

(English version)

**Question for written answer E-000632/26  
to the Commission  
Anthony Smith (The Left)  
(13 February 2026)**

*Subject:* Legal responsibility and the fight against AI-generated racist content

As AI systems — particularly generative models — are being developed, more and more racist, discriminatory and hateful content is being produced or amplified by algorithms. That downward spiral is set against the backdrop of long-standing poor accountability of digital players, which the European Union has sought to redress through the adoption of Regulation (EU) 2022/2065 on digital services and Regulation (EU) 2024/1689 on artificial intelligence.

While those regulations explicitly recognise the risks of bias, discrimination and infringement of fundamental rights, they do not clearly define the liability regime applicable when AI systems generate or disseminate racist content. The question of legal imputability remains central to effectively protecting the people targeted.

In light of the above:

1. How does the Commission intend to ensure effective legal responsibility when AI systems produce or disseminate racist or discriminatory content?
2. What binding obligations will be imposed on companies that design and use AI systems, in order to prevent, identify and correct the discriminatory biases behind such content?
3. How does the Commission ensure that racist content generated by AI systems will be blocked upstream and removed when it is disseminated?

Submitted: 13.2.2026

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

The AI Act <sup>(1)</sup> applies to AI systems and general-purpose AI models. It prohibits AI systems that employ subliminal or deceptive techniques or exploit vulnerabilities that have the objective or effect of materially distorting behaviour, when this is reasonably likely to lead to significant harm <sup>(2)</sup>.

Discriminatory content produced or amplified by AI systems may be covered by this prohibition. AI systems classified as high-risk <sup>(3)</sup> need to comply with certain requirements, including on data governance to avoid bias and discriminatory content. For AI-generated or -manipulated content, such as deepfakes, transparency obligations apply <sup>(4)</sup>.

Providers of general-purpose AI models with systemic risk must identify and address concrete risk scenarios arising from their models, which may include the generation of illegal, violent, hateful, radicalising, or false content, and report the results of this risk management process to the AI Office before placing those models on the market.

The rules on enforcement of the AI Act will apply from August 2026.

The Digital Services Act (DSA) <sup>(5)</sup> requires online platforms to put in place a notice and action mechanism through which users can report content that they consider illegal.

If providers are made aware of illegal content on their services, they must remove it expeditiously. In addition, the DSA requires providers of very large online platforms and search engines to identify, analyse and assess the systemic risks stemming from their services in the EU and mitigate such risks.

This includes the risk of the dissemination of illegal content, such as illegal hate speech, and the risk of negative impacts on users' mental health and wellbeing. These provisions apply irrespective of whether the content is AI generated.

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<sup>(1)</sup> <https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng>.

<sup>(2)</sup> Articles 5(1)(a) and 5(1)(b) of the AI Act.

<sup>(3)</sup> Article 6 of the AI Act.

<sup>(4)</sup> Article 50 of the AI Act.

<sup>(5)</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022R2065>.