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 over 44 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 welcomes the opportunity to respond to the CMA's updated proposals for the User Choice Conduct Requirement ("**User Choice CR**"). In our response to the January 2026 consultation, we argued that the Search Choice Screen risked moving users from Google Search, which is now subject to CRs, to AI services subject to no equivalent obligations. We therefore strongly welcome the CMA's addition to the Interpretative Notes ("**INs**") requiring Eligible Providers to attribute web content clearly and accurately in generative AI responses, and to provide users with a clear means to access that content.

However, the CMA has at the same time widened the eligibility criteria in ways that make it considerably easier for AI assistants to qualify. The attribution requirement will only be effective if it is precisely defined and verified on an ongoing basis. Attribution serves users directly, by allowing them to verify answers, and indirectly, by sustaining the publishers whose reporting all such services draw on. The NMA therefore recommends strengthening the proposal in the following areas:

Placing the attribution requirement in the CR

The attribution requirement should be an eligibility criterion in the User Choice CR itself, rather than sitting in the non-binding INs.

Covering all generative AI responses

The requirement should apply to all generative AI responses drawing on web content, including conversational answers, not only 'summary responses'.

Minimum standards for 'clear' and 'accurate' attribution

Eligible Providers may choose their own method of attribution, but the outcome should be no lower than that required of Google under the Publisher Conduct Requirement ("**Publisher CR**"). The INs should define the outcomes that 'clear' and 'accurate' attribution must achieve: sources readily visible to users, publishers identified by name, a direct route to source content, content attributed to its original publisher, and each claim traceable to a source that supports it.

Engagement metrics for publishers

Eligible Providers should give publishers the same engagement metrics that Google must provide under the Publisher CR. This is the only practical means for publishers to verify that attribution is clear and prominent.

Accuracy testing for news queries

The eligibility test should specifically assess news and current affairs queries, with a low tolerance for error, and treat misattribution as an error.

Ongoing verification of eligibility

Google should be required to reassess existing Eligible Providers each six month cycle, there should be a defined route for third parties to raise evidence of non-compliance. Decisions should be transparent.

Google's assessment of its own services

Where a Google-owned service applies for eligibility, the CMA should verify the decision.

Transparency over source selection

Eligible Providers should explain how sources are selected for generative AI responses.

Informing users about AI-based services

The information screen and service descriptions should tell users whether a service provides AI-generated answers and how sources are shown.

2. Context

The NMA notes the CMA's rejection of our argument that it is inconsistent to exclude Gemini from the SMS designation while allowing AI assistants onto the Search Choice Screen. We do not repeat that argument here. However, the CMA's reasoning – that the line between AI-based and other search services is 'increasingly blurred', and that AI assistants are an emerging competitive threat to Google – makes it more important that eligible services meet the same baseline standards that Google must meet under the Publisher CR.

The amended criteria materially widen eligibility so the most widely used AI assistants are therefore likely to qualify. If users are to be directed only towards safe, high-quality services, the remaining criteria must be stringent and precise.

Clear attribution and access to sources serve users directly: they allow users to verify answers, judge reliability and find further information. The CMA's User Research found that users of generative AI-based services want transparency over the sources that responses are drawn from. This user need is driven by public concern about accuracy and reliability of outputs, even among regular users. Users with moderate to high AI usage were also unsure how they would access websites through conversational services, and said they needed this information to help them make the right decision.

These measures would also benefit users indirectly. The answers that AI-based services give on news and current affairs depend on reporting produced by publishers, whose ability to invest in that reporting depends on reaching audiences. Requirements that preserve the link between AI-generated answers and their sources helps to sustain the quality and plurality of the information available to users across every service on the Search Choice Screen. Measures that benefit publishers in this way do not extend the User Choice CR beyond its user-focused aim. Rather, they support it, because users can only make informed and effective choices between services whose answers are reliable and can be verified.

3. Eligibility criteria: the attribution requirement

The NMA strongly supports the attribution requirement at IN 31, which closely mirrors the obligation on Google in the Publisher CR. However, four changes are needed to make it effective.

3.1 The attribution requirement must be in the CR

INs are non-binding, and the CMA notes that Google may take a different approach where it can demonstrate compliance with the CR. This matters because paragraph 12 of the CR requires Google to approve Eligible Providers 'by reference only to the Eligibility Criteria'. Attribution is not self-evidently entailed by the first eligibility criterion in the CR, which requires services to 'adequately address the full range of use cases of a general search service'. An applicant could argue that it addresses every use case while attributing poorly or not at all, and that IN 31 goes beyond the criterion.

Google, required to apply only the criteria in the CR, would be poorly placed to reject that argument. Placing the requirement in the CR removes that doubt and gives it the same legal status as the equivalent obligation on Google. We propose the addition of a new criterion at paragraph 1.f.iv of the CR, for example:

> *'Ensure that any response generated using generative AI that draws on web content attributes that content clearly and accurately to its original source and provides end Users with a clear and prominent means to access that content.'*

3.2 The requirement must cover all generative AI responses

The reference to 'generative AI summary responses' could be read to cover AI Overview-style summaries, but not conversational answers and follow-up responses, or outputs of AI chatbots and agentic features. These are the outputs of the AI assistants the amended criteria are designed to allow to become Eligible Providers: the attribution requirement should apply to any generated response that draws on web content, whatever its format or position within a generative AI response.

3.3 'Clear' and 'accurate' attribution require minimum outcome standards

We accept that Eligible Providers need not take the same approach as Google and may determine their own method of attribution. But flexibility on the method of attribution should not result in a lower standard of outcome. Otherwise, the User Choice CR would direct users towards services held to a lower standard than the one the CMA has judged necessary for Google's own generative AI features. Users choosing from the Search Choice Screen will reasonably assume that every listed service meets a common baseline; if some do not, their choice is less informed than it appears, and the protection the Publisher CR provides for users and publishers alike is weakened.

'Clear' and 'accurate' are open to wide interpretation. Without limiting providers' freedom to choose their method, the INs should set out the outcomes that attribution and the means of access must achieve, benchmarked against the Publisher CR. These should include:

- Visibility: sources are readily visible when users read the response, rather than discoverable only through further interaction such as opening a menu, collapsed panel or separate tab;

- Provenance: the originating publisher is identified by name, so that users can judge provenance;
- Access: users have a direct link or equivalent route to the source content, so that they can verify the response and read further;
- Originality: content is attributed to the original publisher of the information, not to a third party – for example, a pirate website or news summary website – that has copied it;
- Fidelity: where a response draws on several sources, users can tell which source supports which claim, and no information is attributed to a source that does not support it.

These are outcomes rather than prescribed designs. Each can be met in many ways, consistent with IN 31.

The largest international study of AI assistants' handling of news, coordinated by the European Broadcasting Union and led by the BBC, found that 45% of answers had at least one significant issue, and that sourcing failures – including missing, incorrect or unsupportive sources – were the most common problem, affecting 31% of answers. A criterion with clear standards will discriminate meaningfully between services.

In addition, the inclusion of such a criterion would also help the support the Government's Media Green Paper policy objectives to support the availability of high-quality news and information to the public through commonly used online platforms.

3.4 Eligible Providers must give publishers the data to verify attribution

Whether attribution is clear and prominent cannot be judged from individual responses. Generative AI responses vary by user and query, so publishers can see only the responses they happen to test. The only way a publisher can assess attribution across a service is through data on how often its content is attributed and how users engage with it.

The Publisher CR requires Google to provide publishers with metrics on user engagement with their content in its generative AI features, including impressions where their content is attributed, click-throughs and click-through rate. Eligible Providers should be required to provide publishers with equivalent metrics. We consider that these metrics are unlikely to be sufficient for publishers to understand fully how their content is used, but recognise that the User Choice CR should not ask more of Eligible Providers than the Publisher CR asks of Google. Equivalent metrics would also give publishers the evidence needed to use the route for raising concerns proposed in section 5.2.

4. Eligibility criteria: accuracy and news queries

The NMA welcomes the requirements that Eligible Providers must be capable of providing up-to-date information, including news, and that their error rate must not be significant. However, 'significant' is not defined in relation to error rates; the definition of a 'meaningful or non-trivial proportion' in the INs applies only to the third criterion.

In news and current affairs, errors carry particular harm. Errors that wrongly attribute assertions to a publisher can damage long-term trust in that publisher, creating harm beyond the specific instance of misinforming a reader. Accuracy and reliability of results was the second most frequently cited need in the CMA's User Research. The CMA should clarify that:

- the replicable test required by IN 33 must include news and current affairs queries, assessing both the accuracy and the attribution of responses;
- the tolerance for error in news and real-time informational queries is low, and misattribution counts as an error; and
- the test methodology is published, at least in summary, so that applicants and third parties can understand how the criterion is applied.

5. Procedural safeguards: eligibility must be verified on an ongoing basis

5.1 Reassessment of existing Eligible Providers

Under IN 28, existing Eligible Providers are not required to demonstrate they meet the criteria on an ongoing basis. Google 'can' reassess them if it has concerns but there is no obligation on Google to check that Eligible Providers it has already approved continue to meet the criteria. Generative AI services change continually through model updates, so a service that meets the criteria at the point of approval may cease to do so quickly. Generative AI services may also have commercial incentives to weaken attribution once admitted, for example to keep users within their own service rather than sending them to source websites. Without ongoing verification, the criteria become a one-off test to be passed rather than an ongoing standard.

Paragraph 12 of the CR should require the six-monthly process to include reassessment of existing Eligible Providers, using the same replicable test applied to new applicants. Because that test must already exist and be capable of replication across services, the additional burden on Google and Eligible Providers is modest but would have a significant impact on compliance with the criteria.

5.2 A route for third parties to raise concerns

There should be a defined route for third parties, including publishers, to submit evidence that an Eligible Provider no longer meets the criteria – for example, by failing to attribute content or failing to provide links to it. Google should be required to consider such evidence and respond within a set period, inform the CMA, and reassess the provider where the evidence is credible. The CR should also make clear that a provider found not to meet the criteria may be suspended or removed from the Search Choice Screen, following a reasonable opportunity to remedy the concerns.

We recognise that whether an Eligible Provider meets the criteria is a matter of Google's compliance with the CR, so concerns will ultimately rest with the CMA, creating a chain from the CMA to Google to the provider. But a defined route from third parties to Google, with an onus on Google to inform the CMA and the Eligible Provider, would ensure that problems are identified and rectified as quickly as possible (as opposed to the CMA being compelled to investigate each concern raised by a third party as a Google compliance issue).

5.3 Transparency of eligibility decisions

Paragraph 12 of the CR requires Google to provide the CMA with detailed reasoning only for rejections of applications. Google should also provide its reasoning for approvals, including how each provider has met the attribution and accuracy requirements, and publish a non-confidential summary of its decisions and test methodology. Reassessment outcomes and

third-party concerns, and how they were resolved, should also be included in Google's compliance reporting.

5.4 Google's assessment of its own services

Google will determine eligibility, and its own AI services may apply. The CMA's User Research tested Gemini on the Search Choice Screen, and the INs contemplate multiple services from the same corporate group. Given Gemini is a Google product, Google's incentive when assessing rivals is to apply the criteria strictly; when assessing its own services such as Gemini, it has an incentive to apply the criteria less stringently. Where an applicant is a service owned by or invested in by Google, the CMA should require Google's full reasoning for its inclusion, and verify the decision before the service is admitted.

6. Further requirements on Eligible Providers

Beyond attribution, Google is subject to other obligations that benefit users of its generative AI features, including transparency over how content is selected and ranked, and fair and objective ranking. Participants in the CMA's User Research wanted transparency over how results are sourced and raised concerns about bias. The CMA should consider requiring Eligible Providers to explain, in general terms, how sources are selected for generative AI responses, and keep under review whether further alignment with the obligations on Google is needed to protect users.

7. Information screen and service descriptions

The CMA's User Research found that the caution that AI responses can be inaccurate was one of only two elements of the preparation screen that users noticed even when skimming, and that users called for labelling to distinguish AI-based from traditional search services. The information screen should therefore explain that some services provide AI-generated answers rather than a list of links, that these can contain errors, and that users should be able to check the sources. The short description of each service should also indicate whether it primarily provides AI-generated answers.

8. Proportionality

The CMA wants the criteria to admit a broad range of providers and we recognise that more demanding criteria could, in principle, narrow the choice available to users. Our proposals would not. They exclude no type of service and their costs are modest: attribution and links to sources are features many services already provide; engagement metrics for publishers mirror those Google must already provide; reassessment reuses the replicable test that IN 33 already requires; third-party concerns and transparency over decisions can be handled through the compliance reporting the CMA already proposes; and CMA verification is confined to the narrow case of services in which Google has an interest. These modest costs would ensure users choosing from the Search Choice Screen would be able to rely on every listed service to show where its answers come from accurately.

News Media Association
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