

Judit Bayer

# Digital Media Regulation within the European Union

A Framework for a New Media Order



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*To my family*



## Foreword

In this era of swift digital transformation, the interplay among media, democracy, and law is increasingly vital. This book, informed by extensive research, delves into the complexities of digital media regulation within the European Union – a region where legal frameworks adapt constantly to new challenges. Most recently, this has been manifested as a comprehensive legislative package finalised between 2020–2024. The book examines the changes induced by these new laws, and how they have laid out the grounds for a new digital information order. With regard to the interdisciplinary nature of the subject matter, the book intends to remain accessible also for non-legal audiences, and starts each chapter with a brief introduction. This is then followed by a more detailed discussion, analysis and assessment of the legal regulations from the perspective of the public discourse.

Part I, "The Media Order," explores the current democratic crisis and the critical role of the public sphere. It probes the essence of public discourse and its rationality, laying groundwork for understanding media freedom and pluralism in the digital age. This section not only defines media freedom from a new perspective, but also examines the effects of algorithmic content ranking, platform ownership, and journalism's role in shaping public opinion.

Part II, "European Initiatives for a New Democratic Media Order," shifts focus to the specific European policies. It examines the evolution of media pluralism policies, media regulation, and the Media Freedom Act's complexities. This segment reflects the interaction between audience rights, media provider responsibilities, and the European Union's role in promoting a democratic media environment. The discussion portrays the developing European media policy as a staggered process that was initiated several decades ago. It progressed through debates, political compromises, and the active formative role of the private media sector, as they shaped jurisprudence through their legal actions and complaints.

Part III addresses new regulatory frameworks for online platforms, focusing on the Digital Services Act, the Digital Markets Act, and the draft AI Act. It explores the significant impact of online platforms and AI on public discourse, including the ramifications of integrating ChatGPT into journalism. These examples emphasize the need for nuanced comprehension

of the digital media ecosystem. The reference to practical developments, notably Elon Musk's acquisition of Twitter, highlights the evolving power structures in the digital sphere. This part adeptly captures the intricate interplay between corporate ownership, individual influence, and their broader implications for the democratization of public discourse. This section is particularly pertinent to the new digital public discourse, due to these regulations' profound influence on public communication and digital platform function. The author's analysis is both informative and approachable, appealing to a broad audience, including those not versed in legal terminology.

The author, a noted expert in European media law and policy, offers deep insights into the complex interplay between digital platforms, information dissemination, market dynamics, and democratic principles. Affiliation with the University of Münster's Institute for Information, Telecommunication, and Media Law has enriched this work. The vibrant academic setting and collaboration with esteemed colleagues have resulted in a book that is both intellectually engaging and informative.

In summary, this book significantly contributes to scholarship in media law and the field of digital information policy. Through a comprehensive analysis of the European Union's media regulation initiatives, it sheds light on the complexities of contemporary democratic discourse, and clarifies their implications for future democratic discourse. For scholars, policymakers, and anyone interested in the intersection of law, media, and technology, this book is an essential resource.

Professor Bernd Holznagel,

Münster, 2024

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