

**Question for written answer E-001750/2023
to the Commission**

Rule 138

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Subject: Discrimination by Microsoft Bing's Image Creator, which blocks queries relating to LGBTI couples

Microsoft Bing's Image Creator, which is powered by the AI image generation system Dall-E, blocks the generation of images and any queries containing the term 'lesbian', saying that they violate its terms and conditions. It also blocks queries such as 'gay couple in the park' and 'gay couple in the street', again stating that they violate its terms and conditions. This is extremely worrying and discriminatory. The proposed AI act will lay down obligations and standards relating to data bias (in particular in Article 10 of the proposed AI act), but in this case, the discriminatory blocking of queries seems to be the result of moderation.

- 1) How are these practices compatible with the principle of non-discrimination in the European Union and the Charter of Fundamental Rights?
- 2) If requesting the automated generation of an image is a mere conduit, caching or hosting service (Article 3(g) of the Digital Services Act (DSA)) and the DSA applies, how would such behaviour be compatible with the DSA, in particular Article 14?
- 3) If the DSA does not apply to websites providing AI-generated content, such as Lensa and ChatGPT, which obligations, if any, regarding content moderation and reachability in terms of mandatory points of contact for consumers do apply to such websites and their terms and conditions?

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