

Response to the CMA's Further Consultation on the User Choice Conduct Requirement for Google's General Search Services

The SCiDA Project, Shaping Competition in the Digital Age

SCiDA stands for Shaping Competition in the Digital Age. It is a joint research project of Heinrich Heine University Düsseldorf (Germany) and the University of Exeter (UK). Our team compares and analyses the regulatory initiatives in the EU (Digital Markets Act), the UK (Digital Markets, Competition and Consumers Act) and Germany (section 19a of the Competition Act) in shaping competition in the digital age. Our independent research project is funded by Deutsche Forschungsgemeinschaft (DFG) and the UK Arts and Humanities Research Council (AHRC).

Principal investigators are professors Oles Andriychuk (Exeter) and Rupprecht Podszun (Düsseldorf). More information (including our regular blog entries reflecting on the development of the DMA and a database with documents and information) can be found at www.scidaproject.com.

This statement was authored by the following members of the SCiDA research team:

- Dr Anush Ganesh, Lecturer, School of Law, University of Leeds
- Dr Jasper van den Boom, Assistant Professor, Leiden University
- Prof Oles Andriychuk, Professor, University of Exeter
- Prof Rupprecht Podszun, Professor, Heinrich Heine University Düsseldorf
- Dr Pavlína Hubková, Postdoc, University of Exeter

- Dr Ece Ban, Postdoc, University of Exeter
- Dr Kena Zheng, Postdoc, Heinrich Heine University Düsseldorf
- Sarah Hinck, Researcher, Heinrich Heine University Düsseldorf
- Sebastian Steinert, Researcher, Heinrich Heine University Düsseldorf

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Executive Summary

The SCiDA Project welcomes the opportunity to respond to the Competition and Markets Authority's further consultation on the User Choice Conduct Requirement (CR) for Google's general search services.[1] The revised proposals build on the CMA's January 2026 consultation and take account of responses received, the CMA's User Research and developments in the market, including the growing use of AI assistants for search.[2]

We are grateful that the CMA engaged closely with our February 2026 response, which is cited throughout the Second Consultation.[3] Several of the concerns we raised, notably the vagueness of the eligibility criteria and the need for oversight of Google's eligibility decisions, have been addressed in the revised text.[4]

In summary, we support the direction of the revised CR, and in particular its technology neutral eligibility criteria, the non-skippable Search Choice Screen for Chrome, full randomisation of the choice set and the new deep-linking obligations. Our principal concern is that a number of variables that will shape competitive outcomes remain within Google's discretion. These include the application of the eligibility criteria, the specification of security standards, the length of the test-drive period and the operation of the popularity metric. We also consider that several changes made to reduce costs, such as the skippable annual redisplay and the limitation of redisplay and test-drive on Android to new devices, reduce the CR's effectiveness, and that the CMA should demonstrate that the remaining package still achieves its aim.

Before cost-saving measures are introduced, it is of particular importance that the CMA establishes how engagement with the choice screen will be measured and how it will be assessed whether the choice screen is achieving its aims. There should be reporting by the designated firm on how much the choice screen is engaged with by users, which choices are made, and what interactions end users had with the choice screen prior to making their decision. Available data on the test drive should also be reported: how many users make a different choice after the screen is presented again, and how many return to the services offered by the designated undertaking. Only with such information is it possible to determine whether the

[1] CMA, 'Consultation, User Choice Conduct Requirement, Google's General Search Services' (23 September 2026) (Second Consultation).
[2] CMA, 'Proposed Conduct Requirement, User Choice Conduct Requirement' (January 2026) (First Consultation).
[3] SCiDA, 'Response to the CMA Consultation on Proposed Conduct Requirements for Google's General Search and Search Advertising Services' (February 2026) (SCiDA February Response).
[4] Second Consultation, paras 4.19 to 4.27 and 4.33.

current conduct requirement is achieving its objectives and if it is capable of doing so in its current form.

I. Introduction

The CMA designated Google as having Strategic Market Status (SMS) in general search services on 10 October 2025 and consulted on four proposed CRs in January 2026.[5] The User Choice CR pursues the open choices objective and falls within the permitted type of requirement to present options and default settings in a way that allows users to make informed and effective decisions in their own best interests.[6] Its aim is to improve users' awareness of available search providers, their engagement with and confidence in their choice, and their ability to choose quickly and easily between providers.[7]

The Second Consultation revises the proposed CR in four main respects, namely the design of the eligibility criteria, the process for determining eligibility, the test-drive and annual redisplay elements, and the design of the choice architecture, the Device-Level Default Setting and the search default setting API.[8] The CMA also presents an updated proportionality assessment.

Our response is structured as follows. Section II responds to each of the specific questions posed by the CMA. Section III sets out cross-cutting observations that apply across the revised CR. Section IV concludes.

II. Responses to Consultation Questions

Question 6.1(a). Do you agree with the proposed changes to the User Choice CR?

(ii) Eligibility Criteria and Interpretative Notes

We welcome the revisions to Criteria 2 and 3, which respond directly to the concerns we raised in February about the terms 'stakeholder expectations' and 'significant proportion of UK users'.[9] Recasting Criterion 3 by reference to the UK users of the service, and clarifying that a significant proportion means a meaningful, non-trivial proportion rather than a majority, reduces the risk that the criterion operates as a barrier to smaller and emerging providers without yet avoiding these risks.[10]

[5] CMA, 'Strategic Market Status Investigation into Google's General Search Services, Final Decision' (10 October 2025) (SMS Final Decision).
[6] Digital Markets, Competition and Consumers Act 2024 (DMCCA), ss 19(7) and 20(2)(e).
[7] Second Consultation, paras 2.1 and 2.6.
[8] Second Consultation, para 1.4.
[9] SCiDA February Response, 16. See Second Consultation, paras 4.9, 4.19.
[10] Second Consultation, paras 4.25 to 4.27.

Taken in conjunction with the fact that Google is assigned with considerable autonomy to define the exact contextual meaning of each eligibility term, the new conduct requirement regime would benefit from a less interpretable definition-adjective. We believe that in such a monopolised market, end users have very little opportunity to familiarise themselves with horizontal online search providers beyond Google and a small number of its largest competitors. The "non-majority" threshold should be (a) further decreased and (b) further specified. There could be considerable number of otherwise legitimate search engines which would meet all other eligibility criteria and yet, suffering from the two decades of monopolisation, having no opportunity to become noted by the stylised 49% of end users in the UK. We submit that even familiarity of a fraction of the end users should suffice for the purposes of the new conduct requirement regime, particularly giving the fact that all potential concerns which could be associated with entering into the choice screen roulette of a small online search provider are addressed by other eligibility criteria.

We also support the deletion of Criterion 4, and agree with the CMA that concerns about free-riding are not a relevant consideration in a CR whose focus is end users.[11]

We support the CMA's technology neutral approach and its recognition that AI assistants could in principle be eligible.[12] The CMA itself identified AI assistants as an emerging competitive threat to Google Search in the SMS Final Decision.[13] However, this raises a question the Second Consultation does not answer. Gemini was excluded from the scope of the designated activity, yet it could apply to appear on the Search Choice Screen alongside Google Search. The requirement that services from the same corporate group be sufficiently distinct at a technical level may be too weak to prevent Google from occupying two of twelve positions.[14] We recommend that the CMA clarify how services of the SMS firm itself are to be treated, and consider whether the choice set should include no more than one service from the designated undertaking's group.

We are also concerned that the revised criteria confer new discretion on Google over its rivals. Google is to specify the minimum security standards that Eligible Providers must meet, and to judge whether a rival's error rate is significant.[15] As we noted in February, security

[11] Second Consultation, para 4.28.
[12] Second Consultation, paras 4.14 to 4.15.
[13] SMS Final Decision, para 5.65.
[14] Second Consultation, interpretative note 39.
[15] Second Consultation, interpretative notes 32 and 37.

justifications can operate as a source of friction that deters switching.[16] We recommend that the security standards be approved by the CMA before they are applied, and that the methodology for assessing error rates be published in advance. We further welcome the attribution requirement for generative AI responses, which aligns the eligibility criteria with the CMA's approach in the Publisher CR.[17]

(ii) Procedural Safeguards for Applying the Eligibility Criteria

The new procedural obligations, including advance public notice, a two-month decision window and detailed reasons to the CMA for any rejection, are a significant improvement and respond in part to our call for CMA oversight of eligibility decisions.[18] Nevertheless, Google remains the decision-maker in a process that determines which of its competitors reach users, which is the gatekeeper-within-a-gatekeeper problem we identified previously.[19] We recommend that rejected applicants should be able to request a review of the decision by the CMA. The testing methodology referred to in the interpretative notes should be published before the first application window opens.[20] The list of Eligible Providers and a non-confidential summary of reasons for rejections should be made public in order to increase transparency of the process. We welcome the confirmation that applicants need not provide confidential information to Google.[21]

(iii) Frequency of Display and Timing

We welcome the requirement for a non-skippable Search Choice Screen at the first major Chrome update after the CR comes into force, which gives existing Chrome users on desktop and iOS their first meaningful opportunity to choose.[22] However, we note some concerns about the remaining changes. While not discrediting user frustration or fatigue,[23] converting the annual redisplay into a skippable and visually limited notification risks it being dismissed out of habit, particularly given users' familiarity with frequent prompts.[24] Limiting redisplay on Android to new devices leaves the existing installed base without any redisplay for several years.[25] The redefinition of Relevant Browser and Relevant Device means that users who have

[16] SCiDA February Response, 19.
[17] CMA, 'Publisher Conduct Requirement, Final Decision' (3 June 2026), para 3.43.
[18] Second Consultation, paras 4.31 to 4.34.
[19] SCiDA February Response, 17.
[20] Second Consultation, interpretative note 33.
[21] Second Consultation, interpretative note 27.
[22] Second Consultation, paras 4.50 to 4.51.
[23] Second Consultation, paras 4.48(a).
[24] Second Consultation, para 4.53.
[25] Second Consultation, para 4.54.

already switched to a rival will continue to see the annual notification.[26] This risks reversion to the incumbent, a concern that was previously raised by Mozilla.[27] We recommend that, for users who have selected a non-Google default, the notification be framed as confirming the current choice rather than reopening it. We also note that a fixed annual choice window, as proposed by Brave, would offer greater predictability to providers than timing tied to Google's own update schedule.[28] Experiences from choice screens introduced in the EU following the *Google Android* case and under the DMA show that the success of choice screens is conditional, and depends heavily on how they are presented, when they are displayed, and how often. Independent research into the effectiveness of choice screens has shown that the Google Android choice screen was not successful in meaningfully changing user behaviour or market shares.[29] Based on responses by third party browser and search engine providers, the impact of the DMA's choice screens were already greater, but also have not caused a persistent shift in user adoption.[30] Before any cost-reducing measures are introduced, the impact of the existing iteration of the choice screen should first be measured and studied. Introducing reporting obligations related to interactions with the choice screen by end users and the choices made by end users would be of great benefit to research into choice screen effectiveness.

(iv) Design of the 'Test-Drive' Option

We continue to support the test-drive as an intervention that recognises search services as experience goods,[31] and we welcome the User Research findings that it led users to choose from a wider range of services.[32] The revision under which the end-of-trial notification takes users to the default settings rather than to a fresh choice screen broadly meets the concern we raised in February that a second choice screen may lead users back to the incumbent.[33]

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[26] Second Consultation, para 4.59.
[27] Mozilla, Response to the CMA's consultation on the proposed User Choice CR (February 2026).
[28] Second Consultation, para 4.48(c).
[29] Francesco Decarolis, Muxin Li & Filippo Paternollo, Competition and Defaults in Online Search (2025) 17/3 American Economic Journal: Microeconomics;
[30] Connor Jones, EU browser choice rules send millions more users Firefox's way (The Register, 12 May 2026) ; DuckDuckGo, Roadblocks to Competition: Investigate Google's Non-Compliance with the EU's Digital Markets Act (2024)
[31] SCiDA February Response, 18.
[32] Second Consultation, paras 4.66 to 4.69.
[33] SCiDA February Response, 18, citing Omar Vásquez Duque, 'The Potential Anticompetitive Stickiness of Default Applications, Addressing Consumer Inertia with Randomization' (SSRN, 6 April 2022), we had argued 'A second-choice screen should only be offered if the user communicates that they are unsatisfied with the current search provider. This way, the test-driving mechanism becomes opt-out: users will stick with the selected alternative unless they are actually dissatisfied, it does not become a matter of being presented with repeated choice screens that may subconsciously favour the incumbent.'. See Second Consultation, para 4.72(b).

The most important gap concerns what happens when a user takes no action at the end of the trial. The CR should state expressly that the provider being test-driven remains the default unless the user chooses otherwise. This default rule is likely to matter more to competitive outcomes than any other element of the test-drive design. On duration, the CMA sets a floor of one week but leaves the period to Google.[34] We recommend a minimum of two weeks, or a testing protocol approved by the CMA before Google fixes the period. Finally, limiting the test-drive on Android to new devices raises a concern regarding the already installed-base. While we note that the CMA has mentioned technical challenges in introducing the feature to older devices,[35] we recommend measures to include older devices going forward. Here too, reporting obligations on which users switched search providers after the test drive and whether they returned to the designated firm helps to understand the effectiveness of choice mechanisms and provides insights into the relative quality of search engines and the user experience.

(v) Selection and Ordering of Eligible Providers

In February we recommended that the CMA specify the number of providers, suggesting between five and seven.[36] In light of the User Research, and given the requirements for full randomisation of the order and a forced scroll through the list, we accept that a choice set of up to twelve is reasonable.[37] Our concern now lies with the popularity metric used where there are more than twelve Eligible Providers. Basing popularity first on Google Play Store downloads and then on selection rates on the screen itself creates a feedback loop in which providers that hold the five popularity slots are more likely to be selected.[38] We recommend periodic reassessment of the metric and consideration of whether any provider should hold a guaranteed slot indefinitely. We welcome the new reporting on display positions and selection rates, which will allow these effects to be monitored.[39]

On compliance, we welcome the suggestion that Google would provide periodic reports every six months in the first year following imposition of the User Choice CR which we had also recommended in our February response.[40] While we have concerns regarding annual reporting

[34] Second Consultation, interpretative note 18.
[35] Second Consultation, para 4.72.
[36] SCiDA February Response, 17. See Second Consultation, para 4.77(a).
[37] Second Consultation, paras 4.78 and 4.81 to 4.86.
[38] Second Consultation, para 4.83 and interpretative note 13.
[39] Second Consultation, para 4.116(b).
[40] Second Consultation, para 4.113. SCiDA February Response 19.

for the remainder of the designation period, we welcome the CMA's approach to increase oversight if concerns arise.

(vi) Link to the Full List of Eligible Providers in Default Settings

We support the requirement to give users access to the full list of Eligible Providers where the Device-Level or Browser Default Setting does not display them directly.[41] Where this is achieved by linking to a list in the Google Play Store, the list should be presented neutrally, without advertising, sponsored placements or ranking signals controlled by Google, and consistently with the choice design principles. Design principles as developed by fair search and other stakeholder-initiatives should be given great weight in determining the design of the choice screen, and the third-party beneficiaries should be consulted about appropriate design.[42]

(vii) Third-Party Access to a User's Default Search Setting

We welcome the extension of the proposed CR to require deep links that take users directly to the relevant default setting, in addition to the API through which Eligible Providers can check their default status.[43] This addresses the information asymmetry we identified in February.[44] We note that the consent that users must give for their default status to be shared will be requested through flows designed by Google.[45] Consent screens can themselves operate as a significant barrier and should therefore be subject to choice design principles and to CMA review.

Question 6.1(b). Do you agree with our updated proportionality assessment for the User Choice CR?

We broadly agree with the updated assessment. The revised estimate of the per-device consumer benefit, now between £4.22 and £14.77 rather than £149, is more conservative, and the CMA rightly places the main weight on the benefits of strengthened competition rather than on switching alone.[46] This is consistent with our view that switching is not an end in itself.

However, the assessment treats cost reduction and effectiveness separately. Each concession made to reduce costs, including the skippable redisplay, the limitation to new Android devices and the removal of the ability to re-trigger the choice screen from settings, also reduces the

[41] Second Consultation, interpretative note 45.
[42] Open Letter from DuckDuckGo, Ecosia, Qwant, 10 Principles for Fair Choice Screens and Effective Switching Mechanisms (5 July 2022).
[43] Second Consultation, paras 4.98 to 4.100.
[44] SCiDA February Response, 19.
[45] Second Consultation, interpretative note 47.
[46] Second Consultation, paras 5.41 to 5.48.

CR's likely effect. The CMA should show that the package as revised remains effective, not only that it is inexpensive. To this extent, we recommend holding off on cost-reducing measures until after the first reporting periods, to determine whether the implementation of the current choice screen is already sufficiently effective. Initial experiences with the choice screen may well show that the choice screen should actually be more robust to create meaningful adoption of competing services.

III. Conclusion

Across the revised CR, Google retains discretion over variables that will determine whether the Search Choice Screen works. These include the application of the eligibility criteria, the minimum security standards, the test-drive period, the popularity metric, the point at which choice screens appear during set-up and the order in which multiple choice screens are shown.[47] Each is individually defensible on grounds of Google's technical expertise. Taken together, they leave the effectiveness of the CR substantially in the hands of the undertaking it regulates. We recommend that the CMA either set these parameters itself or require Google to obtain CMA approval, supported by user testing, before implementation. We also recommend introducing reporting obligations related to the interactions of users with the choice screen, choices made, and detailed information on how the users have made their choice, as well as reporting on the choices by users when confronted with the test drive selection moment.

We also note that the CR does not reach search access points outside Google's control, such as Safari, and is not coordinated with any browser choice screen under the mobile platforms designations. Coordination between the two would reduce user confusion and increase the effectiveness of both interventions.

Overall, the revised User Choice CR is a clear improvement on the January 2026 proposals, and the CMA's willingness to revise its approach in response to consultation reflects the participatory character of the DMCCA regime. We support its adoption, subject to the clarifications and safeguards set out above, and in particular to firmer limits on Google's discretion over the parameters that will shape competitive outcomes.

[47] Second Consultation, interpretative notes 5, 6, 13, 18 and 37.