[DE] KEK Publishes Fourth Annual Report

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Carmen Palzer
Institute of European Media Law (EMR), Saarbrücken/Brussels

The Kommission zur Ermittlung der Konzentration im Medienbereich (Commission on Concentration in the Media - KEK) published its fourth annual report on 22 August 2001.

The KEK is an independent body which "shall judge whether plurality of opinion is assured in connection with the nationwide transmission of television programmes" (Article 36.1.1 of the RundfunkstaatsvertragInter-State Agreement on Broadcasting - RfStV). One of the KEK's main tasks is therefore to observe and assess media concentrations using a so-called viewer ratings model (Articles 26 ff. RfStV). Among the most important activities it carried out during the 12 months covered by the report (1 July 2000 to 30 June 2001) was the publication of its first report on media concentration, in which it described in detail recent mergers in the media sector (see IRIS 2001-1: 8).

The fourth annual report contains information on the proceedings dealt with by the KEK during the period concerned (15 applications for broadcasting licenses and 35 notifications of changes of ownership) and its decisions. It also includes an overview of national commercial TV stations and ownership of them, together with the viewer ratings they each achieved. During the year, the KEK also studied whether the development of pay-TV and online media meant that the current viewer ratings model needed amending or supplementing so that their potential impact on opinion formation could be properly evaluated (Part I Section 6.4 of the annual report). The report (Part I Section 6.2) also contains the KEK's proposals on amending the concentration regulations set out in the RfStV. These proposals follow on from the report on media concentration and discussions with broadcasting experts from the different Länder. They include a suggestion that the criteria used to define a dominant source of opinion should be amended and a call for closer co-operation with the Bundeskartellamt (Federal Cartels Office), which monitors competition in Germany.

The second part of the report describes current developments in the media sector, eg vertical concentration through planned mergers between ISPs, cable network operators and media undertakings and the situation in the broadband cable market, where Deutsche Telekom's regional cable networks have been or will soon be sold off to private investors.

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