[DE] KEK publishes report on video streaming data

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On 3 March 2021, the *Kommission zur Ermittlung der Konzentration im Medienbereich* (Commission on Concentration in the Media – KEK) published a study it had commissioned from the Fraunhofer Institute for Open Communication Systems (FOKUS) on the recording of video streaming usage data. The report primarily considers the different technical approaches that can be used and how the regulatory framework should be shaped accordingly.

The KEK is responsible for monitoring compliance with the rules protecting the diversity of opinion on national commercial television and taking relevant decisions. Mechanisms for measuring video and TV streaming usage are therefore vital for the KEK in terms of the current German media concentration law and the possible future development of an overall market model that takes into account both linear broadcasting and on-demand services. The report commissioned by the KEK therefore begins by analysing how and to what extent streaming providers, metering service providers and market research companies measure such usage.

Based on this information, the study reaches the interim conclusion that streaming providers, in particular, can access usage data that can be used to verify their compliance with the media concentration law. However, after further analysing and comparing the methods observed, it concludes that uniform data collection standards are required if the data collected by different providers is to be comparable. Although usage data and download figures for individual streams can be used to measure the impact of individual services on the formation of public opinion, they do not yet provide an overall picture. They therefore do not meet the requirements of current legislation, which aims to protect the diversity of opinion through various provisions of the *Medienstaatsvertrag* (State Media Treaty, especially Articles 59 *et seq*.).

The study therefore recommends, in the longer term, devising a comprehensive technical data collection system, together with a representative panel, e.g. one that covers all video usage (covering all moving image content, regardless of provider, end device and usage situation) and uses a standardised method for collecting data. The data collection framework must be flexible enough to accommodate the dynamic market conditions of the media sector. However, the challenge here lies in the creation of common data formats and quality standards.

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Along with provisions on the structure and semantics of data, the study mainly proposes guidelines on the comparability of live TV via broadcasting, the Internet and on-demand content, which need to be coordinated with market participants. However, this would require legal provisions giving the KEK access to the relevant data. This could be linked to the existing rules on the collection of usage data by the KEK in Article 61 of the State Media Treaty (determination of television audience shares).

In the KEK's opinion, the study provides an important basis for the necessary reform of the media concentration law. With consumer behaviour steadily shifting towards the online and on-demand market, this data is an extremely important tool for evaluating the overall market power of media companies and their influence on public opinion.

Pressemitteilung der KEK vom 03. März 2021

https://www.kek-online.de/service/pressemitteilungen/meldung/kek-veroeffentlicht-gutachten-zur-nutzungserfassung-von-video-streaming-angeboten

KEK press release, 3 March 2021

Studie „Ansätze für eine Nutzungserfassung von Video-Streaming-Angeboten" des Fraunhofer-Institut für offene Kommunikationssysteme FOKUS

https://www.kek-online.de/fileadmin/user_upload/KEK/Publikationen/Gutachten/Gutachten_Nutzungserfassung_Video-Streaming-Fraunhofer_FOKUS.pdf

Study on "Approaches to the collection of video streaming usage data", Fraunhofer Institute for Open Communication Systems (FOKUS)

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