[DE] Third Report on Concentration and the Restructuring of the KEK

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At the end of March, the *Kommission zur Ermittlung der Konzentration im Medienbereich* (Commission on Concentration in the Media - KEK) published its third report on concentration under the title *"Crossmediale Verflechtungen als Herausforderung für die Konzentrationskontrolle"* ("Cross-media links: a challenge to the monitoring of media concentration"). In addition to the development of horizontal concentration in the field of television, the report describes the vertical and diagonal links between operators and other media markets and points to possible changes to be expected in the field of broadcasting, especially as a result of the digitisation of content and transmission methods. As far as the monitoring of media diversity is concerned, these changes mean that new approaches are needed to find solutions. The KEK describes these approaches in its report and reaches the conclusion that the current legal rules on media concentration enable cross-media activities to be included to a sufficient extent in the examination carried out under broadcasting legislation. Problems related to the changing roles of the platform operators could, according to the KEK, also be dealt with under the existing rules. However, the report also contains reform proposals concerning the streamlining of the procedure, the greater clarity of legal provisions, and better enforcement.

Under the plans of the *Länder* relating to the restructuring of the supervision of the media, the KEK will cease to exist in its present structure from 2008 onwards. This was decided by the *Rundfunkkommission* (Broadcasting Commission) of the *Länder* on 21 March 2007. The KEK, the members of which have up to now exclusively been independent experts, is to be expanded with the addition of six directors of *Landesmedienanstalten* (*Land* media authorities). The Chair, however, with a casting vote in the event of a tie, will still be an independent member. The Broadcasting Commission justified its decision by pointing out that this would avoid the problem of decisions only being taken on the basis of regional interests influenced by geographical location. Moreover, it added, the new body should no longer only be responsible for monitoring and protecting media diversity but also for licensing radio and television programmes that could be received nationwide.

However, the previous Chair of the KEK, who left office under the rotation system in April 2007, expressed his fear that the restructuring of the KEK would lead to its devaluation. The reform did not, he said, pursue the constitutional aim of

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preventing the accumulation of too much power to influence public opinion. With the projected structure, it was no longer conceivable that this work could be done properly, and he noted that the Commission, with its twelve decision-makers, was too large.

Dritter Konzentrationsbericht der KEK

http://www.kek-online.de/Inhalte/mkbericht_3_gesamt.html

Third KEK report on concentration

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