

The Regulation on the Online Presentation of Radio, Television, and On-Demand Broadcasts

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The Regulation on the Online Presentation of Radio, Television, and On-Demand Broadcasts was published in the Official Gazette No. 30849 dated 1 August 2019 regulating the procedures and principles of the licensing requirements of online broadcasting and the supervision of such broadcasts.

In General

The Regulation on the Online Presentation of Radio, Television, and On-Demand Broadcasts (“**Regulation**”) introduces obligations for private media service providers presenting radio, television, and on-demand broadcast services via the internet and the platform operators who provide the transmission of such broadcasting. The Regulation also sets forth the procedures and principles regarding the supervision of such broadcasts. Individual communication services and intermediary platforms are outside the scope of the Regulation.

The provisions regarding the sanctions of unlicensed broadcasting will come into force as of 1 September 2019; whereas the rest of the Regulation became effective as of its publication date, 1 August 2019.

Internet Broadcasting Licenses and Content Supervision

Media service providers which are subject to the Regulation are now obliged to obtain a license from the Radio and Television Supreme Council (“**RTUK**”) corresponding to the relevant service provided via the internet. Platform operators must also obtain an internet broadcasting authorization from RTUK. The Regulation further provides that its provisions shall also apply to the media service providers and/or platform operators incorporated abroad, which provide online broadcasting in Turkish directed to Turkey or which provide commercial advertisement directed to Turkey without broadcasting in Turkish. Therefore, such entities located outside Turkey will also be subject to the licensing requirement.

The media service providers which are already holding a temporary broadcasting right and/or broadcasting license issued by RTUK are exempt from obtaining a separate license for online broadcasting.

The contents of the broadcasts made online by the media service providers shall also be subject to RTUK’s supervision.

License Fees and Application Period

The Regulation foresees a one-time license fee for each service in the amount of TL 10,000 for radio services, TL 100,000 for television services, and TL 100,000 for on-demand broadcast services.

Furthermore, media service providers who charge for subscription must annually pay 5‰ of their annual net sale amount to RTUK. Licenses are granted for a period of ten years and can be renewed prior to their expiration.

The Regulation provides a one-month period for media service providers currently operating to apply for a license. Therefore, media service providers can continue their activities provided that they make a license application to RTUK before 1 September 2019.

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