Musk, Power, and the EU

What – If Any – Legal Responses to Plutocracy?

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At a time when calls for the EU to respond to Musk's provocations multiply, critical questions about whether, why, and how the EU may react remain largely unanswered. Musk's conduct, which spans sectors as diverse as social media (X, formerly Twitter), AI (xAI), satellite technology (Starlink), space rockets (SpaceX), and electric vehicles (Tesla), pose unique challenges to existing legal frameworks. His multi-industry influence gives rise to profound questions about the limits of individual influence and power accumulation in a complex geopolitical landscape. Amid the hyper-accelerated political news cycle uncritically amplifying Musk's public statements, his stance appears further weaponised by an unprecedented merger of Silicon Valley's tech industry and an increasingly authoritarian US state.

The Legal and Ethical Conundrum

What specifically makes Musk's conduct problematic under EU law? Are we witnessing disregard for issues of disinformation, electoral integrity, or undue foreign influence? Do his industrial ventures represent a troublesome concentration of market power that triggers scrutiny for potentially abusive conduct? Or is it all the above, or perhaps a combination of these factors – an interlocking web of legal and ethical challenges that defy straightforward categorisation?

The extent to which the EU is dependent on Musk (and, of course, the US) should not be underestimated. Tens of thousands of Europeans – especially in rural and remote areas – are dependent on Starlink internet services as critical infrastructure. This is even more dramatically the case in Ukraine where the ongoing conflict's direction for Ukrainians is shaped by Starlink-powered Internet access as much as by armaments provided to their troops. In the space race, too, with SpaceX rockets being used by the EU to launch satellites and telescopes, the Union has also made itself dependent on Musk's dominance. Moreover, Tesla dominates the electric vehicle market and sets standards in terms of batteries, charging infrastructure, and autonomous driving. Finally, and as we are all too aware by now, his ownership of X provides Musk with a crucial role in shaping public discourse and influencing political communications across the globe, including in the EU. Musk's deliberate laissez-faire approach to dealing with disinformation, hate speech, and election interference has come under scrutiny – but no political European leader seems capable or willing to oppose his frontal attack on the European continent. These ventures are emblematic of typical US technological dominance, highlighting broader vulnerabilities in Europe's strategic autonomy, which has been a core aim of EU policy for decades.

Musk and the Politicisation of Influence

Musk's influence appears to be on the verge of extending even further, spilling beyond the industrial realm into the sphere of politics, particularly with Donald Trump's return to the White House. With the latter having promised Musk a leading role as advisor-in-chief of an informal task force dubbed the 'Department of Government Efficiency' (DOGE), this has only served to legitimise and amplify Musk's voice. Musk's influence has already permeated European politics, with his presence noted during calls between Trump and foreign leaders such as Ukrainian President Volodymyr Zelenskyy.

Musk's influence has also stretched into far-right political circles. Recently, he publicly endorsed the German far-right Alternative for Germany (AfD) party, conveyed through an op-ed in a leading German news-

paper and a public interview on X with AfD leader Alice Weidel. How this endorsement may convert into electoral support is difficult to determine but could significantly sway public opinion. The financial value provided to the AfD – that is, the amount the AfD would have to pay to attain an equivalent level of public exposure in Germany – is not insignificant and most likely falls outside the scope of Germany's regulatory framework for political spending. What can be said with greater certainty is this: the interview was on the radar of the EU, with 150 Commission officials tuning in to scrutinise the extent to which the conversation complied with EU rules. And yet no action was taken. While an ongoing investigation over X may be pursued, one may reasonably wonder whether this alone will be enough to tame Musk's attacks on the EU project and its Member States' democracies.

Musk's actions echo similar recent trends among other tech tycoons, including Meta's Mark Zuckerberg. While Zuckerberg has not yet openly used his platforms to promote a political agenda, his own views, or any extremist views, his recent business actions indicate a troubling shift. He may, for instance, have been emboldened in his decision to water down content moderation, as seen in his recent move to prioritise "free speech" over rigorous independent fact-checking on his Facebook and Instagram platforms, which risks enabling the spread of misinformation and divisive rhetoric on Meta's platforms. This approach, preferred by the incoming US president, may be a direct response to threats made by Trump. Trump himself has certainly interpreted it that way. He might also be tempted to embrace a Musk-style approach in handling his platforms to the benefit of the US administration and ask in exchange for special treatment by the US government (e.g. government exemptions, tax breaks, etc). Also, like Musk, who tirades against the 'woke mind virus', Zuckerberg has recently axed his diversity, equity and inclusion initiative and calls for companies to have more 'masculine energy'.

The EU's Legal Arsenal

Does EU law possess the instruments designed to react to any of the above concerns? In the affirmative, how could these be mobilised without risking a major confrontation with the incoming US administration or jeopardizing the transatlantic alliance? The potential for discord highlights the complexity of the EU's position, which must navigate not only legal questions but also the strategic, largely geo-political implications of responding to a figure whose enterprises wield immense economic and geopolitical influence.

Ironically, after celebrating the EU's soft power stemming from its Brussels effect – whereby the EU exports its rules to other world regions – we now witness the EU's inability to apply its own rules within its territory when dealing with foreign companies, particularly those from the United States or other EU trade partners. In that regard, we may recall the news of Qatar threatening to cut off gas supplies unless the EU suspends its rules to its companies operating in its market, such as the Corporate Sustainability Due Diligence Directive, the Corporate Sustainability Reporting Directive.

From Lobbying to Plutocracy

The above developments suggest that we are now dealing with the threat of a full-blown plutocracy in which economic and financial power merge with political authority. This is government by the wealthy and for the wealthy, who shape policies to serve their interests at the expense of democratic principles and the broader public good. In such a system, democratic processes are eroded by the disproportionate influence of the elite over lawmaking and regulatory frameworks. In these new circumstances, the EU faces mounting pressure to suspend the application of its own regulations to businesses close to the US administration. Ultimately, no EU leader wants to displease President Trump or Musk. What once was the "Brussels Effect" now seems to devolve into a "Brussels Hijack" – a situation in which the EU is not even able to apply its rules on its own territory.

Symposium Objectives

This symposium intends to explore these and further questions through a series of brief opinion pieces by legal scholars and experts. The contributions aim to

unpack the broader question of whether and how (EU) law may effectively tackle the existence and the exercise of unprecedented plutocratic power by one single individual through his unique control of some of the most geopolitically sensitive industries at a time of regional global competition.

Through this exploration, the symposium will ultimately provide a framework for understanding the role of law in confronting the unique challenges posed by individuals wielding extraordinary influence in a time of heightened global competition and geopolitical sensitivity.

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