[TR] Turkish Government Decree amended the Law on the Establishment of Radio and Television Enterprises and their Media Services

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Turkey has been in a state of emergency since the attempted military coup that occurred in July 2016. Many Government decrees have been adopted following the event. The Cabinet announced a new Decree consisting of seven chapters and 76 articles. The sixth chapter of the Decree has brought several changes to the Law on the Establishment of Radio and Television Enterprises and their Media Services, which were indicated in five articles.

One of the most significant changes is related to the jurisprudence of the Republic of Turkey over the channels that are not located in Turkey, but are broadcast through Turkish satellites. These channels' original broadcasting language is not Turkish either, but they are using the Turkish language for broadcasting. Such channels mostly broadcast advertisements related to sexual products; chat and friend-finder lines; herbal and other types of supportive products; and lottery or competition advertisements. Moreover, these channels are not licensed by the Turkish Radio and Television Supreme Council because of a lack of jurisdictional announcement. Several problems have emerged concerning these advertisements; for example, whichever product or service they offer might be based on falsified information, or the consumers of such products cannot receive after-sales service. Furthermore, some of the advertisements are reflected excessively, such as urging audiences to buy the product by announcing that it is about to be sold out. Under the amendment, the scope of the Law has been enlarged, and such channels are announced as they are under the jurisdiction of Turkish authorities. These channels are not allowed to broadcast advertisements which falsify information and illegitimately deceive audiences. In parallel with this, they are now required to hold a license from the Supreme Council to be allowed to broadcast.

Another important amendment placed in the Decree is related to the "Media service principles". Article 8 of the Law lists the principles, including the principles of media services for children and young people. According to the old principle, service providers could not broadcast programmes "which could impair the physical, mental, or moral development of young people and children within the time intervals that they may be viewing and without a protective symbol". According to the statement, the principle could be interpreted as allowing

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channels to broadcast such programmes outwith the indicated time interval by placing a protective symbol. The amendment clarifies the interpretation, and orders the channels not to broadcast such programmes even if the protective symbol is displayed. The Decree also gives additional power to the Supreme Council to cooperate with the Ministry of Family and Social Policies to endow channels financially to prepare family and children-friendly programmes that help to improve children and young people's physical, mental and moral development.

Furthermore, the Decree amends several fines and penalties concerning broadcasting companies should they breach the Law's several articles.

690 Sayılı Olağanüstü Hal Kapsamında Bazı Düzenlemeler Yapılması Hakkında Kanun Hükmünde Kararname (1/836) ile İçtüzük'ün 128'inci Maddesine Göre Doğrudan Gündeme Alınmasına İlişkin Türkiye Büyük Millet Meclisi Başkanlığı Tezkeresi

https://www.tbmm.gov.tr/sirasayi/donem26/yil01/ss484.pdf

Government Decree No. 690, Official Gazette No. 30053, 29 April 2017

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