

Law No: 6112
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LAW ON THE ESTABLISHMENT OF RADIO AND TELEVISION ENTERPRISES AND THEIR MEDIA SERVICES

SECTION ONE **Purpose, Scope and Definitions**

Purpose

ARTICLE 1 – (1) The purpose of this Law is to regulate and supervise radio, television and on demand media services; to ensure the freedoms of expression and communication; to determine the procedures and rules in relation to the administrative, financial and technical structures and obligations of media service providers and the establishment, organization, duties, competences and responsibilities of the Radio and Television Supreme Council.

Scope

ARTICLE 2 – (1) This Law deals with matters relating to radio, television and on demand media services under the jurisdiction of the State of the Republic of Turkey, transmitted by any and all techniques, procedures and means and through electromagnetic waves or other means under any denotation. Media service providers under the jurisdiction of the State of the Republic of Turkey are those who are in accordance with paragraph two deemed as based in Turkey as well as those who are subject to the provisions of paragraph three.

(2) While applying this Law;

a) The media service provider is deemed to be based in Turkey if its headquarters are in Turkey and its editorial decisions pertaining to media services are taken within the boundaries of Turkey.

b) If the headquarters of the media service provider is in Turkey but the editorial decisions pertaining to media services are taken in another country, which is a party to the European Convention on Transfrontier Television; or the editorial decisions pertaining to media services are taken in Turkey but its headquarters are in another country, which is a party to the said Convention; that media service provider is deemed to be settled in the country where the prominent part of its labour force conducts media service. However;

1) If the prominent part of the labour force that conducts media service works in both of the countries and the country where more substantial work is performed cannot be determined, the media service provider is deemed to be based where its headquarters are located.

2) If the prominent part of the labour force that conduct media service does not conduct substantial activities in either of the countries, the media service provider is deemed to be based in Turkey provided that it has started to conduct activities in Turkey, and made a stable and effective connection with the Turkish economy.

c) If the headquarters of the media service provider are in Turkey but editorial decisions pertaining to media services are taken in a third country that is not a part of the European Convention on Trans-frontier Television; or if its editorial decisions pertaining to media services are taken in Turkey but the headquarters are in a third country that is not a part of the said Convention, the said media service provider is deemed to be settled in Turkey provided that the prominent part of its labour force that conducts media services is in Turkey.

(3) In cases where the second paragraph's provisions cannot be applied;

a) Media service providers using satellite connections deployed within the boundaries of Turkey,

b) Although they are not using satellite connections deployed within the boundaries of Turkey, media service providers that use capacity on the satellites belonging to Turkey are deemed to be under the jurisdiction of the State of the Republic of Turkey.

Definitions

ARTICLE 3 – (1) In the application of this Law;

a) Infrastructure operator: means the organisation operating the infrastructure for the transmission of the media services,

b) Analogue broadcast: means broadcast services made through cable, satellite, terrestrial and similar means by using an analogue modulation technique,

c) European works: means audiovisual works, which are produced or co-produced by real persons or legal entities settled in signatory states of the European Convention on Transfrontier Television or in member states of the European Union,

ç) Independent producer: means real persons and legal entities who have the right to produce and distribute programmes freely, who are not the registered employees of the media service provider organisation, and who have the rights stated under the Intellectual and Artistic Works Law No. 5846 of 5/12/1951 upon programmes they have produced except for the limited periods during which they assign them to the media service provider organisation,

d) President: means President of the Radio and Television Supreme Council,

e) Regional broadcast: means broadcast service transmitted to at least seventy per cent of the total population of the provinces in a geographic region and the provinces in a geographic region determined by the Supreme Council,

f) Editorial liability: means to have the authority to regulate and control regarding the contents and selections of programmes and their presentation within a broadcast stream chart in radio and television broadcast services and within a catalogue in on demand media services,

g) Surreptitious commercial communication: means presentation by media service provider of an activity, commercial brand, name, service and product of a goods or service producer, with words and pictures in programmes, outside advertising breaks and without any explanatory sounds or images that identify such presentation as an advertisement in order to advertise or in such manner that will alter public opinion,

ğ) Transmission: means the initial provision of media services,

h) On demand media service: means any media service programmes which are watched or listened to at the personal request of a user in a time period he/she determines as subject to a programme catalogue which has been designed by a media service provider,

ı) Cable environment: means an environment where a media service is transmitted to subscribers through all kinds of cable infrastructure,

ii) Terrestrial environment: means an environment where a media service is transmitted through terrestrial transmitter systems to receivers,

j) Protective symbol: means common symbols used by media service providers in order to inform the viewers regarding the contents of a media service,

k) Logo/call sign: means graphical description and audio announcement pertaining to the name of the service or letters / words of such names designed in a block, which media service providers are obliged to register with the Supreme Council and relevant institutions,

l) Media service provider: means any legal person who has the editorial liability for the selection of the contents of radio, television and on demand media services and who decides on the manner of arrangement and broadcasting of the said services,

m) Multiplex: means the method of combining multiple terrestrial media services so as to render them to a single signal or to several signals,

n) Multiplex operator: means the company that combines multiple media services so as to render them to a single signal or to several signals, and that provides transmission of such signals between media service providers and infrastructure operators or between transmitter systems and operator companies,

o) Multiplex capacity: means the capacity allocated for the transmission of a digital broadcast through the multiplex that is used for terrestrial television or radio broadcasts in VHF, UHF and FM radio frequency bands,

ö) Important events: means sport and cultural events subjected to exclusive rights that are regarded as being important to the public, and that will be broadcast live through unpaid and non-encrypted channels or from a prerecording as subject to objective reasons,

p) Platform Operator: means the company which transforms multiple media services or multiplex into one or multiple signals and provides transmission of them through cable, satellite or similar means in encrypted/non-encrypted form directly to the viewer,

r) Programme: means a single whole comprising a set of visual and/or audio elements within a broadcast stream chart or a catalogue prepared by a media service provider.

s) Sponsorship: means all kinds of contributions to programmes of real persons or legal entities that are not connected with providing media services or producing audiovisual works in order to advertise their name, brand, logo, image, activities or products,

ş) Radio and television advertisement: means any announcement or self-advertisement broadcast related to trade, business, craft or a profession made by real persons or legal entities in return for a price or similar consideration, in order to advertise all products and services including real properties, rights and duties, to spread an object and idea, or to generate any other effect.

t) Radio broadcast service: means audio and data broadcast made through terrestrial, cable, satellite and other means, and that does not contain personal communication services,

u) Digital media service: means media service made through cable, satellite, terrestrial and other means using digital encoding and modulation technique,

ü) Tele-shopping: means direct supply broadcast to public for acquisition of goods and services, including real properties, rights and duties, in return for a price,

v) Television broadcast service: means encrypted or unencrypted audiovisual media service provided by a media service provider so that programmes can be watched simultaneously based upon a broadcast stream chart,

y) Thematic broadcast: means a broadcast that allots a minimum of seventy percent of its daily broadcast time to a specific type of programming including news, documentaries, education, economy, culture, history, sports, music, cinema, series, marketing or similar subjects or to programmes that target a specific viewer segment other than general viewers,

z) Commercial communication: means the broadcasting of audio or silent images designed to advertise directly or indirectly products, services or image of a real person or a legal entity engaged in an economic activity, including radio and television advertisements, programme sponsorship, tele-shopping and product placement in return for a price or similar consideration, or for the purpose of self-advertisement along with a programme or as placed within a programme,

aa) National broadcast: means broadcast service transmitted through terrestrial means to a minimum of seventy percent of the country's population and to the residential areas determined by the Supreme Council,

bb) Satellite environment: means the environment where a broadcast service is transmitted via satellite capacity to receivers,

cc) Product placement: means all kinds of commercial communication displaying a product, service or commercial brand by including in a programme or by referring to them in the programme, in return for a price or similar consideration,

çç) Supreme Council: means the Radio and Television Supreme Council.

dd) Transmitter building and operating company: means the company that builds and operates the necessary facilities to provide transmission through terrestrial means broadcasts of media service providers that have obtained a licence to broadcast,

ee) Broadcaster: means a media service provider rendering radio and/or television services,

ff) Media service: means, excluding personal communication, television broadcast services, on demand media services as well as commercial communication and radio broadcast services under the editorial liability of the media service provider and for the main purpose of offering programmes via electronic communication networks to inform, entertain or educate the public,

gg) Transmission Infrastructure of media services: means systems and facilities used for the transmission of media services through terrestrial, satellite, cable and similar means,

ğğ) Media service transmission authority: means the authorisation certificate issued by the Supreme Council to multiplex, platform and infrastructure operator companies and transmission facility and operator company in order to be able to transmit their radio, television and on demand media services,

hh) Broadcasting licence: means a permit issued to media service providers by the Supreme Council separately for each broadcast type, technique and medium to enable them to broadcast through any kind of technology via cable, satellite, terrestrial and similar means provided that such companies fulfil the requirements specified under this Law and in the regulations and other arrangements published in accordance with this Law,

ıı) Broadcast environment: means cable, satellite, terrestrial and similar transmission means.

ii) Retransmission: means complete or partial reception regardless of the technique and means used of broadcast service provided by a media service provider and transmitting it simultaneously in an unchanged form,

jj) Local broadcast: means the broadcast service that is transmitted via terrestrial means into the borders of at most one province.

CHAPTER TWO

General Principles

Retransmission

ARTICLE 4 – (1) The reception and retransmission of media services is free of restriction. Retransmission can only be limited in accordance with the relevant provisions of international treaties that the Republic of Turkey is a party to.

(2) A media services provider's simultaneous transmission of the same media service via different media such as satellite, cable and terrestrial without making changes is not deemed retransmission.

(3) Provided that the provisions of the Intellectual and Artistic Works Law No. 5846 remain reserved, the procedures and rules of retransmission shall be regulated by the Supreme Council by means of a regulation.

Broadcasting Language

ARTICLE 5 – (1) The rule is to broadcast in Turkish. However, broadcasts can also be conducted in dialects and languages other than Turkish. The broadcasts must be conducted in conformity with the rules of the language selected. The procedures and rules pertaining to the said broadcasts are determined by the Supreme Council by means of a regulation.

The independence and liability of the media service provider

ARTICLE 6 – (1) The contents and transmission of media services cannot be interfered with beforehand and the contents cannot be audited prior to transmission.

(2) Provisions under this Law, under other laws and in international legislation that Turkey is a party to; and regulatory actions issued by the Supreme Council pertaining to the application of the said provisions shall not be deemed as interference.

(3) Media service providers are obliged to ensure non-use of any media services in such a way as to gain unfair advantages, whether by themselves, or by their shareholders, or by any blood and in-law relatives up to and including the third degree and for another real person and legal entity.

(4) Media service providers are liable for the content and presentation of all media services that are broadcast including commercial communication and those produced by third parties.

(5) Media service providers are obliged to notify their identification details, contact addresses, and the name and contact details of their viewers' representative to the Supreme Council and publish them on their websites under the procedures and rules established by a regulation.

(6) Media service providers may not broadcast cinematographic works beyond the period agreed with the right holder.

Broadcasts in time of crises

ARTICLE 7 – (1) In times of crisis caused by war, terrorist attacks, natural disasters and similar extraordinary situations, the freedom of expression and information is fundamental; and beforehand broadcast services cannot be audited, or with decisions of the judiciary being reserved cannot be ceased. However, in evidently required by national security or in situations where it is highly likely that public order will be seriously disrupted, the Prime Minister or the minister to be appointed by the Prime Minister can impose a temporary ban.

(2) The media service provider is obliged to broadcast any announcement in relation to the requirements of national security, public order, general health and general morality issued by the President or the Government before 23:30 on the day of arrival of any such announcements.

(3) Any cancellation lawsuits to be filed against decisions taken pursuant to paragraphs one and two shall be directly brought before the Council of State. The Council of State shall hear these lawsuits and render its decisions with priority, and decide on the stay of execution requests within forty-eight hours.

CHAPTER THREE

Media Service Principles

Media service principles

ARTICLE 8 – (1) Media service providers shall provide their media services in line with the principles under this paragraph with an understanding of public responsibility.

Media services -

a) shall not violate the existence and independence of the State of the Republic of Turkey, the indivisible integrity of the State with its country and nation, or the revolutions and principles of Atatürk;

b) shall not inflame society to hatred and hostility by discriminating on the basis of race, language, sex, class, region, religion and sect, nor shall they form hatred within society;

c) shall not be contrary to the rule of law and the principle of justice and impartiality;

ç) shall not be contrary to human dignity and the principle of the privacy of personal life; shall not include humiliating, derogatory and defamatory expressions against persons and entities/organisations, beyond criticism;

d) shall not praise or encourage terrorism, depict terrorist organizations as powerful or rightful or portray terrorist organizations' intimidating and deterrent qualities. They cannot present an act, perpetrators and victims of terrorism with the form of serving the interests of terrorism,

e) shall not contain and encourage broadcasts which discriminate on the basis of race, colour, language, religion, nationality, sex, disability, political and philosophical views, sect or similar reasons and contain and encourage broadcasts which humiliate persons;

f) shall not be contrary to the national and moral values of the society, general morality and the principle of family protection;

g) shall not praise commission of crime, criminals, criminal organizations or teach criminal techniques;

ğ) shall not contain abuse of children and powerless and disabled people or incite violence against them;

h) shall not be of an encouraging nature concerning the use of addictive substances like alcohol, tobacco and narcotics or gambling;

ı) shall predicate on the principles of impartiality, truthfulness and accuracy and not impede the free formation of opinions in the society; news that can be investigated pursuant to the professional principles of the press shall not be broadcast without investigation or verification; shall not provide exaggerated sounds and images, any effect or music other than natural sounds while broadcasting news; archive or re-enactment images shall be indicated as it is, and the source of news obtained from agencies or other media sources shall be stated;

i) shall not present or declare anyone as guilty unless conclusively proven guilty by a judicial decision; shall not be in the form of affecting the trial process and impartiality other than being newsworthy during the judgment process in cases that have been passed to the judiciary;

j) shall not contain any elements that cause unfair competition and serve unfair interests;

k) shall not be biased towards or favouring political parties and democratic groups;

l) shall not encourage acts that will jeopardize the general health and/or protection of the environment and animals;

m) shall make sure that Turkish is used correctly, well, and comprehensibly without undermining its characteristics and rules; shall not make crude, inferior and slang use of the language;

n) shall not be obscene;

o) shall respect the right of people and institutions/organisations to reply and rectification;

ö) shall not contain contests or lotteries via information communication media, and no prizes shall be awarded to listeners or viewers or shall not act as an intermediary for giving the award of prizes;

p) Surveys and public opinion polls that have been arranged or commissioned by the media service provider shall take place before a notary public from the preparatory stages until the announcement of the results;

r) shall not exploit people by way of fortune telling or superstitions;

s) shall not contain programmes that are contrary to social gender equality, encourage pressure/oppression on women and exploit women; and

ş) shall not encourage or inure violence.

(2) In radio and television broadcasts, any programmes, which could impair the physical, mental, or moral development of young people and children shall not be broadcast within the time intervals that they may be viewing and without a cautionary/protective symbol.

(3) On demand media service providers shall ensure the provision of media services, which could adversely impact the physical, mental or moral development of young people and children in such manner that under normal circumstances they will not hear and see such services.

CHAPTER FOUR

Commercial Communications in Media Services

General Principles

ARTICLE 9 – (1) Commercial communication must be auditorily and visually easily distinguishable from other elements of the media service.

(2) Subconscious techniques shall not be used in commercial communication.

(3) Surreptitious commercial communication shall not be permitted.

(4) The images or voices of people who regularly present news bulletins and news programmes shall not be used in commercial communications.

(5) Commercial communication shall not be used in such a way that will affect the editorial independency of the media service provider and the programme content.

(6) Save for the fundamentals and principles provided for under Article 8, the commercial communication -

a) shall conform to the principles of justice, equity and honesty;

b) shall not include or encourage any discrimination on the basis of sex, race, colour, ethnic origin, nationality, religion, philosophical beliefs or political ideas, disability, age and any discrimination;

c) shall not be misleading and shall not harm consumer's interests;

ç) shall not be harmful to the physical, mental and moral development of children, shall not directly orient them to purchasing or renting a product or service by means of exploiting their inexperience and innocence, shall not directly encourage them to convince their parents or others to purchase the advertised product or service, shall not abuse their trust in their teachers and other people or shall not display them in dangerous situations without good cause;

d) shall not be oriented towards the exploitation of women; and

e) shall not encourage behaviour that will harm health, environment and safety.

(7) Commercial communications for food and beverages containing food and other substances that are not recommended to be excessively consumed in general diets shall not be broadcast alongside children's programmes or within these programmes;

(8) The volume levels of commercial communication broadcast shall be at the same level as that of other parts of the broadcast.

Advertising and tele-shopping in television and radio broadcast services

ARTICLE 10 – (1) In television and radio broadcast services, advertisements and tele-shopping shall be arranged in such a way that they will be clearly discerned and easily distinguished from other elements of the programme service with an audio and/or visual announcement.

(2) The rate of all advertisement broadcast other than tele-shopping broadcasts cannot exceed twenty per cent within broadcast from the start of an hour up to the start of the next hour.

(3) The time allocated for programme sponsorships and promotions of the broadcaster's own programmes and product placements shall not be included within the rates stipulated in the second paragraph. The rate of programme promotions cannot exceed five percent within broadcast from the start of an hour up to the start of the next hour.

(4) Tele-shopping can be broadcast for at least fifteen minutes continuously, being indicated with a clear audio and visual alert, independent from the time limits determined in the second paragraph. The time for this type of broadcast shall not exceed a total of one hour per day.

(5) Public service announcements, which are broadcast free and recommended by the Supreme Council, are not be included in advertisement periods.

(6) Advertisements and tele-shopping broadcasts may be placed between programmes or into a programme in such a way that they will not harm the integrity, value of the programme and the rights of the right owners. In programmes that comprise independent parts or in sport programmes that have half-time periods and similar event and show programmes, advertisement and tele-shopping broadcasts can be placed between those parts or into half-time periods.

(7) Films that have been made for cinema and television, and news bulletins and children's programmes may be interrupted with advertisements and tele-shopping, one time for each thirty minute broadcast period if their planned broadcast periods are more than thirty minutes.

(8) Advertisement and tele-shopping cannot be placed within religious ceremony broadcasts under any circumstances.

(9) These provisions are not applicable to television and radio broadcast services devoted exclusively to advertisement, tele-shopping and self-promotion broadcasts.

(10) Other matters concerning the implementation of this Article will be regulated with a regulation to be introduced by the Supreme Council.

Commercial communication of certain products

ARTICLE 11 – (1) Commercial communications for alcohol and tobacco products cannot be permitted in any way.

(2) Commercial communications cannot be made for pharmaceuticals and medical treatments subject to prescription.

(3) Advertisements for pharmaceuticals and medical treatments that are not subject to prescription shall be prepared under the principle of integrity, and in such manner that they will comprise elements that reflect the truth and can be verified.

(4) Tele-shopping may not be permitted for pharmaceuticals and medical treatments.

Sponsorship

ARTICLE 12 – (1) If a certain programme is partially or wholly sponsored, this matter shall be specified at the beginning of the programme, with appropriate expressions upon entry and exit from advertising breaks within the programme, and at the end of the programme. In programme promotions, no reference can be made to the programme's sponsor.

(2) In sponsored programmes, the sponsor's or a third party's goods and services shall not be referred to; and purchase, sale or lease of these shall not be promoted.

(3) Programmes may not be sponsored by real persons or legal entities that engage in producing or selling the goods and services banned from commercial communication. If real persons or legal entities that produce, market or sell medical products; or market or offer medical treatments sponsor a programme, the name, brand, logo or image of the real persons or legal entities can be used in programme sponsorship; however medical products or medical treatments subject to prescription that real persons and legal entities produce or sell may not be used.

(4) In news bulletins and religious ceremony broadcasts, programme sponsorship shall not be allowed.

(5) Programme-sponsoring shall not be allowed to affect the media service provider's editorial independence and liability. When indicating at the start of the programme that the programme is being sponsored, upon entry to and exit from advertising breaks within the programme, and at the end of the programme, leasing or buying the programme sponsor's products or services may not be directly encouraged, and the products or services may not be overemphasised.

Product placement

ARTICLE 13 – (1) Except for films, series as well as sports and general entertainment programmes made for cinema and television, practices for the purpose of product placement in broadcasts may not be allowed. Product placement practices are subject to the regulations pertaining to commercial communication.

(2) Under conditions to be specified by the Supreme Council, also in events where specific goods and services are included in the programme free of charge, product placement can be allowed.

(3) Product placement shall not be allowed to affect the media service provider's editorial independence and liability. Leasing or buying the products or services may not be directly encouraged and the product may not be overemphasised in product placement. Viewers shall be clearly informed about the existence of product placement at the beginning and end of the programme, and when the programme starts after an advertising break.

(4) In news bulletins, children's programmes and religious programmes product placement shall not be allowed.

(5) Products whose commercial communication is banned shall not be allowed to be used in product placement.

SECTION FIVE

Media Service Content

General and thematic broadcast

ARTICLE 14 – (1) In media services, broadcast with general or thematic contents may be conducted. During their application for a broadcasting licence, media service providers shall inform the Supreme Council of their broadcast types in writing. The type of the broadcast shall be clearly stated in the licence to be granted to these companies by the Supreme Council.

(2) The broadcast services shall be conducted in the type and in the selected language notified to the Supreme Council. The type of broadcast can be changed with the permission of the Supreme Council upon request. The requirements of changing the type of broadcast will be established by the Supreme Council. An enterprise that does not conduct broadcasts that comply with the type specified in the licence shall be considered as violating the terms of the broadcast licence.

(3) If television enterprises that conduct general and thematic broadcasts include cartoons in the broadcasts for children, at least twenty per cent of the cartoons, and at least forty per cent of other

children's programmes shall be productions made in the Turkish language and reflecting the Turkish culture. Statistical data related to the broadcast times and lengths of children's broadcasts and details of the place of production shall be reported to the Supreme Council as monthly lists.

(4) Radio and television enterprises must have Turkish folk and Turkish classical music programmes in their broadcasts at a certain percentage and at certain times. The rules of the percentages and broadcasting times of such programmes will be determined by the Supreme Council.

European works

ARTICLE 15 – (1) Television broadcasters that hold national terrestrial broadcasting licence shall;

a) allocate at least fifty percent of their broadcast time excluding the time allocated to news, sport events, contests, advertisements, tele-shopping and related data broadcasts to European works.

b) allocate ten percent of their broadcast time or programme budget excluding the time allocated to news, sporting events, contests, advertisements, tele-shopping and related data broadcasts to European works of independent producers.

2) The procedures and rules to encourage on demand media service providers to sponsor the production of and access to European works will be determined by the Supreme Council.

Right of Short Extracts

ARTICLE 16 – (1) Television enterprises that have the exclusive broadcast rights for events that have major importance for the public opinion, within the scope of the Intellectual and Artistic Works Law No. 5846, shall provide short extracts rights on the basis of being fair, reasonable and egalitarian to other broadcasters in return for a price.

(2) Other television broadcasters asking for the right to access events subject to an exclusive right of broadcasting shall be granted the right to choose short extracts independently.

(3) Short extracts shall be used only in news programmes in such manner that they will not exceed ninety seconds by citing their source and such shall be applied in on demand media services only in the pre-recording of the same programme by the same media service provider.

(4) The procedures and rules of enforcing this Article will be established with a regulation by the Supreme Council.

Public access to major events

ARTICLE 17 – (1) The Supreme Council prepares and announces a list of major events by obtaining the opinions of other institutions concerned with the matter in order enable the broadcasting countrywide as live or pre-recorded of national and international events that have substantial importance for the public on television channels that broadcast as unencrypted and free of charge. The list of major events may be updated by the Supreme Council by the same procedure.

(2) Television enterprises that will broadcast the major events ensure broadcasting of the listed major events as unencrypted and free of charge countrywide.

(3) Further, television enterprises cannot use their exclusive rights in relation to major events in the list of another country that is a party to the European Convention on Transfrontier Television in such a way that will prevent a substantial number of such country's citizens from watching the event.

(4) The procedures and rules for public access to major events will be regulated by the Supreme Council by means of a regulation to be issued.

Right of rectification and reply

ARTICLE 18 – (1) If a broadcast about real persons and legal entities that will violate their honour and dignity or as contrary to facts is conducted, on condition of not being contrary to the interests of third parties protected by the law and not including a criminal element, such persons and

entities shall send a rectification and reply letter to the relevant media service provider within sixty days from the date of the broadcast. Media service providers shall broadcast the letter, without any amendment or insertion, at the time and in the programme subject to rectification and reply, within a maximum of seven days after they receive the letter in such manner that viewers can easily follow and it is clearly understandable. In the event that the programme subject to the rectification and reply letter has been removed or suspended, the right to rectify and reply shall be exercised within a seven-day period at the broadcasting time of the said programme. In the rectification and reply, the broadcast that has caused it shall be specified.

(2) If the rectification and reply is not broadcast within the period stated under paragraph one, from the end of such period; if it is broadcast in violation of the provisions of paragraph one, within ten days from the broadcast of the rectification and reply, the person involved may ask the court to decide that the rectification and reply be broadcast in accordance with the provisions of paragraph one. The competent court is the court of minor criminal claims in the location where the applicant resides; in the event that the applicant resides abroad, the competent court is the Ankara Court of Minor Criminal Claims in Ankara.

(3) The judge of the court of minor criminal claims shall conclude the case in three days without a hearing. Within seven days from the notification, the decision may be appealed before the competent criminal court of first instance. The criminal court of first instance decides within three working days after examining the objection and gives its final decision.

(4) In the event that the judge decides the broadcast of the rectification and reply, the seven-day period in the first paragraph will start from the date the decision becomes definite, if any objection has not been made against the decision of the judge of court of minor criminal claims; and from the date of notification of the decision of the criminal court of first instance if any objection has been raised.

(5) If the person who has the right of rectification and reply dies without exercising such right, this right can be used by one of his/her inheritors. In that situation, thirty days are added to the remaining rectification and reply period provided that the demise has occurred within the sixty-day period for the right of rectification and reply.

(6) Due to financial and moral damages arising from broadcasts abusing personal rights of real persons and legal entities, the producer of the programme is jointly liable with the media service provider.

(7) The person involved may directly request the right of rectification and reply specified under paragraph one from the court of minor criminal claims within the same periods.

CHAPTER SIX

Private Media service providers

Establishment and share percentages

ARTICLE 19 – (1) Private media service providers must comply with the following provisions regarding their company structures and share percentages:

a) A broadcast licence may be granted to joint stock companies established in accordance with the provisions of the Turkish Commercial Code for the purpose of exclusively providing radio, television and on demand broadcast service. The same company can only provide one radio, one television and one on demand broadcast service. Media service providers cannot insert any provisions against the principles in this article into their articles of association after the broadcast licence has been granted, either. Changes in the articles of association shall be notified to the Supreme Council within one month.

b) A broadcast licence cannot be granted to political parties, labour unions, professional organisations, cooperatives, associations, societies, foundations, local administrations, any companies which are established by them and of which they are direct or indirect shareholders and capital market

institutions and real persons and legal entities who are direct or indirect shareholders of these institutions. These companies cannot be direct or indirect shareholders of media service providers.

c) The shares of media service providers shall be registered shares. A dividend right certificate cannot be issued in favour of anybody.

ç) Media service providers may issue and offer to the public capital market instruments under the Capital Market Law No. 2499 of 28/7/1981 and the applicable legislation. In such event the Supreme Council's permission must be obtained before registration with the Capital Market Board. The requirement of being registered is not sought for listed shares.

d) One real person or legal entity can directly or indirectly hold shares in a maximum of four media service providers. However, the annual total commercial communication income of media service providers in which a real person or legal entity is a direct or indirect shareholder cannot exceed thirty per cent of the total commercial communication income of the sector in case of holding shares in more than one media service provider. A real person or legal entity whose total commercial communication income exceeds this rate shall assign its shares in the media service providers in such a way that it will be reduced to the said rate within a ninety-day period given by the Supreme Council. For each month it has not implemented the decision of the Supreme Council in the given period, a four hundred thousand Turkish lira administrative fine will be imposed by the Supreme Council on the real person or legal entity who has not implemented the decision. The procedures and principles on the implementation of this Article are determined by the Supreme Council.

e) For real persons, shares of spouses and blood and in-law relatives up to and including the third degree are also considered as held by the same person.

f) The proportion of total direct foreign capital in a media service provider cannot exceed fifty per cent of the paid-in capital. A foreign real person or legal entity can directly hold shares in at most two media service providers. If foreign real persons or legal entities hold shares in companies that are shareholders of media service providers and become indirect shareholders of the broadcasters, the chairman, the vice chairman and the majority of the board of directors and the general manager of such broadcasters shall be Turkish citizens, and the majority of the voting rights in the general assemblies of such broadcasters shall belong to real persons or legal entities having Turkish citizenship. In the articles of association of companies, the arrangements ensuring these provisions shall be stated clearly.

g) Domestic or foreign shareholders cannot in any way own privileged share certificates.

Transfer of Shares and Company and Merger

ARTICLE 20 – (1) Transfer of the shares of a joint stock company to which a broadcast licence has been granted shall be notified to the Supreme Council together with the information about the names and surnames of the shareholders, shareholder structure and vote proportions subsequent to the share transfer within thirty days from the transfer date.

(2) Before the transfer of a company or a merger, permission shall be obtained from the Supreme Council with necessary information and documents and such shall be notified to the Supreme Council within thirty days after effecting the transfer or merger process.

(3) If violation of the provisions indicated in this Law exist in the structure of the company that will occur as a result of the transfer of shares or merger, such violation shall be remedied in the period not exceeding ninety days that will be given by the Supreme Council. Otherwise, the broadcasting licence of the relevant media service providers will be cancelled.

(4) In mergers, acquisitions and the transfer of registered shares, provisions of Article 19 of this Law, the Capital Market Law No. 2499 and applicable provisions of the relevant legislation as well as the provisions of Law on the Protection of Competition No. 4054 of 7/12/1994 are reserved.

Logo and call sign

ARTICLE 21 – (1) On the condition of complying with the applicable legislation and not being against the public order and general morals, any name and block graphics that describe such name

may be used as logo, and audio notifications can be used as call sign. The logos and call signs shall be registered with the Supreme Council. Media service providers can alter their logos and call signs with permission of the Supreme Council.

(2) Media service providers are obliged to use one single logo and call sign during their broadcast period including the test broadcast period. Television broadcast service provider enterprises may not during advertisements use an altered logo and disrupt the basic characteristic of their block graphics.

(3) The procedures and rules on the implementation of this article will be determined by the Supreme Council by means of a regulation to be issued.

Viewer representation

ARTICLE 22 – (1) Media service providers appoint a viewer representative who has at least ten years of professional experience for the purpose of forming the co-regulation and self-regulation mechanisms, evaluating complaints from viewers and listeners, presenting them to the broadcasting board of the enterprise, and following up on the results. The selected viewer representative shall be announced by appropriate means to the public and notified to the Supreme Council.

Employees of news units

ARTICLE 23 – (1) The minimum number of employees who will work with a press card in the news units of media service providers is determined by the Supreme Council. Such staff is subject to the Law No. 5953 on the Regulation of the Relationship Between Employees and Employers in Media of 13/6/1952.

Protective symbol system

ARTICLE 24 – (1) Media service providers inform viewers vocally or in writing about the contents of programme services by using a protective symbol system.

(2) The procedures and principles of the protective symbol system are established by the Supreme Council.

(3) This article shall be applied to the Turkish Radio-Television Corporation also.

Keeping broadcast records

ARTICLE 25 – (1) Private media service providers must keep the recordings of each broadcast for one year. Real persons and legal entities may get a copy of the broadcast recording to form the basis of action they will take provided that they apply to the Supreme Council in writing and pay the fee to be determined by the Supreme Council within this period.

(2) Upon request of the Supreme Council, private media service providers are under the obligation of delivering one copy of the requested broadcast recording to the Supreme Council within ten days from the notification of the related request letter to themselves.

(3) If the broadcast has been subjected to an investigation or prosecution, the broadcast recording that is subject to the investigation or prosecution shall be kept until receipt of a written notification from the relevant authorities stating that such processes has been concluded.

SECTION SEVEN

Frequency Planning and Broadcasting Licence

Frequency planning and allocation

ARTICLE 26 – (1) The Supreme Council makes or commissions the planning of television channel and radio frequencies under the frequency bands allocated to the Supreme Council for terrestrial radio and television broadcasts in the national frequency plan in accordance with article 36

of the Electronic Communication Law No. 5809 of 5/11/2008. In the frequency plans, the numbers of national, regional and local terrestrial broadcast networks, their types and their multiplex numbers for digital broadcasts shall be determined.

(2) The Turkish Radio-Television Corporation notifies the number of broadcast services to be conducted by terrestrial means and their coverage area to the Supreme Council. The Supreme Council decides under the frequency plans what percentage of such requests will be met. Channels and frequencies that are found to be suitable for terrestrial television and terrestrial radio broadcasts, and the multiplex capacity number no less than one multiplex that is found to be suitable for digital terrestrial broadcasts are allocated to the Turkish Radio-Television Institution. At least four terrestrial television broadcasts and four terrestrial radio broadcasts are conducted through the frequency and multiplex capacity allocated to the Turkish Radio-Television Institution. Channels, frequencies and multiplexes that have not been used for two years from the allocation date or whose usage has been terminated are evaluated by the Supreme Council again. If supplementary terrestrial broadcast requirement of the Turkish Radio-Television Institution arises after the allocation, this shall also be evaluated within the above framework to the extent of capacity possibilities.

(3) If public institutions ask to conduct terrestrial radio or television broadcasts for the purpose of warning, announcement and education, these requests shall be met by getting services from the Turkish Radio-Television Institution under a protocol to be made. The Turkish Radio-Television Institution shall not charge public institutions and establishments in whose Laws there exists a provision on that they may conduct radio and television broadcasts at the effective date of this Law. Channel, frequency or multiplex capacity cannot be allocated to any public institutions other than the Turkish Radio-Television Institution.

(4) Media service providers which are established as radio and television broadcasters, operating in the area of radio and television broadcasting for at least one year, meeting the preliminary requirements in the tender specification and obtaining a certificate of qualification from the Supreme Council to participate in the tender may participate in the ranking tender.

(5) According to the outcome of the ranking tender to be held in accordance with the frequency plans for terrestrial radio broadcasts, radio frequencies or multiplex capacity shall be allocated to the media service providers. According to the outcome of the ranking tender to be held in accordance with the digital television frequency plan, multiplex capacities shall be allocated to media service providers. In the allocation, the coverage area of the broadcasts to be provided, the type of broadcasts and the multiplex on which the capacity will be placed shall be stated. Companies holding a terrestrial broadcast licence shall launch their broadcasts on all the channels, multiplex capacity or frequencies that have been allocated to them within two years at the latest.

(6) An annual usage fee shall be collected from public and private media service providers for the channels, multiplex capacity and radio frequencies that are allocated for radio and television broadcasts to be made through terrestrial means. The annual usage fee shall be determined by the Supreme Council in accordance with objective criteria such as population-based coverage area, type, transmitter power, and band where frequency is of such broadcast and economic development level of the area where the broadcast is made.

(7) Radio or television broadcast services to be made through terrestrial means by media service providers through the allocation of multiplex capacity shall be transmitted by the multiplex operator. Media service providers in the same multiplex transmit their broadcasts with agreement thereupon through a multiplex operator.

(8) Private media service providers shall conduct their broadcasts to be made through the television channel, multiplex capacity and radio frequencies allocated to them by the Supreme Council via radio and television transmitter facilities built and operated by a single transmission facility and operator company. The conditions that transmitter building and operating company that is jointly established by companies holding a national terrestrial broadcasting licence shall comply with are determined by the Supreme Council, and broadcast transmission authority shall be granted only to one transmitter building and operating company that meets the conditions. The share percentage of those who will hold shares in that transmitter building and operating company may not exceed ten per cent. The procedures and principles for using the transmitter facilities and the annual rental fees shall be put into effect subsequent to obtaining the transmitter building and operating company's opinion

with the approval of the Supreme Council. Transmitter building and operating company shall provide services to all companies that have obtained the terrestrial broadcast licence from the Supreme Council, by the criteria of impartiality and fairness, and under fair conditions without any discrimination. The Supreme Council controls whether the radio and television transmitter facilities that are authorised to be established are being used in accordance with the purposes that have been set forth in this Law and operating permits. In case the transmitter building and operating company has been abusing the permission conditions and the violation has not been remedied despite notification by the Supreme Council, the company will be penalised with an administrative fine from one hundred thousand Turkish liras to three hundred thousand Turkish liras for each month of not remedying the violation.

(9) The procedures and rules of implementing frequency plans, transition to terrestrial digital broadcasting and the ranking tender shall be established by means of a regulation to be issued by the Supreme Council.

Broadcasting licence types, period and transfer

ARTICLE 27 – (1) Media service providers shall obtain separate licenses from the Supreme Council for each broadcasting technique and environment in order to be able to broadcast through cable, satellite, terrestrial, and similar means. The broadcast technique and environment the licence is granted for shall be clearly expressed in the licence. Companies that want to broadcast simultaneously through different broadcasting techniques and environments shall obtain separate licences for each broadcasting technique and environment, and broadcast simultaneously.

(2) The broadcasting licence's term is ten years. The terrestrial broadcast capacity that becomes idle at the end of the licence term will again be put out to tender by the Supreme Council.

(3) A company to which the Supreme Council has granted a terrestrial broadcasting licence may not assign such licence rights. A company that decides to cease its broadcasting operations shall return its licence to the Supreme Council.

SECTION EIGHT

Transmission of the Broadcasts and Authorisation

Multiplex operators

ARTICLE 28- (1) Provided that the provisions of the Electronic Communication Law No. 5809 and the applicable legislation are reserved, the administrative, financial and technical requirements that multiplex operators shall fulfil are determined by Supreme Council and a broadcast transmission permit shall be granted to the companies that fulfil these requirements. Media service providers also may hold shares in multiplex operator companies.

(2) Multiplex operators, in the field of transmission of radio, television and on demand media services, can only provide service to companies holding a terrestrial broadcasting licence.

(3) Multiplex operators shall immediately stop the transmission of broadcasts that the Supreme Council has decided to stop. The broadcast transmission authorisation of multiplex operators that continue to transmit these broadcasts despite the notification shall be cancelled by the Supreme Council, and this shall be notified to the Information Technologies and Communication Authority.

Platform operators and infrastructure operators transmitting broadcast services

Article 29 – (1) Platform operators, and infrastructure operators transmitting broadcast services, that have been authorised by the Information Technologies and Communication Authority to provide electronic communication services are subject to the provisions of this Law with regard to broadcast services. Administrative, financial and technical requirements for the transmission of broadcast services shall be determined by Supreme Council and broadcast transmission permits shall be granted to companies that fulfil these requirements. Platform operators shall provide services to media service providers by the criteria of impartiality and fairness, and under fair conditions without

making any discrimination. The service prices that platform operators will charge media service providers shall be determined upon approval of the Supreme Council.

(2) Platform operators, and infrastructure operators transmitting broadcast services, shall notify the Supreme Council of the broadcast services they will transmit.

(3) Platform and infrastructure operators shall following notification of the Supreme Council's resolution cease the transmission of broadcast services of media service providers that have not obtained a broadcasting license from the Supreme Council or whose broadcasting license has been cancelled by the Supreme Council, and those of media service providers that are under the jurisdiction of another country but whose broadcasts are determined by the Supreme Council as violating the international treaties which the Republic of Turkey is a party to and the provisions of this Law. The transmission authorisation of the operator shall be cancelled in case it does not stop the transmission of such broadcast services despite the notification, and this shall be notified to the Information Technologies and Communication Authority.

SECTION NINE

Election Periods

Broadcast during election Periods

ARTICLE 30- (1) The procedures and principles in relation to broadcasts on elections to be made during election periods shall be regulated by the High Election Board.

(2) The Supreme Council monitors, controls and evaluates broadcasts of media service providers during election periods in line with the resolutions of the High Election Board.

(3) The provisions under Article 149/A of the Law on the Main Provisions of Elections and Voter Registers No. 298 of 26/4/1961 shall be enforced following resolutions of the High Election Board.

Political advertisement

ARTICLE 31 – (1) Media service providers can broadcast advertisements of political parties and candidates during an election period announced by the High Election Board until the time the broadcast prohibitions will start.

(2) Political advertisements shall comply with the provisions of this Law and principles and procedures established by the High Election Board.

SECTION TEN

Sanctions

Administrative sanctions

ARTICLE 32 – (1) Media service providers that conduct broadcasts in violation of subparagraphs (a), (b), (d), (g), (n), (s) and (ş) of paragraph one of article 8 of this Law will be penalised with an administrative fine from two per cent up to five per cent of the gross commercial communication revenues within the month preceding the month when the violation is found considering the seriousness of the violation as well as the broadcast's medium and area. The sum of the administrative fine may not be less than one thousand Turkish liras for radio enterprises and ten thousand Turkish liras for television enterprises and on demand media service providers. Further, as an administrative injunction, it will be resolved that the broadcast of the programme subjected to the violation be stopped up to five times, that the programme subjected to the violation be removed from the catalogue in case of on demand broadcast services. Considering the nature of the violation, an administrative injunction may be decided together with an administrative fine in accordance with the provisions of this paragraph, and only an administrative fine or an administrative injunction may be decided also.

(2) Media service providers that conduct broadcasts in violation of the principles, obligations or prohibitions established by the other sub-paragraphs of paragraph one of article 8 as well as its paragraphs two and three and other articles of this Law will be warned. If the violation is repeated after the warning is served on the enterprises involved, the media service provider will be penalised with an administrative fine from one per cent up to three per cent of the gross commercial communication revenues within the month preceding the month when the violation is found considering the seriousness of the violation as well as the broadcast's medium and area. The sum of the administrative fine may not be less than one thousand Turkish liras for radio enterprises and ten thousand Turkish liras for television enterprises and on demand media service providers.

(3) If a violation of an obligation or a prohibition constitutes an offence, without being subject to the condition of conducting an investigation or prosecution against the parties involved due to such offence, an administrative fine or an administrative injunction may be decided in accordance with the provisions of this article.

(4) Instead of programmes whose broadcast is ceased as a result of enforcing an administrative injunction, programmes on education, culture, traffic, women and children's rights, the physical and moral development of youngsters, the struggle against drugs and dangerous addictions, the correct use of the Turkish language, education about the environment, problems of the handicapped, health and similar subjects that are beneficial for the public provided by the Supreme Council, which shall not include any commercial communication broadcast and be broadcast within the same broadcasting time, shall be broadcast. If it is resolved that the broadcast of the programme be stopped due to violation of the obligation or the prohibition, the producer or if any the presenter of the programme who has liability because of the committing of the act that has caused a sanction to be imposed may not make or present another programme under any name whatsoever in the same or a different media service provider during the course of time when the broadcast is stopped.

(5) If the same violation is repeated from the notification of the resolution of sanction to be given following a broadcast in violation of the principles under sub-paragraphs a and b of paragraph one of article 8, it will be resolved that the media service provider's broadcast be stopped up to ten days; and in case of repeating for a second time, that the broadcasting licence be cancelled.

(6) If one of the requirements sought under this Law in order to issue a broadcasting licence is lost, the media service provider involved will be given thirty days to meet such requirement. Broadcasts of an enterprise that does not meet the requirement despite the time granted will be stopped for three months. If the requirement is not met during the course of such time, the broadcasting licence of the enterprise involved will be cancelled and its channel and frequency use will be ended.

(7) The broadcasting licence of an enterprise that is found to have attained the requirements necessary to issue a broadcasting licence by fraud will be cancelled. The broadcasting licence charge as well as the channel and frequency annual use charge collected from a company whose broadcasting licence has been cancelled will not be refunded.

(8) The Supreme Council is authorised to decide an administrative fine or an administrative injunction in accordance with the provisions of this law.

(9) Decisions of administrative sanctions imposed in accordance with the provisions of this Law can be referred to the judiciary pursuant to the Administrative Trial Procedure Law No. 2577 of 6/1/1982. However, a lawsuit shall be filed with an administrative court within fifteen days from the notification of the action. The fact that a cancellation lawsuit has been initiated before administrative courts shall not stop the execution of the decision.

(10) Resolutions of warning given by the Supreme Council in accordance with the provisions of this article shall be served by way of sending such to the electronic mail address that the media service provider communicated to the Supreme Council. If such change is not communicated to the Supreme Council although the electronic mail address communicated to the Supreme Council has been changed, notification at the previous address will be deemed as notification served.

(11) The administrative fines regulated in this Law shall be paid within one month from their notification.

Juridical Sanctions

ARTICLE 33 – (1) Members of the board of directors and the general manager of real persons and legal entities that broadcast without obtaining a broadcasting licence from the Supreme Council or despite temporary suspension of their broadcasts or cancellation of their broadcasting licences by the Supreme Council shall be penalised with a prison term from one to two years and an administrative fine from one thousand to five thousands days. Further, the security precautions under Article 60 of the Turkish Penal Code No. 5237 shall be applied against the legal entities. Broadcasting equipment and facilities that continue operations without permission will be sealed and shut down by the Supreme Council.

(2) Media service providers that conduct broadcasts out of the licence type and install transmitters without permission although having a broadcasting licence will be warned by the Supreme Council; and the provision of paragraph one will be enforced against those that continue broadcasting without permission despite the warning.

(3) The accountable manager of a private media service provider who does not keep their broadcast recordings for one year in accordance with Article 25 or not deliver them within the due period and as faithful to the originals despite a request by the Supreme Council or the Chief Public Prosecutor's Office shall be penalised with a judicial fine from one thousand to five thousands days.

(4) In case the records that have been sent are not the requested broadcast in terms of contents or there is alteration, removal, deletion in the recordings, the accountable manager of the private media service provider shall be penalised with a judicial fine from five thousand to ten thousand days.

(5) The Supreme Council will participate in public lawsuits initiated pursuant to this Law.

SECTION ELEVEN

Radio and Television Supreme Council

Establishment

ARTICLE 34- (1) The Radio and Television Supreme Council is established as an administratively and financially autonomous, impartial public legal entity in order to regulate and supervise the radio and television and on demand media services.

(2) The Supreme Council shall independently perform and exercise the tasks and powers given to it in this Law and the legislation under its own responsibility.

(3) Within the procedures and principles established for its own budget, the Supreme Council shall freely utilise the financial resources allocated to it within the framework of the procedures and principles established in this Law and Law 5018 on Public Financial Management and Control, to the extent required by its duties and powers. Properties of the Supreme Council are deemed properties of the State, and may not be attached.

(4) The Supreme Council conducts its relations with the Government through the Prime Minister or a minister to be appointed by the Prime Minister.

(5) The Supreme Council is subject to inspection by the Turkish Court of Accounts.

Radio and Television Supreme Council

ARTICLE 35- (1) The Supreme Council consists of nine members elected by the Turkish Grand National Assembly from persons who are over 30 years old, completed at least four years of higher education, worked for at least 10 years in public institutions and establishments or private enterprises on matters related to their professions and possess sufficient professional knowledge and experience as well as qualifications adequate for becoming a civil servant.

(2) For election, nominees twice as many as the number of members to be determined in proportion to the number of members of political party groups shall be nominated, and members of the Supreme Council shall be elected by the Turkish Grand National Assembly from among these nominees based on the number of members for each political party group. However, the political party groups cannot negotiate or decide whom to vote for in the elections to be held in the Turkish Grand National Assembly.

(3) Election of the members of the Supreme Council shall be held within ten days after designation and announcement of the nominees. For candidates nominated by political party groups, a combined ballot in the form of separate lists shall be prepared. Votes shall be cast by ticking off the specific space across from the names of the nominees. Votes cast more than the number of members to be elected for the Supreme Council from the political party group quotas determined in accordance with paragraph two shall be deemed invalid.

(4) Provided that the quorum is reached, candidates who receive the greatest number of votes equal to the number of vacant memberships shall be deemed elected. The result of the election shall be published in the Official Gazette.

(5) The Supreme Council members' term of office is six years. One third of the members shall be biennially renewed. Two months before members' term of office ends; in case of any vacancy in memberships, an election shall be held within one month from the date of the vacancy or if the date of the vacancy coincides with a holiday of the Turkish Grand National Assembly, from the end of the holiday, by the same procedure. In these elections, vacant memberships' distribution by political party groups shall be performed by considering the number of members elected from the political party groups' quotas in the first election and the current proportions of the political party groups. Members elected in the elections held due to membership vacancies shall complete the terms of office of the members they have replaced.

President and Vice President

ARTICLE 36- (1) The Supreme Council Members shall elect a President and a Vice President from among its members by holding a meeting within fifteen days from the date of publication of the election results in the Official Gazette. The term of office of the President and the Vice President is two years. The term of office of the Supreme Council members elected to Vice Presidency is limited to the President's term of office. If the membership of the President or Vice President terminates or the Presidency or Vice Presidency is vacated in any way, in its first meeting, the Supreme Council holds an election for a President and/or a Vice President.

(2) The Supreme Council is governed and represented by the President, and in cases of his/her absence, by the Vice President. If the Presidency and Vice Presidency are vacated at the same time, the oldest member chairs the Supreme Council.

(3) The President's duties and powers are as follows:

a) To determine the agenda, time and date of the Supreme Council's meetings; to chair the meetings; to take the due actions about applications not included in the agenda and to provide information to the Supreme Council in relation to such.

b) To procure the publication or service of resolutions of the Supreme Council; to ensure that the due actions for such resolutions are taken and to monitor their enforcement.

c) To give a final form to suggestions from service units and to submit the same to the Supreme Council.

ç) In conformity with strategies, purposes and aims established by the Supreme Council, to prepare the Supreme Council's annual budget and financial statements.

d) To ensure highest level organisation and co-ordination of harmonious, efficient, disciplined and orderly functioning of the Supreme Council and service units; to resolve duty and power problems that may arise between service units.

e) To prepare annual activities reports, to commission an evaluation of the activities according to purposes and aims, performance criteria and to submit the same to the Supreme Council.

f) To conduct studies and evaluations regarding strategies, policies and applicable legislation in the area where the Supreme Council is engaged in as well as regarding the Supreme Council and staff's performance criteria.

g) To conduct the Supreme Council's relations with other organisations and to represent the Supreme Council.

ğ) To appoint the Supreme Council staff other than the staff stipulated to be appointed by the Supreme Council.

h) To establish the area of duty and authority of the staff authorised to sign on the President's behalf.

ı) To perform other duties regarding administrative matters.

(4) The President may delegate part of his duties and powers not related to the Supreme Council to subordinates tiers provided that their limits are clearly established and such is done in writing.

Duties and Powers

ARTICLE 37- (1) The duties and powers of the Supreme Council are as follows:

a) Taking required precautions in the field of broadcast services, in order to guarantee the freedom of expression and information, diversity of opinions, competition environment reserving the duties and powers of the Competition Authority and pluralism, and prevent concentration and protect the public interest.

b) In the framework of the frequency bands allocated to the Supreme Council and specified in the national frequency plan for the terrestrial radio and television broadcasts according to the provisions of Law No. 5809 on Electronic Communications, determining or having them done or implementing the planning for television channel and radio frequencies.

c) Determining the required administrative, financial and technical standards for enabling media service providers to request a broadcast licence; granting broadcast licence to those of such companies that fulfil these requirements, inspecting and when required cancelling such broadcasting licenses.

ç) Reserving the duties and powers of the Information Technologies and Communication Authority, determining the administrative, financial and technical requirements that must be complied with for radio, television or on demand broadcast transmission operations by platform, multiplex, infrastructure operators and transmitter building and operating company, granting broadcast transmission authority to them and when required cancelling such.

d) Determining the broadcasting licence fees that will be collected from radio, television and on demand media service providers along with the annual television channel, multiplex capacity and radio frequency usage fee for the broadcast services that will be provided from terrestrial means and the broadcast transmission authorisation fees that will be collected from platform, multiplex, infrastructure operators and the transmitter building and operating company.

e) Supervising and controlling the broadcasts of media service providers based in the Republic of Turkey in terms of compliance with the provisions of this Law and the international treaties that the Republic of Turkey is a party to.

f) Controlling the compliance of the broadcasts of the media service providers that are not established on the soil of the Republic of Turkey but that are under the jurisdiction of the Republic of Turkey with the provisions of this Law and international treaties which the Republic of Turkey is a party to, cooperating with competent institutions and establishments of other countries when necessary.

g) Installing the required monitoring and recording systems for controlling and monitoring broadcast services by also installing equipment in the studios of broadcasters when necessary.

ğ) Determining the principles and procedures on the protective symbol system that will be used in the broadcast services of media service providers.

h) Imposing the relevant sanctions in case of finding non-compliance with this Law and other relevant legislation in the broadcasts of and in case of finding non-compliance with the broadcasting licence requirements of media service providers and in the services provided by platform, multiplex, infrastructure operators and the transmitter building and operating company.

ı) Making public opinion polls pertaining to media services or having them done and sharing the results of these polls with the relevant parties and the public.

i) Determining the principles and procedures of making and controlling measurements of watching and listening ratings of media services and also determining the sanctions to be imposed on companies and organisations that are not in compliance with such principles and procedures.

j) Reserving the provisions of Law No. 5809 on Communications and the applicable provisions of the legislation and excluding methods of communication for personal purposes; making regulations in relation to media services including broadcast transmission methods that newly emerge in connection with technological developments, and permitting test broadcasts.

k) Tracking developments in media services; determining general strategies for the sector and mechanisms for joint control, self-control and joint regulation; conducting studies and incentives for the development of national broadcasting; arranging trainings and certificate programmes for media service providers' employees and issuing certificates.

l) Expressing opinions regarding draft legislation prepared in the field of media services.

m) Making secondary regulations regarding matters that fall under the scope of its authority.

n) On condition that the duties and powers of the Ministry of Foreign Affairs and the Information Technologies and Communication Authority are reserved, to represent our country in organisations that have legal personality under international law in relation to broadcasting services; fulfilling the duty of representation at international organisations that do not have a legal personality under international law wherein media service providers are not members and duly signing documents that are made under this sub-paragraph and do not constitute an international treaty upon obtaining opinions of relevant ministries and institutions.

o) Preparing the strategic plan, determining the performance criteria, purposes and aims, and service quality standards of the Supreme Council; and creating human resources and labour policies of the Supreme Council.

ö) Promoting the taking of required precautions in order to make it easier for handicapped people and senior citizens to access broadcast services and new technologies.

p) Taking resolutions on the purchase, sale, lease and allocation of real properties.

r) Cooperating with other public institutions led by the Ministry of Education in order to spread media literacy so that all tiers of society are included.

s) Obtaining all information, documentation and records from media service providers within the scope of their duties; and inspecting media service providers onsite and sealing and shutting down equipment that does not conform to licence requirements.

ş) When necessary, purchasing services for temporary tasks or tasks requiring a certain specialty,

t) Determining nominees for the Turkish Radio-Television Corporation's General Directorate and membership of the Board of Governors,

u) Establishing the professional and ethical principles that the Council Members and the personnel shall conform to.

ü) Discussing and deciding the Supreme Council's budget prepared in line with its main strategy as well as purpose and aims.

v) Identifying matters required in order to fulfil duties and obligations in events of declaration of mobilisation and war by means of a regulation to be issued in co-ordination with the Ministry of National Defence and to communicate the same to broadcasters and to inspect such.

y) Fulfilling other duties assigned by the legislation.

Prohibitions and Supervision

ARTICLE 38 – (1) Members of the Supreme Council and their relatives by blood or in-law up to and including those of the third degree, provided that provisions of Intellectual and Artistic Works Law No. 5846 remain reserved, shall not enter into any contracting business regarding matters that fall under the area of duties and powers of the Supreme Council in the field of media services, shall not be shareholders or officers in media service provider establishments or in companies that have direct or indirect shareholding ties to these establishments.

(2) Except for preparing scientific works, giving lectures and conferences, carrying out jury and commission membership that does not hinder their main duties, the Supreme Council members shall not undertake any civil service or private post, not be a party directly or indirectly in matters that fall under the area of duties and powers of private or public media service providers and not derive any material benefits in such matters and not be a member of a political party. Duties carried out in associations and foundations whose area of activities is social aid and education as well as co-operative partnerships is out of the scope of this provision.

(3) Before they start to serve, members of the Supreme Council shall dispose of all their shares or securities in media service provider establishments and legal entities performing media service or in their subsidiaries, other than debt securities issued by the Under-Secretariat of the Treasury, by selling or transferring such within thirty days from the start of their terms to those other than their blood relatives up to the third degree and in-law relatives up to the second degree.

(4) Members of the Supreme Council and personnel of the Institution may not disclose confidential information related to the Institution and all secrets of media service provider establishments and real persons and legal entities performing media service even if they left their offices, and may not use such in their or others' interest.

(5) Supreme Council members shall not participate in negotiations or in voting on matters relating to themselves or their relatives by blood or in-law up to and including those of the third degree. This situation shall separately be stated in the decision text.

(6) Supreme Council members who violate the principles stated under this article shall be deemed as resigned. This issue shall be decided by the Supreme Council independently or as a result of the evaluation upon an application and notified to the Turkish Grand National Assembly in order to take the required actions.

Compensation, financial and social rights of members of the Supreme Council

ARTICLE 39 – (1) Supreme Council members shall be paid a monthly salary that is equal to the financial benefits including all payments designated for the Under-Secretary of the Prime Ministry. Of the payments made to the Under-Secretary of the Prime Ministry, those that are not subject to taxation and other legal withholding shall not be subject to taxation and other withholdings also according to this Law. The Supreme Council members shall benefit under the same procedures and rules from the social aids and rights that most senior Government civil servants benefit from in accordance with the Civil Servants Law No. 657 of 14/7/1965 and other legislation.

(2) Civil service officials shall be considered on leave without pay from their organisations for the duration of their terms of office, and their terms on this duty shall be considered as part of their careers and shall be counted toward their promotion with honours.

(3) Members of the Supreme Council shall not be removed from their seats on the Council and from posts that they hold as a result of election during their terms of office as members.

(4) Those elected as Supreme Council members are deemed as insured under sub-paragraph (c) of paragraph one of Article 4 of the Social Security and General Health Insurance Law No. 5510 of 31/5/2006. Earnings of the Supreme Council's President and members subject to insurance premiums are determined according to ministerial under-secretary for the President and the members. The terms of office in such positions of those who fall within the scope of temporary Article 4 of Law No. 5510 during their office terms will be considered as period for which office compensation and representation compensation are payable, and from the respect of retirement the President and the members will benefit according to the same procedures and rules from the additional indicator, office compensation and representation compensation determined for the ministerial under-secretary.

(5) Members of the Supreme Council who receive pensions from any one of the social security institutions will have their pensions ceased upon request and their insurance premiums will be paid under sub-paragraph (c) of paragraph one of Article 4 of Law No. 5510. Upon expiry of the terms of office of those who again pay insurance premiums by getting their pensions ceased, their pensions will be re-determined according to the general provisions.

(6) Investigations concerning alleged offences committed by members of the Supreme Council in connection with their duties shall be conducted in accordance with Law 4483 on the Trial of Civil Servants and Other Public Officials of 2/12/1999 and the investigation warrant related to such persons shall be granted by the Prime Minister or a Minister that the Prime Minister will appoint. Paragraphs three and four of Article 104 of the Banking Law No. 5411 of 19/10/2005 shall apply to members of the Supreme Council also.

(7) Members of the Supreme Council shall declare their properties to the Presidency of the Turkish Grand National Assembly in January every year.

Supreme Council's working principles, quorum for meetings and resolutions

ARTICLE 40 – (1) The Supreme Council shall work on a full-time basis, shall meet at least once a week with a quorum of at least 5 members, and shall take resolutions with an affirmative vote of at least five members. No abstaining votes may be cast.

(2) The Supreme Council can be convened for an extraordinary meeting upon the call of the President or joint request of three members.

(3) The meeting agenda shall be prepared by the President or, in his absence, by the Vice President and shall be notified to the members of the Supreme Council at least one day before the meeting. To add a new item to the agenda, one member must make a proposal and the Supreme Council must accept the item proposed during the meeting.

(4) Supreme Council members who do not attend two consecutive meetings, three meetings in one month, without a valid excuse shall be deemed to have withdrawn from membership. This situation shall be determined with a Supreme Council resolution and notified to the Presidency of the Turkish Grand National Assembly.

(5) The debates in the Supreme Council meetings are confidential and the debates may not be disclosed unless a resolution to publicise is taken.

(6) If needed, relevant people may be invited to Supreme Council meetings for their opinions. However, Supreme Council resolutions cannot be taken in the presence of outsiders.

(7) Non-confidential regulatory and supervisory resolutions of the Supreme Council shall be announced to the public by means of appropriate means.

Financial resources and the budget

ARTICLE 41 – (1) Revenues of the Supreme Council are as follows:

- a) broadcasting licence fees to be collected from media service provider enterprises,
- b) television channel, multiplex capacity and radio frequency annual usage fees to be collected from public and private media service provider enterprises broadcasting via the terrestrial environment,
- c) provided that the provisions of the Electronic Communication Law No. 5809 and of the applicable legislation remain reserved, broadcast transmission authorisation fees to be collected from platform, multiplex and infrastructure operators as well as transmitter facility and operation company engaged in the transmission of broadcasts.
- ç) a three per cent share of monthly gross commercial communication revenues of media service providers excluding programme sponsorship revenues,
- d) when needed, Treasury aid to be obtained from the budget of the Presidency of the Turkish Grand National Assembly,
- e) other revenues.

(2) When necessary, the Supreme Council shall prepare a programme for the work it will perform each year and submit the amount of appropriation required to be earmarked from the budget of the Presidency of the Turkish Grand National Assembly to the Presidency of the Turkish Grand National Assembly.

(3) By obtaining the opinion of the Ministry of Finance, the Supreme Council shall prepare a regulation to regulate the procedures and rules for the auditing of media service provider establishments' commercial communication revenues together with the accounts of intermediary agencies by the Ministry of Finance and for the declaration of these revenues and payment of the shares to be collected according to sub-paragraph (ç) of paragraph one.

Collection of the revenues

ARTICLE 42 – (1) Broadcasting licence fees and broadcast transmission authorisation fees are to be paid in equal instalments within six months following the granting of a licence or authorisation document.

(2) Television channel, multiplex capacity and radio frequency annual usage fees shall be paid in four equal instalments in January, April, July and October every year according to sub-paragraph (b) of paragraph one of Article 41; shares to be allotted from the commercial communication revenues stipulated in sub-paragraph (ç) shall be paid by the relevant media service provider establishments on or before the twentieth of the third month following the month that they were derived in.

(3) In case of a delay in payments to be made pursuant to paragraphs one and two, the media service provider establishment involved shall within a month be notified and warned to make payment together with statutory interest. In case the payment is not be made within two months from the date the warning resolution is served, the Supreme Council shall resolve to cancel the broadcasting licence of the media service provider establishment involved and the unpaid institutional revenues shall be collected according to the general provisions.

Organisation, personnel and positions of the Supreme Council

ARTICLE 43 – (1) The Supreme Council's service units comprise main service and support service units and the advisory service unit organised as office directorates.

(2) The main service units are Monitoring and Evaluation Department, Permits and Allocations Department, International Relations Department; Public Opinion, Broadcast Research and Measurement Department, Strategy Development Department. The support service units are Human Resources and Training Department, Information Technologies Department, and Administrative and Financial Affairs Department. The advisory service unit is the Legal Affairs Department. Press and Public Relations Under-Secretariat reporting to the President shall be established. If needed, representative offices not to exceed five may be opened in regional centres where there are substantial broadcasting operations.

(3) Two Deputy President are appointed to assist the President. The Deputy President must have graduated from higher education of at least four years, have professional experience of twelve years in civil service and bear the requirements sought for civil service.

(4) President's Advisors not to exceed five may be appointed according to need in the areas of legal affairs, broadcasting, management and finance, and communication technologies.

(5) Main and permanent duties and services required of the positions assigned to the Supreme Council by this Law are carried out by professional personnel and administrative personnel comprising Supreme Council Experts and Supreme Council Assistant Experts. Those who will be appointed to positions at the Supreme Council must bear the requirements stated under article 48 of Law 657. Other matters in relation to appointments to such positions will be established by a regulation to be issued by the Supreme Council.

(6) The Supreme Council's personnel is employed in contracted status against positions, and is subject to Civil Servants Law No. 657 in terms of all rights and obligations except for pay and financial benefits. The total of the personnel's pay and other financial benefits may not exceed the total of the payments made for members of the Supreme Council and under the principles established by the Council of Ministers and by considering organisational hierarchy, is determined by the Supreme Council.

(7) To be appointed as Supreme Council Assistant Experts, one must bear the requirements under paragraph five, have graduated from institutions of higher education of at least four years whose types are determined by the Supreme Council, have at least the minimum score from the score types specified by the Supreme Council on the Public Personnel Selection Examination, have correctly answered 60 of the foreign language questions on the Public Personnel Selection Examination or have a score of at least (D) from the Foreign Language Proficiency Examination for Government Personnel or obtained a certificate of which equivalency is accepted for linguistic proficiency and which has international validity, have succeeded on the examination to be given, must not be over the age of thirty as of the first day of January of the year the examination is held. Those who have been appointed to the post of Supreme Council assistant expert will be entitled to take the proficiency examination on condition that they have worked for at least three years; obtained a positive track record every year and their specialty thesis on subject to be determined by the units they are employed in is accepted by the thesis jury and they have a score of at least (C) from the Foreign Language Proficiency Examination for Government Personnel or obtained a certificate of which equivalency is accepted for linguistic proficiency and which has international validity. Those who have not presented their theses or whose theses were not accepted are granted an extension not to exceed six months to present their theses or to prepare new theses. Those who have been successful on the proficiency examination are appointed to expert positions. Those who have failed on the examination or those who have not exercised the examination right with a valid excuse despite being entitled to take the examination are granted a second examination right within a year. Those who do not submit their theses or those whose theses are not accepted the second time, those who have not met the foreign language requirement and those who have not been successful on the second examination or those who have not exercised the examination right in the extended period will lose the title of assistant expert and they will be appointed to positions in the Supreme Council that are appropriate for their cases. Those who have been appointed from the assistant expert post to the Supreme Council expert post are subject to promotion by one degree for once only.

(8) The Supreme Council's organisation and procedures and the rules of Supreme Council Experts and Assistant Experts' hiring, training, competitive examination, thesis preparation and proficiency examinations and working as well as other matters are established with a regulation by the Supreme Council.

(9) Deputy President, 1st Legal Advisor and directors are appointed upon the President's proposal by a resolution of the Council and other personnel by the President.

(10) Investigations about alleged offences related to the positions of Supreme Council personnel are conducted according to the Law on the Trial of Civil Servants and Other Public Officers No. 4483 and the permission to conduct an investigation against them is given by President.

(11) Supreme Council personnel is considered as insured under sub-paragraph (c) of paragraph one of Article 4 of Law No. 5510 in terms of social security.

(12) In terms of retirement, Deputy President are deemed equal to ministerial general director, directors to ministerial deputy general director, 1st Legal Advisor to ministerial 1st Legal Advisor, Supreme Council experts to Prime Ministry Expert, President's Advisor, Supreme Council Advisor, Expert Inspector to Ministerial adviser. The provisions for equivalent personnel under Law No. 657 are applied to personnel having other titles.

(13) Staff positions of the Supreme Council are shown on the annexed list (I). Provided that the total staff positions on the said list are not exceeded and such is limited to the staff position titles on the said list and the staff titles on the lists annexed to the Decree on General Staff Positions and Procedure No. 190 of 13/12/1983, change of ranking in occupied positions and changes of category, title and ranking in open positions are carried out by a resolution of the Supreme Council.

SECTION TWELVE

Miscellaneous and Final Provisions

Provisions regarding the Information Technologies and Communication Authority

ARTICLE 44 – (1) On technical and administrative matters concerning the transmission of media services, the Supreme Council and the Information Technologies and Communication Authority co-operate.

(2) Operators authorised to provide electronic communication services by the Information Technologies and Communication Authority are subject to the regulations of the Information Technologies and Communication Authority as related to electronic communication services. However, those who want to engage in activities for the transmission of media services may conduct their activities, provided that they get the required broadcast transmission authorisation from the Supreme Council pursuant to this Law and comply with the Supreme Council regulations.

(3) Media service provider establishments obtain the permissions necessary for radio link equipment and systems that they use in the transmission of media services from the Information Technologies and Communication Authority under the applicable legislation.

(4) If harmful interferences from radio and television systems reach national and international air and sea traffic systems, the Information Technologies and Communication Authority on site identifies and temporarily shuts down transmitters causing the interference in order to not endanger safety of lives and properties and reports the situation to the Supreme Council. The Supreme Council further imposes the penalties required under this Law.

(5) If radio and television systems are exposed to interference by non-broadcast systems operating on other bands, the Supreme Council reports the situation to the Information Technologies and Communication Authority. The Information Technologies and Communication Authority promptly takes the measures needed to eliminate the interference reported by the Supreme Council.

(6) The Information Technologies and Communication Authority may make changes in frequency bands under international regulations and the national frequency plan by obtaining the Supreme Council's opinion.

(7) From the respect of enforcement of this Law, the provisions of the Law on Regulating Broadcast via the Internet and Fighting Crime by Such Broadcast No. 5651 of 4/5/2007 are reserved.

The obligation of the Turkish Radio-Television Corporation

ARTICLE 45 – (1) The broadcasting principles stated under Article 8 and this Law's provisions regulating commercial communication in broadcast services apply to broadcasts by the Turkish Radio-Television Corporation also.

(2) If the said obligation is not fulfilled, the Turkish Radio-Television Corporation is warned by the Supreme Council by explicitly stating the nature of the violation and fulfilment of the obligation is notified to the Ministry concerned.

Accountability and accountable manager

ARTICLE 46 – (1) The responsibility arising from the broadcast rests with the accountable manager together with the person who manages the broadcast or produced the programme. This provision does not eliminate the broadcaster's responsibilities arising from this Law.

(2) However, if the persons authorised to manage and represent the company decided a broadcast without the accountable manager's review or against his consent, in such case the liability passes to such persons who decided the broadcast.

(3) Private radio and television companies consider the nature and significance of the broadcast services they will offer and appoint one or more accountable managers. Responsible Accountable manager or managers must

- a) be Turkish citizens;
- b) accountable managers of broadcasters operating nationwide and region-wide must be graduates of higher education;
- c) be domiciled in Turkey;
- ç) not be banned or restricted in terms of public services.

Notification and courts having jurisdiction

ARTICLE 47 – (1) Regarding notification pursuant to this Law, provisions of the Notification Law No.7201 of 11/2/1959 shall apply.

(2) General announcements on media service provider establishments and platform, multiplex and infrastructure operators and the transmitting facility and operator company as well as notices under article 7 are published on the Supreme Council's website. Such announcements are deemed to be notifications made according to the Law No. 7201.

(3) Ankara administrative courts have jurisdiction for lawsuits to be lodged against the Supreme Council.

Provisions annulled and not to be enforced

ARTICLE 48 – (1) The Law on the Establishment of Radio and Television Enterprises and their Broadcasts No. 3984 of 13/4/1994 is annulled.

(2) Except for the Law on the Prevention and Control of the Damage of Tobacco Products No. 4207 of 7/11/1996, provisions in other laws that introduce the obligation of compulsory broadcast for media service provider establishments shall not apply.

Transition provisions related to the Supreme Council members and personnel

PROVISIONAL ARTICLE 1 – (1) Those who are paying insurance premiums without falling under Provisional Article 4 of Law No. 5510 currently of those who were elected to Supreme Council membership before the date of this Law's effectiveness and continue such service, provided that a date earlier than 15/10/2008 when Law No. 5510 started to apply to government personnel is not passed to, as of their periods of service that passed from the start of the month following the date on which they started to serve as Supreme Council members, are deemed as insured under subparagraph (c) of paragraph one of Article 4 of Law No. 5510. Employee's contribution differences

arising from retirement deductions or insurance premium for such period shall be paid by them and the authority's counter payment or employer's contribution differences arising from insurance premium by the Supreme Council. In assigning a pension by unifying insured's periods of service, according to applicability of the provisions of the abolished Law on Unifying Services Passed as Subject to Social Security Authorities No. 2829 of 24/5/1983 or Law No. 5510 shall be applied. The pensions of those who are elected to Supreme Council membership and are still serving while receiving pensions from any one of the social security authorities will be ceased upon their request and their insurance premiums will be paid under sub-paragraph (c) of paragraph one of Article 4 of Law No. 5510 and in rearranging their pensions and determining their monthly pension sums, action shall be taken according to the general provisions.

(2) The membership of those who are Supreme Council members at the date of this Law's effectiveness, provided that replacement of one third of the members every two years is reserved, shall continue until the end of their terms of office.

(3) Those of the people whose positions and service titles have not changed due to the new arrangements made by this Law that bear the educational requirements stipulated under this Law shall be deemed to have been appointed to positions having the same title appropriate for their cases with need for further action. Of the personnel whose positions and service titles have changed or been eliminated or who do not bear the requirements sought for the said positions;

those who are in the positions of President of the Board of Inspectors, Secretary General, Director and Regional Director shall be deemed appointed to the positions of Supreme Council Advisors,

those who are in the positions of chief inspector and regional deputy director to expert inspector positions;

as of the publication date of this Law with no need for any other action and notification; and the others will be appointed to positions appropriate for their statuses at the Supreme Council within three months by the President. They may be assigned to work needed by the President until the action of appointment is taken. Until they are appointed to a new position, they will continue to receive their pay and other financial benefits pertaining to the former positions. If the total net sum of the salary, additional indicator, contracted pay, monthly bonus, all pay increases and compensations (excluding overtime pay) other financial benefits of the new positions of appointment of such personnel is as of their date of appointment less than the total net sum of the salary, additional indicator, contracted pay, monthly bonus, all pay increases and compensations _excluding overtime pay_ other financial benefits they received for their former positions, the difference will be paid to them as compensation as long as they remain in the positions of appointment, without being subject to any taxes and deductions and until the difference is eliminated.

(4) If the total of the pay and other financial benefits to be determined for the personnel in Supreme Council positions according to paragraph six of Article 43 after this Law's date of publication is less than the total net sum of the salary, additional indicator, contracted pay, monthly bonus, all pay increases and compensations and other financial benefits except for overtime pay determined for the Supreme Council in the last month before this Law's date of publication, the difference will be paid to such personnel as compensation as long as they remain in the positions of appointment, without being subject to any taxes and deductions and until the difference is eliminated.

(5) Those in the positions of Supreme Council Advisor and Expert Inspector are assigned to units and work at the Supreme Council deemed appropriate by the President. From the date of publication of this Law, no new Supreme Council Advisors and Expert Inspectors may be appointed at the Supreme Council and if the positions become open in any way, the said positions will be deemed as cancelled with no need for any action.

(6) The service category of those in the technical services category of the Supreme Council Expert and Supreme Council Assistant Expert positions is changed to general administrative services.

(7) The personnel serving at the Supreme Council at the effective date of this Law continue to benefit as vested right from the additional indicators that they used to benefit from prior to the date of publication of this Law.

(8) Of the personnel serving at the Supreme Council at the effective date of this law;

a) who graduated from faculties or four-years schools of higher education,

b) who completed the five-year service term at the Supreme Council,

c) whose track record for the last three years is eighty and above,

d) who scored at least (D) on the Foreign Language Proficiency Examination for Government Personnel or at least 60 on the UDS (Interuniversity Commission Foreign Language Examination) or obtained a certificate of which equivalency is accepted for linguistic proficiency and which has international validity,

e) whose thesis is accepted in accordance with paragraph seven of this Law's article 43 or who earned a doctorate and who succeed on the proficiency examination to be held in accordance with the same paragraph within three years at the latest from the effective date of the Law

can be appointed to the position of Supreme Council expert.

Regulations

PROVISIONAL ARTICLE 2 – (1) Regulations that must be put into force pursuant to this Law, shall be prepared by the Supreme Council within six months from the publication of this Law and shall be put into force by being published in the Official Gazette. Until these regulations are put into force, those provisions of existing regulatory actions that are not contrary to this Law shall continue to be enforced.

Licence-holding establishments

PROVISIONAL ARTICLE 3 – (1) The rights of establishments that obtained a broadcasting licence in order to broadcast via cable or satellite before this Law's date of publication are valid until the end of the licence term.

(2) Radio and television broadcasters that have a licence to broadcast via cable and satellite at the date of publication of this Law shall make their statuses comply with the provisions of this Law within six months.

Transition provisions regarding channels and frequencies

PROVISIONAL ARTICLE 4 – (1) Within the time that will pass until the Supreme Council holds the ranking tender and grants the terrestrial broadcasting licences, only radio and television establishments that are conducting terrestrial broadcast in accordance with provisional article 6 of the Law on the Establishment of and Broadcasts by Radio and Television Enterprises No. 3984 may continue their broadcasts, as limited to residential areas where they are permitted to broadcast by the Supreme Council. From such establishments, the annual channel and frequency usage fee specified in sub-paragraph (b) of paragraph one of Article 41 will be collected from the date this Law is published. Terrestrial broadcasts of the establishments that are not entitled to allocation after the ranking tender is held for terrestrial broadcast licences or that did not pay the channel and frequency usage fee according to Article 42 are suspended within one month by the Supreme Council. The broadcasts of establishments that are entitled to allocation in the ranking tender are moved from channels and frequencies that they broadcast before to the allocated channel, multiplex capacity and frequencies by the calendar determined by the Supreme Council.

(2) In two years from the date of this Law's being published at the latest, a ranking tender by the Supreme Council on digital television multiplex capacity for the purpose of certifying a terrestrial broadcast licence shall be made. Some of the establishments that gain the right to terrestrial digital television multiplex capacity allocation in the ranking tender are also provided with the opportunity of making an analogue television broadcast considering their ranks in the tender and analogue channel capacities at most for two years. At the end of at most two years following the allocation, analogue terrestrial television broadcasts shall be completely terminated countrywide and analogue terrestrial television broadcasts shall be suspended. The ranking tender for radio broadcasts shall be conducted within six months following the termination of the analogue television broadcasts. The Turkish Radio-Television Institution also transfers the terrestrial radio and television broadcasts to the channels,

multiplex capacity and frequencies allocated from formerly used channels and frequencies in the period determined by the Supreme Council and in accordance with the allocations that have been made.

(3) If establishments whose broadcasts are suspended by the Supreme Council in accordance with this article continue their broadcasts without permission, action shall be taken against such establishments in accordance with paragraph one of article 33.

(4) After terrestrial broadcasting licences have been granted, the existing transmitter facilities shall be removed by private media service providers or transferred to the transmitter building and operating company in return of a price upon which the parties will agree. The transmitter facilities that have not been taken over by the transmitter building and operating company shall be removed in three months after the warning of the Supreme Council. The transmitter facilities that have not been removed in the given period and continue their activities shall be sealed and shut down by the Supreme Council.

(5) Frequency plans and implementation schedule shall be prepared within one year from the date this Law is published.

(6) Frequency bands other than the frequency bands allocated to the Supreme Council shall be emptied by the Supreme Council under the Information Technologies and Communication Authority's demand following completion of the transition to digital broadcasting.

Sanctions

PROVISIONAL ARTICLE 5 – (1) Sanctions imposed upon broadcasters by the Supreme Council before the date at which this Law was put into force are not taken into account as recurrent.

References

PROVISIONAL ARTICLE 6 – (1) References made to Law 3984 in the legislation are deemed as made to the applicable provisions of this Law.

Enforcement of certain articles

PROVISIONAL ARTICLE 7 – (1) The provisions under Article 15 will be enforced from the date of full membership of the Republic of Turkey in the European Union. Sub-paragraph (f) of paragraph one of Article 19 shall not apply to member countries of the European Union from the date of full membership of the Republic of Turkey in the European Union.

PROVISIONAL ARTICLE 8 - (1) The personnel of the Turkish Radio-Television Corporation will benefit from overtime pay and other similar financial benefits that the personnel working in the Prime Ministry Headquarters Organisation benefit from besides their monthly pay in the same manner upon the General Director's proposal and the Supreme Council's approval. Further, position cancellations and assignments, number, pay of the personnel employed at the Institution, additional indicators applicable to positions, social aids to be provided to the personnel will be determined by the Supreme Council upon proposal of the Corporation 's General Director.

(2) The duties assigned to the abolished Radio and Television Supreme Council by the Turkish Radio and Television Law No. 2954 of 11/11/1983 shall be delegated to the Institution's Board of Governors, except for those pertaining to the appointment of the Institution's General Director and members of the Board of Governors.

Date of Effect

ARTICLE 49 – (1) This Law shall come into effect on the date of its publication.

Execution

ARTICLE 50 – (1) The provisions of this Law shall be executed by the Council of Ministers.

