

**OPENAI'S RESPONSE TO CMA CONSULTATION
OF 23 SEPTEMBER 2026**

NON-CONFIDENTIAL

Proposal for User Choice Conduct Requirement

Public consultation

14 October 2026

1. INTRODUCTION

- 1.1. OpenAI welcomes the CMA's revised User Choice Conduct Requirement ("**Revised User Choice CR**") of 23 September 2026.¹ As the Revised User Choice CR appropriately recognises, consumers increasingly use AI-enabled services alongside traditional search engines, and "the line between 'AI-based services' and other types of search service is increasingly blurred".² OpenAI supports the move towards technology-neutral eligibility criteria that recognise that general search is evolving and may be provided through AI assistants as well as traditional search engines. In line with the Revised User Choice CR's conclusion, OpenAI does not consider that "because a service has an AI component or interface it should be excluded from the choice screen".³ This is an important improvement and will better enable consumers to choose among the more diversified services they use to search for information online. OpenAI nevertheless considers that some further refinements would help ensure the final CR delivers more effective choice for UK consumers in practice.
- 1.2. This consultation response builds on OpenAI's submission of 6 March 2026 in response to the CMA's consultation of 28 January 2026, and addresses the Revised User Choice CR only. OpenAI focuses here on the most important remaining issues. Except where this response sets out a revised or additional view, OpenAI maintains the positions, concerns and recommendations in its 6 March submission insofar as they remain relevant to the Revised User Choice CR. That submission should therefore be read together with this consultation response.
- 1.3. In short, OpenAI recommends that the final CR: (i) extend consumer choice beyond the Search Widget and Chrome address bar to other Google-controlled search access points where the selected provider can support the relevant functionality; (ii) further constrain Google's discretion in applying the Eligibility Criteria⁴ and require Google to provide the technical interfaces, documentation and support needed for integration; (iii) give greater weight to actual consumer demand in determining which providers appear on the main Search Choice Screen and use a transparent and objective measure of actual search use; (iv) extend annual redisplay and the test-drive option to existing Android devices where technically feasible; and (v) provide providers with a clear and timely route to the CMA where eligibility or implementation issues arise.

2. OPENAI'S FEEDBACK AND RECOMMENDATIONS

(i) Search access points

- 2.1. The Revised User Choice CR continues to limit the scope of Relevant Access Points to the Search Widget and Chrome's address bar on the basis that these currently account for a large share of searches. Although OpenAI understands the CMA's logic, OpenAI believes that relying only on current search volume takes too static a view of the market and respectfully urges the CMA to expand the range of search access points covered by the final CR to strengthen consumer choice.
- 2.2. Although the Search Widget and Chrome's address bar may account for most searches today, search is evolving rapidly beyond the traditional search box, including through visual, contextual, voice and AI-assisted interfaces. Access points such as Circle to Search

¹ Competition and Markets Authority, "Consultation: User Choice Conduct Requirement Google's general search services", 23 September 2026.

² Consultation, paragraph 4.14. See also Ofcom, "Adults' Media Use and Attitudes Report", 2 April 2026.

³ Consultation, paragraph 4.14.

⁴ All terms used in this submission are as defined in the Consultation on conduct requirements of 23 September 2026, unless otherwise indicated.

and Google Lens may become increasingly important routes through which users access general search. Excluding those surfaces until they have already reached significant scale risks allowing consumer habits and Google's position to become entrenched before competing providers have a meaningful opportunity to compete.

- 2.3. In order to better reflect the dynamic nature of the market, OpenAI urges the CMA to require that a user's choice of Default Search Provider apply across all Google-owned or controlled search access points where the selected provider supports the relevant functionality. This does not require every Eligible Provider to support every modality. For example, where a provider can support visual or contextual search, the user's choice should be capable of extending to surfaces such as Lens or Circle to Search; where it cannot, that surface need not be made available to that provider. The scope of consumer choice should not effectively be determined by the capabilities of the least capable Eligible Provider.
- 2.4. For new Google-controlled search access points, there should be a presumption that the user's existing choice of Default Search Provider is respected where that provider supports the relevant functionality. For existing access points, providers should be able to demonstrate their technical capability to support the relevant modality. Google should make the necessary interfaces and technical specifications available and justify any exception to the CMA.

(ii) Eligibility

- 2.5. OpenAI welcomes the CMA's substantial revisions to the Eligibility Criteria. OpenAI agrees that the growing integration of AI into Google Search and other traditional search services makes it increasingly artificial to distinguish between "AI-based" and other search services, and that a provider should not be excluded from the choice screen simply because its search functionality is delivered through AI.⁵ In OpenAI's view, the CMA's revisions address many of the concerns raised in OpenAI's 6 March submission and make the framework significantly more technology-neutral.
- 2.6. Some residual risk nevertheless remains because Google will apply the Eligibility Criteria in the first instance, even though it competes directly with applicants and other eligible AI assistant providers, and several criteria still leave room for interpretation. This concern is not purely theoretical: OpenAI has previously experienced Google approval processes involving unclear or inconsistently applied criteria, repeated and overly broad information requests, and significant delays. The final framework should therefore include clear standards and timely and effective CMA oversight to reduce the risk of the eligibility process being used to delay or impede competing providers.
- 2.7. More specifically, OpenAI recommends that the final CR and interpretative notes further constrain Google's discretion in the following respects:
 - **Security requirements.** OpenAI recognises the importance of appropriate security safeguards. However, the proposal gives Google responsibility for specifying minimum security requirements that may evolve over time. This creates a particular need for objective constraints. Any security requirements under the Revised User Choice CR should be objective, proportionate, transparent and non-discriminatory, published sufficiently in advance, and subject to CMA oversight. Google should be required to give specific reasons for any refusal based on security and demonstrate that Google's own competing services satisfy equivalent requirements. Security concerns should not provide a basis for blanket

⁵ Consultation, paragraph 4.14.

exclusion where the identified risk can instead be addressed through proportionate technical safeguards or remediation.

- **Unclear terminology.** Criterion 1 requires Eligible Providers to “adequately address the full range of use cases” and provides that their error rate must not be “significant”. These terms leave room for judgment. Google should not be able to rely on vague or subjective interpretations of those terms to conclude that a provider does not satisfy Criterion 1 where that provider is capable of serving all four use cases. The assessment should therefore be based on a clear, published and reproducible methodology, using representative queries across the four use cases and defined standards for assessing errors and adequacy. The methodology should also reflect that different services may satisfy the same use case in different ways, including through generative responses rather than a traditional list of links.
- **Technical compatibility.** Technical integration should not become a proxy eligibility test. The CMA expressly expects Google to make available the APIs or technical specifications necessary to facilitate Android compatibility.⁶ As the controller of the relevant access points, Google should therefore be responsible for providing and maintaining the interfaces needed to implement a user’s choice, including well-documented APIs, URI schemes or intents, default-setting hooks and appropriate testing tools. Providers should be given clear technical documentation, reasonable support and advance notice of material changes.

Effective integration may also require access to the relevant context needed to provide search functionality at a particular access point. Where Google’s own search service can use device or system context to provide that functionality, equivalent categories of relevant context should be available to the user’s selected provider through documented interfaces, subject to equivalent user consent, privacy and security safeguards.

A provider should not be treated as failing Criterion 2 where the relevant Google-controlled interface, or necessary access to context, is unavailable, incomplete or does not function as required. In those circumstances, Google should be required to remedy the integration issue rather than exclude the provider.

(iii) Selection of Eligible Providers

- 2.8. OpenAI fully supports the CMA’s goal of ensuring that smaller and emerging providers have an opportunity to compete. At the same time, the main Search Choice Screen should reflect actual consumer demand and give users a meaningful choice to select their preferred Default Search Provider. OpenAI therefore proposes increasing the number of places on the main screen allocated on the basis of popularity and reducing the number for providers selected at random. This would more closely align the main screen with consumer demand while preserving opportunities for smaller and emerging providers to appear on the main screen. In addition, smaller providers would remain selectable through the full list and could secure a more consistent presence on the main screen as their popularity grows. This would best serve consumer choice by ensuring that the providers consumers demonstrably use and value are readily available, while preserving an effective route for new entrants.

⁶ Consultation, Choice Design Principles, paragraph 36.

- 2.9. OpenAI further urges the CMA to better reflect consumer demand by adjusting how popularity is measured. After six months following the CR's full entry into force, the Revised User Choice CR proposes to rank providers by the proportion of occasions on which they are selected when displayed on the Search Choice Screen. OpenAI is concerned that this is not a direct measure of overall consumer demand or usage and instead measures a provider's conversion rate within the choice-screen process. That conversion rate may be influenced by the conditions in which that choice is presented, rather than the extent to which UK consumers actually use that provider's search functionality. A provider could therefore be widely used by UK consumers but rank less highly under the proposed metric. That would risk the main screen failing to reflect actual consumer usage.
- 2.10. OpenAI therefore recommends that popularity be determined by a transparent, current and platform-neutral measure of actual search use — i.e., the number of active UK users of an Eligible Provider's search functionality over a specified recent period. This would provide a more direct measure of consumer demand and better align the composition of the main screen with the objective of giving consumers meaningful choice. Commercially sensitive usage information should be provided confidentially to the CMA or an independent assessor, rather than to Google, with only the resulting ranking disclosed for implementation.

(iv) Existing Android devices

- 2.11. OpenAI disagrees that the technical challenges identified by the CMA justify excluding all existing Android devices from annual redisplay and the test-drive option.⁷ In particular, OpenAI notes that Google's DMA compliance report states that it rolled out choice screens to existing EEA Pixel devices through updates and completed a rollout to certain Android 12/13 devices that manufacturers no longer update.⁸ It is therefore unclear to OpenAI why Google could not use similar delivery mechanisms to implement these measures on existing Android devices in the UK. Restricting annual redisplay and the test-drive option to new devices would significantly limit their initial reach across Android's massive installed base and delay the resulting competitive benefits. Timely implementation is particularly important given the rapid evolution of search, including through AI assistants.

(v) Procedural safeguards

- 2.12. OpenAI welcomes the additional procedural safeguards in the Revised User Choice CR. In particular, paragraph 12(c) requires final decisions and written notification within two months of the application window opening, with detailed reasons for rejections provided to the CMA. Given that Google will administer the eligibility process while competing directly with applicants, providers should also receive such detailed reasons and have a reasonable opportunity to remedy identified concerns, as well as a clear and timely route to the CMA to challenge rejection, delay, disproportionate information requests or technical implementation issues. The CMA should set out a defined process for making such representations, with clear timescales for its response, and remain the ultimate arbiter of whether the Eligibility Criteria and technical requirements have been applied correctly.

⁷ Consultation, paragraphs 4.54 and 4.72(a).

⁸ Alphabet, EU DMA Compliance Report, Google Android chapter, paragraphs 44(a) and 44(d), pp. 121 and 123, and paragraph 51(b), p. 125.