

**Question for written answer E-004826/2025**

**to the Commission**

Rule 144

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**Subject:** Designation of OpenAI's ChatGPT under the Digital Services Act

The Commission is assessing whether OpenAI's ChatGPT should fall under the Digital Services Act (DSA) as a very large online platform or a very large online search engine. OpenAI reports that ChatGPT's search feature alone reaches 120.4 million monthly users within the EU, almost three times the DSA threshold of 45 million. This figure covers only the search function, which retrieves live information from the web, and excludes broader conversational use of the tool.

The latest version, ChatGPT-5.1, exhibits a stronger 'personality', raising concerns about user dependency and emotional reliance. Earlier models faced criticism for allowing children to create accounts without prior consent, exposing users to harmful content, and showing weak safety-completion mechanisms that could produce harmful outputs. Despite these concerns, OpenAI continues to release new versions without full transparency while making unverified claims about the mitigation of mental-health risks.

This raises three questions for the Commission:

1. What is the timeline for determining ChatGPT's designation as a very large online platform or a very large online search engine, and what interim risk-mitigation measures should OpenAI adopt during the assessment period?
2. How will designation criteria apply to a multifunctional AI tool like ChatGPT?
3. Could limiting designation to a single feature, such as search, create a regulatory gap leaving harmful features of ChatGPT's core conversational function outside of DSA oversight?

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