

Strategic Market Status Investigation into Google's General Search and Search Advertising services

Invitation to Comment

14 January 2025

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Contents

	<i>Page</i>
Introduction	2
Part 1 – Scope of the investigation and SMS assessment.....	3
Context to the investigation.....	4
Scope of the investigation and description of the digital activities.....	6
Avenues of investigation	10
Questions.....	11
Part 2 – Issues we are exploring, and possible interventions, in search	11
Context.....	11
The key issues we intend to explore	12
How the CMA will assess issues and interventions	18
Action in other jurisdictions	19
Questions.....	20
Part 3 - How to respond to this ITC and how we will use your response.....	21

Introduction

1. Google's search services are a key gateway through which people access and navigate the worldwide web, and businesses and content creators can reach consumers. Google.com has over 81 billion visits a month.¹ In the UK Google accounts for more than 90% of all general search queries,² and the cost of search advertising is equivalent to nearly £500 per household per year.³ More than 200,000 UK advertisers use Google's search advertising,⁴ and numerous businesses rely on Google as a source of user traffic.
2. Given the importance of search as a core digital service for people and businesses, there is a premium on ensuring that competition works well. Effective competition could enable people to benefit from greater choice, new and innovative services, and greater control over their data. Search services have also become important to people as citizens, not least as a key route through which they access news.⁵ Effective competition could help ensure that people can access a wide range of high-quality content and ensure that publishers are treated fairly for the use of their content.
3. For businesses, effective competition in search could keep down the costs of advertising, in turn leading to lower prices across the economy. And an effective, competitive market could allow businesses to innovate in a way which creates alternatives to traditional search services, including by, for example, ensuring that new AI start-ups can compete with Google and other existing players on an equal footing.
4. The potential impact for people, businesses and the economy of greater, more effective competition in search services is why we have launched this investigation into Google's general search and search advertising services under the digital markets competition regime established by the Digital Markets, Competition and Consumers Act 2024 (the Act). The Act allows us to investigate whether firms should be designated as having Strategic Market Status (SMS) in a digital activity. Designating Google would enable us to introduce Conduct Requirements (requirements to guide the practices of an SMS firm) and to consider subsequent Pro-Competition Interventions, subject to the evidence and to meeting the appropriate legal tests.

¹ [Worldwide visits to Google.com from October 2023 to March 2024 | Statista](#)

² [Search Engine Market Share United Kingdom | Statcounter Global Stats.](#)

³ CMA analysis of 2023 IAB UK & PwC Digital AdSpend Study and [ONS 'Families and households'](#).

⁴ [Online platforms and digital advertising market study - GOV.UK](#), paragraph 2.57

⁵ Ofcom's [news consumption research](#) found that 14% of UK adults claim to use Google Search as a source of news and 6% claim to use Google News.

5. This Invitation to Comment (ITC) and the accompanying SMS Investigation Notice set out the key matters related to our investigation.⁶ In particular, this document:
- (a) Describes the scope of our SMS investigation and main avenues of investigation, and invites views and comments.⁷
 - (b) Outlines initial views on the potential issues in relation to which the CMA may consider making interventions, if the CMA decides to designate Google as having SMS. It invites evidenced submissions on whether these are the right issues on which to focus and how any interventions could be designed effectively and proportionately.⁸
6. Specific questions on which responses would be particularly welcome are set out at the end of each Part. We would welcome submissions by **11:55pm on 3rd February 2025**. Further details about how to respond and how the CMA handles information can be found in Part 3 of this document.

Part 1 – Scope of the investigation and SMS assessment

7. The first part of this document deals with the scope of the investigation, including the candidate descriptions of the activities that we are considering designating. It also sets out the key issues that we intend to investigate as part of our SMS assessment.
8. Under the Act, we can designate a firm as having SMS in a digital activity if the firm's power and position meet a series of tests, summarised in Box 1.⁹ We must undertake a formal investigation and reach a final decision within nine months.¹⁰

Box 1: Summary of the conditions for designating a firm as having SMS

- Must relate to a digital activity carried out by a firm
- The digital activity must have a link to the UK
- The firm's global or UK turnover must be above a specific threshold
- The firm must have substantial and entrenched market power (SEMP) and a position of strategic significance (POSS) in the digital activity

⁶ The Investigation Notice on [the CMA's case page](#) sets out the reasonable grounds the CMA has to consider that it may be able to designate Google as having SMS in general search and search advertising services.

⁷ Digital markets competition regime guidance, paragraph 2.82.

⁸ Digital markets competition regime guidance, paragraph 3.38.

⁹ Our Digital markets competition regime guidance describes the tests and investigation in more detail.

¹⁰ Subject to possible extensions in specific situations (section 104 of the Act).

Context to the investigation

9. The CMA previously undertook a market study into online platforms and digital advertising (DAMS).¹¹ The final report of that market study set out in detail how search and search advertising works, and how search relates to the wider products and services within Google's ecosystem. Box 2 summarises the key findings on Google's position in search when the market study was published in 2020.

¹¹ [DAMS final report](#)

Box 2: Summary findings from the CMA's 2020 market study

- The market study found that Google Search had held a very high share of the search market for more than 10 years. For example, Google generated more than 90% of UK search traffic each year between 2009 and 2019 (paragraph 3.17) and generated over 90% of UK search advertising revenues in 2019 (paragraph 5.46).
- The market study also found that Google Search faced weak competitive constraints on both the user side from other general search engines (such as Bing) and specialised search services (such as Booking.com and Amazon) (paragraphs 3.25-3.51), as well as on the advertising side including from other forms of advertising (paragraphs 5.49-5.53).
- The market study identified a number of market features that prevent rival search engines from competing effectively with Google, including:
 - (a) economies of scale and scope – the infrastructure to search the web (a web index and crawlers) represents a major cost and is subject to significant economies of scale (paragraphs 3.53-3.63 & 3.87-3.91);
 - (b) network effects – users of search engines benefit from increased quality as the search engine acquires a greater number of users. This effect is driven by the importance of data (paragraphs 3.59 & 3.64);
 - (c) importance of data – the data on what queries users make and subsequently click on (click-and-query data) allow search engines to improve the quality and relevance of search results. The greater scale of queries Google sees compared to its rivals means it is able to deliver more relevant search results, in particular in relation to uncommon and new queries (paragraphs 3.64-3.89);
 - (d) role of defaults – Google has an extensive number of default positions on different kinds of devices and web browsers, in particular on almost all mobile devices in the UK. This limits rival search engines' ability to reach users, build scale and grow into stronger competitors over time (paragraphs 3.93-3.128); and
 - (e) Google's wider ecosystem of products and services means it controls a number of routes through which general search services are accessed (for example browsers and operating systems), and in which it can therefore give its own general search service preferential treatment. Through this wider ecosystem of products and services, Google collects extensive data that gives Google a substantial competitive advantage over rivals in providing search advertising services (paragraphs 3.129-3.144).

10. These findings were made over four years ago and this investigation will be considering Google's position now and in future.¹² The CMA's ongoing market monitoring as well as findings by authorities in other jurisdictions suggest that Google's position remains strong. In the UK, the total ad spend on paid search advertising has grown from around £8 billion in 2019 to nearly £15 billion in 2023,¹³ while Google has maintained a share of more than 90% of general search between 2020 and today.¹⁴ In the EU, Google, via its parent Alphabet Inc., is a designated 'gatekeeper' for both its online search engine Google Search and its online advertising (including search advertising) services under the Digital Markets Act, meaning that its services are regulated in Europe.¹⁵ In the US, in August 2024 a District Court found that Google had monopoly power in general search and general search text advertising.¹⁶
11. A key part of the context for our investigation is that search services are continuing to evolve, notably through the rapid development of AI Foundation Models (FMs)¹⁷ and their deployment into search-related activities to respond to user queries. For example, Google has introduced AI overviews into its search results; and its Gemini AI assistant responds to user queries through AI-generated results which rely on a combination of pre-existing training data, Google's index, and Knowledge Graph and can be fact-checked using Google Search. Similarly, Bing has introduced AI FM related features through Bing Chat, and Brave has sought to accelerate its ability to operate as a 'full stack' search engine through incorporating AI FM technology. Other new entrants are developing search capabilities such as OpenAI's ChatGPT search.
12. While the evolution of these developments is uncertain, they may impact general search services in a variety of ways. This investigation will gather further evidence on the implications of these technologies for search and search advertising.

Scope of the investigation and description of the digital activities

13. Under the Act, we are required to describe the digital activity or activities which we will be considering designating through our investigation. This

¹² The Act requires us to conduct a forward-looking assessment of a period of at least five years, taking into account expected and foreseeable developments in the digital activity.

¹³ IAB UK & PWC, '2023 Digital Adspend Study'.

¹⁴ [Search Engine Market Share United Kingdom | Statcounter Global Stats](#).

¹⁵ [Digital Markets Act: Commission designates six gatekeepers](#).

¹⁶ [pr24-59-Google.pdf](#).

¹⁷ The CMA has been closely monitoring these developments and carried out a review of Foundation Models, publishing an [Initial Report](#) in September 2023 and an [Update paper](#) in April 2024.

description could change as a result of evidence gathered during our investigation.

14. The accompanying Investigation Notice¹⁸ sets out our description of the digital activities, and our reasonable grounds for considering that Google could be designated as having SMS in those activities.
15. As the Investigation Notice explains, we are investigating Google's provision of:
 - (a) a service that searches the world wide web and returns information (general search); and
 - (b) a service that allows businesses to advertise to users of general search (search advertising).
16. These descriptions reflect our current understanding of how Google's products are offered and consumed and the interlinkages among them.¹⁹
17. Google's search engine (Google Search) is a tool that allows consumers to search for information relating to a broad range of subjects. Google Search works by 'crawling' the world wide web to create an index of websites and returning a set of ranked, curated results from this web index in response to searches.²⁰ Because it crawls, indexes and returns results from the world wide web on any subject, Google Search is a general search service – as distinct from specialised search services, ie. specific services which generate results based on data feeds taken directly from providers and specialise in specific topics (such as travel or finance).²¹
18. Consumers access Google's search engine in numerous ways, including through web browsers, webpages, search apps, voice assistants and smart speakers;²² and through other means such as by interacting with images on their screen (eg 'circle to search' on Android phones).²³ Google has also developed generative AI FMs such as Gemini. Applications of these FMs have to date been integrated into or utilised for Google's search engine in a variety of ways including:²⁴

¹⁸ Investigation Notice on [the CMA's case page](#).

¹⁹ Digital Markets competition regime guidance, paragraph 2.10.

²⁰ DAMS final report, paragraphs 2.25, 2.28-2.29 and 3.6.

²¹ DAMS final report, paragraphs 3.9, 3.45-3.51, 3.129 and Appendix P, paragraph 6-7 and 17.

²² DAMS final report, paragraph 2.27.

²³ [Search your screen with Circle to Search - Google Search Help](#).

²⁴ [Google I/O 2024: New generative AI experiences in Search](#).

- (a) through ‘AI overviews’ which generate direct responses to searches from a range of sources that might otherwise require multiple searches;²⁵
 - (b) through ‘AI organised’ results pages which categorise results in more creative ways than traditional ranking; and
 - (c) improvements to visual search, which allows consumers to search by inputting videos or images using tools such as Google Lens.
19. Google’s AI FMs are also used in its Gemini AI Assistant, which allows users to interact with digital devices as though in conversation with a human being. Google states that its Gemini AI Assistant ‘*taps into Google search results*’ to provide responses to queries.²⁶
20. The results presented to users on Google’s search engine results page (SERP) are part of Google’s general search offering and are primarily composed of:
- (a) Organic results based on its web index and rankings, in the form of links the user can click on to navigate to a website.²⁷
 - (b) Paid results: advertisers pay to link their websites to specific keywords so that they appear in response to relevant searches.²⁸
 - (c) ‘Search features’ such as Google’s shopping ‘carousel’; in-set maps and video displays; and integrated links to Google’s specialised search services.²⁹ The search features presented on Google’s SERP contain specialised information which is available to users without leaving Google’s SERP. These include local information, for example details of hotels, restaurants and flights. AI Overviews are a recently introduced example of a search feature. These are displayed at the top of the SERP. The AI Overview model is integrated with Google’s core web ranking systems and provides both text output in response to searches and relevant links which the user can click on to navigate further.³⁰
21. We therefore consider that Google’s general search activity includes all the user-facing aspects of its search engine: allowing users to search the world wide web through any medium (including but not limited to websites, web browsers, smart speakers, and AI interfaces); and returning results in the form

²⁵ [How to Use Google Gemini: A Guide for AI Chatbot Users | ClickUp](#); [How AI Overviews work](#).

²⁶ [How to Use Google Gemini: A Guide for AI Chatbot Users | ClickUp](#).

²⁷ [How Search works – How Google Search works](#).

²⁸ DAMS final report, paragraphs 2.29, 2.44, 3.5, 5.6, 5.38.

²⁹ [Features – How Google Search Works](#).

³⁰ [What happened with AI Overviews and next steps](#); [Find information in faster & easier ways with AI Overviews in Google Search - Google Search Help](#); [AI Overviews in Google Search expanding to more than 100 countries](#).

of information of any type (including but not limited to all the information on Google's SERP: organic and paid-for search results, the Google Discover feed,³¹ and search features such as links to specialised search services, videos and maps, and AI Overviews).³²

22. In order to provide paid-for search results, Google engages with businesses through products including its advertiser interface Google Ads³³ and its campaign management tool Search Ads 360 (SA360).³⁴ We therefore consider that Google's search advertising activity includes all the business-facing functionality and services supporting search advertising, including Google Ads and SA360.
23. Google carries out its general search and search advertising activities in combination with each other to fulfil the purpose of providing a search engine: its search engine is a two-sided platform, offering free services to consumers financed through the sale of advertising space.³⁵ We therefore consider that general search and search advertising can be treated together as a single digital activity, referred to as 'general search services'.³⁶ This means that the CMA will conduct a single assessment of whether Google has SMS in relation to general search services.³⁷
24. In setting out our descriptions of the digital activities we are investigating, we have taken a preliminary view of the Google products that may be engaged in general search services. The accompanying Investigation Notice sets out examples illustrating the main products we currently consider to be included in and excluded from general search services, based on Google's current business model. This is not an exhaustive list of products and may be refined during the investigation.³⁸
25. We will gather evidence during the investigation to test whether our descriptions of general search and search advertising, or our approach to

³¹ Google describes Discover as '*a part of Google Search that shows people content related to their interests*', drawing on Google's web indexes: [Get on Discover | Google Search Central | Documentation | Google for Developers](#).

³² For the avoidance of doubt, the investigation is considering general search regardless of the form of the input (for example, whether it is typing, speaking, using video, or something else) and regardless of through what kind of 'access point' it is undertaken. The investigation is considering all responses to general searches, regardless of how they are produced or displayed. This means that all points through which a general search can be conducted, any form of response to a general search (including an advert), and all the underlying infrastructure (for example, web crawlers, web indexes, ad exchanges) that allows a general search to be made and a response to be returned are within scope of the investigation.

³³ [Google Ads – Get Customers and Sell More with Online Advertising](#).

³⁴ [What's Search Ads 360? - Search Ads 360 Help](#).

³⁵ DAMS final report, paragraphs 2.3-2.4, 2.25, 5.40.

³⁶ Compare the explanatory notes to the Act, paragraph 103, giving as an example of activities suitable for 'grouping' on this basis '*services selling advertisements and the provision of an advertising platform*'. See also Digital markets competition regime guidance, paragraph 2.15.

³⁷ Digital markets competition regime guidance, paragraph 2.16.

³⁸ Digital markets competition regime guidance, paragraph 2.89.

'grouping' them as a single digital activity, should be adjusted before we make a final decision on SMS designation. In particular, we intend to investigate the extent to which Google's AI interfaces which perform search-related activities, such as Gemini AI Assistant, should be included within the scope of any designated activity.

Avenues of investigation

26. The purpose of our investigation will be to gather evidence on whether Google has SMS in relation to general search services, applying the tests set out in Box 1 above.
27. In particular, we plan to investigate the following issues:
 - (a) Extent of competition between Google Search and other general search services on both the user and advertiser sides;
 - (b) Extent of competition between Google Search and specialised search services;
 - (c) Extent of competition between Google Search and other services such as AI interfaces eg AI assistants or AI powered search engines;
 - (d) Barriers to entry and expansion for general search and search advertising services;
 - (e) Whether Google can extend its power in general search and search advertising to other activities;
 - (f) Whether Google can influence how other firms conduct themselves in relation to general search and search advertising.
28. We are planning to use a range of approaches to evidence gathering including: responses to this ITC; formal requests for information; consumer research; and data analysis including profitability assessment.
29. In addition to taking account of responses to this ITC, we are keen to engage with stakeholders throughout the investigation. We are intending to do this primarily through targeted information requests and calls if appropriate. We are also required to consult publicly on a proposed decision on whether to designate Google with SMS, before we make the final decision. We will also consult with other relevant regulators as required under the Act.³⁹

³⁹ Section 107.

Questions

Box 3: Questions on scope of the investigation and SMS assessment

Q1: Do you have views on the proposed scope of our investigation and candidate descriptions of Google's general search services?

Q2: Do you have submissions or evidence relevant to the avenues of investigation set out in paragraphs 26-28? Are there other issues we should take into account, and if so why?

Q3: Do you have views on how Google's general search services might be affected by the development of AI interfaces providing alternative means of returning information?

Part 2 – Issues we are exploring, and possible interventions, in search

Context

30. In this section we set out the key issues we intend to explore in relation to Google's general search services, and possible interventions in relation to those issues. We welcome evidenced submissions on these issues and interventions, or on any others that we should consider in relation to general search services.
31. Any interventions could only be imposed if the CMA designates Google as having SMS in relation to a digital activity. Our consideration of possible interventions is without prejudice to that decision. A finding of SMS does not indicate wrongdoing by the firm under consideration.

Interventions that the CMA can impose under the digital markets competition regime

32. If the CMA finds that Google has SMS in relation to a digital activity, we can impose two types of interventions under the digital markets competition regime:
 - **Conduct Requirements (CRs)** – CRs are intended to guide the practices of an SMS firm in ways that address not only existing issues in relation to the designated activity, but also protect against the risk that the firm seeks to take advantage of its strong position to exploit consumers or businesses or undermine fair competition. The CMA does not have to find evidence of

historic or ongoing harm in order to impose a CR, but could instead seek to prevent the emergence of harm in the future. The development of CRs, including information gathering and consulting on them, can run in parallel with and/or follow an SMS investigation.

- **Pro-Competition Interventions (PCIs)** – PCIs can be imposed following a PCI investigation to remedy, mitigate or prevent an Adverse Effect on Competition (AEC) relating to a designated activity. A PCI investigation can only be launched once a firm is designated as having SMS.
33. More detail on CRs and PCIs can be found in Chapters 3 and 4 of our guidance on the digital markets competition regime.⁴⁰
 34. The CMA must conduct a public consultation on any CRs it intends to impose. The Act allows us to carry out this consultation at the same time as our public consultation on a proposed decision to designate a firm with SMS.⁴¹ As the guidance explains, the CMA will typically impose an initial set of CRs as soon as practicable following (or at the same time as) a decision to designate a firm as having SMS.⁴² We are therefore seeking views on potential CRs in this ITC, as envisaged in the guidance,⁴³ in order to give stakeholders the opportunity to contribute to our emerging thinking on areas for intervention. This does not prejudice the outcome of the SMS investigation and the development of potential CRs is without prejudice to any SMS finding.⁴⁴
 35. In some cases, the CMA may decide that an intervention (including one of those set out below) should be taken forward as a PCI rather than a CR, and therefore can only be imposed following a subsequent PCI investigation that identifies an AEC. A broad range of potential interventions has been set out in this ITC so that stakeholders can understand and provide comments on issues where action might be needed; and can provide feedback which will inform our view of which type of intervention is most appropriate. The inclusion of a potential intervention in this ITC does not indicate any decision by the CMA that it would meet the legal requirements for CRs or PCIs.

The key issues we intend to explore

36. In identifying potential issues to explore in search we have been informed by our previous findings, particularly from the market study, the joint advice with

⁴⁰ [Digital markets competition regime guidance](#).

⁴¹ Sections 24(3) and 13(2) of the Act.

⁴² Digital markets competition regime guidance, paragraph 3.40.

⁴³ Digital markets competition regime guidance, paragraph 3.45.

⁴⁴ Digital markets competition regime guidance, paragraph 3.39.

Ofcom to the government on digital platforms and content providers⁴⁵ and our work on AI Foundation Models.⁴⁶ We have also taken into account analysis undertaken by other authorities around the world, ongoing discussions with stakeholders and our general market monitoring.

The aims of our potential interventions in relation to Google's general search services and the issues that these interventions could address

37. As noted in Box 2 above, our previous analysis has found a range of factors that inhibit competition in search. Tackling these factors to support effective competition and lower barriers to entry in search would ensure that the full benefits of high-quality search services can be realised by people, businesses and the economy. We are particularly interested in minimising barriers to the development of innovative new AI-based search services which could provide new ways for people to find content on the internet.
38. However, interventions to make competition work more effectively could take time. We will therefore also consider more immediate steps that could ensure that people and businesses are able to enjoy the benefits of search services. In particular, we will consider interventions to ensure Google cannot leverage its market power in search into other activities and to prevent Google exploiting users of its search services (consumers, advertisers, businesses and publishers).
39. We are therefore planning to explore the following general categories of issues, based on our previous work:
 - (a) **Addressing weak competition and barriers to entry and innovation in search.** The market study found that Google faces limited competitive constraints in search, with persistently high market shares over an extended period. As set out above, we have previously identified several features that reinforce Google's position in search, including: economies of scale and scope; network effects; the importance of data; the role of choice architecture (eg pre-installations, defaults and choice screens); and the impacts of Google's wider ecosystem of products and services. We also intend to explore whether there are barriers to entry for new types of services that could impose a competitive constraint on Google. In particular, we will assess whether Google is able to shape the development of new AI services and interfaces, including 'answer engines', in ways which limit the competitive constraint they impose on

⁴⁵ CMA and Ofcom: [Platforms and content providers, including news publishers: Advice to DCMS on the application of a code of conduct.](#)

⁴⁶ CMA: [AI Foundation Models: initial review.](#)

Google Search. We will consider interventions that could enable effective competition and facilitate entry in search.

(b) Preventing leveraging of market power and ensuring open markets.

The market study found that Google may be able to use its search services to favour its other products and services over those of competitors, including by giving its own specialised search services prominence alongside responses to general search queries. Similarly, the presentation of Google's own AI services alongside its search results may give it an advantage over competing AI services. Google may also be able to use the data it collects through search to gain an unfair competitive advantage in other services; and conversely may be able to use the data collected across its ecosystem to reinforce its position in search. We will consider interventions that could ensure that Google is not able to leverage its position in search into other activities, and that could restrict how Google uses the data it collects through one service to gain an advantage in others.

(c) Protecting users against exploitative conduct. Google's powerful position in search may enable it to act in ways that directly impose harms on users. This may include the collection and use of large quantities of consumer data without informed consent, and the use of publisher content without fair terms and conditions (including payment terms). We will consider interventions that prevent these harms, enabling consumers to use search with confidence and providing businesses with the stability they need to invest and innovate.

40. The potential interventions we intend to consider in response to each of these three general categories of issues are set out in more detail below.

Addressing weak competition and barriers to entry and innovation in search

41. We intend to consider interventions that could address the factors that may be inhibiting effective competition and imposing barriers to entry and innovation in search, including:

(a) Measures to ensure challenger search services can access key default positions and reach consumers. As noted in Box 2 above, the market study found that Google's control of key search access points, including through the revenue-sharing and placement agreements it has reached with third parties, may help to maintain Google's strong position in search. We will therefore consider interventions that could improve the ability of competitors to secure these key access points, including

restrictions on Google's ability to enter into revenue-sharing and placement agreements.

- (b) **Measures to promote consumer awareness, engagement and choice in search.** Design choices by Google which determine whether and how users make decisions about search services – also known as 'choice architecture' – may be making it harder for users to make active and informed choices about which search services they use. We will consider interventions that could empower consumers to make more active choices, including by requiring choice screens to be presented at set up on key access points. These could be accompanied by other measures to simplify the user's journey when they are making choices over which search services to use.
- (c) **Requirements on Google to make available key data (for example its web index and/or click and query data) to competitors.** As noted in Box 2, the market study found that Google is able to generate high quality responses to a wide range of queries on the basis of its extensive web index and the large volume of data to which it has access. This creates a self-reinforcing cycle whereby a higher volume of queries leads to higher quality responses, prompting users to use Google over alternatives, thereby further increasing Google's data advantage. Google may also have leveraged this data advantage to train the models that underpin the development and deployment of new AI services. We will consider requirements on Google to make its data available on fair and reasonable terms to other firms to enable them to improve the quality of their search results, or to enable the development of innovative new AI search services that could compete with Google. There are different ways such interventions could work: for example, the requirement could encompass the regular sharing of historic data; or could require Google to provide ongoing access to its search results through a live interface.

Preventing leveraging of market power and ensuring open markets

- 42. We will consider measures that could prevent Google leveraging its strong position in general search into other activities. Interventions in this area could include:
 - (a) **Requirements on Google not to preference its own services over those of other firms.** For example, we will consider requirements that prevent Google from giving greater prominence alongside its search results to its own specialised search services or AI query response services than those of rivals. This could ensure that competitors to Google

in specialised search are able to compete on a level playing field, giving consumers greater choice over which services to use.

- (b) **Requirements on Google not to share user data across services.** As noted in Box 2, the market study found that Google derives significant advantages from pooling the data it collects across its ecosystem of products and services. We will consider whether restrictions should be placed on Google's ability to share user data gathered through its search services with other Google services. Similarly, we will consider requirements to prevent Google using data collected through its wider ecosystem to reinforce its position in general search.
- (c) **Restrictions on the tying of Google's search web crawling with web crawling for the purposes of its AI services.** Google's strong position in general search may mean firms have no realistic option but to permit access to the web crawlers that populate Google's search results, in order to ensure that they appear in search results and are therefore visible to their customers.⁴⁷ If Google is able to use the data collected through this process as an input to the development of its AI services, it could have an advantage over competing AI developers. We intend to explore this issue further, and depending on the evidence we find, could consider interventions that place restrictions on Google's ability to use data crawled for the purposes of providing search results in the development of AI services. We could also consider preventing Google tying its crawling for search with crawling for the training and fine tuning of AI models. These measures could make it easier for other AI developers to compete on an equal footing with Google. It could also give publishers more control over how their data is used in the development of Google's AI services.

Protecting users against exploitative conduct

43. We will consider measures that could prevent Google using its powerful position in general search to impose harms on consumers and businesses. Interventions in this area could include:

- (a) **Requirements on Google to give consumers more control over their data.** Consumers may not know what data is collected by Google and the purposes for which it is used. We are keen to understand how much consumers know about how their data is collected and used in search, as well as what their preferences are in this area. We will consider interventions that could provide consumers with an appropriate level of

⁴⁷ Evidence provided to the House of Lords Communications and Digital Committee, by the [Financial Times](#).

information to facilitate active choices about the collection and use of their data. We will also consider interventions that could enable consumers to share their Google data with other providers, potentially enabling them to secure rewards and gain access to new services.

- (b) **Requirements on Google to have an effective complaints process for businesses who are listed in search results.** As noted above, Google Search is a key route through which many businesses reach their customers. How businesses are displayed and ranked in search results may therefore have significant consequences. To ensure any problems with businesses' search listings can be quickly and effectively addressed, we will consider interventions that require Google to have a clear, timely and effective process for receiving and responding to complaints from businesses about how they are presented in search results.
- (c) **Requirements on Google to ensure search rankings are non-discriminatory.** While there are many legitimate factors that could affect a business's ranking or presentation in search results, it is important that Google does not discriminate against particular businesses or types of business without good reason. We will therefore consider interventions that seek to prevent such undue discrimination in search. This could, for example, seek to prevent down-ranking or delisting of firms which choose not to purchase other Google-owned products or services, or which assist the CMA or other regulators with investigations.
- (d) **Requirements on Google to ensure fair terms (including payment terms) for use of publisher content.** The CMA's previous analysis, for example our joint advice with Ofcom to the government on platforms and content providers, including news publishers, pointed to concerns that publishers do not receive fair terms when Google uses their content.⁴⁸ These could include both non-payment terms (for example the way content is presented and attributed, and publishers' access to data on how their content is used) and payment terms. As noted in paragraph 42c, we will also explore issues that have been raised more recently relating to the use of publisher content in Google's AI Overviews and in grounding responses of AI assistants. We will consider requirements on Google to provide fair terms to publishers when using their content: for example, as part of or alongside search results or in Google's AI Overviews.
- (e) **Measures to deal with issues in relation to search advertising.** The market study found that Google's position in search also gives it a

⁴⁸ CMA and Ofcom: [Platforms and content providers, including news publishers: Advice to DCMS on the application of a code of conduct](#).

powerful position in search advertising. This may mean that Google is able to set unfair terms for parties seeking to purchase search advertising. We will consider interventions to ensure that search advertising auctions operate fairly and transparently, that advertisers have the tools and information they need to participate in these auctions effectively, and to ensure effective measurement and attribution of advertising outcomes. These changes could enable advertisers to secure better value in purchasing search advertising, reducing costs for a wide range of goods and services.

How the CMA will assess issues and interventions

The CMA's process for developing CRs

44. We will test the issues and interventions set out above through the analysis we conduct alongside the SMS investigation. This analysis will be informed by responses to this ITC, as well as requests for information that we send directly to key parties. We will also meet with stakeholders to hear their views either individually or through roundtables, and will talk to relevant regulators on issues of shared interest.
45. In light of this evidence, we will consider which interventions to investigate further, as well the most appropriate form of potential interventions and the timing for introducing them. This will include consideration of whether particular interventions should be developed as CRs, either alongside the SMS investigation or at a later date; or whether they should be PCIs, if a later PCI investigation were to find an AEC.
46. For those measures that we think should be taken forward as CRs, we will follow a three-step process, as set out in the guidance:
 - (a) **Identifying the aim of the CR** – we will identify what the CR is intended to achieve. CRs must be for the purposes of one of the CR objectives set out in the legislation (fair dealing; open choices; and trust and transparency).
 - (b) **Effectiveness** – we will consider which CRs within the permitted types set out in the legislation will be effective in achieving our aim.
 - (c) **Proportionality** – we will consider the proportionality of any CRs we are considering imposing.
47. As part of this analysis, we will have regard to the benefits for consumers we consider would likely result from the CR. These benefits may be direct, or they

may be indirect: for example where a CR has benefits for business users, which may then result in benefits for consumers in the form of lower prices, higher quality goods and services and/or a greater range of products.

Action in other jurisdictions

48. In considering potential interventions, we will have regard to measures imposed or under consideration in relation to general search services in other jurisdictions. Our observations of these approaches, and stakeholder feedback on them, will support our consideration of interventions. Key developments we will examine closely include:

- (a) **The EU's Digital Markets Act (DMA).** As noted above, Google is a designated gatekeeper under the DMA for both its online search engine Google Search and its online advertising (including search advertising) services.⁴⁹ As a result Google is subject to a range of obligations in relation to its search activities. These obligations include restrictions on self-preferencing, requirements to enable users to easily uninstall software and change default settings, and obligations to provide access to ranking, query, click and view data on fair, reasonable and non-discriminatory terms.⁵⁰
- (b) **Choice Screens.** Following the *Google Android* Decision issued by the European Commission in 2018,⁵¹ Google has shown EU/UK users (i) an 'Android Choice Screen' to select default search engines on handsets as part of the device set-up and (ii) a 'Dual Choice Screen' to install an additional search engine and browser service the first time they open a Play Store app. Although this was replaced with a revised choice screen in the EU ('EEA Choice Screen') to comply with the DMA, the Android and Dual Choice Screen remain in place in the UK for Android users.
- (c) **US District Court Case in relation to Google Search.** On 5 August 2024 the US District Court for the District of Columbia found that Google had acted illegally to maintain its monopoly position in the markets for 'general search services' and 'general search text advertising' in the US.⁵² The Court is now proceeding to consider remedies in this case, with the

⁴⁹ Commission decision of 5.9.2023 designating Alphabet as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925 of the European Parliament and of the Council on contestable and fair markets in the digital sector.

⁵⁰ Articles 5 and 6, Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act).

⁵¹ Commission decision of 18.7.2018 relating to a proceeding under Article 102 of the Treaty on the Functioning of the European Union (the Treaty) and Article 54 of the EEA Agreement (AT.40099 – Google Android).

⁵² Memorandum Opinion: U.S. and Plaintiff States v Google LLC [2020]. The Court defined these as relevant markets with a national geographic scope.

US Department of Justice (DOJ)⁵³ and Google⁵⁴ both making submissions on potential remedies. The Court is scheduled to hold remedies hearings in Spring 2025.

- (d) **Measures relating to news publisher remuneration.** Several jurisdictions have imposed measures with the aim of ensuring that news publishers receive fair payment terms for their content, including the News Media Bargaining Code in Australia and the Online News Act in Canada. These regimes are substantially different from the digital markets competition regime in the UK. However, the measures they have implemented and the responses of the firms that have been subject to these rules will nevertheless hold lessons for the CMA when considering measures in relation to news publishers.

Questions

Box 4: Questions on potential issues and interventions

Q4: Do you have views on whether the issues outlined in this section are the right ones for the CMA to focus on, or whether there are others we should consider?

Q5: Do you have views on whether the potential interventions are likely to be effective, proportionate and have benefits for users, including consumers and business search users? Are there other measures the CMA should consider that would be more effective or proportionate, or that would deliver greater benefits for users?

Q6: What are the key lessons the CMA should draw from measures imposed in relation to general search services in other jurisdictions? Are there specific areas where imposing a similar measure in the UK is more or less important for their overall effectiveness?

⁵³ [Executive Summary of Plaintiffs' Proposed Final Judgment: U.S. and Plaintiff States v. Google LLC \[2020\]](#), Plaintiff's Initial Proposed Final Judgment: U.S. and Plaintiff States v. Google LLC [2020].

⁵⁴ Executive Summary of Defendant Google LLC's Proposed Final Judgment: U.S. and Plaintiff States v. Google LLC [2020]

Part 3 - How to respond to this ITC and how we will use your response

49. We welcome evidenced responses on the questions set out in this ITC by **11.55pm on 3rd February 2025**.⁵⁵ Please send any responses to searchsms@cma.gov.uk or submit them via the online consultation portal. In your response, please state whether you are responding as an individual or are representing the views of a group or organisation. If the latter, please make clear who you are representing and their role or interest.
50. In pursuit of our policy of openness and transparency **we will publish non-confidential versions of responses on our webpages**. We may also wish to refer to comments received in response to this consultation in future publications. If your response contains any information that you would not wish to be published, please also provide a non-confidential version for publication which omits that material and which explains why you regard it as confidential.
51. The information that we receive in response to this consultation is subject to Part 9 of the Enterprise Act 2002. In deciding whether to publish information received, we will have regard to the need for excluding from publication, so far as practicable: any information the disclosure of which we think is contrary to the public interest; information relating to the private affairs of an individual; or commercial information, where we think that disclosure might significantly harm the interests of that individual or business.
52. Any personal data that you supply in responding to this consultation will be processed by the CMA, as controller, in line with data protection legislation. For more information about how we process personal data, your rights in relation to that personal data, how to contact us, details of the CMA's Data Protection Officer, and how long the CMA retains personal data, see the CMA's Privacy Notice.⁵⁶
53. Please note that information and personal data provided in response to this consultation may be the subject of requests by members of the public under the Freedom of Information Act 2000. In responding to such requests, we will take into consideration representations made by you in support of confidentiality. We will also be mindful of our responsibilities under the data protection legislation referred to above and under the Enterprise Act 2002.

⁵⁵ We particularly welcome submissions that are supported by evidence (both quantitative and qualitative). This could include, for example, data (for example relating to user behaviour), third party research, internal documents setting out commercial strategy or screenshots of webpages.

⁵⁶ [Personal information charter - Competition and Markets Authority - GOV.UK](#).