

Safeguarding media pluralism in the online environment

Background study

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Introduction

In contemporary democratic systems, a shared information space constitutes the backbone of civic participation and is the precondition for a meaningful public debate. This collective “public sphere”, drawing on Habermas’s concept and definition, offers citizens access to facts, viewpoints and discussions, thereby creating a common space that underpins the legitimacy of democratic decision-making. Within this philosophical and constitutional framework, media pluralism is acknowledged, at least in Europe, both at national and Council of Europe levels, as a key component of democratic discourse.

Rooted in the right to freedom of expression under Article 10 of the European Convention on Human Rights (the Convention), media pluralism was first conceived as “internal pluralism” within the public service broadcasting. Then, once the media market was liberalised, as a concept and a set of policy tools aiming at preventing the concentration of media power in the hands of a limited number of actors, commonly termed “external pluralism”.¹ It is also traditionally intended as fair media access for political actors to the public debate, in particular in election periods, and as a quality and quantity of the information proposal, which should allow the public to encounter a broad spectrum of perspectives, viewpoints, with a diverse offer of voices across society. Therefore, media pluralism is ensured by a set of measures that limit the concentration of communication and opinion power. Media pluralism is also frequently associated with cultural diversity and with the equal representation of genders and diverse and minority groups.²

As media systems increasingly shift toward digital platforms, the traditional notion of “media pluralism” is challenged. Online platforms and generative AI systems are now essential components of our information infrastructure. On the one hand they allow for an infinite production and circulation of content, on the other their internal structures, algorithmic ranking systems and design choices, often based on extensive processing of personal data, significantly influence how people access information and how public communication occurs. This ecosystem allows for an extreme personalisation of information, exacerbated by the use of generative AI, denying the concept itself of public sphere, what was called the “audience of one”,³ meaning that each individual receives a highly personalised, algorithmically curated (and not necessarily accurate) stream of information instead of engaging in a shared public communication space.

New factors, such as digital platform concentration of powers and their role as gatekeepers, concentration of economic resources, technological dependencies, online influence dynamics, content visibility related to public interest, challenges posed by disinformation and misinformation (to name a few)⁴ and shifting audiences, especially among young generations, now influence how public debate unfolds. Media organisations are no longer the gatekeepers of informational spaces. Agenda-setting and content ranking and recommendation increasingly occur within privately and opaquely controlled, commercially driven systems, rather than through institutions, as traditional media, which are allegedly accountable, are also bound to stricter rules of transparency and professional ethics. As shared reference points become fragmented and communicative power consolidates within opaque infrastructures, the

¹ Hallin D.C. and Mancini P. (2004).

² See the K.U. Leuven *et al.* (2009) and the *Media Pluralism Monitor project*, available at <https://cmpf.eui.eu/projects-cmpf/media-pluralism-monitor/>.

³ Council of Europe, CDMSI (2025a).

⁴ Wardle C. and Derakhshan H. (2017).

structural conditions under which citizens make political judgments inevitably change. When the production and amplification of politically relevant information are primarily influenced by algorithms, by commercial interests and actors outside established accountability frameworks, the circumstances for informed democratic deliberation are fundamentally transformed.

The notion of media and of journalism has been increasingly challenged, first. New technologies pose legal questions about how to identify content that contributes to democratic debate and how to define journalism and media. The rise of digital platforms, algorithmic distribution and automated content production challenges existing regulatory frameworks and definitions of media activities. This evolution necessitates a reassessment of legal standards, responsibilities and safeguards that apply to those involved in creating and sharing such content.⁵

Journalism now faces competition from user-generated and AI-generated content driven by global technology companies. Historically, journalism adhered to standards of verification, editorial responsibility and public accountability. These practices helped establish a shared factual basis, scrutinise power and facilitate public debate.⁶ However, journalism is no longer the primary organiser of public information. Other actors, mostly benefiting from digital platforms, such as influencers, contribute to shaping political perceptions through personalised, emotionally charged communication that often falls outside traditional journalism standards and affects public opinion.

In this context, the definition of media pluralism must be reconsidered as it remains a necessary component of a healthy democracy. The concept has evolved and become more complex, making its effective integration into constitutional theory and media regulation both more urgent and more challenging. In the digital era, when information is abundant on digital platforms, states face renewed pressure to create policies that promote media and information pluralism. The need for high-quality, diverse and pluralistic information arises from a landscape where content options appear limitless but where the existence of a common public sphere is increasingly threatened by the dominance of large online companies that serve as gatekeepers of content and, given their significant global market power, may pose a risk to the free circulation of information; the ownership of such platforms by powerful individuals, who may be prone to use them for political purposes. Moreover, the business models used by these platforms have significantly disrupted traditional media business models,⁷ sometimes even exploiting the media content itself without remuneration and eroding legacy revenue models, diverting advertising away from the media, with a strong impact in particular on newspapers and local outlets, weakening institutional ties between news organisations and audiences, as well as reducing the visibility and effective discoverability of quality journalism.⁸

In this context, new policies and tools have been proposed by scholars and policymakers to safeguard pluralism and ensure information integrity. As opinion formation is increasingly influenced by platforms, algorithms and non-journalistic actors, these new instruments aim to focus on platform environments. Platform regulation introduces transparency, risk assessment and accountability obligations on content organisation, curation and moderation, to address platforms' structural influence over exposure, agenda-setting and opinion formation. Prominence and discoverability rules are designed to keep public-interest and trusted news

⁵ Irion K. *et al.* (2022).

⁶ Nenadic I. (2025).

⁷ See Moore M. and Tambini D. (eds) (2018); Bradford A. (2023); and Zuboff S. (2019).

⁸ Brogi E. (2025).

content visible in platform environments dominated by engagement-driven ranking systems. Additionally, online public service media are being strengthened as digital entities to ensure that publicly accountable journalism continues to serve as reliable reference points. Underlying these last policies is the crucial question of who should be entitled in the digital platforms market to decide what can be defined as “media” and the privileges that may be associated with it.⁹

At the same time, media market regulation and support for sustainable news business models respond to concentration risks and the economic fragility of journalism, recognising that pluralism requires viable institutions. Finally, independent governance structures are essential to prevent both political interference and private domination. Together, these tools reflect new policy trends to address the new challenges to pluralism as institutional condition of democratic communication.

It is important to note that, in today's world, freedom of expression, media freedom and media pluralism have become highly contested rights and principles within the digital landscape. Their scope, regarding entitlement and limits, is increasingly shaped by varying legal interpretations, platform governance practices and regulatory measures, all reflecting broader geopolitical and constitutional tensions.

The central legal question is whether platforms should be viewed exclusively or primarily as private entities with their own expressive rights or, as long as their significant market power and gatekeeping role in digital discourse, should they be subject to duties of neutrality, transparency and accountability¹⁰ and heightened public-interest obligations, such as must-carry obligations, conflict of interest or ownership regulation¹¹ or even considered infrastructural firms and public utilities¹². The legal characterisation adopted has significant implications, especially concerning platform liability, regulatory oversight and the enforceability of fundamental rights in the digital public sphere.¹³

These developments highlight the complicated boundaries between constitutional protections of freedom of expression, media freedom, plurality, private platform governance and international regulations of online discourse. These are the challenges of reconciling an absolutist view of online speech, as allegedly shaped by the First Amendment to the Constitution of the United States, with regulatory frameworks designed to address issues such as respect for human rights of users, disinformation, hate speech and concentration of promotion pluralism and competition and concentration of power among platforms in digital markets.

The background study will recap the historical and normative development of the concept of media pluralism in Europe, placing it within the broader context of democratic governance and human rights protection. It will examine how the understanding of pluralism has evolved from a primary focus on freedom of expression and the prohibition of state monopolies to a more nuanced interpretation that includes ownership diversity, editorial independence, gender, cultural and linguistic diversity and the availability of a wide range of viewpoints in the public sphere.

⁹ Tambini D. (2021b).

¹⁰ See the “digital constitutionalism” theories, e.g., De Gregorio G. (2022).

¹¹ See Brogi E. (2024) and Leerssen P. (2025).

¹² Rahman K.S. (2018).

¹³ Ibid.

Particular attention will be given to the role of the European Court of Human Rights (the Court) and Council of Europe standard-setting instruments in defining pluralism as a positive obligation for states, linked to Article 10 of the Convention. Over time, this body of jurisprudence and soft-law frameworks has framed pluralism as a structural condition essential for a democratic society. This requires safeguards against excessive media power concentration, political interference and economic pressures that can distort public debate.

The study will then analyse how digitalisation has challenged this framework. The emergence of global platforms, algorithmic curation and new forms of communicative power have highlighted the limitations of regulatory models that were originally designed for national, broadcast-centric media systems, while rights and public interest at stake are the same. Issues such as the sheer volume of online disinformation and misinformation, the declining economic sustainability of journalism, the opacity of recommendation systems and the fragmentation of audiences complicate the traditional methods used to assess and protect pluralism.

In this context, the study will identify key challenges to adapting pluralism standards to an information ecosystem where the definition itself of “media” is contested and where media are dealing with a platform-dominated environment; challenges of ensuring the visibility and sustainability of public-interest journalism; of safeguarding editorial independence in increasingly hybrid media markets; and of developing regulatory approaches that address new forms of opinion power while preserving freedom of expression and preventing state overreach. In doing so, the study will describe how the concept of media pluralism is being redefined as an issue of communicative power, infrastructural control and the democratic conditions necessary for opinion formation.

1. Council of Europe standards on media pluralism

1.1. The European Convention on Human Rights and the case-law of the European Court of Human Rights

Over the years, the case law of the European Court of Human Rights has played a central role in shaping the understanding and safeguards of media pluralism in Europe.

The jurisprudence of the Court on the application of Article 10 of the Convention and media pluralism, considered as a corollary of freedom of expression, covers a wide range of topics. Just to mention some: from the cases on the liberalisation of the media market, to the consideration that, in addition to its negative duty of non-interference, the state has a positive obligation to put in place an appropriate legislative and administrative framework to guarantee effective pluralism; from ensuring an enabling environment to journalists, to the duty of a private audiovisual channel to ensure political pluralism.¹⁴

Against this background, the Court considers external¹⁵ and internal¹⁶ pluralism as legitimate aims for rules that may interfere with the right to freedom of expression and assess whether they can be justified in a democratic society.

¹⁴ Spano R. (2023). See also, Registry of the European Court of Human rights (2026).

¹⁵ *Groppera Radio Ag and others v. Switzerland*, 1990; *Informationsverein Lentia and others v. Austria*, 1993; *Centro Europa 7 s.r.l. e di Stefano v. Italy* [GC], 2012.

¹⁶ *Communist Party of Russia and others v. Russia*, 2012; *Manole and others v. Moldova*, 2009; *Associazione politica nazionale Lista Marco Pannella e Radicali italiani v. Italy*, 2021; *Associazione politica nazionale Lista Marco Pannella v. Italy*, 2021.

The Court stressed also the importance of the protection of journalists, highlighting the vital public-watchdog role of the press, subject to the condition that they comply with duties and responsibilities.¹⁷ A protection that, for the Court, extends also to other “public watchdogs” such as NGOs,¹⁸ activists,¹⁹ academic researchers and authors of literature, even “bloggers and popular users of the social media”.²⁰ At the same time, some specific “privileges” have been recognised only to journalists, notably the protection of the confidentiality of sources of information.²¹ The Court also recognised the “differences between a portal operator and a traditional publisher”, which justifies “distinguishing between the legal principles regulating the activities of the traditional print and audio-visual media, on the one hand and Internet-based media operations, on the other”. Therefore, the Court considers that “because of the particular nature of the Internet, the ‘duties and responsibilities’ that are to be conferred on an Internet news portal for the purposes of Article 10 may differ to some degree from those of a traditional publisher as regards third-party content”.²²

In the last few years, indeed, some important jurisprudence has focused on cases that are linked to the online information environment, such as on online misinformation and disinformation. The Court stated that restrictions to freedom of expression can be justified, for example, when it comes: to “categorical and untrue public information on medical questions”, especially when published on the Internet, as it is “in the interest of the general public and the medical profession to be guided by objective considerations when using medical services”;²³ when the aim is to “preserve the impartiality of broadcasting on matters of public interest” and “ensure the audience’s right to a balanced and unbiased coverage of matters of public interest in news programmes”;²⁴ to counteract “weaponised disinformation in order to interfere in democratic elections”, in a balance with the right to freedom of expression.²⁵ In any case, restrictions to freedom of expression should be proportionate: for example, restrictions would be legitimate after “a gradual and uninterrupted series of sanctions imposed” to the media;²⁶ when the measure does not prevent the media from using other means, such as the Internet, to broadcast its programmes;²⁷ when fair proceedings and procedural safeguards are assured.²⁸ As has been noted, from the Court’s case-law, there are three categories of measures of how states can react to foreign electoral interference, when it comes to disinformation: (a) measures which are prohibited by the Convention (e.g., foreign agent laws) (b) measures which are acceptable or allowed (but not required), as far as they are

¹⁷ *Magyar Helsinki Bizottság v. Hungary* [GC], 2016, paragraph 168.

¹⁸ *Animal Defenders v. the United Kingdom*, 2013, paragraph 103.

¹⁹ *Taner Kiliç v. Turkey (n. 2)*, 2022, paragraph 147.

²⁰ *Magyar Helsinki Bizottság v. Hungary* [GC], , paragraph 168.

²¹ *Goodwin v. the United Kingdom* [GC], No. 17488/90, 27 March 1996, paragraph 39.

²² *Delfi AS v. Estonia* [GC], paragraph 113. Recently, the Court stated that “when internet intermediaries manage content available on their platforms or play a curatorial or editorial role, including through the use of algorithms, their important function in facilitating and shaping public debate engenders duties of care and due diligence, which may also increase in proportion to the reach of the relevant expressive activity” (*Google LLC and others v. Russia*, 2025, paragraph 79).

²³ *Bielau v. Austria*, 2024, paragraphs 39 and 44. For different conclusions, given the different case, *Avagyan v. Russia*, 2025, paragraph 35.

²⁴ *NIT s.r.l. v. Moldova* [GC], 2022, paragraph 174.

²⁵ *Bradshaw and others v. the United Kingdom*, 2025, paragraph 135.

²⁶ *NIT s.r.l. v. Moldova* [GC], 2022, paragraph 221.

²⁷ *Ibid.*, paragraph 223.

²⁸ *Ibid.*, paragraph 225.

proportionate and (c) measures which are required as positive obligations under Article 3 Protocol No. 1.²⁹

The Court stressed the importance of the role of the digital platforms to this end: counteracting disinformation is a “complex global problem” which cannot be solved “without the co-operation of international partners and social media companies”.³⁰ Moreover, the Court noted, “to exempt producers from all liability might facilitate or encourage abuse and misuse, including [...] manipulation, lies and disinformation”.³¹

1.2. Standard-settings instruments relevant to media pluralism

Recommendations by the Committee of Ministers

The extensive body of soft law instruments adopted by the Council of Europe in the field of freedom of expression, media pluralism and digital governance, elaborated in line with the evolution of the case-law of the Court and experts’ contributions, constitutes the backbone of the European approach to media policy in the digital age.

These standards, developed over several decades, reflect a progressive and adaptive interpretation of Article 10 of the Convention, responding to structural transformations in the media ecosystem, starting from the role of public service broadcasters to the rise of internet intermediaries and the increasing centrality of online platforms in democratic discourse. While not legally binding, these recommendations provide authoritative guidance for member states, regulators and private actors, shaping European norms on media policy and human rights in the digital age. Media pluralism has consistently been recognised by the Council of Europe as a structural prerequisite for the effective exercise of freedom of expression and for the functioning of democratic societies.

Media pluralism constitutes a foundational principle of democratic constitutionalism and a necessary corollary of the right to freedom of expression, including the right to receive information. Media pluralism is not conceived merely as an outcome of market dynamics, but as a structural condition enabling democratic deliberation, informed citizenship and the effective exercise of fundamental rights. As such, as it was mentioned above, it has progressively evolved from an interpretation of art.10 of the Convention as a mere negative liberty, namely freedom from state interference, to include positive obligations incumbent upon public authorities. At the normative level, media pluralism is conceived as an essential democratic value that requires active protection through law and public policy, particularly where market forces alone fail to secure diversity of voices, opinions and cultural expressions. Council of Europe standards affirm that states are not only required to refrain from undue interference with media freedom but are also under a duty to establish an adequate legislative, regulatory and institutional framework ensuring pluralism, transparency and independence of the media sector. This obligation extends to guaranteeing access to impartial and accurate information, safeguarding the ability of journalists to impart diverse opinions and ensure transparency of media ownership while preventing its excessive concentration.

The concept of media pluralism as interpreted in Council of Europe soft law instruments is multidimensional. It encompasses external pluralism, referring to the diversity of media outlets

²⁹ *Bradshaw and others v. the United Kingdom*, 2025, Concurring opinion Judge Jakab, paragraph 4.

³⁰ *Bradshaw and others v. the United Kingdom*, 2025, paragraph 160.

³¹ *Sanchez v. France* [GC], 2023, paragraph 185.

and ownership structures; internal pluralism, concerning the representation of a broad range of views within individual media organisations; political pluralism, ensuring fair representation of political opinions; local and regional pluralism; and cultural pluralism, including diversity of genres and cultural expressions. Member states are asked to establish regulatory frameworks that aim to secure these dimensions through measures such as ownership transparency rules, limitations on dominant market positions, independent regulatory authorities, support for public service media and fair rules governing political and electoral communication.

Early instruments such as recommendations [Rec\(94\)13](#) on media transparency and [Rec\(99\)1](#) on measures to promote media pluralism laid the foundations for a regulatory approach aimed at preventing excessive concentration of media ownership and ensuring public access to information about media control. These recommendations articulated an understanding of pluralism that goes beyond the mere multiplicity of outlets, encompassing diversity of viewpoints, editorial independence and the protection of audiences' right to receive information. These principles were further developed in Recommendation [CM/Rec\(2007\)2](#) on media pluralism and diversity of media content, which acknowledged the growing complexity of media markets and the risks posed by cross-media ownership and conglomeration

Subsequently, the evolution of digital media, globalised ownership structures and non-transparent investment vehicles has inevitably prompted a renewed focus on ownership disclosure and regulatory oversight. This is evident in Recommendation [CM/Rec\(2018\)1](#) on media pluralism and transparency of media ownership, which provides a comprehensive framework for ensuring effective transparency mechanisms, including public registers, disclosure of beneficial ownership and safeguards against undue political or economic influence. The [CM/Rec\(2018\)1](#) reflects heightened concerns about the erosion of pluralism in digital and platform-mediated environments, where market dominance and opaque control structures can significantly affect public opinion formation.

The Council of Europe has progressively moved towards a functional and impact-based understanding of media, recognising that traditional distinctions between professional media, intermediaries and individual speakers have become increasingly blurred. Recommendation [CM/Rec\(2011\)7](#) on a new notion of media marked a paradigmatic shift by acknowledging that a wide range of actors, including online platforms, bloggers and other content creators, by exercising editorial control or oversight of content may perform media-like functions and therefore contribute to public debate. This approach underscores that the applicability of "status" for media, for instance, does not depend on formal but on societal role and impact. This expanded notion underpins subsequent recommendations addressing the online environment and platform governance. It reinforces the principle that freedom of expression protections must be accompanied by differentiated responsibilities, calibrated to the influence, role and control exercised by various actors within the information ecosystem.

Recommendation [CM/Rec\(2016\)5](#) on Internet freedom consolidates the Council of Europe's position that human rights standards apply fully and equally online. It emphasises that any restrictions on online expression must meet the requirements of legality, legitimacy and necessity and proportionality. It underlines that states have both negative and positive obligations to ensure an enabling environment for free expression. Importantly, this recommendation addresses issues such as network neutrality, access to the internet and private regulation of speech.

The role of internet intermediaries is further elaborated in recommendation [CM/Rec\(2018\)2](#) on the roles and responsibilities of internet intermediaries. This instrument stresses the need for transparency, procedural safeguards and effective remedies in content moderation and

removal processes. These elements are amplified in recommendation [CM/Rec\(2020\)1](#) on the human rights impacts of algorithmic systems, which addresses the growing reliance on automated decision-making in content curation, ranking and moderation. The recommendation highlights risks such as discrimination, lack of explainability and chilling effects on freedom of expression, calling for human rights impact assessments, accountability mechanisms and public oversight. It explicitly links algorithmic governance to broader issues of democratic participation.

The integrity of democratic processes in the digital age is a key focus of recent Council of Europe standards. Recommendation [CM/Rec\(2022\)12](#) on electoral communication and media coverage of election campaigns responds to challenges posed by online political advertising, microtargeting and disinformation. It emphasises transparency, equal treatment of political actors and the need for effective regulatory frameworks that encompass both traditional media and online platforms. More broadly, recommendation [CM/Rec\(2022\)13](#) on the impacts of digital technologies on freedom of expression provides an overarching assessment of how digital transformation affects the production, dissemination and reception of information. It recognises the dual nature of digital technologies as enablers of participation and innovation, while also identifying systemic risks related to concentration of power, surveillance and content moderation practices. The recommendation encourages states to adopt holistic and forward-looking policies grounded in human rights principles.

Effective and independent media governance is outlined in recommendation [CM/Rec\(2022\)11](#), which provides principles for media and communication governance that does “not only serves to safeguard the fundamental objectives of the public interest, including freedom of expression and media freedom and pluralism, but also to create and maintain the structural conditions that ensure the adequate functioning of the media and the public sphere in the interest of democracy”. These principles, as further developed in the [explanatory memorandum](#) accompanying the recommendation, are directed at states, public authorities, private sector entities and civil society, offering both procedural and substantive guidance to steer governance in media and communication. Procedural principles focus on the processes for designing, implementing and enforcing governance frameworks. In contrast, substantive principles highlight the key aspects of content production, dissemination and usage in the public sphere that require regulatory attention. These principles are applicable to both media organisations and online platforms, addressing the responsibilities of public and private actors alike. Importantly, the formulation of these principles recognises that different actors have distinct responsibilities and obligations within the media and communication ecosystem.

Recommendation [CM/Rec\(2022\)4](#) on promoting a favourable environment for quality journalism in the digital age addresses the economic and structural challenges facing journalism, including platform dependency, declining revenues and precarious working conditions. It calls for measures that support sustainability, innovation and professional standards, while safeguarding editorial independence and avoiding undue state influence.

Earlier recommendations on public service media and the public service value of the internet, particularly recommendations [CM/Rec\(2007\)3](#) and [CM/Rec\(2007\)16](#), remain relevant in articulating principles of universality, diversity and accessibility. These instruments frame public service media and digital public spaces as essential components of democratic infrastructure in the information society.

Recommendation [CM/Rec\(2024\)2](#) from the Committee of Ministers to member States addresses the issue of strategic lawsuits against public participation (SLAPPs). It broadly defines SLAPPs as lawsuits intended to prevent, restrict or penalise free expression on matters

of public interest. The recommendation acknowledges the chilling effect these lawsuits have on democratic debate and the pluralistic offer of information. It offers guidance and indicators for identifying SLAPPs and urges member states to implement structural, procedural and remedial safeguards to prevent and counteract these abusive legal practices.

Finally, recommendation [CM/Rec\(2016\)3](#) on human rights and business situates media and technology companies within a broader framework of corporate responsibility to respect human rights. This perspective is increasingly salient in light of platform dominance and the privatisation of norm-setting in online spaces. Recommendation [CM/Rec\(2026\)4](#) on online safety and the empowerment of users and content creators further develops this approach, emphasising participatory governance, user agency and human rights-based safety frameworks.

Taken together, these recommendations form a coherent and evolving normative framework that addresses the structural, technological and governance-related dimensions of freedom of expression and media pluralism. They reflect a shift from sector-specific regulation towards a systemic, human rights-based approach capable of responding to the complexities of the digital public sphere.

Guidance notes and other standard setting documents adopted by the Steering Committee on Media and Information Society (CDMSI)

Within the Council of Europe framework, the Steering Committee on Media and Information Society (CDMSI) has produced a number of guidance documents that support standard-setting and contribute to steering policies and practices in the online sector, starting from the desirable characteristics of platform regulation compliant with human rights standards to the approach to generative AI regulation.

The 2021 [Guidance note](#) on content moderation³² and [Guidance note](#) on the prioritisation of public interest content online³³ establish important principles for the governance of online speech. They clarify that private entities, particularly online platforms, hold significant power over public discussions and must operate within clear legal and procedural frameworks, highlighting the importance of transparency, due process, accountability and accessible remedies. The guidance notes also recognise the validity of self- and co-regulatory mechanisms, provided they adhere to human rights standards. Notably, these notes introduce the concept of "public interest content," which deserves greater visibility and protection in online environments influenced by algorithms.

Along these lines, the 2023 Guidance Note on countering misinformation and disinformation³⁴ addresses a specific regulatory challenge while building on previous frameworks. It encourages proportionate responses instead of widespread removals, such as fact-checking, providing context and improving platform design. The Guidance note strongly emphasises the importance of complying with freedom of expression standards, cautioning against excessive removal of content, automated enforcement without appropriate safeguards and measures that could suppress lawful speech. Additionally, the accompanying explanatory memorandum clarifies how various systemic design choices can either reduce or increase risks to democratic debate.

³² Council of Europe, CDMSI (2021a).

³³ Council of Europe, CDMSI (2021b).

³⁴ Council of Europe, CDMSI (2023a).

The Council of Europe pioneered and initiated the first legal binding treaty on AI: Framework Convention on Artificial Intelligence and human rights, democracy and the rule of law ([CETS no. 225](#)). The 2025 [Guidance note](#) on the implication of generative artificial intelligence for freedom of expression³⁵ highlights how AI-driven content creation, amplification and moderation intensify existing challenges, including opacity, scale and attribution of responsibility. Generative AI brings risks associated with a significant reduction in the diversity of expression, resulting in a less vibrant cultural landscape where unique voices struggle to be heard. The formation of public opinion is increasingly influenced by subtle and personalised persuasion techniques, which manipulate individual preferences and beliefs based on their online behaviour and data. The challenges to media pluralism are becoming more pronounced, with the rise of new gatekeepers who control the flow of information, potentially stifling alternative viewpoints and reducing the diversity of available narratives. The text stresses that AI systems must be governed in a manner consistent with freedom of expression, requiring human oversight, explainability and accountability, particularly where AI affects access to information relevant to democratic processes.

The 2023 [Guidelines](#) on the responsible use of artificial intelligence in journalism³⁶ provide concrete recommendations primarily aimed at news media organisations, but it also addresses governments, technology developers and digital platforms involved in distributing journalistic content. It clarifies how AI tools can be responsibly integrated into journalistic workflows while maintaining professional standards and democratic values.

The analysis of these texts reveals a consistent regulatory approach: freedom of expression and media freedom in digital environments are best safeguarded not by strict content controls but through comprehensive governance frameworks that ensure transparency, proportionality and the protection of content that contributes to democratic debate. The guidance documents collectively emphasise a shift from regulating content to focusing on standards related to processes, design and accountability throughout the digital information ecosystem.

2. Other international and European standards

2.1. International standards

Amongst intergovernmental organisation, UNESCO plays a significant role in supporting member states in the development of a diverse, independent and sustainable media landscape. Its action is grounded in the understanding that pluralism is not only a market outcome but also a public policy objective linked to freedom of expression³⁷ and access to information. UNESCO provides normative guidance, capacity-building and technical assistance to strengthen media systems, with particular attention to the promotion of community media as vehicles for local voices, cultural diversity and inclusive participation³⁸, media literacy³⁹ and platform regulation.⁴⁰ At the same time, UNESCO places strong emphasis

³⁵ Council of Europe, CDMSI (2025a).

³⁶ Council of Europe, CDMSI (2023b).

³⁷ UNESCO (2025).

³⁸ See, generally, UNESCO, International Programme for the Development of Communication, at www.unesco.org/en/international-programme-development-communication.

³⁹ UNESCO (2013).

⁴⁰ UNESCO (2023).

on the safety of journalists and the fight against impunity, recognising that a plural and vibrant media environment cannot exist where media professionals operate under threat or fear.⁴¹

The OSCE views media freedom and pluralism as essential foundations of democratic societies and critical to the right to freedom of expression in a way that is generally consistent with the standards of the Council of Europe. Within its institutional framework, the Representative on Freedom of the Media plays an important role in promoting these principles across participating states. This includes monitoring media developments, providing early warnings about threats to free and pluralistic media and encouraging compliance with OSCE commitments.⁴²

The standards of OSCE are often developed through studies that are carried out by experts. Media pluralism is inseparable from the safety of journalists, since violence, intimidation and legal pressure against media professionals directly undermine independent and diverse reporting. At the same time, OSCE addresses contemporary challenges, such as disinformation, digital media environments and the influence of online platforms, recognising that pluralism must be protected in the evolving digital sphere.

The OSCE standards emphasise that the internet must remain free and open.⁴³ Recent studies encourage States to foster a regulatory and policy environment that supports independent media, self-regulation and diversity. This includes ensuring existing legislation safeguarding freedom of expression is enforced across various platforms. OSCE acknowledges new risks to pluralism posed by the digital environment, such as the economic dominance of a few large platforms and the challenge of monetising quality journalism. Policy interventions to ensure the “prominence and discoverability” of general interest content, it is essential to maintain a pluralistic information environment, which plays a crucial role in countering issues like disinformation and hate speech. Addressing information manipulation requires a holistic approach that includes promoting public interest content and enhancing media literacy. A safe working environment, both online and offline, is a prerequisite for a truly pluralistic media landscape.

The OSCE also advocates for the involvement of a diverse range of actors, including civil society, in the governance of digital spaces to ensure that media freedom and pluralism are integral to policymaking. A recent OSCE publication⁴⁴ addresses the challenges posed by “big tech platforms” to media freedom and proposes measures for creating healthy online information spaces. It is a good synthesis of research and policy debates addressing the current situation. It emphasises the need for state intervention to ensure that independent journalism can thrive within a digital ecosystem. States have a responsibility to create an enabling environment for media freedom and pluralism, addressing the structural power imbalances between media organisations and large digital platforms. This requires long-term strategies to strengthen independent media infrastructures and reduce systemic dependency on big tech for visibility, distribution and revenue.

More broadly, structural reforms are needed to address economic and informational concentrations in the digital ecosystem. States must ensure democratic accountability in online spaces and invest in public-interest infrastructure that sustains diverse and independent

⁴¹ UN Plan of Action on the Safety of Journalists and the Issue of Impunity <https://www.unesco.org/en/safety-journalists/un-plan-action>;

⁴² See the publications of the OSCE Representative of on Freedom of the Media, available at <https://rfom.osce.org/node/660369>.

⁴³ OSCE, Representative for Media Freedom (2012).

⁴⁴ OSCE, Representative for Media Freedom (2025).

journalism. While innovative revenue models, such as subscriptions, events and audience contributions, are emerging, they risk reinforcing inequalities and cannot replace systemic policy intervention.

Ultimately, the increasing number of platform–media agreements, experiments with collective rights management (such as those in Denmark) and new regulatory models worldwide reflect an ongoing search for sustainable solutions. The overarching goal remains clear: to rebalance the digital information environment in ways that secure media independence, financial sustainability, journalist safety and pluralism in the platform era.⁴⁵

2.2. European Union standards on media pluralism and media freedom in the online sphere

In the European Union, media pluralism has long been considered an exclusive competence of member states. In the 1990s, the Court of Justice stated that the “maintenance of pluralism, as protected by Article 10” of the Convention, can be seen as “a cultural policy” that may “constitute an overriding requirement relating to the general interest which justifies a restriction on the freedom to provide services”.⁴⁶ Obviously, those restrictions must be proportionate.⁴⁷ Article 11 of the Charter of Fundamental Rights of the European Union (CFREU) reads as follows:

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.
2. The freedom and pluralism of the media shall be respected.

Against this background, the Court of Justice interpreted the notion of journalistic activities broadly, when “their object is the disclosure to the public of information, opinions or ideas irrespective of the medium which is used to transmit them”.⁴⁸

The Court of Justice made several references to that principle of media pluralism, which has been seen as a principle of general interest that justifies restrictions to fundamental freedoms under the CFREU⁴⁹. Once again, according to the Court of Justice, restrictions must be proportionate to the aim of protecting the principle of pluralism.⁵⁰

The European Union has progressively adopted a holistic and risk-based approach to media pluralism. Rather than focusing on isolated infringements, this approach has sought to identify systemic vulnerabilities affecting the sustainability, independence and diversity of the media ecosystem. Within this framework, the development of the [Media Pluralism Monitor](#) has been instrumental in translating the concept of pluralism into measurable indicators supported by

⁴⁵ For an overview of international standards, including the US First Amendment exceptionalism, see Tambini D. (2021a), p. 49 ff.

⁴⁶ CJEU, C-288/89, [Gouda](#), 1991, paragraph 23.

⁴⁷ CJEU, C-6/98, [ARD](#), 1999, paragraphs 50-51. See also art 21(4) of the Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation): “Notwithstanding paragraphs 2 and 3, Member States may take appropriate measures to protect legitimate interests other than those taken into consideration by this Regulation and compatible with the general principles and other provisions of Community law. Public security, plurality of the media and prudential rules shall be regarded as legitimate interests within the meaning of the first subparagraph”.

⁴⁸ CJEU, C-73/07, [Satakunnan Markkinapörssi and Satamedia](#), 2008, paragraph 61. See also C-345/17, [Buivids](#), 2019, paragraph 55.

⁴⁹ CJEU, C-283/11, [Sky Österreich](#), 2012, paragraph 51; C-555/19, [Fussl Modestraße Mayr](#), 2021, paragraphs 53 and 55.

⁵⁰ CJEU, C-719/18, [Vivendi](#), 2020, paragraph 56.

empirical data and longitudinal analysis. By providing a comparative and evidence-based assessment of risks across member states, the Monitor has strengthened the capacity of institutions to detect emerging trends and structural deficiencies. Its findings have increasingly informed policymaking and have contributed to broader governance instruments, including the Rule of Law Report, reinforcing the link between media pluralism, democratic resilience and the rule of law.

In 2024, the Anti-SLAPPs Directive was adopted. It provides safeguards against cross-border manifestly unfounded or abusive civil court proceedings initiated against individuals or organisations for their involvement in public participation. Its limited scope is due to the competence grounded in Article 81 of the Treaty on the Functioning of the European Union (“judicial cooperation in civil matters having cross-border implications”). The Directive is complemented by non-binding Guidelines, with a wider scope, adopted by the Commission.

In 2024, the EU passed the European Media Freedom Act (EMFA).⁵¹ This regulation is the EU’s first attempt to have a comprehensive legislative framework dedicated to safeguarding media freedom and pluralism. The EMFA uses the legal basis of Article 114 TFUE, on the approximation of member states legislation for the establishment and functioning of the internal market.⁵² The EMFA provides, through the lenses of internal market, an additional tool to act for the enforcement of principles on media freedom and plurality that have been extensively developed in the Council of Europe.

The EMFA addresses a wide array of issues related to media freedom and pluralism, including ownership transparency, editorial independence, the independence of public service media, the use of state advertising and the interaction between media outlets and digital platforms, just to mention a few. It represents a synthesis between market regulation, competition law and normative democratic commitments.

The Digital Service Act (DSA), together with the Code of Conduct on disinformation⁵³ has also set a co-regulatory framework to tackle the dissemination of disinformation online. As for disinformation and misinformation, the Court of Justice recognised the need “to protect the security of the ... information space and guarantee and preserve the public interest in being correctly informed”, as “a public policy objective”.⁵⁴ After all, the right to inform and the right to be informed, the Court stated in another case, “cannot include the right to disseminate and have access to [inaccurate] information”.⁵⁵ Even more clearly, referring to propaganda and disinformation campaigns carried out by the Russian Federation, the Tribunal of the European Union stated that they are “capable of undermining the foundations of democratic societies and are an integral part of the arsenal of modern warfare”.⁵⁶ The Tribunal concluded that, taking into account the fact that “the exercise of freedom of expression carries with it duties

⁵¹ European Union, *Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act)*, available at <http://data.europa.eu/eli/reg/2024/1083/oj>.

⁵² A case regarding the European Media Freedom Act is currently pending before the Court of Justice: according to Hungary, EMFA lacks “an appropriate legal basis ... as regards the rules on matters of national security and on criminal matters set out in the regulation, in respect of which the European Union has no ordinary legislative powers on the basis of which the regulation could be allowable”, see C-486/24, Action brought on 10 July 2024 – Hungary v European Parliament and Council of the European Union available at <http://data.europa.eu/eli/C/2024/5088/oj>.

⁵³ European Union, *Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a single market for digital services and amending Directive 2000/31/EC (Digital Services Act)*, available at <http://data.europa.eu/eli/reg/2022/2065/oj>.

⁵⁴ CJEU, C-622/17, *Baltic Media Alliance*, 2019, paragraphs 78 and 80.

⁵⁵ CJEU, C-460/20, *Google*, 2022, paragraph 65.

⁵⁶ CJEU, T-125/22, *RT France*, 2022, paragraph 56.

and responsibilities, ... the news reporting at issue, which covers propaganda activity to justify and support the Russian Federation's illegal, unprovoked and unjustified military aggression against Ukraine, cannot be said to have been of a kind calling for the enhanced protection afforded to press freedom under Article 11 of the Charter".⁵⁷

A relevant EU regulation related to political pluralism online is Regulation (EU) 2024/900⁵⁸, which focuses on transparency and targeting political advertising. The regulation includes strict transparency requirements, restricts the use of sensitive personal data for targeting purposes and requires advertising service providers to uphold due diligence to protect electoral integrity and promote healthy democratic debate throughout the Union.

The emerging European Union framework reflects a broader understanding of media pluralism as an evolving constitutional value that must be safeguarded across both traditional and digital environments. It integrates regulatory oversight, co-regulatory instruments, transparency obligations and peer-review mechanisms, while aligning with the wider EU digital acquis and remaining anchored to standards enshrined in Article 10 of the Convention. In this context, media pluralism is no longer a static concept, but a dynamic legal construct that must continuously adapt to technological change, geopolitical pressures and the increasing centrality of algorithmic and AI-driven systems in shaping public discourse.

As for the AI, one should bear in mind that the European Union established a complex legal system to this end, under the regulation on AI (AI Act). In particular, Annex III of the regulation qualifies as "high-risk AI systems" those that are "intended to be used for influencing the outcome of an election or referendum or the voting behavior of natural persons in the exercise of their vote in elections or referenda". Therefore, providers and deployers of such AI systems have to comply to those duties under Chapter III of AI Act, which are shaped by those principle that have just been mentioned: for example, the establishment of a risk management system (Article 9), the use of training, validation and testing data that meet quality criteria (Article 10), the automatic recording of events over the lifetime of AI system (Article 12), the design and development of AI system in such a way as to ensure that their operation is sufficiently transparent to enable deployers to interpret a system's output and use it appropriately (Article 13) and in such a way, including with appropriate human-machine interface tools, that they can be effectively overseen by natural persons during the period in which they are in use (Article 14). Under Whereas 110 of the AI Act, it is noted that general-purpose model could pose "systemic risks", such as "actual or reasonably foreseeable negative effects on democratic processes, public and economic security" and "the dissemination of illegal, false, or discriminatory content". With regards to systemic risks, Chapter V poses other specific duties on providers. Moreover, Article 50 of the AI Act poses specific duties on providers and deployers on some uses of artificial intelligence that can be vehicle of disinformation (e.g. chatbots and deepfake).

As for the use of AI for filtering contents on digital platform, in 2019 the European Court of Justice (focusing on copyright issues) stated that "a filtering system which might not distinguish adequately between unlawful content and lawful content, with the result that its introduction could lead to the blocking of lawful communications, would be incompatible with the right to freedom of expression and information, guaranteed in Article 11 of the Charter".

⁵⁷ Ibid., paragraph 206.

⁵⁸ European Union, *Regulation (EU) 2024/900 of the European Parliament and of the Council of 13 March 2024 on the transparency and targeting of political advertising*, available at <http://data.europa.eu/eli/reg/2024/900/oj>, and European Commission, Directorate-General for Communications Networks, Content and Technology (2025).

3. Challenges in defining media pluralism in the online environment

3.1. Reconceptualising media pluralism

The challenges to media pluralism have been profoundly transformed by digitalisation. As mentioned above, internet intermediaries, in particular online platforms, now exercise unprecedented control over the flow, visibility and prioritisation of information. Algorithmic curation, personalised content delivery and recommender systems have reshaped patterns of exposure to news and information, fostering phenomena such as filter bubbles and echo chambers. These developments risk reducing exposure diversity, intensifying polarisation and undermining the public's ability to access a broad spectrum of viewpoints, particularly where users lack awareness or understanding of such mechanisms. At the same time, a small number of global technology companies have assumed structurally dominant positions in infrastructure, security, content dissemination and online advertising markets, generating significant power imbalances between platforms, media organisations and public authorities. These dynamics have exacerbated long-standing vulnerabilities in the media ecosystem, including declining revenues for legacy media, increased concentration as a defensive strategy, growing threats to editorial autonomy and deteriorating working conditions and safety for journalists.

The rapid rise of generative AI is reshaping the information ecosystem in ways that may increase media dependence on an even smaller group of powerful technology companies. These companies operate at an unprecedented scale while remaining largely opaque. Their internal decision-making processes, data practices and content governance systems are mostly shielded from public scrutiny, despite their significant influence over how information circulates and the visibility of media entities. These systems are no longer just intermediaries directing users to news outlets; they increasingly function as gatekeepers that determine which information emerges in public discourse, which media brands gain visibility and even how stories are framed through automatically generated summaries. In doing so, AI tools influence not just access to information but also the very structure of attention itself.

A technological novelty is AI summaries. Generative AI applications often provide ready-made answers, digests, or summaries, replacing the news and further disrupting media business models. Even when these responses include links to original sources, many users tend to stop at the AI-generated content. As a result, audiences spend more time within platform-controlled environments and less time engaging directly with news organisations. This shift has significant consequences: reduced website traffic weakens advertising revenues, undermines subscription strategies and erodes the direct relationship between media outlets and their audiences. Without this connection, news organisations face increasing challenges in building trust, understanding their readership and developing sustainable long-term strategies.

Legal and ethical questions further complicate the landscape. AI models are often trained on vast volumes of publicly accessible material, including copyrighted works, personal data, without clear authorisation or payment. Disputes over whether such uses infringe intellectual property rights or unfairly exploit journalistic labour are multiplying, with courts increasingly asked to clarify the boundaries between innovation and appropriation. Regulatory responses are beginning to emerge, seeking greater transparency about training data and clearer rules on accountability, but the balance between technological development and the sustainability of independent media remains unsettled.

Generative AI systems heavily depend on high-quality journalistic content. News reporting not only aids in training AI models but also provides the real-time information these systems utilise to generate outputs. In theory, this dependency could open-up new revenue streams for journalism. However, in practice, decisions regarding licensing and compensation are mostly controlled by the platforms themselves. This results in a concentration of power over which publishers are included, which languages and regions are represented and whose work goes unpaid. Content from smaller markets or less dominant cultural contexts is especially vulnerable to being excluded.

Overall, generative AI introduces both opportunity and risk. It has the potential to enhance access to information, yet it also threatens to weaken the economic foundations, editorial autonomy and societal role of journalism. How these tensions are managed will play a decisive role in determining whether the digital information space evolves toward greater diversity and resilience, or rather toward deeper concentration of power over how knowledge is produced and circulated.

3.2. A new concept of media pluralism in the online environment

In light of the significant changes in the media and information environment structure, the concept of media pluralism needs to be reassessed. While the core principles underpinning the concept remain the same, as the policy goals, the understanding of pluralism and the methods used to evaluate and safeguard it must adapt. The increasing influence of digital platforms, algorithmic curation and new technological intermediaries challenges traditional indicators on media pluralism and how to measure the proxies that describe media plurality. This calls for updated analytical tools and policy approaches to effectively address pluralism in a platform-driven information ecosystem.⁵⁹

In order to frame a new concept of media pluralism in the online environment and have it operational for a policy recommendation of the Council of Europe, the main reference that this study considers is the new notion of media established by the Committee of Ministers in its recommendation [CM/Rec\(2011\)7](#), under which the new broad of media encompasses:

All actors involved in the production and dissemination, to potentially large number of people, of content (for example information, analysis, comment, opinion, education, culture, art and entertainment in text, audio, visual, audiovisual or other form) and applications which are designed to facilitate interactive mass communication (for example social networks) or other content-based large-scale interactive experiences (for example online games), while retaining (in all these cases) editorial control or oversight of the contents (paragraph 7).

However, the Committee of Ministers also recommended:

A graduated and differentiated response for actors falling within the new notion of media based on relevant Council of Europe media-related standards, having regard to their specific functions in the media process and their potential impact and significance in ensuring or enhancing good governance in a democratic society (paragraph 7).

According to recommendation [CM/Rec\(2011\)7](#), six criteria should be applied when considering such a graduated and differentiated approach: 1) the intent to act as media; 2) the purpose and underlying objectives of media; 3) editorial control; 4) professional standards; 5) outreach and dissemination; 6) Public expectation (paragraphs 9-55). As already seen above (para.

⁵⁹ Brogi E. *et al* (2025).

1.1), the European Court of Human Rights endorsed such an approach in the *Delfi AS* judgment.

From this perspective, some authors proposed to make a distinction, in terms of different normative response to different media actors, conceptualising the journalists' privilege "in terms of concentric circles",⁶⁰ recognising *some* faculties and responsibilities only to those media that can be defined "functionally in relation to the public interest, in terms of size and through self-declaration, for example through adopting ethical codes".⁶¹ Other authors proposed to identify three different kinds of media: "clear-cut media actors"; those "borderline media actors who may come within the definition when the framework is applied on a case-by-case basis and actors who may be public watchdogs warranting similar protection to that afford to the media"; and "those actors who are not media actors, but who are actors within the online media ecosystem".⁶²

Also, the EU relied on such an approach, when giving a definition of "media service" only to *some* specific ends. This is the case of the definition of "audiovisual media service" under Article 1, paragraph 1, lett. (a) of the Audiovisual Media Services (AVMS) Directive:

a service as defined by Articles 56 and 57 of the Treaty on the Functioning of the European Union, where the principal purpose of the service or a dissociable section thereof is devoted to providing programmes, under the editorial responsibility of a media service provider, to the general public, in order to inform, entertain or educate, by means of electronic communications networks within the meaning of point (a) of Article 2 of Directive 2002/21/EC; such an audiovisual media service is either a television broadcast as defined in point (e) of this paragraph or an on-demand audiovisual media service as defined in point (g) of this paragraph.⁶³

It is also the case of the definition of "media service" under Article 2, paragraph 1, of the EMFA:

a service as defined by Articles 56 and 57 TFEU, where the principal purpose of the service or a dissociable section thereof consists in providing programmes or press publications, under the editorial responsibility of a media service provider, to the general public, by any means, in order to inform, entertain or educate"⁶⁴.

Although indirectly, this is also the case of the media that can rely on the so-called media privilege, i.e. those media that, under Article 18 EMFA:

- (a) declare that they are media service providers;
- (b) declare that they comply with Article 6(1);
- (c) declare that they are editorially independent from Member States, political parties, third countries and entities controlled or financed by third countries;
- (d) declare that they are subject to regulatory requirements for the exercise of editorial responsibility in one or more Member States and to oversight by a competent national regulatory authority or body or that they adhere to a co-regulatory or self-regulatory mechanism governing editorial standards that is widely recognised by and accepted in the relevant media sector in one or more Member States;

⁶⁰ Tambini D. (2021a), p. 57.

⁶¹ Ibid., p. 137.

⁶² Irion K. *et al.* (2022), p. 17.

⁶³ European Union, *Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)*, as amended by *Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)*. The consolidated text is available at <http://data.europa.eu/eli/dir/2010/13/2025-02-08>.

⁶⁴ On the identification of the media actors under such a definition, see Verza S. (2025).

- (e) declare that they do not provide content generated by artificial intelligence systems without subjecting it to human review or editorial control;
- (f) provide their legal name and contact details, including an email address, through which the provider of the very large online platform can communicate quickly and directly with them; and
- (g) provide the contact details of the relevant national regulatory authorities or bodies or representatives of the co-regulatory or self-regulatory mechanisms referred to in point (d)".

Providers of very large online platforms providing access to media content should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements to Article 18 EMFA's ends, while at the same time retaining the possibility to reject such self-declarations where they consider that those conditions are not met. Under *Recital 53* EMFA, recognised civil society organisations, fact-checking organisations and other relevant professional organisations recognising the integrity of media sources on the basis of standards agreed with the media industry should also have the possibility to flag to the providers of very large online platforms any potential issue regarding compliance by media service providers with the relevant requirements for the self-declaration. The European Commission recently issued guidelines to facilitate the effective implementation of such a functionality⁶⁵. The involvement of civil society organisations is crucial because in such a way the recognition of the quality of media under Article 18 EMFA will not be the outcome of a State-recognition of the quality of media. On the contrary, the outcome will come from a pluralistic process, involving media, platforms and civil society.

The Court, EU legislation and the aforementioned scholars all have contributed to establish different regulations to different media actors, in line with the "graduated and differentiated response for actors falling within the new notion of media" recommended by the Committee of Ministers in 2011.

The same approach should be carried out here, when it comes to framing a new concept of media pluralism in the online environment, that is the specific aim of this study. A graduated and differentiated response should be given, when it comes to a new concept of media pluralism in the online environment. In other words, different normative responses for media pluralism in the online environment should be established for different media actors, in terms of "concentric circles".

The traditional concept of pluralism regarded the constitutional necessity of having a plurality of voices to be heard within the public sphere: internal pluralism (within the public media service) and external pluralism (within the market). The main challenge to the traditional concept of media pluralism, thus, concerned the scarcity of the *quantity* and the *competitiveness* of media in the public sphere.

Today's online environment is characterised by new factors, as already mentioned (see above, section 3.1). It has made it possible for an unlimited number of media but has also transformed the freedom of expression into a triangle, where the public and the state now deal with private actors, i.e. the online platforms, via which the freedom of expression is currently carried out.⁶⁶ Therefore, the issues scarcity of the *quantity* and the *competitiveness* of media have not been solved but simply transformed. Moreover, such new factors have raised new issues, i.e. that of the *quality* and the *use* of media.

⁶⁵ European Commission (2026).

⁶⁶ Balkin J.M. (2018).

For these reasons, a new concept of media pluralism in the online environment should take into account the constitutional necessity of the following elements: media quantity, competitiveness, quality and use.

a) **Quantity of media.** Although digital environment has increased the technological channels without any limit and fragmenting audiences, the (highest) quantity of media to be heard must be protected, as broadly defined by Council of Europe standards. One should bear in mind that the Court stressed the importance of the protection of journalists, NGOs, activists, academic researchers and authors of literature, even bloggers and popular users of social media, from the potential chilling effect, due to their vital public watchdog role (see above, section 1.1). The need of such a protection is still valid nowadays in the online environment.

b) **Competitiveness of media.** Platform concentration and concentration of economic resources (see above, section 1) can take the risk of reproducing the same scarcity of the quantity of media under the traditional concept of pluralism. This is the reason why, under the definition of pluralism in the online environment, platforms markets should not be characterised by oligopolies but be competitive; in today's digital information landscape, the concept of media pluralism should be reconstructed in the context of the structural imbalances among media actors, dominant online platforms and AI-driven intermediaries. While the fundamental principles of pluralism, such as diversity of sources, editorial independence and the public's access to a wide range of viewpoints, remain unchanged, the threats to these elements increasingly arise from the concentration of infrastructure and economic power among digital gatekeepers, rather than solely from traditional media ownership structures.

The concentration of platforms and the accumulation of financial, technological and data resources in the hands of a few global entities threaten to reproduce the scarcity of voices and the constraints on diversity that pluralism rules historically aimed to address. When a small number of platforms and AI systems control content visibility, distribution channels, monetisation processes and algorithmic prioritisation, the ability of media organisations to effectively reach audiences and operate sustainably becomes reliant on private regulatory environments. This situation could undermine both external pluralism (the diversity of media actors) and internal pluralism (the diversity of viewpoints), even in media markets that are formally diverse.

Under a contemporary legal and policy understanding of pluralism in the online environment, the competitive structure of the platform ecosystem should be viewed as essential for protecting political pluralism. Ensuring effective competition among platforms is not just a matter of market regulation; it is also a democratic imperative, as it affects the exercise of freedom of expression and access to information.

This objective is closely linked to the need to prevent the formation of oligopolistic structures, especially where economic concentration overlaps with political power. When a small number of players control key communication infrastructures and have close ties to political authorities or are influenced by politics, risks emerge not just for market competition but also for editorial independence and democratic accountability. These configurations can lead to subtle or indirect control over the flow of information, distort the conditions for political debate and undermine the autonomy of media actors. Therefore, addressing media pluralism in the digital age requires a focus not only on content diversity but also on the distribution of structural power within the information ecosystem.

From the market perspective, there is also a strategic policy interest, both at the EU level⁶⁷ and at the Council of Europe level too,⁶⁸ in supporting the development of digital platform infrastructures that can compete with dominant global platforms. Establishing alternative, transparent and rights-compliant intermediaries would reduce systemic dependency, enhance media autonomy and contribute to a more resilient and diverse information ecosystem. Thus, measures aimed at fostering competitive capacity should be considered a crucial part of the regulatory toolkit for safeguarding media pluralism in the era of platforms and AI.

The taxation of digital platforms can serve as a horizontal policy tool to address structural inequalities within the information ecosystem. The concentration of advertising revenue and economic power in a few global platforms has undermined the financial sustainability of journalism, leading to negative consequences for media diversity. Fiscal measures, such as digital services taxes or online advertising levies, can help rebalance this situation by redistributing a portion of the value generated in the digital environment to support public interest journalism and independent media infrastructures.⁶⁹

c) **quality of media.** As the Court pointed out (see above, section 2.1), disinformation poses threats (among other values) to the protection of health; weaponised disinformation must be counteracted through proportionate measures, so as to protect democracy; diversity, from geographic, political, cultural perspectives should be considered. As the Italian Constitutional Court noted, a “new face of media pluralism” has to be protected within the new online environment.⁷⁰ In particular, in the judgement that annulled the electoral process for the election of the President of Romania in 2024, the Romanian Constitutional Court noted that “the State has a positive responsibility to prevent any undue interference in the electoral process with regard to the constitutional principles”⁷¹. Among them, the Romanian Constitutional Court mentioned the “right to be properly informed” of voters, that implies the “right to obtain accurate information about the candidates and the electoral process from all sources, including online, as well as the protection against undue influence, through illegal and disproportionate acts/facts, on the voting behaviour”.⁷²

Ensuring this diversity requires policy responses capable of addressing systemic risks tied to disinformation campaigns, coordinated manipulation and the structural amplification power of platforms and AI systems. Thus, countering weaponised disinformation is not just a matter of content moderation; it is part of a broader obligation to protect democratic integrity and the conditions for informed public participation.

In this context, the quality aspect of media pluralism must include the visibility and accessibility of public interest content. In platform-driven environments, simply having a diversity of media actors is not enough. Journalistic, reliable and socially relevant information can be diminished if it is ranked, displayed, or made accessible to audiences in a way that disadvantages it. Therefore, protecting media pluralism also means ensuring that public interest journalism can effectively reach users within digital information systems that are influenced by algorithmic curation.

⁶⁷ European Parliament: Directorate-General for Parliamentary Research Services, Bleyer-Simon, K. *et al.* (2025).

⁶⁸ Council of Europe (2025b).

⁶⁹ Brogi E. and Carlini R. (2021).

⁷⁰ Italy, Constitutional Court, Judgment No. 44 of 15 April 2025, paragraph 12.3.5.

⁷¹ Romania, Constitutional Court, Ruling No. 32 of 6 December 2024, para. 10.

⁷² *Ibid.*, para. 13.

At the same time, regulatory responses must remain anchored in freedom of expression standards and avoid undue interference with legitimate speech. The challenge for policymakers is thus to design frameworks that mitigate systemic risks to democratic debate and pluralism, while ensuring transparency, accountability and proportionality in platform governance and AI deployment.

d) **use of media.** In today's fragmented information landscape, marked by personalised content delivery, platform-driven distribution and segmented audiences, it is crucial to understand media use patterns to evaluate effective media pluralism. Simply having a variety of content available and a governance structure that allows for many voices is not enough; it should be considered how exposure, attention and engagement are unevenly distributed and influenced by algorithmic systems and personal data processing.

In this context, analysing media usage and identifying reliable indicators of impact, such as reach, visibility, engagement, cross-platform circulation and audience diversity, are essential for evaluating how information influences public discourse and to define media, in the end. These indicators help assess whether diverse content effectively reaches the public, contributes to the formation of informed opinions and supports democratic participation, despite the structural fragmentation of today's information ecosystems.

Recommender systems play a crucial role in shaping the information, viewpoints, and sources that users encounter by selecting, ranking, prioritising, and filtering content. In today's digital media landscape, where an increasing amount of news consumption and cultural engagement happens through platforms, these systems serve as gatekeepers of public discourse. Consequently, the design choices made in these systems have significant implications in terms of consumption, and therefore on media pluralism, democratic participation, and the formation of public opinion.

Recommender systems are optimised based on commercial and behavioural metrics, such as user engagement, time spent on the platform, user retention, and advertising revenue. While these metrics can enhance user satisfaction and improve platform performance, they do not necessarily ensure exposure to a diverse range of perspectives, sources, or topics. In fact, systems designed solely to maximize engagement may reinforce existing preferences, encourage selective exposure, and lead to a fragmented public sphere.

For this reason, scholars⁷³ argue that exposure diversity should be explicitly recognised as a design objective alongside traditional performance indicators. Exposure diversity refers to the degree to which users encounter a variety of information, viewpoints and content that can broaden their understanding of social, political, and cultural issues. The aim is not to force users to consume unwanted information but to create opportunities for meaningful engagement with different perspectives while respecting individual autonomy and preferences.

A closely related concept is algorithmic pluralism. Instead of relying on a single recommendation logic, platforms could provide multiple recommendation models and criteria, allowing users to access content through various pathways and perspectives. This approach can include relevance-based recommendations alongside those that prioritise public-interest content, diverse viewpoints, serendipitous discovery, local content or trustworthy news sources. By doing so, algorithmic plurality can help mitigate the risks associated with concentrating informational power in a single algorithmic system and promote a more pluralistic online environment.

⁷³ Helberger, N., Karppinen, K., and D'Acunto, L. (2018).

From this perspective, recommender systems should be viewed not just as technical tools but as socio-technical infrastructures that significantly influence democratic communication. Integrating exposure diversity and algorithmic plurality into their design can help ensure that digital platforms contribute to informed citizenship, inclusive public debate, and the resilience of democratic societies.

Finally, the use of media constitutes an integral component of democratic participation and presupposes the ability of individuals, of any age or condition, to access, assess, interpret and critically engage with information across different media in complex, algorithmically mediated environments.

Accordingly, the realisation of media pluralism depends on conditions that enable the public to develop media and information literacy, awareness of content curation processes and critical autonomy in their media consumption.

4. Conclusions

The digital transformation of the information environment has fundamentally altered the conditions under which media pluralism can be realised. The traditional concept of pluralism, built around the diversity of media outlets, the prevention of ownership concentration and the guarantee of editorial independence within nationally bounded media markets, was for a world that no longer exists.

Today, online platforms and generative AI systems have become the primary infrastructure of public communication. Their algorithmic production, curation, recommendation systems and commercial logic shape what the public see, how they engage with information and whether a shared public sphere can exist at all. The concentration of economic and technological power among a small number of global digital gatekeepers threatens to reproduce, and in many ways deepen, the very harms that pluralism rules were designed to prevent, including the silencing of minority voices, the subordination of public interest journalism to commercial imperatives and the manipulation of democratic debate.

Existing Council of Europe standards, while constituting a coherent and progressive normative framework, were not designed to address these structural shifts in their entirety. A new standard-setting instrument is therefore useful. It would update the concept of media pluralism to meet the realities of the platform and AI era and provide member states with actionable guidance.

Such a Recommendation should address, in particular, the following challenges: the concentration of platforms and AI systems acting as information gatekeepers and the need to ensure genuine competitiveness within the digital ecosystem; the visibility and discoverability of public interest journalism in algorithmically governed environments; the economic sustainability of independent media and the disruption caused by platform business models; the integrity of the information space as a democratic requirement; the definition of media actors in the online environment and the need for a graduated, functional approach to rights and responsibilities; and the conditions for meaningful media use, including media and information literacy.

The core values underpinning media pluralism remain unchanged: diversity of voices, editorial independence, the public's right to access a broad range of viewpoints. What needs to change is the regulatory framing that protects and promotes them.

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