

Response to the CMA consultation on the proposed User Choice conduct requirement

Google's general search services

1. Introduction

Qwant welcomes the CMA's revised User Choice conduct requirement (CR) and supports its aim: helping UK users choose freely and easily between search services. This response sets out where the revised proposal works, and where it needs strengthening to deliver real choice rather than a formal one.

Qwant is a European general search engine built around privacy: it does not profile users or track them for advertising. Its results combine a syndicated web index with the independent Staan index, developed with Ecosia through the European Search Perspective (EUSP) joint venture. Qwant's AI-generated answers always attribute and link to their sources.

Qwant has long experience of how default settings and Google's control of access points shape search competition. The European General Court's judgment in Google Android (T-604/18) cited Qwant among the competitors excluded by Google's conduct. Qwant has also participated in the choice screens put in place under the EU Digital Markets Act (DMA).

Qwant intends to apply to appear on the UK Search Choice Screen. Its comments below are made from that perspective.

2. Summary of Qwant's position

Qwant agrees with the CMA's provisional conclusion on proportionality and supports most of the revised design. Its main concern is that several changes, taken together, risk turning the Search Choice Screen into a choice between Google and a few heavily funded AI assistants, leaving little room for independent, privacy-focused search services.

Qwant asks the CMA to make six changes:

1. Apply the eligibility criteria through a rigorous, published test that is applied equally to every applicant, including AI assistants, on navigational queries, freshness, error rates and source attribution.
2. Confirm explicitly that services using a syndicated index, alone or combined with their own index, are eligible.
3. Require CMA approval of Google's assessment methodology and security standards, and add an appeal route for rejected applicants.
4. Replace Google Play Store downloads as the launch-period popularity metric, or use full randomisation until selection-rate data is available.
5. Extend the annual redisplay and the test-drive to existing Android devices wherever technically feasible, with a defined timetable.
6. Commit to bringing new Google search access points, including AI surfaces, within scope once they reach a defined share of UK queries.

3. Eligibility criteria: technology neutrality needs rigorous testing

Qwant accepts that eligibility should not depend on whether a service uses AI. Qwant itself offers AI-generated answers, and Google Search now does too. But technology neutrality only works if every applicant is held to the same functional standard. Otherwise, the deletion of Criterion 4 lets services whose core purpose is not search take scarce slots on the screen.

Users who pick a default search provider expect it to handle every query typed into the address bar or search widget. A service that answers complex questions well but cannot reliably take a user to a website, or give today's news, does not meet that expectation. The CMA's own User Research found that users see generative AI services as different from traditional search, even when they use them for searching.

Qwant therefore asks the CMA to state in the interpretative notes that:

- **Navigational queries are tested without prompting tricks.** Paragraph 34 suggests an applicant may pass navigational tests if users add a word such as 'link'. Qwant disagrees. A default search service must return the destination for a plain navigational query, as typed in an address bar.
- **'Not significant' error rates are defined.** Paragraph 32 leaves this entirely to Google. The CMA should set a benchmark, for example by reference to the error rate of the default service the user would otherwise keep.
- **Freshness is tested.** Applicants should show they return current information on news and real-time queries, not only that they can.
- **The same test applies to Google Search.** This gives applicants and the CMA a neutral reference point and guards against a standard that only Google can meet.

With these safeguards, Qwant supports the removal of Criterion 4 and the clarified Criterion 3. On Criterion 3, Qwant welcomes the confirmation that 'significant proportion' refers to users of the service, does not mean a majority, and can be shown with behavioural evidence.

4. Syndicated indexes and attribution of AI answers

Qwant strongly supports two clarifications in the interpretative notes.

Syndicated indexes (paragraph 30). Building a full web index is a multi-year, capital-intensive effort; few firms outside Google and Microsoft have done it. Many credible alternatives rely wholly or partly on syndicated results, while investing in their own technology. Qwant asks the CMA to confirm that a service combining its own index with syndicated results is eligible on the same basis, and that Google may not treat reliance on a syndicated index, including one supplied by a competitor of Google, as a reason for rejection.

Attribution of AI answers (paragraph 31). Qwant agrees that AI summaries must attribute web content clearly and accurately and give users a way to reach that content. Qwant's own AI answers are designed this way. Attribution protects users, who can check what they read, and publishers, whose content keeps receiving traffic.

Qwant asks the CMA to make attribution a tested requirement rather than a declaration. The assessment should check, on a sample of queries, that sources are shown, are accurate, and are reachable in one click. Qwant also supports leaving each provider free to choose its own format, as paragraph 31 proposes, and agrees with the CMA's decision not to extend the CR to controls over AI features in search results.

5. The eligibility process: Google should not mark its rivals' homework alone

The revised process is an improvement: fixed six-monthly rounds, two weeks' notice, decisions within two months and written reasons to the CMA. But Google still designs the test queries, sets the error threshold and specifies the security standards. Google is the firm whose market power the CR addresses, and every applicant is its competitor. Qwant asks the CMA to add four safeguards.

1. **CMA approval of the methodology.** Google should submit its test protocol (query sets, use cases, scoring, thresholds) to the CMA for approval before the first round, and again before any material change.
2. **CMA approval of security standards.** Paragraph 37 lets Google specify minimum security requirements. These should be objective, published and approved by the CMA, so they cannot be used to exclude privacy-focused services or services built on a competitor's infrastructure.
3. **Reasons and an appeal route.** Rejected applicants should receive the same detailed reasons that Google sends the CMA, and be able to ask the CMA to review the decision within a fixed period.
4. **Proportionate information requests.** Qwant welcomes paragraph 27, which says applicants need not provide confidential information to Google. Where commercially sensitive evidence is needed, for example on UK usage under Criterion 3, applicants should be able to provide it to the CMA or an independent assessor instead.

Qwant also asks the CMA to publish, in non-confidential form, the list of applicants, decisions and reasons after each round.

6. Selecting the 12 providers: the popularity metric

Qwant supports the fully random order, the forced scroll, and showing every eligible provider when there are 12 or fewer. These features follow the evidence, including the CMA's User Research, that position and familiar brands strongly drive choice.

Qwant's concern is the launch-period popularity metric. Under paragraph 13, if more than 12 providers qualify, the five 'most popular' are always shown, measured first by Google Play Store downloads. Downloads reflect marketing budgets, global brand reach and distribution deals, not UK users' preferences as a default search service. They are also counted on Google's own store. In practice, the five guaranteed slots would likely go to the largest AI assistants for the first six months, which is the period of greatest exposure, when every existing Chrome user sees the screen.

Qwant proposes, in order of preference:

1. **Full randomisation** of all 12 slots for the first six months, until selection-rate data exists.
2. If the CMA keeps a popularity tier, use a **UK-specific measure of search use** (for example independent traffic data such as Cloudflare Radar), not app downloads.

Qwant supports moving to selection rate (choices divided by displays) after six months. It is the fairest measure because it reflects what users actually choose when shown the options. Qwant asks that Google publish the selection-rate figures used, so providers can check the calculation.

7. Reach: redisplay, test-drive and existing Android devices

Qwant welcomes the non-skippable choice screen for all existing Chrome users at the first major update, the test-drive with a minimum of one week, the confirmation screen and the three months' notice before each rollout. These are real gains.

However, the revised CR limits the annual redisplay and the test-drive on Android to new devices. Most UK Android users will keep their current phone for several years and will see neither. Their only chance to choose will be the existing Android choice screen, if they saw it at all. Qwant asks the CMA to:

- **Require Google to extend redisplay and test-drive to existing devices where technically feasible**, starting with Pixel devices, which Google controls fully, and devices that receive updates through Google-managed components such as Google Play system updates.
- **Ask Google to report on feasibility** for the remaining existing devices within the first compliance report, with a CMA review point at 12 months.
- **Keep the annual notification meaningful**. A 'skippable and visually limited' notification can easily be designed to be ignored. Its design should be tested with users and shared with the CMA before launch, as paragraph 4.115 proposes for other changes, and its click-through rate should be one of the reported metrics.

Qwant also regrets the removal of the option to re-open the choice screen from settings. If it is not restored, the Device-Level Default Setting must list all eligible providers, not only installed apps, with a direct path to install them (paragraph 45). Qwant supports the API and direct links to default settings for eligible providers, which give smaller providers a practical way to ask their users to switch.

8. Access points and monitoring

The CR covers Chrome, the Android search widget and the default search app. Google is moving search into new surfaces: Circle to Search, Gemini and assistant entry points, and AI Mode. If queries move there, a choice made on the screen will apply to a shrinking share of a user's searches.

Qwant asks the CMA to set an objective trigger: any Google-controlled search access point that reaches a defined share of UK search queries (for example 5%) is brought within scope, following a short CMA review. Google should report query shares by access point in each compliance report.

Qwant supports the six-monthly reporting in the first year and the publication of non-confidential compliance reports. It asks that published metrics include, for each eligible provider: displays, position, selections, test-drives started, test-drives converted, and retention at 30 and 90 days. Retention shows whether the choice screen leads to lasting switching, which is the outcome that matters for competition.

9. Proportionality

Qwant agrees with the CMA's provisional conclusion that the CR is proportionate. Google's own cost estimates, around £5 million for extending the screen to Chrome on desktop and iOS and up to £5 million for the test-drive over five years, are very small relative to the revenue Google earns from UK search.

Qwant does not accept Google's argument that choice screens will push users from Android to Apple or Microsoft. As the CMA notes, Google has produced no evidence that choice screens affect device choice. A short choice once a year is a minor cost to users compared with the long-term benefit of competition in a market where one firm has held most of the market for over two decades.

If anything, the revisions have shifted the balance too far toward reducing Google's burden. The changes Qwant proposes in sections 5 to 8 would add limited cost while substantially improving the CR's effectiveness.

10. Conclusion

The revised User Choice CR can give UK users a genuine choice of search provider. For that to happen, the screen must offer real diversity, including independent and privacy-focused services, and the rules deciding who appears on it cannot rest on Google's judgement alone. Qwant would welcome the opportunity to discuss these points with the CMA and to share its experience of the DMA choice screens in more detail.