

Turkey introduces license requirement for online broadcasting and revises regulation on commercial communication revenue audits

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On 1 August 2019, Turkey introduced new Regulations with respect to online broadcasting in the *Official Gazette No 30849*. The provisions are summarized below.

- ▶ *Regulation on the Provision of Radio, Television and On-Demand Broadcasting on Online Platforms* (Online Broadcasting Regulation) expands the authority of Turkey's Radio and Television Supreme Council (RTÜK) to online broadcasting and also extends the licensing requirements to online broadcasting service providers and online broadcasting platform operators.
- ▶ RTÜK also revealed changes in the *Regulation on the Audit of Commercial Revenue Generated by Media Service Providers and the Procedures and Principles Regarding the Declaration and Payment of RTÜK Shares Over Said Revenues* (Audit of Commercial Revenue Regulation). Changes in the said Regulation mainly consist of changes in the percentage that the media service providers pay to RTÜK.

According to the Online Broadcasting Regulation, media service providers wishing to provide radio, television and on-demand broadcasting solely on online platforms will need to obtain an online broadcasting license (separate from the regular broadcasting license) from the RTÜK.

Pursuant to the aforesaid regulation, the online broadcasting license will be issued to joint stock companies (JSC) established in accordance with the Turkish Code of Commerce, with respect to the provision of radio, television and on-demand broadcasting on online platforms.

Platform operators transmitting these online broadcasts will also need to obtain a license from RTÜK and such operators can be in form of JSC or limited company. Online broadcasting licenses and broadcast transmitting licenses are subject to annual fees.

Media service providers and online broadcasting platform operators are obliged to:

- ▶ Declare the income derived from commercial communications and file the corresponding tax return and pay the respective fees to RTÜK.
- ▶ Pay five permille of the net annual sales revenue to RTÜK, for the provision of broadcasting services to subscribers/users in exchange of fees and by way of conditional access system.

With the Audit of Commercial Revenue Regulation, the percentage of RTÜK shares (obliged to be paid by online television, radio, and on-demand service providers) has been reduced to 1.5% from 3%.

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EYG no. 003642-19Gbl

1508-1600216 NY
ED None

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