

SPIO Comments to the up-coming Media Freedom Act

The SPIO is the umbrella organisation of the film industry and represents the interests of the German film industry along the value chain of film production, post-production, film distribution, film theatres and video programming. The film industry plays an important role to a pluralistic media environment and thus contributes to media freedom.

According to recent publications and speeches of the Commission a proposal on a Media Freedom Act is currently drafted and shall be published soon. The SPIO believes that media and cultural policy is at the heart of Member States' competence and any EU regulation must be in line with the subsidiarity principle. In the light of the subsidiarity of European legislation, the proposal should be based on principles.

Transparency is the key element of a healthy media environment.

This complies transparency of ownership, state intervention and most importantly transparency of and access to reliable usage data. The latter is especially important and only partly addressed by the Digital Markets Act, Art. 6 para 1 point a and point i.

Need for transparency and access to data on the use of audiovisual works

The value of data for the (creative) industry is obvious. In the film sector audience data is reliably available via the box office for theatrical/cinema, for television via well-established audience measurement while most streaming, video-on-demand, social media and video-sharing platforms do not publish or give access to this type of data. Even the Commission ...

“Lineares (Live-)Streaming wird dagegen zwar grundsätzlich erfasst, es bestehen jedoch Probleme hinsichtlich einer einheitlichen und konvergenten Nutzungsabbildung. (...)”¹

Without the possibility for the European audiovisual companies to access audience data from their public, film producers may no longer be in the position to produce relevant and quality content for Europeans and film distributors will lack information on the success of their catalogues. European consumers may suffer in the future from a lack of diversity in the content they can access online to the detriment of media pluralism.

Need for transparency and reliability of the audience measurement

The basis for reliable, non-aggregated data is transparency concerning the methodology of data collection including definitions that are identical or comparable across media and the verification by a trustworthy and independent audit.

As stated above, Cinema data and TV data is provided and published by selected bodies.

In Germany, some streaming, video-on-demand, social media and video-sharing platforms do not take part in any independent audience measurement body. For this reason, their data is not comparable nor reliable.

¹ KEK: [Konzentrationsbericht 2022 \(kek-online.de\)](https://www.kek-online.de)

The SPIO asks that all companies distributing audiovisual content should be part of a measurement body or at least have their internal data audited by an independent auditor.

Transparency of the control bodies

The supervision and audit by Joint Industry Committees and Media Owner Committees has functioned well in the field of cinema box office and TV audience measurement and could be taken as best practice for audience measurement systems for digital platforms.

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