

Abstract

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**Media pluralism as part of the
European regulatory policy**

While no explicit competences are conferred upon the European Union to regulate media pluralism, there are hidden, non-explicit competences at various levels of the EU's legal system.

It is the negative competence of the EU to attach consequences to not respecting EU values.

Media pluralism is closely intertwined with foundational EU values, most notably the rule of law, democracy and fundamental rights. These EU values are enshrined in Article 2 TEU, including “freedom, democracy, the rule of law and respect for human rights”.

In addition to this, the EU also could rely on its competences regarding the internal market: domination of the media scene by any private or public entity hinders the free flow of services. The use of public resources to provide direct or indirect subsidies to media outlets raises the issue of illegal state aid under European law.

However, enforcement mechanisms like Article 7 TEU and Article 258 TFEU show the clear limits of their operability. Even if existing instruments to protect democracy were used, they were reactive and crisis-driven. Prevention of the decay of pluralism and democracy would be more fruitful than sanctions 'a posteriori'.