CMA consultation response on search user choice

Google's general search services proposed user choice conduct requirement
Council of AI - CSOAI LTD
8 October 2026 | Non-confidential response

Respondent and perspective

Council of AI is operated by CSOAI LTD, a UK company registered at Companies House under number 16939677. We publish measurements and verifiable evidence about AI-system behaviour. Our perspective on this consultation is AI safety, transparency and evidence-based evaluation. [3, 4]

Overall position

We support the direction of the revised User Choice conduct requirement. People should be able to understand their search options, make an effective choice and change that choice easily. The requirement should accommodate services that use AI when they meet the same functional eligibility criteria as other providers. The choice concerns a search service used within Chrome and other relevant access points, rather than a choice of replacement browser.

Our support is qualified by the practical safeguards below. A displayed screen or a higher switching rate does not, by itself, demonstrate informed choice. The CMA should assess comprehension, accurate application of defaults, continued control, access for people with different needs, and the burdens of implementation together. Selecting Google can be an informed choice, just as selecting another provider can be. Success should be assessed against users' preferences and opportunities to choose, rather than a predetermined market-share outcome.

This response follows every part of question 6.1(a) and question 6.1(b) in the September consultation. Recommendations below are proposed refinements and evaluation methods, rather than claims that these additional safeguards are already required. [1, section 6]

Question 6.1(a)(i) Eligibility criteria and interpretative notes

We agree with a technology-neutral approach to eligibility. The form of the interface should not determine access to the choice screen. An AI assistant should neither receive automatic admission because it uses AI nor be excluded on that basis. [1, paragraphs 4.13-4.17]

We recommend that the CMA publish a common, versioned assessment framework. It should describe the relevant search tasks, how applicants demonstrate a functioning experience at each access point, the evidence needed about their UK users, and how borderline decisions are handled. Tests should cover practical tasks such as finding a named website, finding and comparing a product or service, obtaining current information, exploring a subject and following sources. Assess the service as users actually encounter it, including subscription barriers, usage limits and required installation. Set the assessment method and evidence standards before judging individual applicants.

For the criterion concerning a significant proportion of a service's UK users, publish standards for both attitudinal and behavioural evidence. For surveys, specify sampling, question wording and treatment of uncertainty; for behavioural evidence, specify the relevant activities, denominators and observation period. Retain the proposed flexibility rather than impose a fixed numerical threshold. Avoid turning this into a population-wide brand-awareness or market-share threshold that disadvantages a capable entrant. Check evidence from a provider's users for selection and observation bias; where a service has few users, specify

a proportionate alternative evidence route rather than leave admission to opaque discretion. [1, interpretative note 42 and paragraphs 4.26-4.27]

We support the proposed attention to accurate source attribution and usable access to sources, minimum security requirements and errors. Publish the minimum security requirements and accept proportionate evidence of compliance. Assess errors by their effect on the relevant search task, using a consistent method across technologies. These checks should help establish functional eligibility without implying comprehensive safety assurance. [1, interpretative notes 30-38]

Give short descriptions a consistent format that explains material differences, including charges or query limits, and links to further information. Descriptions of AI-based services should make their actual search functionality clear without implying that generated answers are necessarily accurate. Listing a provider should not be presented as CMA endorsement, safety certification or a guarantee about its content. Any future change to eligibility should be notified and justified against changing user needs.

Question 6.1(a)(ii) Safeguards for eligibility decisions

We support clearer procedural safeguards and CMA oversight of Google's assessment. Applicants need a predictable process because the firm administering it also provides a competing service. [1, draft paragraph 12 and paragraphs 4.33-4.34]

Publish the application materials, assessment rubric, timetable and a route for clarification. Give each rejected applicant sufficiently specific reasons and identify the evidence needed to correct a deficiency. Provide a proportionate opportunity to correct factual errors and seek review. The CMA should be able to inspect the assessment record and address disputed or inconsistent application of the criteria.

Separate assessment activity from Google's commercial teams as far as practicable, document conflicts, and retain an auditable record of decisions and any changes to the methodology. Use public or otherwise appropriately protected evidence; applicants should not have to disclose confidential business information to a competitor to establish eligibility. Publish aggregate application outcomes, processing times and reasons for exclusion in a form that protects legitimate confidential information. Check comparable cases consistently, including incumbent and AI-based services.

Question 6.1(a)(iii) Screen timing and frequency

We support the revised distinction between the initial choice opportunity and a skippable annual notification, together with the six-month deliberate-choice exemption. [1, draft paragraphs 2-3 and paragraphs 4.50-4.59]

At initial setup or the relevant update, give a brief, neutral explanation of which defaults the choice will change. Make it straightforward to affirm the user's preferred provider, including the provider they already use. Avoid preselection, confusing emphasis or an unexplained change across access points. Where a screen cannot be skipped, the user should still be able to complete it promptly using accessible controls.

For recurring notifications, measure whether the timing creates a useful opportunity or merely interruption. Dismissal should leave the chosen default intact. Where technically feasible, apply the deliberate-choice exemption using the minimum information needed, preferably held on the device. Publish and assess any technical limitation rather than silently claim the exemption works. Preserve an easy settings route between notifications.

Evaluate the timing across desktop and mobile systems, device setup, updates and different levels of digital confidence. For Android, distinguish new devices covered by the revised redisplay proposal from existing devices; do not imply universal retrospective coverage. Monitor the resulting coverage over time and revisit gaps when technical evidence supports a proportionate extension.

Question 6.1(a)(iv) Design of the trial option

We support an optional trial where its consequences are clear. The revised proposal provides an optional settings notification at the end of the trial. We recommend that the final rules expressly preserve the selected default when this notification is dismissed, and explain that outcome to users. [1, draft paragraphs 8-11, interpretative notes 17-20 and paragraphs 4.68-4.72]

Tell users before they start what will change, how long the trial lasts, how to change provider sooner, and what happens when the notification is dismissed. Under our recommended safeguard, ignoring it would leave the selected provider in place. The confirmation should name the chosen service and the affected access points. A trial must not imply free access beyond a provider's actual terms or conceal a subscription requirement.

Determine the period through testing rather than assuming the same duration suits every user. The notes envisage at least a week; assess whether users can experience enough ordinary search tasks within the period and understand the eventual reminder. Respect a deliberate change during the trial. Compare the trial option with a direct choice, measuring comprehension, satisfaction, unwanted changes and ease of reversal as well as retention. Continuing with a provider is evidence of retention, not proof of satisfaction or superiority.

Question 6.1(a)(v) Provider inclusion and ordering

We support random ordering and a fair opportunity for entrants to appear. The proposed twelve-provider limit and five-plus-seven selection approach require transparent evaluation when the eligible pool is larger. [1, draft paragraphs 4-6 and interpretative notes 11-15]

Publish the selection method, the source and geographic scope of any initial popularity measure, and how later exposure-adjusted selection rates are calculated. Downloads alone can reflect device availability, historical distribution or unrelated uses; examine these limitations before using them to fix the five regularly included providers. Do not allow the initial measure to become a permanent advantage without review.

For the seven randomly selected places, audit whether eligible providers outside the five receive the stated opportunity over time. Audit ordering across the entire displayed list, including Google. Report exposure, list position and selection separately, with denominators. Investigate material deviations from the specified process rather than treating every unequal observed rate as discrimination.

Ensure the route to other eligible providers is clearly visible and usable. Test whether twelve entries and the requirement to scroll through the full displayed list improve awareness without creating avoidable burden. Full-list scrolling is not proof that information was read. Test an equivalent accessible journey for keyboard and assistive-technology users. Disclose common ownership where helpful, and assess any duplicate-service concern before adding a corporate-group restriction that could exclude materially different offerings.

Question 6.1(a)(vi) Access to the full list through settings

We agree that settings should provide a clear route to every eligible provider. [1, draft paragraphs 13-15]

A nominal link is insufficient if it is difficult to find or the subsequent steps fail. Use descriptive wording, preserve the user's place and make the action available with keyboard navigation and screen readers. Explain any installation step, charge or platform limitation before changing a default.

Test the complete journey from settings to choosing a previously unlisted provider, installation where needed, confirmation and a real query through each affected access point. Verify that the selected default persists after ordinary restarts and updates unless the user deliberately changes it. Report failures by platform and distinguish an unavailable provider from a faulty settings implementation. The route should remain usable at any time without requiring the annual notification or recreating the initial screen.

Question 6.1(a)(vii) Third-party access to default settings

We support limited access that helps a provider establish whether it is the default and lets the user reach the relevant settings directly. [1, draft paragraphs 16-17]

Keep the mechanism narrow: provide only the information needed for the requesting eligible provider to know its own default status, rather than reveal the user's other providers or search history. Obtain meaningful user consent to sharing default-status information, explain its purpose and allow the user to decline. Require appropriate validation of the requesting service, minimise retention, prevent cross-site tracking and assess abuse risks before release. Publish consistent interfaces and technical documentation, with equal access and support terms for eligible providers. [1, interpretative note 47 and paragraph 4.101]

Opening settings should not itself change the default or override the user's earlier choice. The user's confirmation should control the change. Test website, application and widget journeys where covered, including failures, updates and restrictions on supported platforms. Genuine security warnings should identify a specific risk in neutral terms and be applied consistently, rather than become a generic deterrent to alternatives. Measure whether the APIs and settings routes work in practice, alongside the time and effort required for a provider to integrate them.

Question 6.1(b) Updated proportionality assessment

We agree that the revised package can be proportionate, subject to effective implementation and transparent evaluation of uncertainty. This response assesses the CMA's published evidence and proposes refinements; it does not supply additional empirical cost or switching estimates. The final assessment should establish four matters explicitly. [1, section 5]

1. Effectiveness. Demonstrate that the package improves awareness, comprehension and the practical ability to apply and change a default. A screen-impression count or short-term switching rate should not substitute for these outcomes. An informed decision to retain an existing provider is compatible with the aim.

2. Necessity. Retain the safeguards needed for meaningful choice, but avoid additional notifications, data collection or reporting that do not improve it. The reduced recurring interruption and recognition of Android implementation constraints are sensible directions. Test whether simpler journeys can achieve the same comprehension and control, especially for people using assistive technology.

3. Equally effective alternatives. Compare the proposed package with plausible less burdensome implementations against the same outcome measures. Assess a clear settings route, different notification designs and trial durations; consider the combined effect of the measures rather than assume each has an independent benefit. A trial should not lose its explanatory safeguards merely to save a small amount of interaction time.

4. Balance of benefits and burdens. Separate development and maintenance costs, provider integration costs and users' time and errors from expected competition benefits. Distinguish benefits observed in testing from longer-term effects that remain uncertain. Use sensitivity analysis for engagement, duration, retention, failure rates and implementation costs; show how the result changes under cautious assumptions. Protect confidential inputs while publishing sufficient methodology and ranges for the conclusion to be scrutinised. Avoid double-counting a time saving, improved matching and switching as three separate benefits when they describe the same change.

The Thinks study provides useful evidence about user reactions and confusion. It used 40 self-guided and 40 guided tests and is qualitative. Its report identifies limits in the needs recruited, including sensory impairments, and calls for further testing at scale. It should inform design, rather than be treated as a population estimate of switching or accessibility. [2, pages 3, 6, 15-16 and 46-47]

The CMA should supplement it with representative quantitative work and deliberate recruitment of people with accessibility needs, low digital confidence and differing search habits. Test real implementations on

supported devices, rather than rely solely on prototypes. Report the sampling method and uncertainty, and examine distributional effects as well as average results. Absence of an observed problem in a limited sample should not be treated as proof that no group faces additional burden.

How the CMA should assess implementation and outcomes

Before rollout, define a baseline, publish the evaluation questions and establish common event definitions. Retain six-monthly reporting initially, with concise aggregate public results and more detailed protected evidence for the CMA. The proposal envisages the eligibility process starting sooner than the broader implementation; use that sequence to test admission and integration before users encounter the screen. [1, paragraphs 4.112-4.114]

Independent evidence organisations should be able to scrutinise effectiveness. This requires published assessment methods, privacy-preserving aggregate implementation data and a clear route to submit reproducible findings for consideration. The CMA should explain how it will triage, investigate and respond to those findings.

We recommend the following measurement framework. These are proposed measures, not findings about the present system.

Informed choice
Measure whether users can explain what the choice changes, recognise their selected provider, understand whether AI features or charges apply, and locate the route to change again. Use neutral comprehension questions and observed tasks. Report results by relevant platform and user group, with sample sizes and uncertainty.

Effective control
Record the proportion of completed choices correctly applied to every covered access point, errors and unwanted reversions, time to change, and successful completion of reversal tasks. Verify with actual queries and settings checks. Distinguish a user changing their mind from a technical failure.

Opportunity and fairness
Record the eligible pool, admission outcomes, exposure and position, full-list use, API availability and integration failures. Audit the specified selection and ordering process. Separate opportunity to appear from the user's eventual preference.

User burden and accessibility
Measure completion and dismissal time, interruption, abandoned journeys, mistaken choices and accessible task completion. Include keyboard-only use, screen readers, magnification and other relevant access needs. Investigate subgroup differences and the reasons for them, rather than hide them in an overall average.

Outcomes over time
Measure trial understanding, deliberate switching, retention, ease of reversal and reported satisfaction at sensible follow-up intervals. Treat retention and satisfaction as separate measures. Use phased comparisons or appropriately designed controlled tests where feasible, while ensuring all covered users receive the required protections. Explain limits on causal attribution and do not equate rival growth automatically with improved user welfare.

The CMA should oversee independent technical and behavioural checks proportionate to the risks, including after material changes to the screen, selection method or APIs. Publish methods, aggregate findings, limitations and corrective actions. Do not collect raw search queries or individual browsing histories merely to measure choice effectiveness. Minimise data and secure any detailed evidence needed for investigation.

For each material failure, identify who must correct it, the deadline and the evidence that will demonstrate resolution. Review outcomes after the initial implementation period and subsequent annual notification cycle. Refine ineffective or burdensome elements while preserving the user's ability to choose and change

provider. Decisions about separate controls over AI-generated content within Google's service should remain evidence-led and be considered through the appropriate scope and process, rather than conflated with choosing a default provider. [1, paragraph 2.7]

References

[1] Competition and Markets Authority. Consultation User Choice Conduct Requirement. Google's general search services. 23 September 2026. Paragraph and question references in this response refer to this document. Printed page numbering is used.
https://assets.publishing.service.gov.uk/media/6ab29c76fe72ed1e2b02eebe/consultation_user_choice_conduct_requirement.pdf

[2] Thinks Insight and Strategy. User research on choice screens in search. Published with the September 2026 consultation. See methodology and limitations, especially printed pages 3, 6, 15-16 and 46-47.
https://assets.publishing.service.gov.uk/media/6ab2903ba9c3d267bccced0e/user_research_on_choice_screens_in_search.pdf

[3] Council of AI. About the Council of AI. Respondent identity and published activity, accessed 8 October 2026.
https://councilof.ai/about/

[4] Companies House. CSOAI LTD. Company number 16939677. Public company record, accessed 8 October 2026.
https://find-and-update.company-information.service.gov.uk/company/16939677

This response contains no confidential material and is provided for public publication.