[TR] New Turkish Media Law

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Eda Çataklar
Intellectual Property Research Center, Istanbul Bilgi University

The Turkish Law on the Establishment of Radio and Television Enterprises and their Broadcasts (Law No. 3984 of 20 April 1994; see IRIS 2008-8/34) has been repealed by a new law that was adopted by the Turkish Parliament on 15 February 2011 and entered into force on 3 March 2011.

The new law was prepared with the intention of solving current problems the Turkish media sector has been facing. It contains completely new provisions alongside articles that repeat related provisions of the repealed law. The most important changes may be summarised under the following four titles:

1. The Turkish Media Sector has been regulated in accordance with EU standards. For example, the Audiovisual Media Services Directive 2010/13/EU has been taken into consideration in terms of the responsibilities of cross-border media service providers. The scope of Art. 3, titled “Definitions”, is enlarged to include the new concepts mentioned in the Directive. Namely, new items such as European works, media service provider, editorial responsibility and commercial communication have been added. Furthermore, the definitions of several important concepts have been changed. For example, according to the repealed law, retransmission meant “receiving completely or partly, radio and television programme services in an unchanged form and transmitting simultaneously or with a delay for reception by the general public, irrespective of the technical means employed, by the competent broadcasting enterprise”. However, retransmission now covers only complete, unmodified and simultaneous transmissions; time-displaced transmissions have been taken out.

2. The articles relating to advertising have been revised and broadened. The time allowed for commercial breaks is limited to 20 percent per hour while the media service provider decides on the frequency of the breaks. Product placement is permitted in cinema and TV films, TV series, sports and entertainment programmes, provided that it does not infringe the editorial independence and responsibilities of the respective media service providers. The general standards are valid for product placement as well. Therefore, commercial communications for alcoholic or tobacco products are not allowed in advertising or in product placement.

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3. The period and date of the transition to digital terrestrial broadcasting have been clarified. The procedures relating to the frequency planning are regulated in detail in Art. 26. A provisional article (Pro.Art. 4) declares that the transition to digital terrestrial broadcasting has to be completed within four years. In addition, Art. 27 extends the term of the broadcasting license from five years to ten.

4. The partnership structure of radio and television enterprises has been revised. One of the most important changes concerns the structure of media companies. According to Art. 29 of the repealed law, the share of foreign capital in a commercial radio or television enterprise could not exceed 25 percent of the paid-up capital (see IRIS 2008-10/31). However, with the new law, the ratio for the share of foreign capital has been raised to 50 percent. The restriction on the number of enterprises in which natural or legal persons may hold shares, has been abolished. According to Art. 19 of the new law, foreign persons are permitted to hold shares directly in two private radio or television enterprises; this restriction is limited to four enterprises in the case of indirect shareholders. Another abolished provision prevented enterprises dealing with investment, import, export, marketing and financial affairs from being partners in radio and television enterprises.

6112 Sayılı Radyo ve Televizyonların Kuruluş ve Yayın Hizmetleri Hakkında Kanun

http://www.rtuk.org.tr/sayfalar/IcerikGoster.aspx?icerik_id=5a3cac1e-b6d9-4b23-bc7a-8dcd671fceba

Law No. 6112 on the Establishment of Radio and Television Enterprises and Their Broadcasts, adopted on 15 February 2011 and entered into force on 3 March 2011

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