Parallel tracks: AI and platforms in the EU

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The Digital Services Act and the Artificial Intelligence Act were each designed with a different regulatory object in mind. Yet they increasingly have a bearing on the same operators, the same services, and sometimes the same technical functions. In this article, Ian Gauci argues that the central weakness of the current framework is not the overlap between the two regimes as such, but the absence of any integrated mechanism for managing that overlap where it matters most. He concludes that the EU should confront this directly rather than treat it as a scheduling problem. Ian Gauci is Managing Partner at GTG Legal, Malta, specialising in financial services regulation, fintech, and technology law. He chairs Malta's AI in Fintech Strategy Group and also writes regularly on EU digital regulation. Below he explains how the physical and legal boundaries of digital services and AI are converging and that a key focal point for those designing and implementing digital governance should be operational coherence.

When convergence outpaces coordination

The European Union's digital regulatory architecture now turns on a practical rather than a conceptual question. The Digital Services Act (DSA) and the Artificial Intelligence Act (AI Act) were designed around different regulatory objects, yet they increasingly have a bearing on the same services, the same operators, and sometimes the same technical functions[1]. Overlap was foreseeable. The more difficult question is whether the EU has built a supervisory architecture capable of managing that overlap in a disciplined way. Despite recent Commission work on the interaction between the DSA and other EU legislation, and its 2025 simplification package for the

[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) [2022] OJ L 277/1. Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) [2024] OJ L 2024/1689.

AI Act, there is still no dedicated cross-regime procedure for cases in which platform-level DSA supervision and obligations under the AI Act converge[2].

The AI Act entered into force on 1 August 2024. Its prohibitions took effect on 2 February 2025. The rules on general-purpose AI models, together with key governance provisions, took effect on 2 August 2025. The DSA has applied generally since 17 February 2024, and the Commission has already opened proceedings and taken enforcement steps against major platforms such as X[3], Meta and TikTok[4] under its powers for regulating very large online platforms (VLOPs). These proceedings and preliminary findings have focused, inter alia, on transparency obligations, advertising repositories, data access and systemic risk governance. The January 2026 investigation into X's recommender systems and Grok illustrates the point: an online platform's risk management, recommender architecture, and embedded generative functionality can now be scrutinised in the same enforcement environment[5].

In this article I argue that the central weakness is not overlap as such. It is the absence of an integrated mechanism for dealing with overlap when it matters most. The EU has built two serious and effective regimes; however, the connections between them remain underdeveloped. This is the problem which the current debate on simplification should consider more directly.

The design logic and its limits

The DSA and the AI Act were each designed with a different regulatory subject in mind. The DSA addresses intermediary services and, in its enhanced due diligence layer, very large online platforms and very large online search engines that reach at least 45 million average monthly active users in the EU. Its central concerns are transparency, content governance, systemic risk, and user safeguards. The AI Act, by contrast, regulates AI systems and general-purpose AI models through a risk-based structure that ranges from prohibited practices to limited transparency obligations and, at the stricter end, high-risk systems and general-purpose AI models with systemic risk[6].

Precision matters in this context. The DSA's rules governing recommender systems do not mirror the provisions of the AI Act. Article 27 of the DSA requires providers of online platforms to set out in their terms and conditions the main parameters of their recommender systems and the options available to recipients to modify or influence those parameters. Article 38 then adds a specific obligation for VLOPs and very large online search engines[7] (VLOSEs) to offer at least one recommender option that is not based on profiling. The AI Act addresses different legal objects. Article 26 governs deployers of high-risk AI systems, requiring use in accordance with the provider's instructions, human oversight, monitoring, and certain requirements pertaining to context-specific information. The instruments therefore converge in practice without creating identical legal tests[8].

The AI Act goes to the design of governance itself. The AI Act's conformity assessment architecture and lifecycle requirements apply to the system or model. The DSA's systemic risk obligations under Article 34 pertain to the service and to its effects across the EU. A provider may satisfy the requirements of one regime and still encounter difficulties under the other. Article 2(4) of the AI Act makes clear that the Regulation operates without prejudice to other EU law. That is an important coexistence clause. It is not, however, a conflict rule[9].

The same point becomes sharper in relation to general-purpose AI. Article 3(63) of the AI Act defines a general-purpose AI model by reference to its generality and capability to perform across a wide range of tasks. Articles 51 to 55 then impose a more demanding regime on providers of general-purpose AI GPAI models with systemic risk. Where a platform relies on such a model, platform- level requirements under the DSA duties and model- level requirements under the AI Act duties may both bear have a bearing on the same service environment at once. The Commission's November 2025 interaction report and the Digital Package proposals show that this problem is now formally recognised. What still does not exist is a binding cross- regime procedure telling operators or enforcers how concurrent determinations should be aligned in concrete cases.

[2] European Commission, *Commission evaluates the Digital Services Act's interaction with other EU laws and its designation threshold for VLOPs and VLOSEs*, 17 November 2025 , accessed 11 March 2026; European Commission, *Digital Package*, 20 November 2025, accessed 11 March 2026; see also H. Graux and others, *Interplay between the AI Act and the EU digital legislative framework*, European Parliament 2025.

[3] European Commission, Commission opens formal proceedings against X under the Digital Services Act, 17 December 2023, accessed 8 April 2026.

[4] European Commission, Commission preliminarily finds TikTok and Meta in breach of their transparency obligations under the Digital Services Act, 24 October 2025, accessed 8 April 2026.

[5] European Commission, Commission investigates Grok and X's recommender systems under the Digital Services Act, 26 January 2026, accessed 11 March 2026.

[6] Article 33(1) of the DSA; European Commission, *Commission evaluates the Digital Services Act's interaction with other EU laws and its designation threshold for VLOPs and VLOSEs* (fn 2). A

[7] Under Article 33(1) of the DSA, very large online search engine providers are online search engines reaching an average of at least 45 million monthly active users in the EU. See also recital 77 to the DSA.

[8] Articles 27 and 38 of the DSA; Articles 14 and 26 of the AI Act; European Commission, Navigating the AI Act (fn 4), under 'What are obligations of deployers of high-risk AI systems?'

[9] Article 34 of the DSA; Articles 2(4), 8 to 15, and 43of the AI Act.

Two enforcement systems; limited cross-regime coordination

The deepest structural problem is institutional. This is not because no cooperation exists at all. Both instruments contain internal coordination structures. Under the DSA, Digital Services Coordinators, the European Board for Digital Services, and the Commission operate within an established cooperation framework. Under the AI Act, the AI Office, the AI Board, national competent authorities and market-surveillance authorities perform parallel governance functions. The difficulty lies elsewhere: these are two separate systems of cooperation, not a single shared procedure encompassing both the DSA and the AI Act[10].

That gap has gained in importance as more active cases have accumulated. The Commission's January 2026 action against X and its Grok-related functionalities is instructive precisely because it shows how platform supervision and AI concerns can converge within the same factual setting. The point is not that every recommender system is a general-purpose AI model; this would be far too crude. It is that some large platform functions now sit at the boundary between service governance and AI governance, with no settled institutional rule for joint handling[11].

A narrower and sharper criticism of the current framework therefore emerges. The problem is not the total absence of cooperation. The problem is the absence of a dedicated joint procedure for cases where the same deployment or service function is material to both regimes. A platform should not have to determine, for itself, how a DSA systemic risk assessment will sit alongside a high-risk AI system review, a general-purpose AI model inquiry, or a supervisory intervention by a sector-specific authority.

Sectoral expertise complicates the picture further. A financial services supervisor assessing an AI-based creditworthiness tool according to the requirements of annex III, point 5(b) of the AI Act?? brings an understanding of consumer credit, prudential context, and market practices that a horizontal AI authority may not possess. Yet the case for horizontal coordination remains strong. General-purpose models do not respect sectoral boundaries, and inconsistencies across sectoral silos can produce misunderstandings as readily as they produce nuance. The issue is not whether expertise should be centralised entirely. It is whether the system has a disciplined way of combining horizontal and sectoral expertise when both are needed[12].

The cumulative regulatory burden adds to the concern. A firm might now have to consider the provisions of the AI Act, the DSA, the Digital Operational Resilience Act (DORA), the NIS2 Directive (cybersecurity), the Data Act, and sector-specific rules in the same operating environment. Each instrument pursues a specific objective. The problem lies in the aggregate design. As Mario Draghi's 2024 report on European competitiveness emphasised, fragmentation and administrative burden are not neutral frictions. They affect the capacity to scale. Larger firms can absorb the burden of cumulative compliance through the work of their in-house legal, technical, and governance teams. Smaller and mid-sized firms cannot do so as easily. This is not a sweeping argument against regulation. It is a reason to take regulatory interaction seriously as part of market design[13].

The simplification debate

Seen in this light, the Commission's simplification agenda is plainly relevant. The November 2025 Digital Package does more than simply adjust dates. It also proposes to centralise oversight of AI systems built on general-purpose models in the AI Office, to concentrate oversight of AI embedded in VLOPs and VLOSEs at Commission level, and to clarify the interplay between the AI Act and other EU legislation. That is a significant step because it acknowledges that implementation difficulty is partly a governance problem rather than merely a scheduling problem[14].

Timing nevertheless remains part of the story. The Commission has itself accepted that the delayed availability of harmonised standards and support tools complicates compliance. The third draft of the General-Purpose AI Code of Practice was published on 11 March 2025, the final version was received on 10 July 2025, and

[10] Articles 56 to 66 of the DSA; Articles 64 to 70 of the AI Act; European Commission, *The cooperation framework under the Digital Services Act*, accessed 11 March 2026; European Commission, *Governance and enforcement of the AI Act* , 14 November 2025, accessed 11 March 2026.

[11] European Commission, *Commission investigates Grok and X's recommender systems under the Digital Services Act* (fn 4).

[12] Annex III to the AI Act, point 5(b); European Commission, *Navigating the AI Act'* (fn 4), under 'Any examples of high-risk use cases as defined in Annex III?'

[13] Regulation (EU) 2022/2554 on digital operational resilience for the financial sector (DORA) [2022] OJ L 333/1; Directive (EU) 2022/2555 on measures for a high common level of cybersecurity across the Union (NIS2) [2022] OJ L 333/80; Regulation (EU) 2023/2854 on harmonised rules on fair access to and use of data (Data Act) [2023] OJ L 2023/2854; Mario Draghi, *The future of European competitiveness* (Report to the European Council, September 2024).

[14] European Commission, *Digital Package* (fn 2).

the Commission and the AI Board approved it on 1 August 2025. Even so, the standardisation work for high-risk AI systems has continued beyond the original timetable. Operators were therefore correct to say that parts of the framework were formally in force before the supporting compliance infrastructure was fully mature[15].

But simplification should not become a synonym for dilution. The practices prohibited by Article 5 of the AI Act and the systemic risk obligations set out in Article 34 of the DSA should not be treated like ornamental burdens. They embody legislative judgments about fundamental rights, public safety, and the structural power of very large services. The more pertinent simplification question is different. How can the EU reduce duplication, uncertainty, and inconsistent supervisory pathways without weakening the substantive choices already made in primary law? Framed that way, the case for interaction focused reform becomes much stronger[16].

Towards a more coherent architecture

Three practical implications follow.

First, the EU needs an expressly articulated cross-regime coordination process for recurring intersection scenarios. Content ranking, recommender systems, platform-based generative tools, advertising systems, and AI-enabled moderation functions are obvious candidates. The aim should not be to collapse the DSA and the AI Act into a single instrument. It should be to require a common handling method where one fact pattern engages both.

Second, the next phase of implementation should distinguish more clearly between three levels of analysis: the model, the system built on the model, and the service environment in which the system operates. Many present debates become confused because those categories are merged. A binding coordination framework should require regulators to specify which of the three is under review, and why.

Third, the Commission's simplification agenda should be extended into a joint compliance-mapping exercise, by sector and by use case, that identifies where obligations run in parallel, where one regime adds a distinct layer of review, and where genuine legal tension remains. Some of that work can be done through guidance, coordinated templates, and administrative arrangements. But where primary law produces a real conflict, the honest answer is that guidance will not suffice. A conflict rule or priority rule with real legal force may require legislative amendments. The Commission's own 2025 package suggests as much by pursuing change at proposal level[17].

None of this requires the risk-based logic of the AI Act or the systemic logic of the DSA to be abandoned. On the contrary, both logics are worth preserving. What is needed is an architecture that treats them as components of one regulatory ecosystem rather than as neighbouring projects that happen to affect the same operator.

Operational coherence as a key part of digital governance

The DSA and the AI Act are not failures of legislative design. Each represents a serious attempt to govern a difficult digital environment. The weakness lies in the space between them. As implementation advances, the question is no longer whether the EU can legislate ambitiously. It is whether it can make ambitious legislation work coherently when multiple regimes converge on the same technical and commercial reality.

That is why the real challenge is institutional integration. The simplification debate is useful only if it focuses not simply on lighter obligations or later dates, but on operational coherence. The EU's credibility in digital governance will depend less on the number of rules it has enacted than on whether those rules can be applied together, predictably and fairly.

Building that coherence is now the harder task. It is also the more important one.

[15] European Commission, *Drawing up a General-Purpose AI Code of Practice*, accessed 11 March 2026; European Commission, *The General-Purpose AI Code of Practice*, 10 July 2025, accessed 11 March 2026; European Commission, Navigating the AI Act (fn 4), under 'What would be the role of standardisation in the AI Act?'.

[16] Article 5 of the AI Act; Article 34 of the DSA; Charter of Fundamental Rights of the European Union [2012] OJ C 326/391.

[17] European Commission, Digital Package (fn 2).