

## 10 – INFORMATION SOCIETY AND MEDIA

### LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED (LAWS)

#### I. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN PERIOD 2007-2008 (01/10/2007 – 30/09/2008)

Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
10.0007.1.01	Law No. 540 on Amendment of the Decree Having the Force of Law on Establishment and Functions of State Planning Organization	Coordination of studies conducted in the field of information society with relevant EU Programs requires high-level representative authority and responsibility. As such studies involve the public sector, private sector, NGOs and universities, there is need for a unit with high representative capabilities and wider and competent staff.	At the GNAT	EU provides for no standard structure regarding studies on information society, and this issue has not been bound by a provision in any legislation. However, the coordination, policy determination and implementation process in the execution of the e-Transformation Turkey Project in Turkey in line with the goals envisaged by the Lisbon Strategy (23-24 March 2000), eEurope and eEurope+ Program, which includes candidate countries also, eEurope 2002 and 2005 Action Plans as well as the i2010 Strategy requires a strong political and administrative leadership. The success of the implementation of the 2006-2010 Information Society Strategy and Action Plan is also directly related with high	State Planning Organization

## 10 – INFORMATION SOCIETY AND MEDIA

Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
				quality execution of the project. It appears that in information society studies in the world and in successful case countries of the EU, the executive unit has a high level organization.	
10.0007.1.02	Law on Electronic Communication	Aims at creation of an operative competition environment through liberalization in the sector, making regulations in accordance with the new developments in the field of information and communication, effective and efficient use of the country resources and elimination of the quantitative gap in the society, and assuring the infrastructure required in all areas (health, education, trade, etc.).	At the GNAT	EU'S Regulative framework in relation to Electronic Communication  Directives 2002/22/EC, -93/13 /EC, 2002/58/EC, 92/44/EEC, 92/382/EEC, 2002/19/EC, 2002/20/EC, 2002/21/EC, 98/10/EC, 97/33/EC, 90/388/EEC, 90/387/EEC	Ministry of Transportation
10.0007.1.03	Law on Control of Certain Crimes Committed in the Internet Media	Aims at controlling certain crimes committed in the internet media on the basis of content, place and access providers.	At the GNAT	- Council of Europe's Convention No. 186 on Cyber Crime - Directive 2000/31/EC - Directive 2002/58/EC - Decision 2005/854/EC	Ministry of Transportation

## 10 – INFORMATION SOCIETY AND MEDIA

Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
10.0708.1.01	Law on Regulation of Information Network Services and Information Crimes  <b>Included also in the section of Judiciary and Fundamental Rights with Reference No. 23.0708.1.04</b>	Aims at penalizing crimes that emerge with the ever proliferating internet usage in our country and filling in the current gaps in the Turkish Penal Law.	At the Prime Ministry	- Council of Europe’s Convention No. 186 on Cyber Crime - Directive 98/84/EC - Directive 2000/31/EC - Directive 2002/58/EC - Directive 2006/24/EC	Ministry of Justice
10.0708.1.02	Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts	Aims at harmonization with Television Without Frontiers Directive on broadcasting, in terms of definitions, jurisdiction, major events and encouragement of independent works.	Technical studies are in progress.	“Television Without Frontiers Directive No. 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities” as amended by Directive 97/36/EC	Radio and Television Supreme Council
10.0708.1.03	Law on Provision of Emergency Services	Aims at enabling 112 Emergency Call Number to provide services not only in the field of healthcare, but in all states of emergency such as security, fire and natural disasters.	Technical studies are in progress.	- Directive 2002/22/EC - Commission Recommendation 2003/558/EC, of 25 July 2003, on the processing of caller location information in electronic communication networks for the purpose of location-enhanced emergency call services	Ministry of Interior

## 10 – INFORMATION SOCIETY AND MEDIA

Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
10.0708.1.04	Law on Protection of Personal Data  <b>Included also in the section of Judiciary and Fundamental Rights with Reference No. 23.0708.1.09</b>	Aims at protecting personal immunity, physical and moral existence and fundamental rights and freedoms of individuals.	At the Prime Ministry	<ul style="list-style-type: none"> <li>- Directive 95/46/EC</li> <li>- Directive 2006/24/EC and Amended Directive 2002/58/EC</li> <li>- Council of Europe Convention (ETS No. 108) for the Protection of Individuals with regard to Automatic Processing of Personal Data (919999JHA10184)</li> <li>- Decision 2001/497/EC as regards the introduction of an alternative set of standard contractual clauses for the transfer of personal data to third countries (Document No. C(2001)1539)</li> </ul>	Ministry of Justice

## 10 – INFORMATION SOCIETY AND MEDIA

### II. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN PERIOD 2008-2009 (01/10/2008 – 30/09/2009)

Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
10.0809.1.01	Law No. 2954 on Amendment of the Law on Turkish Radio and Television	Aims at revision of the terms of reference, funding, functions and operation of the Turkish Radio, Television Corporation.	Technical studies are in progress.	- Articles 16 and 86(2) of the Treaty on the European Union - Directive 89/552/EEC - “Protocol on the System of Public Broadcasting in the Member States” annexed to the Amsterdam Treaty	Turkish Radio and Television Corporation

### III. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN YEARS 2009 (01/10/2009) – 2013

NO LEGISLATIVE MEASURE IS ENVISAGED.

## 10 – INFORMATION SOCIETY AND MEDIA

### SECONDARY LEGISLATION (REGULATIONS, IMPLEMENTING REGULATIONS, COMMUNIQUES, CIRCULARS, ETC) ENVISAGED TO BE ENACTED

### AND DOCUMENTS SUCH AS STRATEGY, PLAN AND PROGRAMMES ENVISAGED TO BE DRAFTED

#### I. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2007

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
10.2007.2.01	Amendment of the Implementing Regulation on Access and Interconnection	In line with the EU legislation, it aimed to streamline procedures and principles of access and interconnection as well as application of differentiated measures for operators which are designated as having SMP as a result of market analysis and respective market situations.	Technical studies are in progress.	- Directive 2002/19/EC - Directive 2002/21/EC	Telecommunication Authority
10.2007.2.02	Implementing Regulation on Amendment of the title and content of the Annex A-11 “Broadband Fixed Wireless Access Service” of Implementing (Authorization) Regulation on on Telecommunication Services and Infrastructure regarding “Fixed Broadband Wireless Access Service”	Identification of strategic approach and assessments regarding authorization of fixed broadband wireless access services in voice and data services as well as identification of the applicable procedures and principles regarding the delivery of these services	Technical studies are in progress.	Directive 2002/20/EC	Telecommunication Authority
10.2007.2.03	Implementing Regulation on Amendment of Implementing (Authorization) Regulation on Telecommunication Services and Infrastructure, regarding Virtual Mobile Network Services	Aims at enhancement of the diversification of services in the mobile communication market, contributing to the enhancement of competition based on services, and identification of the applicable procedures and principles regarding the delivery of these services.	Technical studies are in progress.	- Directive 2002/20/EC - Directive 2002/19/EC	Telecommunication Authority

## 10 – INFORMATION SOCIETY AND MEDIA

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
10.2007.2.04	Implementing Regulation on Amendment of Implementing (Authorization) Regulation on Telecommunication Services and Infrastructure” regarding IMT-2000/UMTS Services and Infrastructure	Aims at improvement and extensive use of mobile broadband applications, and identification of the applicable procedures and principles regarding the delivery of these services.	Technical studies are in progress.	- Directive 2002/20/EC	Telecommunication Authority
10.2007.2.05	Implementing Regulation on Amendment of Implementing (Authorization) Regulation on Telecommunication Services and Infrastructure” regarding Terrestrial Digital Platform Services	In parallel to convergence of technology and services, it is aimed to identify the procedures and principles for the use of the relevant infrastructure of operators that shall provide terrestrial numerical platform services in addition to Terrestrial Numerical Television Broadcasting (DVB-T), description and authorization of such service.	Technical studies are in progress.	Directive 2002/20/EC	Telecommunication Authority
10.2007.2.06	Implementing Regulation on Amendment of the Implementing Regulation on Support to Cinema Films	In order for execution of the amendments made regarding refunding and amounts of support to films in Law No. 5224 on Evaluation, Classification and Support of Cinema Films, the relevant regulation of the law should also be regulated.		Commission Communiqué (52004DC0171) on certain aspects relating to cinematographic and other audiovisual works  Recommendation 2005/865/EC dated 16 November 2005 on film heritage and the competitiveness of related industrial activities	Ministry of Culture and Tourism

## 10 – INFORMATION SOCIETY AND MEDIA

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
10.2007.2.07	Implementing Regulation on Amendment of Implementing (Authorization) Regulation on Telecommunication Services and Infrastructure” regarding Fixed Telecommunication Services	Aims at definition of applicable procedures and principles regarding provision of telecommunication services, including local telephone services and public payphones delivered through local telecommunications network.	Technical studies have been completed.	Authorization Directive 2002/20/EC	Telecommunication Authority



## 10 – INFORMATION SOCIETY AND MEDIA

### II. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2008

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
10.2008.2.01	<p>Implementing (Authorization) Regulation on Electronic Communication Sector (Repeal of the Authorization Regulation on Telecommunication Services and Infrastructures is envisaged.)</p> <p><b>(Shall be enacted following the adoption of the Law on Electronic Communication with Reference No. 10.0007.1.02)</b></p>	Aims at identification of the procedures and principles regarding authorizations.	Technical studies are in progress.	Directive 2002/20/EC	Telecommunication Authority
10.2008.2.02	<p>Implementing Regulation on the Principles and Procedures of Broadcasting</p> <p><b>(Shall be enacted following the adoption of the Law no. 3984 the Establishment of Radio and Television Enterprises and Their Broadcasts with Reference No. 10.0708.1.02)</b></p>	Aims at harmonization with Television Without Frontiers Directive on broadcasting, in terms of definitions, jurisdiction, major events and encouragement of independent works.	Technical studies are in progress.	Directive 89/552/EEC on coordination of certain provisions laid down in laws, regulations or administrative rules regarding Television Broadcasting in Member States as amended by Directive 97/36/EC	Radio and Television Supreme Council

## 10 – INFORMATION SOCIETY AND MEDIA

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
10.2008.2.03	Implementing Regulation on Smart Signs  <b>(Shall be enacted following the adoption of the Law no. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts with Reference No. 10.0708.1.002)</b>	Aims at implementation of the significant developments in the field of protection of minors.	Technical studies are in progress.	Directive 89/552/EEC on coordination of certain provisions laid down in laws, regulations or administrative rules regarding Television Broadcasting in Member States, amended by Directive 97/36/EC	Radio and Television Supreme Council

### III. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2009

NO LEGISLATIVE MEASURE IS ENVISAGED.

## 10 – INFORMATION SOCIETY AND MEDIA

### V. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEARS 2010 – 2013

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
10.1013.2.01	<p>Implementing Regulation amending the Implementing Regulation on Notification of the Technical Legislation and Standards between Turkey and the EU</p> <p><b>The abovementioned arrangement shall be adopted just before the membership, and shall enter into force together with the membership.</b></p>	<p>(While Directive 98/48/EC amends Directive 98/34/EC which is within the scope of “Free Movement of Goods”, it is concerned with a different field (information society services)).</p> <p>As the harmonization with the EU legislation on goods has already been determined between the Parties with Decisions No. 1/95 and 2/97 of the Association Council, the notification mechanism relating to our national legislation on goods not regulated by the EU legislation needed to have been brought up to functioning phase immediately, and accordingly the relevant legislative measure entered into force in 2002. On the other hand, as there is no Association Council Decision resolving the details of harmonization to the EU legislation on information services, the notification mechanism relating to our national legislation on services not regulated by the EU legislation could not be legally undertaken and hence it could also not be brought up to the functioning phase ).</p>		<p>Directive 98/48/EC of the European Parliament and of the Council amending Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations</p>	<p>Undersecretariat for Foreign Trade</p>

## 10 – INFORMATION SOCIETY AND MEDIA

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
10.1013.2.02	Implementing Regulation on Amendment of Implementing Regulation on Consumer Complaints Arbitration Board	This amendment aims at the evaluation of applications made in electronic media to the Consumer Complaints Arbitration Board	Technical studies are in progress.	Aims at establishing a legal framework that ensures free movement of goods between EU member states, strengthening of the internal market, creation of new areas of job and employment, enhancement of the competitive capacity of enterprises, and free movement of information society services between the member states.	Ministry of Industry and Trade
10.1013.2.03	Council of Ministers Decision to be adopted in accordance with Article 5 of Law No. 5369 on Provision of Universal Services and Amendment of Certain Laws  <b>Aims at harmonization with the EU legislation within the framework of full membership perspective.</b>	Aims at harmonization of the legislative measures on inclusion of services relating to extension of information technologies including computer literacy and services relating to digital publishing within the scope of universal services.	Technical studies are in progress.	Directive 2002/22/EC	Ministry of Transportation