

EN

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Answer given by Executive Vice-President Virkkunen
on behalf of the European Commission
(2.2.2026)

Pursuant to Regulation (EU) 2022/2065 Digital Services Act (DSA),¹ the Commission is to designate a service reaching, in the EU, an audience of 45 million average monthly active recipients (AMARs) or above as a very large online platform (VLOP) or very large online search engine (VLOSE). On 21 October 2025, OpenAI self-reported 120.4 million AMARs in the EU of ChatGPT search.² The designation procedure relies on a quantitative and qualitative assessment of the features of a service and involves consulting the national authorities and collecting views of the provider of the service under consideration, the absence of which would not however prevent a designation. Without pre-empting the outcome of this process for ChatGPT, the Commission aims to conclude the procedure in the first quarter 2026. During that period, the service provider is bound by the due diligence obligations applicable to all online platforms. However, it may voluntarily comply with the obligations under Section 5 of Chapter III of the DSA³.

The DSA regulates intermediary services, and thus the assessment of the scope of a service is to determine which aspects thereof qualify as an intermediary service based on its integrated features,⁴ including on the characteristics and purpose of such integration⁵. Providers of services falling within different categories due to the nature of such services are to comply with all the corresponding obligations,⁶ as well to risk-assess any new functionalities of VLOPs and VLOSEs prior to their deployment⁷.

Designation under Regulation (EU) 2022/2065 is without prejudice to application of other EU instruments, such as Regulation (EU) 2022/1925 (Digital Markets Act)⁸ and Regulation (EU) 2024/1689 (AI Act).⁹

¹ Article 33 of Regulation (EU) 2022/2065 (Digital Services Act), <http://data.europa.eu/eli/reg/2022/2065/oj>.

² See: <https://help.openai.com/en/articles/8959649-eu-digital-services-act-dsa>.

³ Article 7 of Regulation (EU) 2022/2065.

⁴ Article 3 (g),(i),(j),(p),(q) and Article 33 of Regulation (EU) 2022/2065.

⁵ Article 3(i) of Regulation (EU) 2022/2065 states: ‘online platform’ means a hosting service that, at the request of a recipient of the service, stores and disseminates information to the public, unless that activity is a minor and purely ancillary feature of another service or a minor functionality of the principal service and, for objective and technical reasons, cannot be used without that other service, and the integration of the feature or functionality into the other service is not a means to circumvent the applicability of this Regulation’.

⁶ Recital 41 of Regulation (EU) 2022/2065 states: ‘(...)To the extent that providers of intermediary services fall within a number of different categories in view of the nature of their services and their size, they should comply with all the corresponding obligations of this Regulation in relation to those services.(...)’.

⁷ Article 34(1) of Regulation (EU) 2022/2065.

⁸ <http://data.europa.eu/eli/reg/2022/1925/oj>.

⁹ <http://data.europa.eu/eli/reg/2024/1689/oj>.