

(English version)

**Question for written answer E-003506/26
to the Commission
Christine Anderson (ESN)
(4 September 2026)**

Subject: Regulatory perimeter of ChatGPT's designation as a very large online search engine

Following the designation of ChatGPT as a very large online search engine (VLOSE), questions arise as to how Articles 34 and 35 of the Digital Services Act (DSA) apply where the designated online search functionality and non-search conversational functionality rely on shared technical systems.

1. Where an algorithmic system, model, memory or personalisation system is shared between the designated online search service and a functionality falling outside that service, does Article 34 DSA require an assessment of risks attributable to its use only within the designated service, and what legal criterion does the Commission use to establish that attribution?
2. Could mitigation measures under Article 35 DSA require changes to such a shared model or system whereby those changes necessarily also alter non-search functionality outside the designated service? if so, what limits prevent Article 35 from indirectly regulating that non-designated functionality?
3. Can the fact that an algorithmic system is technically shared with the designated VLOSE, by itself, bring risks arising exclusively from its use in non-designated functionality within Articles 34 and 35 DSA, and the Commission is asked to answer yes or no and to identify the legal basis for its answer.

Submitted: 4.9.2026

**Answer given by Executive Vice-President Virkkunen on behalf of the European Commission
(16 October 2026)**

Articles 34 and 35 of the Digital Services Act (DSA ⁽¹⁾) apply to providers of designated very large online platforms (VLOPs) and of very large online search engines (VLOSEs).

Following the designation of ChatGPT as a VLOSE, its provider is required to diligently identify, analyse and assess the systemic risks stemming from the design and functioning of their services and related systems, including algorithmic systems, or from the use made of those services.

This assessment must therefore cover VLOPs' and VLOSEs' algorithmic systems, regardless of whether they are also used for other functionalities.

Such risk assessment shall include the systemic risks of dissemination of illegal content, any actual or foreseeable negative effects for the exercise of fundamental rights, on civic discourse and to the protection of public health.

Article 35 DSA then requires providers of VLOPs and VLOSEs to put in place reasonable, proportionate, effective and tailor-made measures to mitigate the systemic risks identified.

For instance, testing and adapting their algorithmic systems, including recommender systems, may be required to mitigate the identified systemic risks.

Article 35 mandates providers of VLOPs and VLOSEs to pay particular consideration to the impact of such measures on fundamental rights.

⁽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).