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TikTok to challenge “categorically false” DSA addictive design findings

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Nadine Dahir

LEXOLOGY PRO

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The European Commission has preliminarily concluded that TikTok features such as infinite scroll and autoplay violate EU digital rules.



The commission on 6 February issued the findings as a part of a TikTok investigation it launched almost 2 years ago under the Digital Services Act (DSA). It said the platform failed to implement effective measures to assess or mitigate risks stemming from its addictive design, including on children's physical and mental wellbeing.

The probe found that features such as infinite scroll, autoplay, push notifications, and highly personalised recommender systems lead to

compulsive use of the app. The regulator noted that TikTok features “fuel the urge to keep scrolling” and shift user brains into “autopilot mode” by constantly rewarding them with new content.

But a spokesperson for TikTok said the preliminary findings “present a categorically false and entirely meritless depiction” of the platform. “We will take whatever steps are necessary to challenge these findings through every means available to us,” they added.

Crowell & Moring partner Edward Taelman said the investigation notably focuses on TikTok’s core business model; the commission is effectively telling TikTok “that it should design a less ‘attractive’ app,” he added.

“The EU commission is clearly trying to set an example as to how far they can reach with the DSA,” Taelman noted. “The ultimate decision in this case will largely determine how broadly the EU Commission will be able to enforce the DSA”.

Preliminary findings

The commission found that TikTok disregarded indicators suggesting such harms in its risk assessment. Commission spokesperson Thomas Regnier said on Friday that TikTok is “by far” the most used platform after midnight by children between the ages of 13 and 18 in the EU, and that 7% of children aged 12 to 15 spend between four and five hours on the platform daily; he called the statistics “extremely alarming”.

The decision further found that measures currently implemented on the platform, such as parental controls or screentime management tools, are easy to dismiss and seemingly ineffective in mitigating risks.

TikTok needs to change “the basic design of its service” to bring itself into DSA compliance, the commission said. This overhaul could include disabling infinite scroll over time, implementing effective nighttime screen time breaks, and adapting its recommender system, it added.

If the commission’s findings are ultimately upheld, it may decide to issue a non-compliance decision leading to fines of up to 6% of the company’s annual turnover. The commission showed its teeth in December by fining X €120 million for DSA transparency-related infringements.

As a part of the same investigation, the commission in October 2025 accused TikTok of breaching the DSA transparency obligation to grant researchers access to public data. A spokesperson for TikTok told Lexology PRO at the time that the requirements to ease data safeguards “place the DSA and GDPR in direct tension.”

The probe also covered TikTok’s obligations with regards to advertising transparency; the platform has since committed to providing advertising repositories to address concerns raised by the commission.

Crowell & Moring’s Tealman said the commission is planning on bringing forward its new Digital Fairness Act which is set to focus on matters including dark patterns, addictive design, influencer marketing and unfair personalisation.

“There seems to be quite some overlap between this decision based on the DSA and this upcoming Digital Fairness Act so it will be interesting to see how the two regimes will interact with each other,” Tealman noted.

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