

Turkey Introduces the Regulation on Submission of Radio, Television and Voluntary Broadcasts through the Internet

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Turkey's Radio and Television Supreme Council ("**RTSC**") and Information and Communication Technologies Authority ("**ICTA**") have jointly published the Regulation on Submission of Radio, Television and Voluntary Broadcasts through the Internet (the "**Regulation**") on 1 August 2019 entering into effect on the same day.

The Regulation concerning the regulation and inspection of online broadcasting is prepared in accordance with article 29/A of the Law on Establishment and Broadcast Services of Radio and Televisions Number 6112 (the "**Law**"), as we mentioned in our previous [article](#).

Notable provisions on the Regulation are as follows:

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

Broadcast License and Broadcast Transmission Authorization

Notable provisions in the Regulation regarding licenses and authorizations which should be obtained by RTSC 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. For
 - online radio services "*INTERNET-RD broadcast license*",
 - Television services "*INTERNET-TV broadcast license*"
 - on-demand broadcast services "*INTERNET-BYH broadcast license*"

should be granted.

- Same media services provider can provide only one radio, one television, and one on-demand broadcast service.
- Online broadcast licenses are granted only to incorporated companies for 10 years.
- Platform operators transmitting broadcasts through their web addresses or mobile applications must obtain a broadcast transmission authorization from RTSC. This authorization will be granted only to incorporated and limited companies.

Foreign Entities

The Regulation proposes that to broadcast within Turkey, a license is required for media service providers and platform operators that located outside Turkey and do not broadcast in Turkish language. 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:

- Broadcasting without obtaining a broadcast license.
- Continue to provide online broadcast services 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 Regulation 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 the necessary steps to execute an access denial decision.
- Remove content from broadcast as instructed in an access denial decision.

Transition Period

The Regulation outlines detailed transitional provisions. Notably, a one-month transition period is proposed for obtaining license and transmission authorizations. In case no application is made for broadcast license and transmission authorization within one-month, or the application procedures are not completed within the period given by RTSC, the criminal court of peace may request content removal and/or access denial.

Please see this [link](#) for full text of the Regulation, published in Official Gazette numbered 30849 on 1 August 2019 and entered into force on the same day (only available in Turkish).

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