

CHAPTER 10 INFORMATION SOCIETY AND MEDIA

Priority 10.1 Completing the adoption and implementation of the key "starting conditions" for the 2002 EU regulatory framework

1 Schedule of legislative alignment

Table 10.1.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1	Directive 2002/20/EC	Implementing Regulation Amending the Implementing Regulation on Telecommunications Service and Infrastructure concerning Amendment to Title and Scope of Annex A-11 "Broadband Fixed Wireless Access Services" as "Broadband Wireless Access Services"	Identification of the procedures and principles regarding the provision of broadband wireless access on voice and data services and setting of strategic approach and evaluation concerning authorization of these services.	Information Technologies and Communications Authority	2009
2	Directive No. 2002/19/EC and 2002/20/EC	Implementing Regulation on Authorization of Mobile Virtual Network Services	Mobile Virtual Network Services: provision of mobile phone and value added telecommunications services to the subscribers by the operator with its own trademark without any frequency band allocated to itself through the infrastructure of the operators that signed a concession agreement with the Authority to provide mobile telecommunication services.	Information Technologies and Communications Authority	2009
3	Directive No. 2002/20/EC	Implementing Regulation on Authorization regarding the Electronic Communications Sector	Identification of the procedures and principles regarding authorizations.	Information Technologies and Communications Authority	2009

Table 10.1.1 (Continued)

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
4	Directive No. 2002/20/EC	Implementing Regulation Amending the Implementing Regulation on Authorization regarding Telecommunication Services and Infrastructure” concerning IMT-2000/UMTS Services and Infrastructure	Improvement and extensive use of mobile broadband applications, and identification of the applicable procedures and principles regarding the delivery of these services.	Information Technologies and Communications Authority	2009
5	Directive No. 2002/20/EC	Implementing Regulation Amending the Implementing Regulation on Telecommunication Services and Infrastructure” concerning 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 terrestrial digital platform services operators in addition to (DVB-T) Terrestrial Digital Television Broadcasting and description / authorization of such service.	Information Technologies and Communications Authority Radio and Television Supreme Council	2009

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

No institutional capacity building requirement is envisaged under this priority at this stage.

3 Financial requirements and resources

No financial requirement is envisaged under this priority at this stage.

Priority 10.2 Continuing alignment of legislation in the field of audio-visual policy, in particular with regard to the Television without Frontiers directive

1 Schedule of legislative alignment

Table 10.2.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1	Directive No. 89/552/EEC and 2007/65/EC	Law Amending the Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts	Definitions, Jurisdiction, Major events, Short reporting, Promotion of independent works, Scope (on-demand audiovisual media service), Broadcasting principles, European works, creation of legal basis for granting of licenses and digital broadcasting, regulating freedom of reception and transmission and retransmission, regulating advertising windows	Radio and Television Supreme Council	2009-2010
2	Directive No. 89/552/EEC and 2007/65/EC	Implementing Regulation on Broadcasting Principles and Procedures for Radio and TV ¹	Amendment to Implementing Regulation in line with the amendments on Law no. 3984	Radio and Television Supreme Council	2010
3	Directive No. 89/552/EEC and 2007/65/EC	Amendment to the Implementing Regulation on Administrative and Financial Provisions of Private Radio and TV Enterprises ²	Amendment to Implementing Regulation in line with the amendments on Law no. 3984	Radio and Television Supreme Council	2010
4	Directive No. 89/552/EEC and 2007/65/EC	Amendment to the Implementing Regulation on Provisions for Channel and Frequency Allocation to Radio and TV Enterprises and Relevant Tender Procedures; Broadcasting License and Permit ³	Amendment to Implementing Regulation in line with the amendments on Law no. 3984	Radio and Television Supreme Council	2010

¹ It will be enacted after the adoption of the Law Amending the Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts.

² It will be enacted after the adoption of the Law Amending the Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts.

³ It will be enacted after the adoption of the Law Amending the Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts.

Table 10.2.1 (Continued)

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
5	Directive No. 89/552/EEC and 2007/65/EC	Implementing Regulation on Smart Signs ⁴	Introduction of an Implementing Regulation on Smart Signs to be enacted in line with the amendments on Law no. 3984	Radio and Television Supreme Council	2010
6	Directive No. 89/552/EEC and 2007/65/EC	Amendment to the Implementing Regulation on Satellite Broadcast License & Permit ⁵	Amendment to Implementing Regulation in line with the amendments on Law no. 3984	Radio and Television Supreme Council	2010
7	Directive No. 89/552/EEC and 2007/65/EC	Amendment to the Implementing Regulation on Radio and Television Supreme Council Cable Broadcast License & Permit ⁶	Amendment to Implementing Regulation in line with the amendments on Law no. 3984	Radio and Television Supreme Council	2010
8	Article 12 of the EC Treaty	Amendment to the Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts ⁷	Improvement of regulations restricting the activities of foreign real or legal persons in the sector.	Radio and Television Supreme Council	2010
9	Article 12 of the EC Treaty	Amendment to the Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts ⁸	Removal of restrictions to foreign capital.	Radio and Television Supreme Council	⁹

⁴ It will be enacted after the adoption of the Law Amending the Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts.

⁵ It will be enacted after the adoption of the Law Amending the Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts.

⁶ It will be enacted after the adoption of the Law Amending the Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts.

⁷ It is also mentioned under the "Priority 4.1 Continuing to remove restrictions affecting foreign direct investments originating from the EU"

⁸ It is also mentioned under the "Priority 4.1 Continuing to remove restrictions affecting foreign direct investments originating from the EU"

⁹ Required arrangements for legislative alignment will be made two years prior to membership and enter into force upon accession.

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

Table 10.2.2

No	Requirements	Year
(Radio and Television Supreme Council)		
1	Establishment of a Forum of Consultation with public including Broadcasters; - To have exchange of views and opinions on the RTUK decisions - To ensure the public participation in the regulatory process (Radio-TV broadcasters will be invited to the Forum which will meet regularly. The Forum will be open to all audiovisual media service providers upon the enactment of the new law.)	2009
2	Reinforcement of the practices for transparency (share the council decisions with the Public)	2009
3	Structuring and reinforcement of the current unit as a separate body in order to follow more effectively the EU acquis harmonisation studies	2010
4	Establishment of a separate unit within Monitoring and Evaluation Department in order to implement more effectively the Smart Signs System that was initiated within the context of the Protection of Minors principle	2010
5	Establishment of an effective Institutional Relations Management Unit that will transmit appreciations, complaints and problems of the society and broadcasters regarding the radio and TV broadcasts via different communication channels	2010

3 Financial requirements and resources

Table 10.2.3

(Euro)

Requirements (Radio and Television Supreme Council)	Year	National Budget	EU sources	Other	Total
I- Investment					
Procurement of equipment and hardware for newly established units.	2008-2009	7,085,000			7,085,000
II- Legislative approximation and implementation					
- Personnel					
Recruitment of 20 personnel	2008-2009	700,000			700,000
- Training	2008-2010	10,000		400,000 ¹⁰	500,000
- Consultancy	2008-2009		10,000		10,000
- Translation	2008-2009	15,000			15,000
- Other					
Total		7,810,000	10,000	400,000	8,220,000

¹⁰A project is envisaged to be submitted under Turkey-Netherlands Bilateral Co-operation Programme.

Priority 10.3 Continuing the transposition and implementation of the acquis in the electronic communications area and prepare for full liberalisation of the markets

1 Schedule of legislative alignment

Table 10.3.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1	Directive No. 2002/22/EC	Decision of Council of Ministers to be adopted in accordance with Article 5 of Law No. 5369 on Provision of Universal Services and Amendment to Certain Laws	Aligning 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 with the relevant directives of EU.	Ministry of Transport	To be enacted within the framework of full membership perspective
2	Directive No. 2002/22/EC Commission Recommendation No. 2003/558/EC	Law on Provision of Emergency Services	Enabling 112 Emergency Call Number to provide services not only in the field of healthcare, but in all cases of emergency such as security, fire and natural disasters.	Ministry of Interior	2009-2010

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

Table 10.3.2

No	Requirements	Year
(Ministry of Interior)		
1	Establishment of a separate unit under the Ministry of Interior, Directorate General of Provincial Administrations with the aim of ensuring coordination in the field of emergency services in Turkey,	2008-2009
2	After the pilot implementation ¹¹ establishment of separate units responsible for the execution of emergency services in each province	2010-2011
3	Enhancement of the institutional capacity, through consultancy and training on the provision of emergency services	2010-2011

¹¹ Pilot implementation first started in Antalya and Isparta, and training of the 22 personnel was concluded within the framework of the MATRA Programme financed by the bilateral cooperation with the Netherlands. These trainings which are in the form of training of trainers are expected to be finalized at the end of 2008, date of finalization of the project. After the end-up of the project, trainers will provide training in other provinces.

3 Financial requirements and resources

Table 10.3.3

(Euro)

Requirements (Ministry of Interior)	Year	National Budget	EU sources	Other	Total
I- Investment					
Establishment of emergency service units in the provinces and purchase of equipment ^{12 13}	2008-2011	5,000,000			5,000,000
II- Legislative approximation and implementation					
- Personnel					
- Training					
Training of the personnel to be employed in the provinces on the provision of the emergency services; study visits to experience best practices ¹⁴	2008-2011	530,000			530,000
- Consultancy					
Establishment of emergency service system in provinces and sustainability of the service	2009-2011			200,000 ¹⁵	200,000
- Translation					
Simultaneous interpretation and translation of the documents during training	2008-2009	265,000			265,000
- Other					
Total		5.795.000		200,000	5,995,000

¹² Some of the expenditures to be made within the scope of investment will be compensated by the budgets of Special Provincial Administrations however these amounts are not clear yet.

¹³ The tender pertinent to Work of Establishing Infrastructure for Computer Assisted Referral and Management System for 112 Emergency Assistance has been held on 25.12.2007, and the contract was signed on 04.04.2008 with Aselsan Inc. As the software purchased for Antalya and Isparta will be used in the other provinces too, there is no need to buy a separate software

¹⁴ As a counterpart of the pilot province implementation, study visits for the personnel to be employed in other provinces in various countries to witness the best practices and training by representatives of the institutions that are responsible for the implementation of the emergency services in Europe in the selected provinces are envisaged.

¹⁵ The project on dissemination of 112 Emergency Service Project under Turkey- Netherlands Bilateral Cooperation to other provinces was adopted.

Priority 10.4 Strengthening the independence and administrative capacity of the regulatory authority

1 Schedule of legislative alignment

Table 10.4.1

No	EU legislation in force	Draft Turkish legislation	Scope	Institution in charge	Publication date
1	Directive No. 89/552/EEC and 2007/65/EC	Law Amending the Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts ¹⁶	Allocation of frequencies and granting of licenses in line with frequency planning in order to ensure efficient utilisation of scarce resources for general interest in the field of terrestrial broadcasting	Radio and Television Supreme Council	2011

2 Schedule of institutional capacity building requirements necessary for legislative approximation and implementation

Table 10.4.2

No	Requirements	Year
(Radio and Television Supreme Council)		
1	Activating the function of Radio and Television Supreme Council	2012

3 Financial requirements and resources

No financial requirement is envisaged under this priority at this stage.

¹⁶ Implementation of the legislative amendment mentioned in the first line of Table 10.3.1