

RTUK's Supervising and Monitoring Authority Extended to Internet Broadcasts

The Law on Amendment to Tax Laws, Some Laws and Decree-Laws ("Law") which brings amendments to RTUK Law no. 6112 was approved by the President, was published in the Official Gazette numbered 30373bis on March 27, 2018.

Highlights of the amendment to the RTUK Law

- Media service providers which make online broadcasting and platform operators which transmit these broadcasts via the internet are required obtain license from RTUK.
- Online broadcasting activities will be subject to supervising and controlling of RTUK under the same principles applied to TV and radio broadcasts as per RTUK Law.
- Media service providers and platform operators that are domiciled abroad but make online broadcasting in Turkey are also under obligation of complying with these principles
- The Criminal Court can block the access or remove the content upon request of RTUK, if broadcast services are provided without broadcast license and transmission permit.
- A Regulation regarding the broadcast licence, transmission permit and the procedures and rules regarding implementation of Article 29/A will be jointly issued by the RTÜK and the Information and Communication Technologies Authority within 6 months as from the effective date of Article 29/A.

While being voted in the Parliament Article 29/A was slightly amended, upon which;

- Broadcasting without proper license would be subject to monetary fines and blocking orders as well. The referred Article 8/A rules administrative monetary fine from TRL 50.000 to TRL 500.000 in case of non compliance with the block,
- The licensing model and new implementations are not applicable to video sharing websites, platforms such as YouTube, Vimeo, etc,
- Personal communication is not covered by this new Law, this is considered to exclude platforms like Twitter

Evaluation

The relevant provision is fully in force in the Turkish legislation now. The procedure and rules for getting broadcast license is not governed yet. There is ambiguousness for implementing the new rules for the time being.



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