is merely an intermediary¹. Yet the CMA has explicitly acknowledged that access to publishing carries democratic, citizen and moral importance beyond ordinary market transactions, even if these considerations sit formally outside its narrow statutory remit. If the CMA cannot demonstrate how the proposed conduct requirements will improve the supply of

¹ Referring to being a mere conduit for the purpose of the e commerce directive and hence avoid liability as a publisher for its content.

high-quality information by supporting a competitive, pluralistic market of publishers (which the CMA also recognises Google's dominance is actively undermining) then we should all pack up and go home.

The entire purpose of this regulatory framework is frustrated if the outcome is simply to stabilise a system in which Google continues to divert traffic, degrade referral pathways, and appropriate publisher content without restoring the economic conditions necessary for the continued production of high-quality information. Without a functioning market of independent publishers, there is no meaningful consumer benefit to safeguard, and no democratic value left for the framework to protect.

The CMA's own analysis recognises that Google's dominance in search is existential for publishers, noting that Google Search constitutes the principal gateway through which consumers reach publisher websites, with an estimated 37 percent of referrals originating from Google, more than all other third-party sources combined.

In competition law terms, this constitutes a direct dependency in a vertically adjacent market, where one firm's gatekeeping power can and does dictate the commercial viability of entire sectors downstream. The harm is not theoretical. Publishers repeatedly experience sudden, unexplained drops in referral traffic following Google's continual algorithmic alterations. Some publishers represented by the associations co-signed to this submission report losses of 30 to 40 percent of traffic overnight, with no transparency, no notice, and no mechanism to challenge or even understand the cause.

These fluctuations demonstrate both Google's ability and its willingness to adjust its algorithmic systems in ways that directly and foreseeably alter the commercial fortunes of UK publishers. In no other sector would a regulated SMS firm be permitted to exercise such unilateral and opaque power.

The conduct requirements relating to fair ranking are only arguably related to Google's own products which are not subject to any ranking algorithm and are simply displayed at the top of the Google SERP, displacing more relevant rivals and reducing their visibility.

Google is rapidly shifting users away from the traditional search interface, where publisher links, attribution, and ranking signals historically operated, and toward AI-generated answer environments that replace, rather than direct users to, publisher content. Publishers have observed since 2025 the expansion of Gemini-powered search experiences, particularly in mobile contexts, where Google forces AI-native interfaces and summary responses into what was formerly the general search product. Any user now, searching on Google search is shown the AI overview at the top of the page, and once this is clicked is redirected through to Gemini, prioritising AI output over links which appear at the bottom of the search and into a product where Google can promote its own adjacent product such as YouTube and/or commercial partnerships.

This migration fundamentally undermines the effectiveness of both the CMA's proposed Publisher Controls and Fair-Ranking measures, because those measures are tied to legacy search formats that Google is already rendering obsolete. As Google transitions from a referral-based model to an AI-response model, the regulatory protections anchored in link-based search risk becoming irrelevant by design, allowing Google to sidestep obligations while further entrenching its gatekeeper role in the emerging information environment.

Publisher Controls

The Publisher Controls, as currently drafted, fail to alter this dependency and are difficult to describe as a remedy. The Guidance describes an opt-out framework which it considers grants publishers choice and autonomy, but this is illusory. The market reality is one of coercive dependency.

Opting out of AI Overviews, AI Mode, or future AI-native search experiences is not a meaningful choice when Google holds over 90 percent of UK search market share and when opting out effectively means opting out of the modern internet. Publishers cannot refuse participation without sacrificing the resulting traffic and revenue (diminished as it is), nor can they protect their content when their competitors will remain inside the system and benefit from the visibility they lose. As several publishers have evidenced, opting out merely means being displaced by competitors whose content Google continues to ingest, paraphrase, summarise, and surface through AI systems that are already trained on publisher content.

Another further structural problem with the measure arises from the fact that publisher content can be scraped by crawlers (whether lawfully or unlawfully) and subsequently incorporated into AI training and grounding datasets without any notice to, oversight by, or consent from the publisher. Even if publishers elect to opt out, they have no practical way to prevent their content from becoming embedded within alternative data sets and therefore appearing down the line in Google's AI systems.

This reality renders the CMA's proposed opt-out framework largely meaningless: once content has been absorbed into the model, the harm is irreversible, and the publisher's withdrawal has no effect on the model's ongoing ability to reproduce, paraphrase, or synthesise their work. This legitimises a system where publishers have no effective remedy against the appropriation of their intellectual property.

Furthermore, the controls ignore the retrospective use of publisher content in training datasets. Many publishers have documented instances where highly distinctive or proprietary content (articles or insights written uniquely by them) appears in Google

AI-generated answers or summaries. These artefacts are clear evidence that their content has already been used in training or grounding data. Yet opt-out rights do nothing to address this historic appropriation, leaving a vast gap in the remedy.

Right now, Google can train or fine-tune new search models using publishers' content without giving publishers any control. If Google speeds up how quickly it can train and release new models, much content could end up being used in ways that aren't protected especially through substitutional outputs.

The consultation suggests that Google should not circumvent publisher choice by acquiring content indirectly but simultaneously deems acceptable the acquisition of large "open-source datasets" where content was "legally obtained". This represents a misunderstanding of legal acquisition under duress, [REDACTED]

It risks conferring regulatory direction ([REDACTED]) by condoning practices that remain under active litigation, thereby placing the CMA in the unlikely and uncomfortable position of being ahead of Parliament and usurping the role of the courts in defining what constitutes legal use of copyrighted news and media content. Google would be able to rely on the CMA's direction as a way of eclipsing its liability, [REDACTED]

We strongly recommend the CMA withdraw this from the guidance or risk exposing its process and decision making to legal challenge. Rather, there should be an explicit requirement for Google not to train and release new models on acquired data without express consent, until the law is resolved on this point.

Fair ranking

The fair-ranking controls suffer from a similar problem. They presume that Google's ranking is neutral and that deviations from its Honesty policy are rare, exceptional, or self-correcting. However, the lived experience of publishers contradicts this assumption entirely.

Publishers attest to exclusive content being outranked by other publications that have simply repackaged it; Google Discover can suddenly suppress or surface particular content types depending on Google's own commercial objectives; and publisher

content published on third-party platforms like X or YouTube being promoted within Google's ecosystem while the original publisher's content in search remains deprioritised. These patterns cannot be reconciled with a system governed solely by quality and relevance. It is alleged that that Google uses its ranking systems strategically to influence user behaviour, promote certain ecosystems, and shape traffic flows across the web, all to its own commercial advantage.

The fair-ranking requirements provide publishers with a theoretical compliance mechanism, but without transparency, data access, or binding obligations on Google, that can be tested and trialled and verified by publishers affected, the CMA's proposed process risks becoming administrative theatre rather than a pathway to redress.

At minimum the CMA needs to comply with the obligations imposed on it as an administrative authority that has a duty to discharge under the law. Its actions and decisions need to be arrived at fairly and be seen to do so in accordance with a fair process. It is engaged in an exercise that is affecting the interests and livelihoods of online publishers. It needs to create a system that places it in the position of adjudicator, deciding whether Google has broken the law and its conduct requirements, based on objective and verified evidence, and that those affected have the opportunity to be heard and their views put forward for consideration in a fair and transparent process. This means using output measurement, testing and trialling what Google is proposing before it is accepted, so that those publishers affected who have legitimate expectations that their businesses will not be damaged can ensure that Google is not discriminating against them and that Google products are not being promoted over their relevant products.

The consultation provides no clarity about the fair process which addresses the legitimate expectations raised by CMA's finding of Google's SMS status and hence the need for its remedial action [REDACTED]

No clarity is provided of the nature or scope of the outcomes Google will be required to provide when a publisher raises a complaint with the CMA; whether those outcomes will carry any enforceability; or how publishers can hold Google accountable if the response is inadequate, incomplete, or demonstrably inconsistent with fair-ranking obligations.

Without clear and independent safeguards, such as transparency requirements, mandatory disclosure of reasoning, publication of determinations, appeal rights, or oversight by the CMA, there is no likelihood or guarantee that the process will be impartial, that Google will not unduly narrow the scope of investigations, or that systemic ranking harms will be identified and remedied. Indeed, the impression has already been given from the CMA's proposals that the process that is being

contemplated will not respect the rights of those affected and is not likely to be adequate to the task.

For example, we are seriously concerned about the proposed “skilled person appointment” intended to act as the contact point for complaints and as the independent assessor under the fair-ranking conduct requirement. For a process to carry credibility, publishers must have confidence that it is insulated from Google’s commercial incentives. Yet under the current framework, the skilled person will be appointed by, and employed or contracted by Google itself. That structure creates an explicit conflict of interest, both in appearance and in substance, and risks transforming what should be an independent mechanism of scrutiny into an internal compliance function. As drafted, the mechanism risks becoming a procedural façade rather than a meaningful independent oversight and check on an SMS firm’s ability to distort ranking outcomes, further weakening the protections the fair-ranking requirement was designed to deliver.

Other concerns we have include:

- The remedy is likely to be procedurally and economically unfair as it fundamentally misapprehends the scale of asymmetry between a resource-constrained publisher and an SMS-designated firm with unparalleled data access, engineering capacity, and insight into its own ranking systems. There is clearly no equality of arms between small publishers and the trillion-dollar Google.
- Publishers are expected to identify materially harmful changes, gather evidence, and substantiate complaints while Google retains exclusive control of the relevant data, provides no systemic transparency, and faces no obligation to disclose the inputs or mechanics necessary to validate its own explanations.
- This structure shifts the evidential burden onto the weaker party reversing the burden that exists under general competition law that requires the abuser to justify any abuse with evidence put forward with an opportunity for it to be tested and rebutted by those affected by its actions.
- The CMA’s proposed process allows the dominant firm to rebut complaints at will, which we know Google will be attributing to alleged “site-specific issues” rather than acknowledging system-wide ranking shifts. As a matter of access to evidence, the assumption is made that a small publisher will have market wide data. This is plainly impractical and likely to be practically impossible. In practice, a single publisher cannot meaningfully differentiate between an isolated technical issue and a broader market-wide algorithmic change without access to market-level data or insights into peer performance trends. To expect that it could is irrational.

The proposed requirement that publishers monitor ranking outcomes and raise complaints with Google rather than with the CMA appears to be an abdication of the CMA's role as an enforcer and adjudicator of breach or compliance with the law and conduct requirements.

Moreover, limiting advance notice obligations to only those changes that Google deems likely to have a "material impact" on a given publisher exacerbates the current imbalance of power and likelihood of exclusion.

The threshold is undefined, and under a case-by-case notification model, a single publisher experiencing a sharp decline is likely to be dismissed as an outlier unless multiple publishers independently detect and report similar harms. Given the lack of transparency and the inherent data asymmetry, the mechanism risks devolving into a system where publishers must prove systemic harm without any access to systemic data, while Google can continually assert isolated causation; again this is a manifestly unfair process and one that will [REDACTED] rather than operate as the basis for a remedy.

This creates a further tension. To meet the threshold of substantiation implied by the CMA's framework, publishers would need to compare their data with other publishers to determine whether changes reflect market-wide patterns. However, such cross-publisher coordination risks inadvertently compelling forms of data sharing that raise competition law concerns, including the potential for cartel-style exchanges of commercially sensitive information. It would also erode publishers' own competitive advantage, as traffic, ranking, and performance analytics constitute proprietary intelligence central to product development and market positioning. A regime that forces publishers to disclose this to protect themselves from harm caused by the SMS firm's opaque conduct is likely to itself be challengeable under competition law and is a strange proposal for a sophisticated competition authority to advance.

In short, the complaint-led model does nothing to correct existing asymmetries; it deepens them. It places the burden of detection, investigation, and proof on the party least equipped to shoulder it, while the SMS firm benefits from opacity, resource dominance, and informational control.

Finally, while we welcome the objective of the Transparency provision under the requirement, there must be meaningful implementation periods, testing and trialling with output data that is capable of being overseen by those affected and their views taken on board before any changes to ranking systems, display features, or AI-based search interfaces are launched as part of notification.

Sudden or opaque rollouts expose publishers to immediate commercial harm, particularly given their dependency on Google for traffic and the absence of competitive alternatives. A structured implementation period (supported by advance notice, impact

information, and testing trialling and transitional safeguards) is essential to allow publishers to assess, adapt, and mitigate risks. Without this, the conduct requirements cannot achieve their intended effect, and Google's unilateral control over the timing and impact of changes will continue to produce avoidable disruption across the publisher sector.

12 Month delay to Category 2 implementation

In this context, delaying Category 2, the only part of the regulatory package that addresses the core harm of value extraction creates a serious risk of irreversible market damage. Category 2 is intended to correct for the asymmetries in the economic relationship between Google and publishers, ensuring that those who create valuable content can capture an appropriate share of the value generated when Google uses that content to enhance its own commercial products. Category 2 remedies are not just desirable, but necessary for the survival of a significant majority of operators.

Deferring this for 12 months, as announced in the CMA's January 2026 blog post, grants Google a protected window in which to accelerate the shift from search-based referral models to AI-native answer models. We are observing this trend in real time (see above). As publishers have explained, AI Overviews and similar features are already generating a "no-click internet", where Google provides answers directly and users no longer navigate to publisher sites. This model destroys the monetisation pathway that sustains publishing.

Every month of delay compounds the revenue losses publishers already face, while enabling Google to entrench user dependency on its AI products before a fair economic framework is in place.

The evidential record is sufficient to justify the intervention now, not in 12 months' time. We do not see the rationale for the CMAs delay and no substantiation has been provided to justify this position.

From an economic perspective, the delay undermines the CMA's stated goals of promoting competition, innovation, and consumer welfare. Publishers are not a homogenous group; the market is highly concentrated, with a long tail of small and medium-sized publishers that cannot absorb prolonged declines in referral traffic as is currently taking place.

The CMA's own analysis acknowledges that even marginal decreases in traffic from Google can have substantial impacts on publisher viability, particularly for smaller firms. If Category 2 measures (such as payment for content and fair compensation or

mandatory commercial arm's length negotiation) are postponed until after further degradation of the traffic baseline, many smaller publishers may simply cease to exist.

Meanwhile, publishers relying in good faith on the CMA's promises for regulatory action, and have effectively been estopped from taking alternative pathways, such as litigation, to correct these failures. [REDACTED]

This U-turn by the CMA not only frustrates the legislations aims [REDACTED]

[REDACTED] Exits and further market collapse can therefore be directly attributed to the CMAs obfuscation and failure to act.

Continued delay risks pushing stakeholders toward alternative routes, and scrutiny of the role of the regulator and its decision-making and again open the CMA's position up to legal challenge.

This market collapse would leave consumers with fewer independent information sources, reduce plurality, and increase reliance on large incumbents. In short, the delay risks replacing one entrenched monopolist (Google) with a consolidated, homogenised publisher sector in which only the largest groups survive. Such an outcome is incompatible with the goals of the Digital Markets, Competition and Consumers Act and represents a foreseeable and avoidable harm.

Recommendations for Publisher Controls and Fair Ranking Requirements

1. Accelerate the Implementation of Category 2 Conduct Requirements

The CMA should bring forward the implementation timeline for Category 2 requirements. The harms to publishers are immediate, measurable, and worsening, and delaying the value-exchange and economic remedies allows Google to further entrench its market power and accelerate the collapse of sustainable digital publishing businesses. Regulatory intervention must match the urgency of the competitive distortions.

2. Require AI-Based Search Features to Generate Referral Traffic, Not Replace Publishers

The CMA must ensure that Google's AI-based search features including AI Overviews, AI Mode, and all generative AI-infused interfaces are designed to *direct users to publisher websites*, rather than substitute for them. Without mandated referral pathways, generative AI displaces publisher content, undermines monetisation, and deprives consumers of access to original sources.

Publisher Control Requirements

3. Replace the Binary Opt-Out with Genuine, Multidimensional Publisher Controls

A genuinely effective publisher control cannot be limited to a binary opt-out, because “opting out” of Google’s AI-driven search ecosystem is not a real choice in a market where Google holds strategic market status and therefore faces no competitive discipline in how it integrates generative AI into search, where opting out results in commercial self-exclusion. The publisher controls should recognise this inherent co-dependency, and the CMA should require Google to offer publishers real options for how their content appears across search and generative AI surfaces, recognising the inherent co-dependency of publishers on Google’s ecosystem.

Effective control must mean the ability for publishers to determine *how* their content appears across Google’s search and generative AI products in a holistic and meaningful way. Publishers should have options not withdrawal. Google’s generative AI features are now an intrinsic part of its search services, and the same principles must apply to all feature and display surfaces where Google uses publisher content. Without a framework that enables publishers to specify how their work is represented (rather than merely *whether* it is represented) the CMA risks cementing Google’s unilateral control over the discovery and interpretation of news content, while offering publishers nothing more than a performative “choice” that, in practical terms, removes them from the digital marketplace rather than empowering them within it.

4. Provide Publishers with Holistic Control Over How Their Content Appears

Publisher controls must include selectable modes of presentation, such as:

- contextual display
- controlled paraphrasing
- full in-text citation
- footnote-style attribution
- prominent weblinks
- or other formats designed to maximise referral traffic

These options must apply across all search and generative AI environments. Without this, Google retains unilateral control over how content is represented and interpreted, undermining both consumer trust and publisher sustainability. The CMA has proposed that a publisher can opt out at a page level but further that a B2B service / complaints provider is disproportionate or not needed to address how content is represented; we think this not only harms the publisher but the user where outcome is the resulting content is inaccurate or withdrawn, limiting their access to high quality information.

5. Introduce Retroactive Opt-Out Rights for Training Data

Many publishers can already see distinctive elements of their work reflected in AI-generated outputs, which indicates that their content has already been ingested into model training. An opt-out that applies only prospectively is therefore meaningless, particularly for media that is not always updated, i.e. not breaking news or current affairs. Once content has been absorbed into training model, the harm cannot be undone, and the model will continue to reproduce or synthesise that material indefinitely.

The CMA should require Google to implement meaningful retroactive withdrawal rights. A forward-looking opt-out is ineffective when publishers' works have already been ingested into training datasets. Retroactive rights should compel Google to:

- identify all previously used publisher content
- isolate it from models
- remove it from training and grounding datasets
- confirm removal through independent audit

The CMA has said it has been told it is not possible to untangle data from the model. We just don't believe this, and such a critical technical barrier to control should be disclosed and able to be scrutinised independently, before being dismissed as a solution by the regulator. Without retroactive enforceability, publishers are denied remedy for [REDACTED] and [REDACTED]

[REDACTED] If the CMA continues to insist on this as a technical reality, it needs to expedite the incentives for Google to engage with publishers for compensation for content used in training models: see point 1.

Fair Ranking Requirements

6. Codify Definitions of “Objective”, “Non-Discriminatory”, “Relevant”, and “High-Quality”

These definitions should be set out in enforceable guidance, subject to consultation, and capable of independent assessment. Publishers must also have a clear route to challenge Google's interpretations where they result in discriminatory or systematically harmful ranking outcomes.

The CMA must adopt clear statutory or binding policy definitions for these key terms. Without formal definitions, Google retains unfettered discretion to interpret ranking principles in ways that favour its commercial priorities. These definitions must be independently verifiable and challengeable.

7. Create a Strong, Independent Backstop to the Complaints Process

A complaint mechanism without external enforcement power is inadequate. The CMA should mandate:

- an independent escalation pathway
- power to compel corrective action
- binding disclosure obligations
- sanctions or compliance directions for non-compliance

Google’s internal processes cannot be the sole arbiter of disputes given its SMS status and conflicts of interest. It is for the CMA, not Google, to assess the effectiveness of the Conduct Requirement as a remedy and whether that remedy addresses the competition issue identified. For CMA to do its job, the compliance by Google with obligations – particularly through its complaints process or otherwise – needs to be tested, trialled and checked against those affected by the discrimination, that is publishers.

8. Narrow the “Commercially Sensitive Information” Exemption

The CMA should publish a binding list of allowable exemptions, with a presumption of disclosure. The current exemption is so broad that it could encompass nearly all aspects of ranking systems, rendering transparency obligations pointless. Algorithmic processes must not be shielded wholesale under vague claims of sensitivity.

9. Establish a Transparent, Non-Discriminatory Materiality Threshold

Material harm must be assessed relative to the dependency of a publisher’s business on search traffic. Material impacts must not be assessed solely by the number of publishers affected or the “size of the market.” The CMA should require a threshold that:

- avoids relying on cross-publisher data sharing, which risks competition law breaches
- recognises that a single publisher may experience systemic harms earlier than others
- evaluates harm relative to a publisher’s dependency on search traffic, not market averages

This ensures early detection of anti-competitive changes and prevents dismissing legitimate harms as “isolated.” It really is for the CMA, as the regulator, to be undertaking this monitoring informed by consultation with the affected sector.

10. Mandate Advance Notice and Public Disclosure of Ranking Changes

Google must be required to disclose *the nature, timing, and potential effects* of ranking updates. Publishers need reliable information to diagnose traffic shocks and protect

their businesses. Advance notice must be mandatory where changes are likely to be material, and disclosures must be sufficiently detailed to support meaningful assessment. How the changes affect traffic should be able to be verified independently; this should be subject to scrutiny by the CMA to ensure compliance in the medium term.

11. Establish a CMA-Managed Privacy-Preserving Market Impact Dashboard

To mitigate information asymmetry, the CMA should develop an aggregated, anonymised indicator system showing whether ranking shifts are affecting a cross-section of publishers – as above.

This would allow for earlier detection of systemic harm without forcing publishers into inappropriate data-sharing arrangements that could undermine their competitive positioning. Any skilled person appointed to oversee this should be structurally independent, with safeguards ensuring no financial, contractual or employment ties to Google.

12. Require Structural Independence for Any Skilled Person or Assessor

Any skilled person or assessor involved in the Fair Ranking regime must be appointed through a process that guarantees independence, not selected, employed, or funded solely by Google. The CMA should oversee this appointment, publish conflict-of-interest rules, and ensure the assessor's findings are public, with a statutory obligation to challenge Google where evidence of discrimination or harm exists.

Any skilled person or assessor involved in fair-ranking oversight must be:

- appointed independently of Google
- financially and institutionally separate
- bound by explicit conflict-of-interest rules
- required to publish findings and identify systemic harms

Google must not control, employ, or fund the very person responsible for assessing its compliance.

Conclusion

The CMA's consultation asks whether the proposed interventions will lead to an outcome in which audiences are directed to publisher sources in ways that sustain the production of high-quality news and information. Based on the evidence set out above, the answer is clearly no.

The current proposals do nothing to reverse the downward trend in click-through rates, do not mandate that AI-generated content link prominently to publisher websites, and do not constrain Google's incentives to retain users within its own ecosystem. Even if some marginal improvements occur across a small subset of queries, this will not compensate for the structural shift toward AI-native answer delivery. Equally, the suggestion that Google might provide data on "click quality" through interventions misunderstands the publisher business model. 'Quality' is not something Google can measure for publishers once they arrive to the publishers site; the primary determinant of publisher revenue through its value exchange with Google is the volume of users who reach the site in the first place. Lower volume with allegedly "higher quality" referrals is simply not a viable or sustainable replacement for the traffic declines publishers are experiencing.

The CMA also asks whether it has taken sufficient steps to support the long-term viability of publishing. In truth, the measures under Category 1 introduce procedural fairness but not substantive fairness. They grant Google discretion to use or not use content and to determine the presentation of AI-generated answers. They give publishers no real choice, no real influence over how their content appears, and no compensation when Google's products displace their own. The imbalances in bargaining power remain intact. The market structure remains unchanged. The harm continues unchecked.

For all these reasons, the decision to postpone Category 2 is deeply counterproductive. It delays the only measures capable of rebalancing the economic relationship between Google and publishers, and it effectively sanctions another year of value extraction and market erosion. The CMA has recognised that without intervention, publishers may not survive the transition to AI-enhanced search. Postponing intervention therefore cannot be justified on a reasonable, rational and impartial basis. It accelerates the very outcome regulators seek to avoid.

The conduct requirements as currently drafted effectively place a timestamp on today's diminished market conditions and treat them as the new regulatory baseline, rather than correcting for the materially higher referral levels and more sustainable operating environment that existed in 2018 (with the Cairncross Review) or even 2023, when Parliament first recognised the need for a new regulatory framework to address Google's impact on publisher viability.

By anchoring obligations to the present moment, after years of declining traffic, increased substitution through AI-generated answers, and growing dependence on opaque ranking systems, the CMA risks formalising a structurally degraded status quo. This approach does not correct for the downward trend; it crystallises it.

The result is a framework that treats Google's cumulative conduct as a *fait accompli*, setting in stone the very conditions that have made it impossible for many publishers to run viable digital businesses.

If the purpose of the regime is to restore fair competition and support sustainably funded journalism, then locking in depressed referral levels as the reference point frustrates that purpose. Meaningful competition intervention must recognise and remedy the harm already incurred, not legitimise it by using the harm-attenuated present as the starting point for future regulation.