

## Over-The-Top Communication Service was Regulated for the First Time

29 Nov 2022

Law Amending the Press Law and Certain Laws numbered 7418 ("**Law**") was published in Official Gazette dated 18 October 2022 and numbered 31987. The Law added regulations to Electronic Communications Law numbered 5809 ("**Law No. 5809**") related to over-the-top communication service providers.

Notable amendments brought by the Law within the scope of the Law No. 5809 are as follows:

- Over-the-top communication service ("**OTT Service**") and OTT Service provider have been defined in Law No. 5809:
  - OTT Service is defined as an interpersonal electronic communication service, which is provided to subscribers and end-users with internet access, through publicly available software and, is independent from the operators or the internet service provided within the scope of audio, written and visual communication.
  - OTT Service Provider is defined as legal or natural person, who provides OTT Services.
- The Information and Communication Technologies Authority ("**ICTA**") has been given authorizations regarding OTT Service and OTT Service providers:
  - The ICTA has become authorized to regulate the rules and obligations applicable to OTT Services; along with taking all necessary precautions, such as regulating the obligations of operators, in order to ensure that the OTT Services which do not comply with such obligations or unauthorized OTT Services are prevented.
  - The ICTA has become entitled to impose administrative fines between TRY 1,000,000 to TRY 30,000,000 due to incompliance with the OTT Service providers' obligations as per Law No. 5809.
  - If the OTT Service providers fail to pay the administrative fines imposed by the ICTA and fail to fulfill their obligations within 6 months starting from the notification of the ICTA or do not obtain the required authorizations, the ICTA is entitled to restrict the internet traffic bandwidth of the OTT Service Provider up to 95%, along with deciding to block access to the relevant website or application.
  - It has become obligatory for OTT Service providers to operate through their exclusive representatives established as either a joint-stock company or a limited company incorporated in Turkey and within the scope of the authorization of the ICTA.
- OTT Service providers have been placed in the status of operators, within the scope of the rights and obligations regulated as per Law No. 5809 and other laws regulating the activities of the ICTA, along within the scope of the rights and regulations which will be regulated by the ICTA in relation to the characteristics of their OTT Services.

Details of the Law can be found through this [link](#). (Only available in Turkish)

