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### Communication rights, democracy & legitimacy : the European Union

Hoffmann, J.

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The protection of autonomy as expressed *inter alia* by self-determination through communicative action, the granting of rights and the recognition of citizens as holders of rights, have above been conceptualized as the basic tenets of legitimacy of the European Union edifice. The requirements relating to the capacities of citizens to engage in communication that have been proposed are thus to be seen not merely as guidelines for and objectives of governance, but are conceptualized as new *rights* that citizenship of the Union commands.

In order to protect existing and to bring about sufficient new opportunities an environment conducive to the exercise of citizens' communication rights must then be nurtured. It is here not only the developments of the "information society" that require an additional layer of citizenship rights to include access to relevant information, but also the political innovations of supranational governance which make it a paramount function of citizenship to be empowered to exercise communicative action as a means to enter into the realm of political power. So in addition to information, communication can be seen as essential for effective citizenship in the EU. This means that beyond information transfer, issues such as the confidentiality of communication, freedom of expression and media pluralism as well as a right to participate and be taken into account must be incorporated as essential features of citizenship in the EU.

Whereas many of those rights are already protected at the nation-state level, their recognition as coherent set of entitlements that comes with European citizenship would imply their consideration also within supranational law-making that is impacting their effectiveness. So, for example, agreements to exchange passenger information between the EU and the US are clearly impacting the right to privacy while the application of EU competition rules is directly limiting the opportunities of Member States to decide on the scope and nature of funding of national public service media, which fulfill an important task in the conservation of media pluralism. Furthermore, the call for communication rights often goes beyond what is recognized in national or international law to include the codification of positive obligations of public authority to protect and promote the exercise of certain rights as well as the horizontal effect of provisions that would ensure their viability in an increasingly liberalized and privatized market. So, to realize citizenship within the setting of

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the European Union also issues such as the lack of a common communicative space and interaction will have to be taken into account.

The implication of recognizing those rights would be an obligation to create a favorable environment for public and private communication within the EU (Venturelli, 1998). However, not all aspects of communication are either purely national or European matters anymore due to the “pooling” of sovereignty that together with the principle of subsidiarity provides for a complex governance structure that is highly dynamic and often complementary. Also, because communication rights are not viewed as a coherent set of entitlements and the process of communication is not considered in its entirety neither from a human rights perspective nor as a comprehensive policy area, it is difficult to draw a complete picture of the trends and actors impacting them.

Given the above, however, it is an important endeavor to understand how citizens' communication rights are affected by European-level law and policy-making. Only when having identified the relevant areas of European level policy and law that affect citizens' communication rights a more coherent proposal for the design of a European approach to communication could be formulated to address the present shortcomings.

**References**

Venturelli, S. (1998). *Liberalizing the European media. Politics, Regulation, and the public sphere*. Oxford: Clarendon Press.

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