

**YAHOO RESPONSE TO THE CMA CONSULTATION ON THE USER CHOICE CONDUCT
REQUIREMENT
9 October 2026**

1. Introduction and summary

1. Yahoo welcomes the opportunity to respond to the CMA's further consultation on the proposed User Choice Conduct Requirement (the **CR**). Yahoo strongly supports the CMA's objective of improving choice architecture in search so that UK users can make informed and effective choices between search providers. Yahoo believes that a well-designed CR has significant potential to promote competition and contestability and to provide competing search providers with a more effective opportunity to reach and engage UK users.
2. Yahoo welcomes a number of changes and clarifications in the revised proposals. In particular, Yahoo supports: the CMA's efforts to make the eligibility criteria clearer and technology-neutral; the more detailed procedural safeguards around eligibility decisions; fully randomised ordering of providers displayed and the requirement for users to scroll through the available options; retention of the information screen and test-drive functionality; improvements to the Device-Level Default Setting, including the ability for eligible providers to direct users to the relevant default settings; retention and development of the search default setting API; and continued transparency and monitoring requirements.
3. Yahoo nevertheless considers that certain aspects of the revised proposal warrant further consideration before the CR is finalised. In particular, the proposed methodology for determining the five most popular Eligible Providers during the initial six-month period presents a material risk to the effectiveness of the remedy. The proposed use of Google Play downloads as a measure of popularity is irrational, and popularity should instead be determined by reference to a measure that reflects usage of general search services.
4. Yahoo is also concerned by the proposed narrowing of annual redisplay on Android to new devices. This represents a material change from the January proposal and risks leaving a significant base of users without a meaningful opportunity to reconsider their default.

2. Eligibility criteria

5. Yahoo supports eligibility criteria that permit a broad range of competing search services to participate in the CR. The search market continues to evolve rapidly, including through the integration of generative AI functionality into established search services and the development of new AI-based search offerings. Yahoo therefore welcomes the CMA's



objective of ensuring that the eligibility criteria are technology-neutral and capable of accommodating this evolution.

6. Yahoo had concerns about the January consultation proposal that consumer perceptions of whether a service provides general search could be relevant for determining eligibility. Requiring broad consumer recognition could disadvantage newer or less established providers, precisely because those providers have not yet had the opportunity to achieve widespread recognition. The revised formulation, which focuses on a significant proportion of the service's own UK users, goes some way towards addressing that concern. We would nevertheless encourage the CMA to ensure in its final interpretative guidance that this criterion cannot operate as a de facto scale or brand-recognition threshold.
7. Finally, on balance, Yahoo considers that providers should be limited to one app on the Search Choice Screen. While we appreciate that the CMA has clarified that each service provided by the same firm or corporate group should be sufficiently distinct to avoid the risk that users get a choice set with multiple functionally identical services, we consider that this may be difficult to police in practice, and there is a risk of undermining the effectiveness of the CR and providing an unfair advantage to providers who provide services across multiple apps.

3. Eligibility process and CMA oversight

8. Yahoo welcomes the additional procedural safeguards proposed by the CMA around the eligibility process. Eligibility is the gateway through which competing search providers obtain the benefit of the CR; it is therefore important that decisions are not only fair and transparent but are also subject to effective oversight.
9. Yahoo particularly welcomes the proposal that an existing Eligible Provider should not be required to submit a fresh application during every six-month eligibility cycle. This should reduce unnecessary administrative burden.
10. Yahoo nevertheless considers that there should be a clear and efficient route for escalation to the CMA where an applicant disputes an eligibility determination. Reporting eligibility decisions to the CMA is valuable, but monitoring after a decision has been made is not necessarily equivalent to an effective mechanism for resolving a dispute.
11. Yahoo would therefore encourage the CMA to clarify the process by which an Eligible Provider or applicant can raise a disputed decision directly with the CMA and the circumstances in which the CMA would intervene. This naturally should not require the CMA to make every eligibility decision itself, but the final framework should provide a credible regulatory backstop where a dispute cannot be resolved.



4. Selection and ordering of Eligible Providers

12. Yahoo welcomes several changes to the proposed design of the Search Choice Screen. In particular, Yahoo supports the proposal that providers should appear in a fully randomised order and that users should scroll through the full list before confirming their selection.
13. These requirements are particularly important given the CMA's User Research. The research found that information presented alongside the list could be skimmed or missed as users' attention was drawn to familiar brands and logos, and that users did not consistently scroll to discover further services. Yahoo therefore supports the CMA's decision to require scrolling and retain the information screen.

5. Methodology for determining popularity

14. Yahoo notes that where there are more than 12 Eligible Providers, the revised proposal would guarantee inclusion to the five providers classified as most popular (with seven further providers selected randomly). Although all 12 would then be presented in a fully randomised order, the five providers classified as most popular would retain a guaranteed inclusion advantage. That makes the methodology used to determine 'popularity' important.
15. Yahoo strongly considers that Google Play downloads/installs are not an appropriate measure of the popularity of general search services because they measure Android app installs rather than search usage. Yahoo considers that a reasonable metric would instead reflect actual usage of general search services by UK users.
16. Google's recent implementation of a Google Play installs based metric globally has led to irrational outcomes, whereby Yahoo has been removed from the list of top alternative search providers in certain markets despite being one of the most widely used alternatives to Google in those markets. Yahoo is concerned that the same outcome will transpire with respect to the CR unless a change is made to the proposed approach to measuring popularity.
[REDACTED] Clearly, in light of this evidence, Google Play installs do not correlate with actual, current search engine usage by UK users. Reliance on a Google Play installs based metric is therefore irrational and risks significantly weakening the CR, as it will not give due prominence to one of the strongest alternatives to Google Search.
17. Materially better alternative metrics exist, for example StatCounter and Cloudflare **[REDACTED]**, and it would be irrational for the CMA to choose Google Play app installs in preference over demonstrably more robust and appropriate metrics. Such usage focused metrics also avoid the unfair advantage provided by Google Play installs to providers with "dual-use" apps (which is particularly pertinent given the wide scope of the CR) and the risk of distortion due to illegitimate app downloads (e.g., by bots).

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18. Yahoo therefore respectfully requests that the CMA remove the proposed reference to Google Play downloads as an example of a reasonable popularity metric, clarify that the relevant metric should appropriately reflect actual UK search usage, and ensure that the CMA is able to understand and interrogate the methodology applied in practice.

6. Frequency and redisplay of the Search Choice Screen

19. Yahoo supports the CMA's objective of ensuring that users have periodic opportunities to reconsider their choice of default search provider, particularly given the continuing evolution of search services.
20. Yahoo therefore welcomes the CMA's decision to retain annual redisplay and the clarification that existing Chrome users on desktop and iOS devices will receive a non-skippable Search Choice Screen connected with the first major Chrome update following implementation of the CR. This will ensure that the benefits of the remedy are not limited to new Chrome users.
21. Yahoo recognises the CMA's concerns regarding the potential user impact of repeatedly displaying a non-skippable choice screen. However, Yahoo considers that doing so on an annual basis is not overly burdensome and is a proportionate way to balance user experience and the CR's objective of engendering greater competition.
22. We note that, on Android, the CMA now proposes to limit annual redisplay to new Android UK devices, in light of perceived technical complexities associated with implementing redisplay on existing devices. Yahoo recognises that this approach will progressively increase the proportion of Android devices subject to annual redisplay as new devices enter circulation.
23. Yahoo nevertheless considers it important that the effectiveness of this approach is kept under review. In particular, the CMA should monitor the rate at which the Android device population becomes subject to annual redisplay and whether the absence of redisplay on older devices materially limits the effectiveness of the remedy. If technical solutions subsequently become available that would allow redisplay to be extended to existing devices, Yahoo would encourage the CMA to reconsider whether this issue should be revisited.
24. Yahoo also welcomes the requirement for Google to communicate the timing of annual redisplay transparently to Eligible Providers. Where redisplay is linked to major Android or Chrome updates rather than a fixed date, sufficiently clear advance notice will be important to enable competing providers to plan marketing and user-engagement activity effectively.
25. Yahoo also notes the CMA proposed amendments to the definitions of 'Relevant Browser' and 'Relevant Device', so they are based on whether Google Search is pre-installed or set as the default from the outset by Google or the OEM. It would undermine the effectiveness of the CR if, in effect, this meant that users who had chosen an alternative provider were prompted



to change that decision via the Search Choice Screen. Yahoo would encourage the CMA to reassess this aspect of the proposal carefully so as to ensure the CR is focused on addressing the competition issues identified in the CMA's SMS decision.

7. Information screen and test-drive functionality

26. Yahoo supports the inclusion of the information screen and the test-drive functionality. In particular, Yahoo considers that the ability to trial an alternative search service can help reduce the perceived risk of switching from a familiar provider and assist users to make a more informed choice.
27. Yahoo considers that a four-week test-drive period would ideally provide sufficient time for users to understand and explore an alternative service. Yahoo recognises that there may be no single optimal period for all users and therefore supports retaining flexibility to test the appropriate duration, provided that the period is sufficiently long to allow users meaningfully to experience the alternative service.
28. It remains important that all screens / prompts associated with the test-drive are neutral and do not encourage users to return to Google during or at the conclusion of the trial.

8. Device-Level Default Setting and links to default settings

29. Yahoo strongly supports the revised proposals concerning the Device-Level Default Setting. In particular, Yahoo welcomes the ability for an Eligible Provider to direct a user from its own service to the relevant default search settings. This is entirely appropriate because a user who has proactively engaged with or downloaded an alternative provider should have a straightforward route to make that service their default.
30. Yahoo also supports providing users with access to the full list of Eligible Providers through relevant settings. These changes should reduce unnecessary friction and improve alternative providers' ability to compete for users outside the periodic Search Choice Screen.

9. Search default setting API and prompts

31. Yahoo supports third-party access to information indicating whether that provider is the user's default search provider. The existing information asymmetry makes it more difficult for alternative providers to engage appropriately with users. An API can reduce unnecessary or misdirected prompting and enable providers to engage more effectively with their customers. We also agree with the CMA and Google's proposed approach to in-app prompting.
32. Yahoo also supports the requirement that Google's prompts concerning default search settings be fair and balanced. The CMA should ensure that monitoring covers not only the



wording and visual design of such prompts but also the circumstances in which they are triggered. For example, a neutral prompt can nevertheless impede switching if users who have selected an alternative provider are repeatedly or unnecessarily asked to reconsider.

10. Implementation, monitoring and transparency

33. Yahoo welcomes the CMA's continued commitment to monitoring the effectiveness of the CR and the publication of non-confidential compliance reports and performance metrics. Yahoo particularly welcomes the proposed additional metrics concerning use of the full list of Eligible Providers and the frequency with which individual providers appear in particular positions and are selected from those positions. Those metrics should provide useful evidence as to whether the Search Choice Screen is operating fairly and effectively in practice.
34. Yahoo would encourage the CMA to maintain regular direct engagement with participating providers, particularly during the initial implementation period. This will allow practical issues to be identified quickly and provide a useful complement to formal compliance reporting.

11. Proportionality

35. Yahoo agrees with the CMA's provisional conclusion that the benefits of the CR are likely significantly to outweigh its costs. Yahoo considers, however, that proportionality should not lead to changes that materially undermine the effectiveness of the remedy. In particular:
- a. implementation cost considerations should be closely scrutinised before they are viewed as outweighing the competitive detriment of leaving large numbers of existing Android users outside periodic redisplay; and
 - b. the choice of an administratively convenient initial popularity measure based on Google Play installs should not come at the expense of a methodology that actually reflects consumer use of competing search services, as this represents a significant risk to the effectiveness of the remedy.