

(English version)

**Priority question for written answer P-003025/26  
to the Commission  
Fernand Kartheiser (NI)  
(16 July 2026)**

*Subject:* Commission pressure to comply with DSA codes of conduct

The Commission, in its reply to Written Question E-001432/2026 <sup>(1)</sup>, states that non-compliance with the Digital Services Act (DSA) codes of conduct 'is not sanctionable as such' yet acknowledges in the same answer that 'if a signatory adheres to and complies with a code of conduct, this may be considered an appropriate risk mitigation measure, supporting their compliance with the DSA'.

Recital 104 of the DSA <sup>(2)</sup> further states: 'The refusal without proper explanations by a provider of an online platform or of an online search engine of the Commission's invitation to participate in the application of such a code of conduct could be taken into account, where relevant, when determining whether the online platform or the online search engine has infringed the obligations laid down by this regulation'.

1. Does the Commission accept that this creates an asymmetric dynamic, where signing the DSA codes of conduct offers regulatory benefits, while not signing carries implicit regulatory risk?
2. If the Commission acknowledges the existence of such an asymmetric dynamic, how does the Commission maintain that participation in the codes of conduct is genuinely free from pressure?

Submitted: 16.7.2026

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

Codes of conduct are voluntary instruments as stressed in Article 45 of the Digital Services Act (DSA) <sup>(1)</sup>. Participation to such codes is left to the discretion of the concerned stakeholders, and signatories may withdraw at any time.

While participation in codes of conduct is voluntary, compliance with the DSA is mandatory. Providers of very large online platforms (VLOPs) and very large online search engines (VLOSEs) are required to identify, assess and mitigate any systemic risks stemming from the design, functioning and use of their services. In this context, codes of conduct may serve as an appropriate mitigation measure for VLOPs and VLOSEs <sup>(2)</sup>.

For signatories, adherence to a code of conduct constitutes one of the benchmarks towards DSA compliance. Conversely, providers that choose not to participate in a code of conduct cannot rely on this particular tool.

Codes of conduct are voluntary as they are only one of several possible ways by which VLOPs and VLOSEs may demonstrate compliance with their obligations under the DSA.

As stated in Article 35 DSA, risk mitigation measures can include, among others, and depending on the systemic risks identified, adapting terms and conditions, testing and adapting algorithmic systems, modifying interface design, reinforcing internal processes, or taking targeted measures to protect the rights of the child.

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<sup>1</sup> [https://www.europarl.europa.eu/doceo/document/E-10-2026-001432-ASW\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-10-2026-001432-ASW_EN.html).

<sup>2</sup> <https://dsa-library.com/recital/104/>.

<sup>(1)</sup> Regulation (EU) 2022/2065, <https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng>.

<sup>(2)</sup> See Article 35 of Regulation (EU) 2022/2065, <https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng>.