

**Question for written answer E-004265/2026
to the Commission**
Rule 144
Christine Anderson (ESN)

Subject: Indirect regulation of non-designated ChatGPT functionalities under Article 35 of the Digital Services Act (DSA) – follow-up to question E-003506/2026

In its reply to question E-003506/2026¹, the Commission stated that mitigation measures under Article 35 DSA may involve adjustments to algorithmic systems, without clarifying the legal limits for such measures where those systems are shared between ChatGPT search and non-designated conversational functionalities.

Modifications to a shared AI model may also alter responses in private conversations unrelated to online searches.

1. Can Article 35 DSA justify requiring modifications to a shared AI model where these necessarily affect the content or functioning of non-designated private conversational functionalities? If so, under what legal conditions?
2. Before requiring or enforcing such modifications, must the Commission establish that equally effective, less intrusive measures confined to the designated search service are unavailable or insufficient? If not, how is proportionality assessed?
3. Where a provider demonstrates that risks attributable to the designated search service can be effectively mitigated through technical or functional separation, can the Commission nevertheless require modifications affecting non-designated functionalities? If so, on what legal basis, particularly in the light of Articles 7, 8 and 11 of the Charter of Fundamental Rights?

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¹ https://www.europarl.europa.eu/doceo/document/E-10-2026-003506-ASW_EN.html.