

Turkey Consults on Proposed Details for Online Broadcasting Regime

29 Nov 2018

Turkey's Radio and Television Supreme Council ("**RTSC**") and Information and Communication Technologies Authority ("**ICTA**") have jointly published proposed rules for online broadcasting, providing detail of the regime outlined in the Law on Establishment and Broadcast Services of Radio and Televisions Number 6112 ("**Law**", more). The proposed rules are open to public submissions.

Article 29/A of the Law states that the RTSC and ICTA must mutually prepare rules and procedures for:

- Executing the Law.
- Providing radio, television and on- demand broadcasts services over the internet.
- Transmitting radio, television and on-demand broadcasts services over the internet.
- Providing broadcast license to media service providers.
- Providing transmission authorization to platform operators.
- Controlling broadcasts.

Accordingly, the Draft Communiqué on Submission of Radio, Television and Voluntary Broadcasts through the Internet was published for public opinion on 27 September 2018 ("**Draft Communiqué**").

Scope of the Draft Communiqué

The Draft Communiqué applies to:

- Online radio services.
- Online television services.
- Online on-demand broadcasts services.
- Online private media service providers and platform operators.

Licenses and authorizations

Notable provisions in the Draft Communiqué regarding licenses and authorisations include:

- Media services providers which wish to transmit online broadcast services must obtain separate broadcast licenses from RTSC for radio, television and on-demand broadcasts.
- Platform operators which transmit broadcasts through their web addresses or mobile applications must obtain a broadcast transmission authorization from RTSC.
- Online broadcast licenses will be issued for ten years.
- Fees:
 - Radio broadcast license fee: 10,000 Turkish Lira.
 - Television broadcast license fee: 100,000 Turkish Lira.
 - Voluntary broadcast license fee: 100,000 Turkish Lira.
 - Annual broadcast transmission fee: 100,000 Turkish Lira.

Foreign entities

The Draft Communiqué proposes that to broadcast within Turkey, a license is required for:

- Media service providers located outside Turkey, which do not broadcast in Turkish.
- Platform operators located outside Turkey.

These foreign entities should establish a Turkish legal entity in order to obtain the necessary licenses and authorizations.

Failures to comply

The RTSC will serve notices to media service providers and publish these on its website if these entities:

- Make broadcasts without obtaining a broadcast license.
- Continue to make broadcasts after RTSC cancels their license.

If media service providers fail to comply after receiving such notice, the RTSC will obtain an access denial decision through the criminal court of peace, then will file a criminal complaint about the persons and/or entities which are making unauthorized broadcasts.

In parallel, the RTSC will also serve a notice to online broadcasting platform operators. If these fail to comply after receiving such notice, the RTSC will obtain an access denial decision regarding the platform through the criminal court of peace, then will file a criminal complaint about the persons and/or entities which are making unauthorized transmissions.

Powers and responsibilities

The Draft Communiqué outlines the responsibilities of media service providers and platform operators against the RTSC, along with the RTSC's audit powers.

Accordingly, media service providers and platform operators must provide any information and document which the RTSC requests regarding the number of users, which an entity provides conditional access to.

Fines

The ICTA will issue fines to access, content or hosting providers which fail to:

- Take necessary steps to execute an access denial decision.
- Remove content from a broadcast as instructed in an access denial decision.

Transition period

The Draft Communiqué outlines detailed transitional provisions. Notably, a one-month transition period is proposed for obtaining license and transmission authorizations.

Please see this [link](#) for full text of the Draft Communiqué (only available in Turkish).

Related Practices

- [Information Technologies](#)
- [IP Licensing](#)

Related Attorneys

- BURCU TUZCU ERS?N, LL.M.
- ECE BERKMAN

Moroglu Arseven | www.morogluarseven.com