



Brussels, 18 November 2025
(OR. en)

15560/25

Interinstitutional File:
2020/0361 (COD)

COMPET 1179
MI 918
JAI 1707
TELECOM 408
CT 160
PI 197
AUDIO 115
CONSOM 260
CODEC 1836
JUSTCIV 188

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	17 November 2025
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2025) 708 final
Subject:	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE on the application of Article 33 of Regulation (EU) 2022/2065 and the interaction of that Regulation with other legal acts

Delegations will find attached document COM(2025) 708 final.

Encl.: COM(2025) 708 final



EUROPEAN
COMMISSION

Brussels, 17.11.2025
COM(2025) 708 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE
COUNCIL AND THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE**

**on the application of Article 33 of Regulation (EU) 2022/2065 and the interaction of that
Regulation with other legal acts**

{SWD(2025) 368 final}

I. Introduction

Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 (the “DSA”)¹ constitutes a landmark in the European Union’s digital policy framework. Together with Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 (the “DMA”)², they constitute the twin pillars of the EU’s digital rulebook — a comprehensive framework that governs digital services operating in the European internal market. While the DMA ensures fairness and contestability in digital markets, the DSA sets out a horizontal and overarching framework to guarantee a safe, predictable and trusted online environment in which the fundamental rights enshrined in the Charter of Fundamental Rights of the European Union (the “Charter”) are duly protected. The DSA aims to address the dissemination of illegal content online and the societal risks that the dissemination of disinformation and other content may generate, by empowering recipients and other affected parties and ensuring the meaningful accountability of providers of intermediary services, including those that cause societal risks with a systemic scope and impact in the Union.

The DSA and the governance of intermediary services across the Union is firmly based on transparency, meaningful accountability, and the rule of law, with the vocation to become the cornerstone of platform governance. This report comes at a relatively early but important stage - just 18 months after the entry into application of the DSA- in the DSA’s implementation.

II. General evaluation of the DSA

Pursuant to Article 91(1), second paragraph, DSA, the Commission is required to evaluate and report to the European Parliament, the Council, and the European Economic and Social Committee, by 17 November 2025, on (a) the application of Article 33 thereof, including the scope of providers of intermediary services covered by the obligations set out in Section 5 of Chapter III of that Regulation, and (b) the way that the DSA interacts with the legal acts referred to in Article 2(3) and (4) of that Regulation.

Therefore, the report shall cover two aspects of the DSA.

First, the Commission must evaluate the application of Article 33 DSA in practice, including an assessment on the procedure to designate, and terminate the designation of, very large online platforms (“VLOPs”) and very large online search engines (“VLOSEs”) based on the number of average monthly active recipients in the Union and the scope of providers of intermediary services to which the reinforced obligations contained in Section 5 of Chapter III of the DSA are applicable. This aspect of the report responds to the co-legislators' willingness to include a short-term review clause to allow for adaptations, if necessary, of the threshold for designating VLOPs and VLOSEs.

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), OJ L 277, 27.10.2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/2065/oj>.

² Regulation (EU) 2022/1925 of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act), OJ L 265, 12.10.2022, p.1 ELI: <http://data.europa.eu/eli/reg/2022/1925/oj>.

Second, the Commission is required to evaluate the horizontal scope of the DSA, reflecting on and clarifying its practical interplay with existing sector-specific acts and national laws where those acts specify or complement the DSA. This applies in particular to the laws identified in Article 2(3) and (4) DSA due to their connection with the scope and objectives of the DSA, and the relevance of ensuring a complementary Union legal framework that effectively ensures a safe online environment. Indeed, by laying down fully harmonised and horizontal regulatory framework which exhaustively regulates the provision of intermediary services across the Union, the DSA inevitably interacts with existing sectoral legislation and with new initiatives adopted since its adoption. Therefore, the Report serves to assess the early stages of the DSA's implementation and enforcement actions and to ensure coherence, legal certainty, and the continued effectiveness of the Union's digital acquis.

By means of this Report, the Commission transmits its assessment on the aforementioned questions to the European Parliament, the Council, and the European Economic and Social Committee (the "Report"). Together with its vigorous enforcement actions vis-à-vis providers of VLOPs and VLOSEs, this report also demonstrates the Commission's determination to make the DSA work in practice.³

The Commission stresses that this Report is not intended to reopen or reconsider the DSA, which remains a central pillar of the Union's digital governance architecture. Rather, the Report contributes to identifying areas where further reflection may be warranted in the context of the Commission's simplification agenda. It is intended to inform the forthcoming evaluations and reviews of several instruments, such as the Audiovisual Media Services Directive (AVMSD),⁴ and the Directive on Copyright in the Digital Single Market,⁵ as well as forthcoming proposals under the consumer *acquis* as part of the announced Digital Fairness Act, all scheduled for 2026.

The Report is also a useful input to the comprehensive Fitness Check of the Union digital acquis which will follow the Digital Omnibus package. The Digital Fitness Check will evaluate the overall coherence and cumulative impact of the EU digital acquis to identify further simplification opportunities.

2.1. Report on the implementation of Article 33 DSA, including the scope of providers of intermediary services covered by the obligations set out in Section 5 of Chapter III of the DSA

The DSA introduces a novel asymmetric system by taking a tiered approach to the regulation of intermediary services. With its most basic obligations applying to all providers of intermediary services, other obligations applying to hosting services providers and additional ones applying to

³ <https://digital-strategy.ec.europa.eu/en/policies/dsa-enforcement>.

⁴ Directive 2010/13/EU of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), as amended by Directive (EU) 2018/1808.

⁵ Directive (EU) 2019/790 of 17 April 2019 on copyright and related rights in the Digital Single Market (Copyright in the Digital Single Market Directive).

providers of online platforms and online marketplaces, a set of enhanced due diligence obligations exclusively apply to providers of VLOPs and VLOSEs.

Given the novelty of this asymmetric approach, during the negotiations towards the adoption of the DSA, the co-legislators considered it necessary to evaluate, shortly after the entry into force and full application of the DSA, whether the threshold established in Article 33(1) thereof captures the relevant services giving rise to systemic risks.

The threshold laid down in Article 33(1) DSA aims at capturing the online platforms and online search engines that, due to their reach, have a systemic impact on recipients across the Union and at imposing on the providers of such services a set of reinforced due diligence obligations contained in Section 5, Chapter III, DSA.

Recital 76 DSA explains that providers of VLOPs and VLOSEs should bear the highest standard of due diligence obligations, due to the reach of their services. In particular, it clarifies that VLOPs and VLOSEs cause societal risks different in scope and impact from those caused by smaller platforms, amounting to a larger societal impact in the Union and giving rise to systemic risks. Such significant reach is considered to exist where the number of those services' average monthly active recipients ("AMARs") in the Union exceeds an operational threshold set at 45 million, that is, a number equivalent to 10 % of the Union population which shall be kept up to date. Pursuant to Article 33(2) DSA, the Commission is indeed required to adjust that threshold, by means of a delegated act, where the Union's population increases or decreases at least by 5% in relation to its population in 2020 by means of a delegated act. However, according to the latest data available from Eurostat, the Union population has only increased by 2,7 million, which is far from that percentage.⁶

Recital 137 DSA also clarifies that, given the significant reach of VLOPs and VLOSEs in the Union, their failure to comply with the specific obligations applicable to them may affect a substantial number of recipients of the services across different Member States and may cause large societal harms, while such failures may also be particularly complex to identify and address.

To identify such services, Article 24(2) DSA lays down a transparency reporting obligation on providers of online platforms and of online search engines to make publicly available in the online interface of their services, as of 17 February 2023 and every six months thereafter, information on the number of AMARs of that service. Article 24(3) DSA empowers the Commission and national competent authorities to request that information or additional information on the calculation of the number of AMARs. Since the start of application of those provisions, and until the date of publication of this Report, the Commission has adopted, pursuant to Article 33(4) DSA, 23 decisions designating online platforms as VLOPs, and 2 decisions designating online search engines as VLOSEs. The Commission, in accordance with Article 33(5) DSA, has also adopted one decision terminating the designation of a VLOP⁷.

⁶ See: [\[demo_pjan\] Population on 1 January by age and sex](#) [last checked on 24 October 2025].

⁷ All information regarding the designations and further enforcement actions can be found in <https://digital-strategy.ec.europa.eu/en/policies/list-designated-vlops-and-vloses>.

A first batch of 19 designations was adopted in April 2023, only seven months after the publication of the DSA in the Official Journal, on the basis of the user numbers published by the relevant providers in accordance with Article 24(2) DSA. Subsequently, in December 2023, the Commission designated three online platforms (in particular, online platforms disseminating pornographic content) as VLOPs and, lastly, in April 2024, it designated one more pornographic online platform and two fast-growing online marketplaces as VLOPs, equally pursuant to Article 33(4) DSA.

To give a sense of the rapid pace of evolution in this area, the Commission notes that, when the DSA was adopted, neither Temu nor Shein offered intermediary services in the Union. The provider of Temu only started operating its online marketplace service (i.e. an online platform allowing consumers to conclude distance contracts with traders within the meaning of the DSA) in the Union in April 2023 and, by October 2024, six months after designation based on the information available to the Commission at the time, the provider of that service reported approximately 93.7 million average monthly active users in the Union. In turn, Shein which initially acted as a retailer operating in several Member States, started providing an intermediary service allowing third party traders to offer goods for sale to consumers (i.e. offering a hybrid service) in the Union in June 2023. In February 2024, the provider of Shein reported 108 million average monthly active recipients in the Union, and it was designated two months later. The designation of Shein and Temu in their early development in the Union market shows that the threshold is exclusively based on reach and the ability to pose societal risks acquiring a systemic dimension, and the process allows the fast and effective designation of services posing systemic risks in the Union.

In addition, the fact that the threshold is applicable to any intermediary service falling within the definition of “online platform” or “online search engine”, within the meaning of Articles 3(i) and (j) DSA respectively, allows to adapt the designation of VLOPs and VLOSEs to a fast-changing online environment. In this sense, not only has the number of designation decisions adopted exceeded the estimations made in the impact assessment in terms of number of designated entities,⁸ but the categories of services and functionalities offered through online platforms and online search engines captured by the threshold laid down in Article 33(1) has also met what was originally foreseen. Indeed, the designated VLOPs and VLOSEs cover a wide range of categories of intermediary services⁹ including social media, marketplaces, adult-content platforms, app stores, and search engines.

The present Report concludes that, up until now, the categorisation of intermediary services into online platforms and online search engines in the DSA has met its original purpose and is well calibrated to the objectives of the DSA.

As regards the future challenges that the Commission is facing in the designation of VLOPs and VLOSEs, intermediary services are evolving towards the provision of services which often combine different functionalities falling within distinct legal definitions, the two legal categories

⁸ Impact Assessment of the DSA, part 1, page 27, and part 2, Annex 4.

⁹ More than originally foreseen in the Impact Assessment of the DSA, part 2, page 64.

of online platform and online search engine are becoming more and more intertwined. Additionally, some functionalities that fall under these legal categories are often combined with other functionalities beyond the scope of these categories, for example, because they are interpersonal communication services¹⁰ or because they do not intermediate content from third parties. For example, this is the case of Zalando which is a designated VLOP where products marketed directly by the provider of that service are displayed alongside products marketed by third-party sellers. In this case, the designation decision was subject to an action for annulment before the General Court, which delivered its judgement in *Case T-348/23, Zalando v Commission*, on 3 September 2025, confirming such designation.¹¹

Furthermore, the new business models based on artificial intelligence ('AI') systems may also be considered to provide intermediary services within the meaning of the DSA, including through online platforms or online search engines as defined in Article 3(i) and (j) DSA. If the Commission finds AI systems to fall within the definition of an online platforms or online search engines, such services will also be subject to the most stringent obligations under the DSA once they reach the set threshold.

The evolution of the features offered requires that the scope of the designated VLOPs and VLOSEs is sufficiently broad to take account of these technological and market realities. Given that Article 34(1) DSA establishes that providers of VLOPs and VLOSEs shall conduct the risks assessments referred to in that Article, among others, "*prior to deploying functionalities that are likely to have a critical impact on the risks identified pursuant to this Article*", the Commission stresses how crucial it is, for the purposes of designating VLOPs and VLOSEs, to take account of the evolutive nature of the such functionalities that may impact the provision of those services. In this regard, the Commission also stresses the relevance of other obligations on providers of online platforms and online search engines contained in the DSA for the purposes of enforcing effectively Article 33 DSA, including the transparency reporting obligations set out in Article 24 DSA and the mandatory performance of risk assessment reports before the launch of new functionalities under Article 34(1) DSA.

As a result of the above, the Commission concludes that the existing definitions of the categories of online intermediary services to which the DSA applies are able to capture the fast technological evolution of digital services. However, in view of the evolution of technology in the digital world and in the provision of online services, and the potentially far reaching effects of market developments, including due to the advance of generative AI solutions, this conclusion may have to be revisited at the time of the Commission evaluation of the DSA pursuant to Article 91(2) DSA, due by 17 November 2027.

The present Report concludes that the threshold determined in the DSA to be subject to the most stringent obligations, i.e. having more than 45 million average monthly active recipients of the service, has met its original purpose and is well calibrated to capture those services that may cause systemic societal harms. This Report, therefore, confirms the adequacy of this threshold.

¹⁰ Within the meaning of Directive (EU) 2018/1825 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code ([OJ L 321, 17.12.2018, p. 36](#)).

¹¹ ECLI:EU:T:2025:821.

2.2. Report on the way that the DSA interacts with other legal acts, in particular the acts referred to in Article 2(3) and (4)

The DSA sets a horizontal framework to ensure a safe, predictable and trustworthy online environment, including by harmonising rules on specific due diligence obligations tailored to certain specific categories of providers of intermediary services. However, the DSA is “content agnostic”: it does not define what should be considered illegal or harmful content, it only establishes procedural obligations and safeguards where such content appears online. Therefore, the DSA, by definition, needs to be complemented by other instruments of Union law or national law in compliance with Union law. In addition, the DSA coexists with sector-specific rules that tackle specific issues and may in such contexts be also applicable to intermediary services.

In order to comply with the mandate pursuant to Article 91(1) DSA, the Commission has identified and analysed **54 acts of Union law** that, in one way or another, interact with the DSA. This includes, as mandated by Article 91(1) DSA the legal acts listed in Article 2(3) (i.e. Directive 2000/31/EC) and in Article 2(4) DSA¹² but it is not limited to them. Thus, the legal acts that have been assessed for the purposes of Article 91(1)(b) DSA cover various sectors such as e-commerce and digital markets, digital, product safety, environment, data protection and privacy, consumer policy, audiovisual, media and intellectual property, or democracy, security and justice.

In the majority of cases, **the DSA interacts in a complementary manner** with other EU instruments, with the DSA often referencing or building upon existing frameworks, serving as a baseline for sectoral rules, or operating in parallel to address related or similar regulatory objectives but with a different scope, focus or audience. Where there is an overlap, in general the adopted rules establish “conflict of laws” rules to determine which one applies in which situations. As a result, these links are mutually reinforcing and contribute to a coherent, comprehensive, and integrated regulatory framework for digital services in the EU.

As part of this complementary legal framework, many instruments are considered to “plug-into” the DSA, thus resulting in a necessary addition, for instance by establishing what is considered illegal content.

Additionally, certain obligations within the DSA are cross-referred to on numerous occasions by other legal acts. In particular, the trader traceability requirements set out in Article 30 DSA and the compliance by design obligations provided for in Article 31 DSA, which are more prescriptive than previous frameworks, are frequently cross-referred to by new sectoral instruments like the

¹² “Directive 2010/13/EU; Union law on copyright and related rights; Regulation (EU) 2021/784; Regulation (EU) 2019/1148; Regulation (EU) 2019/1150; Union law on consumer protection and product safety, including Regulations (EU) 2017/2394 and (EU) 2019/1020 and Directives 2001/95/EC and 2013/11/EU; Union law on the protection of personal data, in particular Regulation (EU) 2016/679 and Directive 2002/58/EC; Union law in the field of judicial cooperation in civil matters, in particular Regulation (EU) No 1215/2012 or any Union legal act laying down the rules on law applicable to contractual and non-contractual obligations; Union law in the field of judicial cooperation in criminal matters, in particular a Regulation on European Production and Preservation Orders for electronic evidence in criminal matters; a Directive laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings.”

Batteries Regulation¹³, Short Term Rental Regulation¹⁴, and the General Product Safety Regulation¹⁵, thereby supplementing via sectoral rules, to address particular risks or market characteristics, the general obligations established under the DSA.

In a reduced number of instances it has been found that the DSA rules apply in parallel to other similarly crafted Union law provisions, giving rise to potential legal uncertainty or undue compliance burdens. These overlaps focus mainly on design-based and transparency obligations, highlighting the general call, in Union law, for due diligence obligations by online platforms. In those areas, which are further specified below, the relationship between the DSA and sector-specific legislation requires careful analysis to ensure legal clarity and coherent enforcement.

- **Transparency of terms and conditions** and of **ranking parameters of recommender systems** is mandated in the DSA and also in several other instruments, such as the Platform-to-Business Regulation¹⁶, the Consumer Rights Directive¹⁷, the Unfair Commercial Practices Directive¹⁸ and the Political Advertising Regulation¹⁹, albeit applying to a narrower or broader set of providers. This multiplicity of rules may increase compliance burdens by requiring providers to disclose similar information multiple times, but in different formats and locations.
- Instruments such as the Terrorist Content Regulation²⁰ and the Platform-to-Business Regulation impose a specific **transparency reporting obligation**, with different timelines to those of the DSA, but for partially the same content. As a result, providers must prepare several reports on overlapping subject matter, but in different formats and on different timelines. In practice, this duplication may lead to higher compliance costs and the risk of inconsistent data publication, as the same removals may be reported differently under each regime.
- Several instruments, in addition to the DSA, lay down **content moderation** obligations, for instance relating to **complaint handling mechanisms and user redress options**. While the substantive objectives are aligned, the frameworks sometimes impose parallel mechanisms that apply simultaneously, resulting in procedural duplication rather than conflicting obligations. This has been identified in the case of the Platform-to-Business Regulation, the Audiovisual

¹³ Regulation (EU) 2023/1542 of 12 July 2023 concerning batteries and waste batteries, repealing Directive 2006/66/EC and Regulation (EU) No 2019/1020 (Batteries Regulation).

¹⁴ Regulation (EU) 2024/1028 of the European Parliament and of the Council of 11 April 2024 on data collection and sharing relating to short-term accommodation rental services and amending Regulation (EU) 2018/1724

¹⁵ Regulation (EU) 2023/988 of 10 May 2023 on general product safety (General Product Safety Regulation).

¹⁶ Regulation (EU) 2019/1150 of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (Platform-to-Business Regulation).

¹⁷ Directive 2011/83/EU of 25 October 2011 on consumer rights (Consumer Rights Directive).

¹⁸ Directive 2005/29/EC of 11 May 2005 concerning unfair business-to-consumer commercial practices (Unfair Commercial Practices Directive).

¹⁹ Regulation (EU) 2024/900 of the European Parliament and of the Council of 13 March 2024 on the transparency and targeting of political advertising.

²⁰ Regulation (EU) 2021/784 of 29 April 2021 on addressing the dissemination of terrorist content online (Terrorist Content Online Regulation).

Media Services Directive²¹, the Directive on Copyright Directive in the Digital Single Market²², or consumer law. These complaint mechanisms also give rise to additional duties to inform users. There are also different obligations to put in place a **notice-and-action mechanism** (Audiovisual Media Services Directive, and also the Directive on Copyright Directive in the Digital Single Market, lay down rules for a specific notice-and-action procedure), and similar obligations on the provision of a clear **statement of reasons** to inform about the content moderation decision taken (AVMSD, Directive on Copyright Directive in the Digital Single Market, and Political Advertising Regulation).

- The prohibition of manipulative or deceptive **design**, often referred to as dark patterns, is addressed across several legal frameworks. These rules share the same objective, but differ in scope and enforcement, resulting in a complex regulatory framework (Unfair Commercial Practices Directive, Artificial Intelligence Act²³, GDPR²⁴ and Digital Markets Act).

Furthermore, the complexity of the digital legislative framework is intensified by three particular factors:

- Since the adoption of the DSA, several Member States have adopted further national laws including obligations on providers of online platforms. However, the DSA is a full harmonisation instrument and clarifies that Member States should not adopt or maintain additional national requirements relating to the matters falling within the scope of the DSA, since this would affect the direct and uniform application of the fully harmonised rules applicable to providers of intermediary services in accordance with the objectives of the DSA (recital 9). In this context, the Commission remains vigilant on the national draft laws notified pursuant to Directive (EU) 2015/1535 to ensure that online intermediaries are not subject to additional regulatory barriers within the Single Market.
- Different legislations approach differently small and micro-sized enterprises. The DSA excludes providers of online platforms that qualify as micro or small enterprises within the meaning of Recommendation 2003/361/EC, other than those whose services have been designated as VLOPs, micro and small enterprises from the obligations applicable to providers of online platforms.²⁵ However, other instruments impose comparable obligations on providers of intermediary services which qualify as **small or micro-sized companies**. For instance, while the obligation to ensure a high level of privacy, security and safety for minors on online platforms accessible to minors is not applicable to providers qualifying as micro or small enterprises (as defined above) under the DSA, similar rules apply by virtue of the AVMSD to small and micro video sharing platforms. The Terrorist Content Regulation imposes

²¹ Directive 2010/13/EU of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), as amended by Directive (EU) 2018/1808.

²² Directive (EU) 2019/790 of 17 April 2019 on copyright and related rights in the Digital Single Market (Copyright in the Digital Single Market Directive).

²³ Regulation (EU) 2024/1689 of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act).

²⁴ Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation).

²⁵ Pursuant to Articles 15(2), 19 and 29 DSA.

transparency reporting obligations to the providers of online platforms of all sizes, while small and micro-sized companies are exempted from the same obligations in the DSA, and the Short-Term Rental Regulation extends to marketplaces of all sizes some of the DSA provisions -that under DSA do not apply to for small and micro-enterprises.

- The approach to enforcement diverges across legislation as the identified instruments have different **enforcement** frameworks, enhancing this fragmentation: for example, while enforcement of the DSA is governed by the country-of-origin principle, in as much as the Member States in which the main establishment of the provider of intermediary services is located is exclusively competent for the enforcement and supervision of the DSA, except for providers of VLOPs and VLOSEs the enforcement of product-related legislation is governed by the country-of-destination principle. As a consequence, enforcement of the DSA by competent authorities of the provider's (or its EU legal representative's) Member State of establishment - or the Commission - can coincide with enforcement of the other instruments by authorities established in the Member State to which the relevant conduct is directed. . This creates a risk of parallel proceedings for the same practices, depending on the applicable legal framework.

Finally, the **legal framework is evolving continuously**, where more instruments, tabled by the Commission, are under negotiation and with an expected adoption in the coming months that could have a relevant impact on the DSA²⁶. It is important that the co-legislators remain vigilant to ensure consistency with the horizontal rules and avoid unnecessary overlaps and fragmentation of the digital rulebook. The Commission remains committed to contribute to a legal environment that stimulates business creation and growth and that protects and empowers people in the simplest, fastest and most effective way possible²⁷.

The upcoming evaluation of covered instruments, such as the AVMSD, the Directive on Copyright in the Digital Single Market, the Terrorist Content Regulation, the Market Surveillance Regulation, as well as the preparation of the forthcoming Digital Fairness Act following the Digital Fairness Fitness Check of consumer legislation, will be informed by this Report.

III. Stakeholder input and evidence basis

²⁶ COM(2023) 366 (Proposal for a Directive on payment services and electronic money services in the Internal Market (PSD3); COM(2023) 367 (Proposal for a Regulation on payment services in the internal market (Payment Services Regulation — PSR); COM(2023) 258 (Proposal for a Regulation establishing the EU Customs Code and the European Union Customs Authority (customs reform); COM(2023) 769 (Proposal for a Regulation on the welfare of cats and dogs and their traceability); COM(2023) 420 (Proposal for a Directive amending Directive 2008/98/EC on waste (Waste Framework Directive revision — textiles & food waste); COM(2023) 462 (Proposal for a Regulation on the safety of toys (Toy Safety Regulation — recast)).

²⁷ Communication from the Commission to the European Parliament, the council, the European Economic and Social Committee and the Committee of the Regions “A simpler and faster Europe: Communication on implementation and simplification”, COM/2025/47 final.

This Report is based on the Commission's experience and on feedback received from Member States, industry, professional and consumer associations, and other interested parties, as well as on an externally contracted report.

The Commission launched three specific surveys, targeting civil society organisations, Digital Services Coordinators and other national authorities, and providers of intermediary services, including of VLOPs and of VLOSEs, gathering 97 responses in total. In particular, the participation of regulators and competent authorities responsible for the enforcement of sectoral legislation is noteworthy. Besides, a core part of the analysis relies on legal analysis, not least in light of the coherence of interpretations in case law produced by the General Court and the Court of Justice of the European Union.

A complete analysis of the surveys is included in Annex IV of the accompanying Staff Working Document.

The surveys highlight a **broad consensus on the need for clarity, coherence, and coordination** within the Union's digital regulatory landscape. While the DSA represents a major step forward, its interaction with other instruments remains complex. To ensure effective enforcement, protection of users, and a level playing field for businesses, stakeholders call for **streamlined guidance, better institutional cooperation, and practical tools** that make the regulatory framework more accessible and predictable.

- In terms of **awareness and user understanding**, all stakeholder groups agree that there is a **limited awareness among users** of the EU laws protecting them online.
- As regards potential **overlaps and conflicts between Union legal acts**, consulted stakeholders commonly agree on the **complex interplay between the DSA and other Union legal acts** (most frequently cited overlaps involve the **GDPR, Unfair Commercial Practices Directive, Consumer Rights Directive²⁸, AVMSD, the Platform-to-Business Regulation or the Artificial Intelligence Act**) and ambiguities particularly affect areas such as **dark patterns, data processing, recommender systems, product safety, and content moderation**. Both civil society organisations and authorities emphasise the **need for clear guidance** on which regulation applies in specific situations. Fragmented legal obligations, inconsistent enforcement, and unclear prioritisation among rules are the most quoted challenges in this regard.
- As regards **institutional coordination and enforcement**, most **authorities** rely on **informal cooperation and internal legal analysis** to address overlapping regulatory issues, though conflicts of competence remain rare. There is **broad consensus on the need for stronger inter-authority coordination**, joint guidance, and possibly a **“one-stop shop” mechanism** for cross-border enforcement. Providers of **VLOPs and of VLOSEs**, in particular, advocate for **harmonised enforcement and clearer contact points** to reduce administrative complexity and legal uncertainty.

²⁸ Directive 2011/83/EU of 25 October 2011 on consumer rights (Consumer Rights Directive).

- Representatives of online intermediary services report **significant compliance costs** linked to overlapping obligations, consuming between **15–30% of internal legal and IT resources**. The **proliferation of duplicative rules** is viewed as a structural barrier to innovation, especially for smaller European companies. Respondents call for **simplification, proportionality**, and **clearer interpretative guidance** to improve legal certainty and reduce unnecessary burdens. VLOPSEs consider that the DSA’s perceived relevance will drop in the future as AI and data regulation gain importance.
- The common priority across all groups is clearer, more coherent, and better-communicated EU digital regulation, supported by practical guidance and cooperation mechanisms.

Furthermore, the European Board for Digital Services (the “Board”) established pursuant to Article 61 of the DSA has played an important role, achieving its objective of contributing to the consistent application of the DSA and coordinating the analysis of the Commission and Digital Services Coordinators and other competent authorities on emerging issues across the internal market with regard to online intermediary matters. The interaction between the DSA and other legal instruments has also been discussed in several meetings of relevant Working Groups of the Board. Finally, this analysis also relies on the information provided by Member States in the framework of the Digital Services Expert Group, whose mission is to provide a forum for cooperation between Member States’ bodies and the Commission on information society services issues.

IV. Conclusion

This Report shows that the DSA is, overall, highly complementary to other Union legal acts – in the majority of cases, the DSA and other Union legal acts interplay in ways that are mutually reinforcing, with provisions designed to either build on one another or apply in parallel. This is reflected in all identified instances of complementary interplay, where the DSA either plugs into existing instruments, serves as a horizontal baseline for sectoral rules, or establishes parallel obligations that pursue similar objectives with a different scope or focus. Such interplay ensures a balanced and multifaceted regulatory landscape, where the DSA leverages and reinforces existing rules while also providing a horizontal foundation for sectoral adaptation. However, the sum of all these rules represents a complex legal environment, with particular challenges.

In this context:

- The Commission commits to take into account the findings of this Report in its upcoming evaluation (“**Fitness Check**”) of the **digital acquis** to identify and thoroughly assess potential areas where redundant layers of process or administration can be removed without compromising the policy objectives.
- The Commission commits to take into account the findings of this report in the announced review of the AVMSD, and the upcoming Digital Fairness Act, as well as in the reviews and evaluations of other legislation applicable in this area. This Report will equally be taken into account during the evaluation of the DSA pursuant to Article 91(2) DSA, to be conducted by 17 November 2027.

- The Commission commits to pay close attention to the specific needs and challenges of **small and medium enterprises** when complying with the digital *acquis*. In addition, by 18 February 2027 and based on Article 91(1) DSA, the Commission shall evaluate and report to the European Parliament, the Council and the European Economic and Social Committee on the potential effect of this Regulation on the development and economic growth of small and medium-sized enterprises.
- There is scope for the Commission to promote **stronger coordination amongst different regulatory frameworks**, such as through the Board, in order to ensure consistent implementation and due respect of the *non bis in idem* principle. Furthermore, in order to remove remaining barriers to a single market for digital services, the Commission will make use of its enforcement powers to act against national laws that gold-plate, deviate or contradict Union law.

The findings of this Report, together with its accompanying Staff Working Document, underscore the increasing complexity of the European regulatory landscape. The Commission may identify via forthcoming evaluations and the Digital Fitness check tangible opportunities for further improvement, in line with the Commission's better regulation and simplification agenda.

The Commission reaffirms its commitment to a regulatory framework for digital services that is clear, proportionate and predictable – one that protects and safeguards consumers and business users alike, while continuing to nurture its capacity of innovation. This guiding principle will inform all actions taken in the future when evaluating existing legislation or when proposing new instruments. The Commission is committed also to use its enforcement powers to remove regulatory barriers at national level, ensuring that Europe's single market remains an attractive engine of competitiveness, opportunity, and shared prosperity.