Audience Measurement Coalition Priorities for 2024 and beyond

Going back as far as the early 20th century, with origins in print media verification, audience measurement has a long legacy of being a self-regulated practice within Europe. Recognizing its significance, the European Union has formally endorsed this self-regulatory approach through market-agreed mechanisms in key legislations such as the Digital Markets Act (DMA) and the European Media Freedom Act (EMFA).

The Audience Measurement Coalition is committed to upholding the highest standards for audience measurement, agreed upon through collaborative industry efforts. This commitment to establishing and maintaining professional standards is crucial in ensuring that transactions within the European media market are based on accurate and reliable audience data.

These standards provide a critical foundation for promoting fair competition, supporting media pluralism, and even preventing fraud. The statistical results of audience measurement are essential for informing public authorities too, facilitating their decision-making, and aiding in the monitoring of legislation and regulatory procedures that serve the public interest.

The EU legislation on audience measurement aims to ensure data accuracy and market fairness. This ambition, however, faces challenges due to inconsistent and sometimes absent data protection frameworks and guidelines that enable an optimal functioning of audience measurement across Member States. The pending ePrivacy Regulation and national laws, such as the UK's DPDI bill (now to be reviewed under the UK's next government), highlight the need for a unified data protection framework for audience measurement.

Additionally, changes to operating systems and browser user experience by global tech platforms like Google and Apple, which control the manner of consent collection and processing of user data, place limits on the abilities of third-party measurement. This poses significant challenges to the independence of audience measurement and has consequences that we believe are incompatible with recent EU regulations.
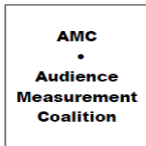
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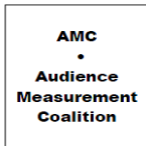Coalition (AMC)**

I.   AMC key priorities:

1. **EMFA Guidelines:** Promote third-party independent measurement, comprehensive data disclosure, methodological transparency, and adherence to industry standards as a right that market participants can exercise. This must include acknowledgment that certain operating systems and browsers that prevent the usage of third-party technology for audience measurement are preemptively restricting other market players from independently applying the EMFA principles on audience measurement.
2. **Effective DMA Implementation** must include near real-time data availability, non-aggregated data provision, scalable access modes, and audit processes.
3. **Data Protection and Privacy legal grounds:** Establish a clear legal basis for audience measurement data processing so it is recognized as a specific "class" of processing. This includes access to terminal equipment, recognizing that it is not an accessory to targeted and contextual advertising and acknowledging it as an institutionalized market transparency mechanism which serves general and public interests.
4. **Enhanced Data Exchange Compliance:** Ensure industry-wide agreement on user consent and data sharing processes, particularly Gatekeepers' effective compliance with the data sharing obligations in the DMA (Art. 6.8, 6.10).
5. **AI Regulation:** Ensure high-quality data inputs, respect for intellectual property, and leverage existing sector-specific regulatory frameworks.

AMC key priorities in detail:

1. EMFA Guidelines for Implementing Audience Measurement Standards:

The European Media Freedom Act introduces the development of formal guidelines for implementing Article 24's audience measurement provisions, emphasizing transparency, impartiality, inclusiveness, proportionality, non-discrimination, comparability, and verifiability. Assisted by the Board, the European Commission is tasked with crafting these guidelines, which the Audience Measurement Coalition suggests shaping around the following principles:

- Recognition of the crucial role of third-party independent measurement in the advertising and content market, ensuring impartial results essential for all stakeholders involved in media buying and selling.
- Acknowledgement of the vital role of third-party independent measurement for all players that are involved in the buying and selling process of advertising on the media market as it ensures the impartiality and objectivity of the audience measurement results.
- A requirement for all media and advertising market players, including media service providers and large online platforms, to provide comprehensive data

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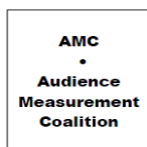**Audience Measurement
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and disclosures necessary for accurate audience measurement. This includes maintaining detailed transaction records that capture relevant data concerning online consumption, specifically ensuring that the provision of non-aggregated data will be made available as needed and as required under the law.

- An obligation for media service providers and large online platforms using proprietary measurement to make public their Description of Methodology (DOM) document. The document should sufficiently detail procedures and disclosures of methodology so that the required principle of comparability of data is viable and efficiently achievable.

- A general requirement for methodological transparency across the industry, ensuring that the foundational standards for data calculation can be openly reviewed and accepted by all stakeholders, both public and private, involved in the measurement process.

- Addressing the challenges to audience measurement caused by operating systems and browsers that are designed to block signals needed to conduct thorough, independent, and accurate measurement. It must be understood that independent measurement of their users' consumption across media services' websites and applications is a right. Blocking signal should be understood as interference and obstruction towards independent audience measurement under EMFA's article 24 principles of "transparency, impartiality, inclusiveness, proportionality, non-discrimination, comparability and verifiability".

2. Effective DMA Implementation:

To ensure full compliance with Article 6.8 and 6.10, it is crucial to clarify how the rights of advertisers and publishers can be upheld. This includes the provision of aggregated and non-aggregated, event-level data that includes appropriate identifiers, labels, and logistical details to facilitate a meaningful validation process that follows established protocols and standards. Considerations for compliance also extends to frequency of data availability—ideally in (near) real-time—the methods of data access (such as third-party tagging, APIs, or clean-room data exchanges), and the conducting of audits by independent bodies to verify the accuracy of proprietary data before it is transferred downstream. Notably, audits will be mandatory under the European Media Freedom Act for all proprietary audience measurements.

It's important to acknowledge that these requirements necessitate ongoing development efforts from both gatekeepers and validating organizations. Synchronizing development roadmaps among gatekeepers, advertisers, publishers, and third parties is essential for effective implementation of the DMA. Fully defining and operationalising the compliant provision of data as per Article 6.8 and 6.10 by gatekeepers will require substantial time, effort, and financial resources, and this is not typically a swift process. Given that the Digital Markets Act impacts all 27 EU Member States, the development strategy must consider the diverse needs and conditions across the entire Union.

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Moreover, once data provision is operational, further guidance from the European Commission will be beneficial. This guidance should clarify the data request procedures and offer strategies for coordinating access between advertisers, publishers, or authorized third parties and the gatekeepers. This step is vital to ensure a harmonious and efficient data exchange framework within the EU**.**

3. Data Protection and Privacy Exception:

Advocate for a robust legal framework that specifically supports audience measurement by distinguishing it from advertising purposes, including contextual or profile-based targeted advertising. The recently adopted EMFA serves as a strong foundation for such a legal framework as it provides a clear definition of audience measurement with much needed clarity on the distinction between processing for the purpose of providing statistics for the market and public authorities and providing data for companies to target advertising to current or potential consumers.

This would entail a legal basis other than consent when it comes to data processing and access to terminal equipment for audience measurement. New legislation would ideally clearly define purposes not included in the scope of audience measurement, ensuring that legal frameworks cannot be circumvented for other uses.

 The solution could ensue from either:

- a specific EU-wide GDPR guideline to be provided by the EDPB with the encouragement of the European Commission, or
- a temporary derogation from the ePrivacy Directive, or
- a new regulation with Article 8.1 d) (as proposed in the pending drafts of the EU Council and the European Parliament) to establish this legal ground.

In relation to the specific compliance with the DMA, Article 6.1(c) of the GDPR already offers a legal basis for data sharing, countering some operators' privacy concerns that are used to prevent full data disclosure for audience measurement. This article provides the necessary legal foundation, in synch with the mandates of Article 6.8 and 6.10 of the Digital Markets Act (DMA), which impose specific data-sharing obligations. Consequently, requirements to provide non-aggregated data to comply with the DMA provisions must be clarified and resolved with the support of the EU Commission and national authorities.

4. Establishing industry-wide standards and protocols for transparent and reliable audience data exchange in Panel Data Systems

What is an Audience Measurement Panel?
An audience measurement panel is a group of individuals who have agreed to participate in a research study to track and analyse their media consumption habits.
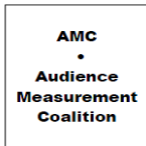
These panellists provide data on their viewing, listening, and online behaviour, which helps audience measurement providers gather insights into the consumption patterns and preferences of a broader population. This data is crucial for media companies, advertisers, and marketers to understand audience engagement and effectiveness.

Ensuring that audience measurement providers can gather platform data linked to panellists who have contractually agreed to the collection of their digital consumption data is critical. Establishing a unified EU data protection basis for implementing panellists' consent among stakeholders is crucial for enhancing industry-wide efficiency and ensuring smooth technical and operational progress. This involves reaching consensus not only with regulatory bodies like the European Data Protection Board (EDPB) and national authorities but also on standardised frameworks and terminology that govern user consent. Such standardisation would govern how platforms and media services obtain and manage consent from data subjects and how measurement organizations receive and handle non-aggregated data from panellists. Currently, the lack of such standardized frameworks and lack of clear terminology leads to inefficiencies and overly cautious practices by platforms, who often impose excessively protective consent requirements and high liability demands on Measurement Organizations due to prevailing regulatory ambiguities.

5. Advancement of AI Regulation and Data Integrity

AMC advocates for the responsible use of AI in audience measurement by emphasising data source reliability, intellectual property rights, and the application of existing regulatory frameworks. This involves ensuring that data used in AI models is accurate, relevant, complete, and consistent, while also respecting intellectual property rights during AI development and deployment. AMC supports leveraging sector-specific regulatory authorities to oversee AI usage, utilising effective existing regulations rather than establishing new, overlapping bodies.

We trust that the Commission will prioritise these points and enforce the AI Act's provisions effectively to promote responsible AI use and protect fundamental rights.

II.   About Audience Measurement Coalition (AMC)

The Audience Measurement Coalition (AMC) is a sector coalition in the domain of Audience Measurement founded in 2017. The AMC is composed of research companies and Joint Industry Committees (JICs) including Nationaal Media Onderzoek NMO (NL), Mediamätning i Skandinavien MMS (SE), FINNPANEL (FIN), IVW (DE), Médiamétrie (FR), Mediapulse (CH), ARMA (Romanian Association for Audience Measurement), CIM (BE), Kantar Media, Nielsen, GfK, Comscore, IPSOS and Gemius. For decades the members of the AMC have served European markets to ensure that both traditional and digital publishers' and broadcasters' number of active users (audiences) are measured
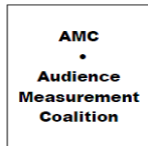
correctly based on market agreed standards using methodologies with clear and transparent practices.

Audience measurement serves as the backbone of Europe's media industry, providing invaluable insights into consumption patterns for media companies, aiding them in content and advertising strategies. Additionally, it supports public service media in fulfilling their mandates and assists advertisers and public authorities in making informed decisions.

Audience Measurement establishes the size and general composition of audiences for a given market on a broad scale, encompassing age, gender, geographical area. The results are published by measurement providers through reports of aggregated data derived from both Internet users' data and panel data (users who agreed to participate in a research sample). Audience Measurement provides the market with benchmarks on the use, effectiveness and reach of media platforms, websites, and apps for diverse matters such as:

- Fair-competition assessments for activities such as corporate investment, mergers and acquisitions.
- To determine precise amounts for royalty payments, collective rights management and other payments for news publishers and rights-holders.
- To plan predicted reach against past performance and determine actual reach for compensation purposes of advertisers.
- To ensure transparency to prove content reaches the Charter commitments of Public Service Broadcasters.
- Given the varying actors and interests in the media market (media companies, advertisers, agencies), stakeholders have entrusted independent third-party Audience Measurement providers to deliver unbiased, reliable data which determines market shares, the value of a media outlet's inventories, and enable media companies and their business partners to grow and trust each other.