

(English version)

**Question for written answer E-000855/25
to the Commission
Christine Anderson (ESN)
(26 February 2025)**

Subject: Transparency and fairness of very large online platform (VLOP) designations under the Digital Services Act

The Digital Services Act introduces significant obligations for very large online platforms (VLOPs) and very large online search engines (VLOSEs), aiming to enhance transparency, accountability and user protection. However, recent legal challenges by companies such as Amazon and Zalando have raised concerns about the criteria and methodology used to designate platforms as VLOPs. These companies argue that their core business models differ from social media or traditional large-scale digital platforms, and that their inclusion under this category lacks transparency and consistency.

Given the implications of VLOP designation — ranging from increased compliance burdens to potential competitive disadvantages — I seek clarification on the following:

1. Criteria and justification: What specific quantitative and qualitative criteria does the Commission use to classify a platform as a VLOP, and how does it ensure that these criteria fairly and accurately reflect the platform's actual role in the digital ecosystem?
2. Appeal and redress mechanisms: What formal procedures exist for companies to challenge their VLOP designation, and what safeguards are in place to prevent misclassification or arbitrary enforcement?
3. Consistency across the market: How does the Commission ensure that similar platforms are treated consistently, avoiding discrepancies in the application of VLOP rules that could distort market competition or place disproportionate burdens on certain companies?

Submitted: 26.2.2025

**Answer given by Executive Vice-President Virkkunen on behalf of the European Commission
(28 April 2025)**

The Digital Services Act (DSA) ⁽¹⁾ mandates the Commission to designate an online platform or online search engine as a very large online platform (VLOP) or very large search engine (VLOSE) when their number of average monthly active recipients in the EU for the last six months is equal or higher than 45 million, ⁽²⁾ making them subject to additional due diligence obligations.

As clarified by the Recital 75, this is due to the importance of VLOPs and VLOSEs, given their reach, in facilitating public debate, economic transactions, the dissemination of information, opinions or ideas, and in influencing how recipients obtain and communicate information online. ⁽³⁾

VLOPs and VLOSEs may cause societal risks with a different impact than smaller platforms, and it is required from them to bear the highest proportional standard of due diligence obligations. ⁽⁴⁾

The provider may exercise its right to be heard in the process leading up to the designation of its service. As any Commission decision, the designation of a service as a VLOP or VLOSE is subject to judicial review by the Court of Justice of the European Union, ⁽⁵⁾

To tackle the different potential societal and economic risks VLOPs and VLOSEs may pose in view of their extended reach and network effects, the specific obligations applicable to them essentially define a risk-based framework where potential risks specific to their characteristics and features needs to be assessed and corresponding mitigation measures defined and audited. This ensures proportionality of the measures in line with the actual level of risk of the platform and their characteristics.

Finally, under DSA Article 91 ⁽⁶⁾ the Commission shall evaluate and report ⁽⁷⁾ on the current process for designation of VLOPs and VLOSEs ⁽⁸⁾.

⁽¹⁾ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (Text with EEA relevance).

⁽²⁾ Article 33(1) and (3) DSA.

⁽³⁾ Recital 75 DSA.

⁽⁴⁾ Recital 76 DSA.

⁽⁵⁾ Article 263 of the Treaty on the Functioning of the European Union. Currently 6 designations have been challenged in front of the Court of Justice of the European Union.

⁽⁶⁾ By 17 November 2025.

⁽⁷⁾ To the European Parliament, the Council and the European Economic and Social Committee.

⁽⁸⁾ DSA Article 33.