[DE] Continuing Media Concentration a Sign of Convergence

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In accordance with the Rundfunkstaatsvertrag (Agreement between Federal States on Broadcasting - RStV), the Kommission zur Ermittlung der Konzentration im Medienbereich (Commission on Concentration in the Media - KEK) must publish a report every three years on developments in concentration in private broadcasting. The report, under the title Fortschreitende Medienkonzentration im Zeichen der Konvergenz (Continuing media concentration, a sign of convergence), was published on 28 November 2000. The body responsible for controlling concentration in the broadcasting sector is meant to counter the dangers posed by the multimedia's power over public opinion, which have been emphasised by the Bundesverfassungsgericht (Federal Constitutional Court). The KEK report explains that this phenomenon is gaining new significance as the media world changes in the digital age. Technical progress may increase the amount of media content available, but it does not in itself lead to greater variety of programming. Rather, it appears at present that the highly concentrated structures of the traditional media are spreading to the new markets. The position of the leading television broadcasters is thus being strengthened even further. Using empirical data and numerous graphs, the report shows that the two large groups of German national television broadcasters, Kirch and RTL, continue to dominate. Foreign shareholdings have so far failed to produce greater competition and variety. International alliances between media companies mainly serve to maintain those companies' strong positions in their respective national markets. Domestic growth of large media corporations is the main root of their power over public opinion; it is not curbed by merger controls based purely on competition law. A comparative law study contained in the report shows that most western industrialised nations recognise the need for a specific broadcasting concentration authority. As well as competition law, all the legal systems examined in the report have special concentration laws designed to safeguard plurality of opinion and have established independent supervisory bodies for this purpose. Overall, apart from in Italy, the level of regulation in all these countries is higher than in Germany. The KEK stresses that the viewer ratings model set out in the Rundfunkstaatsvertrag has, in principle, been very effective. However, some provisions of the Agreement are in need of reform. They must be adapted to the changes resulting from the transition to digital television, with its specialised channels, programme bundles and Internet access. From a procedural point of view, if the KEK were granted independent powers of investigation, its work would

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be made both simpler and quicker. Over and above this, the KEK should be allowed to establish a mutual exchange of information with the Bundeskartellamt (Federal Monopolies Commission) and, in view of the increasing number of international alliances, with similar supranational regulatory authorities.

Medienkonzentrationsbericht der KEK

http://www.kek-online.de/kek/information/publikation/mk-bericht/index.html

KEK report on media concentration

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