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Consultation Response

Which? response to the CMA's further consultation on a user choice conduct requirement for Google

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Introduction

We welcome this further consultation on a search choice screen that builds on the initial consultation earlier in 2026. Overall, we are encouraged that the proposed design choices will be effective in improving the extent to which consumers engage with their choice of search provider without imposing overly burdensome requirements.

We support the proposed eligibility criteria which will result in a wide range of search services being available for selection, and are broadly comfortable with how these will be determined and displayed, although the proposed process comes with risks. We also support the core design elements, such as the pre-choice information screen and test-drive function - both features that the CMA's new User Research supports. However, we are concerned about the proposed changes to the annual re-display mechanism and limitations on which Android devices will be shown the choice screen.

Feedback on the proposed changes to the conduct requirement in this additional consultation, or areas that have not changed but we think should be reconsidered, are considered in turn below.

Eligibility criteria

Consistent with our response to the January 2026 conduct requirement consultation,[1] we support the decision to define the choice screen eligibility criteria so that a broad range of search providers can be included on the choice screen. We welcome the CMA's clarification of the criteria to ensure they are technology neutral and can support the ability for the choice

[1] https://www.which.co.uk/policy-and-insight/article/the-cmas-consultation-on-google-search-conduct-requirements-which-response-ao8UE8f8tbyC

screen to allow AI-based search services as well as more traditional search services. In our previous consultation response we highlighted research we undertook in September 2025 which found that consumers are increasingly using AI-based search services,[2] and note that this is corroborated by the Thinks Insight & Strategy research published alongside the CMA's consultation.[3] We think that this evidence supports the feasibility of including AI-based search services on a choice screen, given this may be some consumers' preference for accessing the web to search for products, services and advice.

Our main area of feedback in the January consultation was that the criteria were too subjective, and that Google therefore had too much room to interpret the criteria as it saw fit. We welcome the changes the CMA proposes which remove ambiguity and the opportunity for Google to influence which providers to allow on the choice screen, both through the definition of the criteria in the CR itself and the further guidance on each criterion in the interpretative notes. In particular, we welcome the following changes which responds to our previous feedback:

- removal of the fourth criterion referencing how a search service is marketed,
- replacing 'expected search service' with 'functioning search service' in the eligibility criteria
- clarification in the interpretative notes about what the full range of search service use cases are, and that the CMA will keep this list of use cases under review, and
- clarification in the interpretative notes about what the CMA considers in this context to be a significant proportion of the UK population.

We also noted in January 2026 that the CMA could mitigate the risk of Google exploiting the ambiguity of the criteria by improving the process for determining the list of eligible providers which is considered below. Overall, we consider these changes result in a set of eligibility criteria that are well defined and should allow for a mix of eligible providers that appropriately reflects the range of search services that consumers use.

Selection and ordering of the eligible providers

The CR sets out that the choice screen should display to users a 'reasonable number of eligible providers', but given the further specification of how to determine the number of providers based on how many eligible providers there are in total this will in practice result in 12 or fewer providers on each choice screen. We are comfortable that this represents a reasonable number for users to see on each screen.

Where there are more than 12 eligible providers, the CMA proposes determining the list of eligible providers by ensuring the five most popular eligible providers are always displayed on the choice screen, plus seven other providers selected from the list of eligible providers at random. This approach has both benefits and risks. The benefits of guaranteeing a small

[2] Which? (2025), Consumer use and attitudes towards AI search tools. Available at https://www.which.co.uk/policy-and-insight/article/consumer-use-and-attitudes-towards-ai-search-tools-aTnr81n3FOQl

[3] https://assets.publishing.service.gov.uk/media/6ab2903ba9c3d267bccced0e/user_research_on_choice_screens_in_search.pdf

number of providers based on popularity are that it retains the presence of the search providers that users will most likely want to select, which is important for the credibility of the choice screen, while reducing the barriers to entry for smaller competing providers by ensuring the 13th or lower most popular eligible provider will have access to the choice screen when selected for the remaining seven places. In doing so, however, there will be greater competition for placement among the other search providers who are also being selected at random - those ranked 6 or lower in popularity. Compared to a system where providers are selected based entirely on popularity, those ranked 6-12 most popular will be shown less frequently. The risk of the CMA's proposed approach is that it undermines the ability of these providers to challenge because an additional barrier to breaking into the top bracket is created in place of a larger number of smaller competitors, and ultimately this might lead to a less dynamic market. The risk that this favours incumbent firms could be exacerbated by the proposal to allow more than one provider per corporate group (see below), if more than one search provider from a single firm were to occupy two of the five automatic placements (eg Google Search and Google Gemini). Alternative systems, such as fully randomising the selection or basing it entirely on popularity also have their disadvantages. However, the risks of the 5+7 approach could be mitigated by changing the proportion of guaranteed selected search providers shown on the screen, for example by increasing it to the nine most popular with three at random, We encourage the CMA to consider whether the proposed selection criteria is most effective to meet their objectives, or whether a recalibration of how to select the 12 eligible providers would be more effective.

The CR sets out that popularity, for the purpose of determining choice screen selection (to the extent that this is required), is based on 'a reasonable metric' for the first 6 months and gives the example of Google Play Store downloads as an example. This creates a risk that providers who offer general search services as part of a broader service could be given disproportionately high popularity ranking, if people are using this provider for a service other than general search. For example, ChatGPT may have a high number of app downloads, but not everyone may be using it for something that constitutes general search. This risk is greater with a set of wide criteria. We encourage the CMA to consider whether there are alternative metrics that are grounded more on online search that may be more appropriate to prescribe to be used in the first 6 months of the CR coming into effect.

With regards to the ordering of the providers on the choice screen, we are not aware of evidence that suggests a stratified approach is any more effective than full randomisation, so are content for the CMA to require that the list be fully randomised.

The CMA considers that multiple services from the same firm or corporate group could be permitted to be on the same search screen, provided they are sufficiently distinct. There is a risk that in doing so firms who have multiple eligible providers could benefit over those who have a single offering, and that this may be more likely to benefit incumbents over challenger search providers. However, so long as the choice screen permits a wide range of types of search service, as is intended, it is possible that any one firm could have multiple search offerings that are sufficiently different. For example, it is feasible that someone could have a preference for using Google Gemini as their preferred search service, and that this qualifies as an eligible provider under the criteria in the CR. With Google Search in the top 5 providers, and therefore qualifying automatically for the choice screen, a consumer with this preference would be denied the opportunity to select their preferred search provider if the

CMA limits the number of services to one per firm. On balance, we therefore support the CMA's proposal to allow multiple services from the same firm, but to mitigate the risk that some firms try to gain advantage with greater presence on the list of eligible providers we encourage the CMA to set out in the interpretative notes what it expects to qualify as a sufficiently distinct service.

Design and choice architecture

We support the retention of a pre-choice information screen. The CMA's User Research highlights how important this screen is to allow users to engage further with the choice screen.

To ensure the pre-choice information screen can be as effective as possible, we encourage the CMA to specify further that the screen includes information about the different types of search tools available, and specifically about the presence of any AI-based search tools on the choice screen. This would mitigate concerns about the inclusion of AI-based search services based on the potential for their presence to confuse users. Including specific explanation of the differences between AI and traditional search services is also consistent with findings from the CMA's User Research which concluded that 'If generative AI-based services are included, users may require clearer plain-language explanation of what this functionality means in practice. This could be provided via a preparation step.'.[4]

Default setting

We agree that there should be a device level default switch that applies across different access points which captures both the search widget and Chrome browser. We particularly welcome the direction in the interpretive notes that specifies that this should include some way of prompting users to install an app on their device when they go to change their default. A lack of search app or widget already being installed should not be a barrier for implementing the device level default setting.

Similarly, we support the API proposal being continued, and the extension to allow 'deep linking' which facilitates an eligible provider directing users directly to default settings.

Frequency of display and timing

We do not support the proposed removal of the annual re-display of the choice screen in place of a skippable and visually limited redisplay notification. The choice screen re-display is likely to be an important mechanism to help users to engage fully with their choice of search providers.

We recognise that there could be some disruption to consumers when presented with a choice screen re-display on an annual basis. However, in the absence of any evidence we consider that, in the short term at least, the benefits from increased engagement with search

[4] https://assets.publishing.service.gov.uk/media/6ab2903ba9c3d267bccced0e/user_research_on_choice_screens_in_search.pdf

providers are likely to outweigh potential negative impacts of this. The marginal benefit of a choice screen may well decrease over time as consumers' preferences stabilise, but the evolving nature of online search makes continued engagement today more important than much of the past decade. An appropriate balance could therefore be to introduce a mandatory choice screen on an annual basis for a limited time following implementation of the CR (eg for the duration of the initial SMS designation period) with an intention to reduce this to a skippable and visually limited redisplay notification thereafter. Alternatively, the CMA could consider the use of a deferral button when users are prompted with the re-display, which would allow users to postpone re-engaging with the choice screen a limited number of times to a more convenient time. The CMA could also consider how to specify the choice architecture of a re-display screen in response to the User Research which indicated a degree of confusion about the need to 'review' their choices and why they were being asked about them at this time. This confusion is likely to be limited over time, and mitigated by the fact that the re-display will be happening around a given time each year.

Given the annual redisplay notification and/or choice screen will likely be shown as part of a software update as opposed to a specific day annually, per our last consultation response we think there should be a maximum period (eg a week) that all consumers should be shown the screen, regardless of whether they have triggered the software update or not. This way, there will be a guaranteed consistency about when users see the screen which is not dependent on how quickly they trigger a software update, which should increase engagement and provide greater certainty for eligible providers who may wish to time marketing campaigns.

The final change proposed in this consultation is to only apply the re-display to new Android devices and not existing Android devices. Based on the information presented in the consultation document and available publicly, we do not consider the technical challenges set out by Google are sufficient to limit the re-display so significantly as to only applying to new Android devices. Given the rapid increase in quality of mobile phones in the past decade, and corresponding decreasing marginal improvement of mobile phones today, people are getting new phones with decreasing frequency, with industry body GSMA estimating consumers wait on average 3.5 years to change phones. This makes the decision to show the choice screen re-display to new devices only a material concession.[5] The technical challenges from Google are not set out comprehensively in the public domain, and come third in a list of issues Google raised (after the disruption the screen would cause and the diminishing marginal impact) which may well indicate they are not in and of themselves prohibitive.

Test drive

We still support the ability for users to 'test drive' their chosen search service, and note that (aside from Google) there was generally very broad support for this feature and the proposed functionality of the test drive function as set out in the January consultation. The test drive function was also well supported in the User Research published in conjunction to

5 https://www.gsma.com/solutions-and-impact/connectivity-for-good/external-affairs/wp-content/uploads/2025/04/Rethinking-Mobile-Phones_Web.pdf

the consultation. We do not think the concerns raised from Google are sufficient to remove the test drive feature so welcome the CMA's intention to retain it in this consultation.

However, we do not agree with changes to the proposal that limits users' ability to do multiple test drives. Whether this is prompted by returning to a choice screen at the end of the test drive (as previously proposed) or being directed to the relevant default search settings (as is now proposed), it is important that consumers have the ability to test-drive more than one search provider to ensure they are given as much chance as possible to engage with the choice of service on offer without needing to go through device level settings should they wish. It's unlikely that many users would seek to do multiple test drives, but for those who do it could be an important way to determine their preferences. The consultation document refers to technical limitations to justify removing this aspect of the CR, but does not explain further what these are beyond the issues raised relating to providing it on legacy devices.

For the same reasons as set out above, we do not consider the evidence about technical limitations presented in the consultation is strong enough to warrant applying the test drive only to new devices.

Compliance reporting, monitoring and proportionality assessment

In our previous response, we supported the proposed 6-monthly compliance reports and maintain that this is the optimum frequency. We note the CMAs proposal to start with two 6-monthly reports before moving to annual reporting subject to satisfactory process to that point. We encourage the CMA to apply a high bar to proceeding on this basis, and that they reserve the right to continue seeking 6-monthly compliance reports should any aspect of the reporting not be satisfactory.

We are generally supportive of the proportionality assessment. Based on the publicly available information available, the estimate of costs appears to be reasonable and we agree with the CMA's update to the user cost estimates so they are based on the average value of a UK consumer's non-working time as opposed to working time which will give a more accurate reflection of costs. We appreciate that estimating benefits with any kind of certainty remains challenging, but support the threshold analysis which shows what scale of benefit would result in benefits outweighing costs, and the corresponding likelihood that this will be the case. The CMA has taken a conservative approach to estimating these benefits, giving further confidence about the proportionality of the user choice conduct requirement.

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About Which?

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