



**SCREENING CHAPTER 10
INFORMATION SOCIETY AND MEDIA**

**AGENDA ITEM 11A: AUDIOVISUAL POLICY
GENERAL FRAMEWORK**

**Country Session: The Republic of TURKEY
13-14 July 2006**



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Constitution

Art. 26

Freedom of Expression

“Everyone has the right to express and disseminate his/her thoughts and opinion by speech, in writing or in pictures or through other media individually or collectively. This right includes the freedom to receive and impart information and ideas without interference from official authorities. This provision shall not preclude subjecting transmission by radio, television, cinema, and similar means to a system of licensing”



Background

- **1968, first TV broadcast, by the Turkish Radio-Television Corporation**
- **1990, monopoly of TRT challenged by the broadcast of first private TV via satellite from Europe**
- **1993, amendment of Constitution ended state monopoly**
- **1993, ratification of European Convention on Transfrontier Television**
- **1994, Law No.3984 on the Establishment and Broadcasts of Radio and Television Enterprises**



Constitutional Amendment

- **2001, Amendment of the Constitution, Art 26 freedom to use of languages in the expression and dissemination of thought**
- **2004, Amendment of Constitution Art.90, prevalence of international agreements in the area of fundamental rights and freedoms, in cases of contradiction**



Amendment of Broadcasting Law

- **2002, Amendment of the Art. 26 of the Broadcasting Law No.3984, retransmission of broadcasts is allowed**
- **2002, Amendment of the Art.33 of the Broadcasting Law, No.3984 on sanctions**
- **2003, Amendment of the Art. 4 of the Broadcasting Law, No.3984, broadcasts in traditionally used language and dialects are allowed**

Institutional Setting

- ***Radio and Television Supreme Council (RTUK)***
 - ***Telecommunications Authority***
 - ***Communication High Board***
- **main body, responsible for regulation and supervision of radio and TV broadcasting**
 - **co-related body, responsible for frequency planning, provision of licence for the cable and satellite operators, authorisation**
 - **Make suggestions and approve radio and television frequency planning**

Radio And Television Supreme Council (RTUK)

RTUK was established on 20 April 1994 in accordance with the Law No.3984 Art. 5 and 6;

- **“The Radio and Television Supreme Council is an autonomous and impartial public legal body which regulates radio and television broadcasting services”**
- **RTUK is composed of 9 members which are elected by the Turkish Grand National Assembly from among the nominees of the political parties (ruling and opposing), for a term of 6 years**



Independence of RTUK

Art.9

- **Supreme Council members shall not undertake any civil service or private post for the duration of their membership, they shall not be a party directly or indirectly in matters within the field of function and powers of private or public broadcasting enterprises or nor derive any benefit for such matters, shall not be a member to a political party**



Establishment of RTUK

Art.7
RTUK members elect a president and a deputy president among its members and the term of Presidency is two years

Art.11
Supreme Council shall work on a full time basis and meet at least once a week with a quorum of 5 members. The quorum for decision taking is 5

Art.14
Relations between the government and RTUK is conducted by the Prime Minister



Decisions

- **Since 1994, RTUK has taken 12,244 decisions including sanctions, regulatory and administrative issues**
- **Recourse to judicial review is available against to all decisions of RTUK**
- **Decisions are publicised in RTUK web site**



Functions and Responsibilities (I)

- **To allot and to cancel channel and frequency bands**
- **To issue, with standards of impartiality and fairness, broadcasting permits and licenses**
- **To verify the compliance of broadcasts with the provisions of the Law No. 3984 and with international treaties by setting up monitoring systems for radio and television broadcasts**



Functions and Responsibilities (II)

- **To decide on the relevant sanctions in cases of violation of the provisions of the Law No.3984**
- **To conduct public opinion surveys to follow approval or sensibilities of the public**
- **To coordinate training programmes for the broadcasters on new technologies and the related legislation**
- **To draft the regulations and other rules regarding its own work and activities in keeping with this law and the European Convention on Transfrontier Television**



Functions and Responsibilities (III)

- **To cooperate with competent authorities in other states on broadcasting issues**
- **To represent the State at organizations that have legal personality under international law, and are concerned with radio and television broadcasts, as well as fulfilling the representation function at international organizations concerned with radio and television broadcasts but without legal personality under international law; to sign duly the instruments formulated under this paragraph**



International Relations

- **On behalf of Turkey, RTUK contributes to media studies which covers preparation of Conventions, recommendations, decisions and opinions regarding the broadcasting sector at pan- European level under Council of Europe Media Division**
- **In this context, RTUK participates in the meetings of Steering Committee of Media and New Media Services (CDMC), Standing Committee of the Transfrontier Television Convention (T-TT) and sub-committees of CDMC**

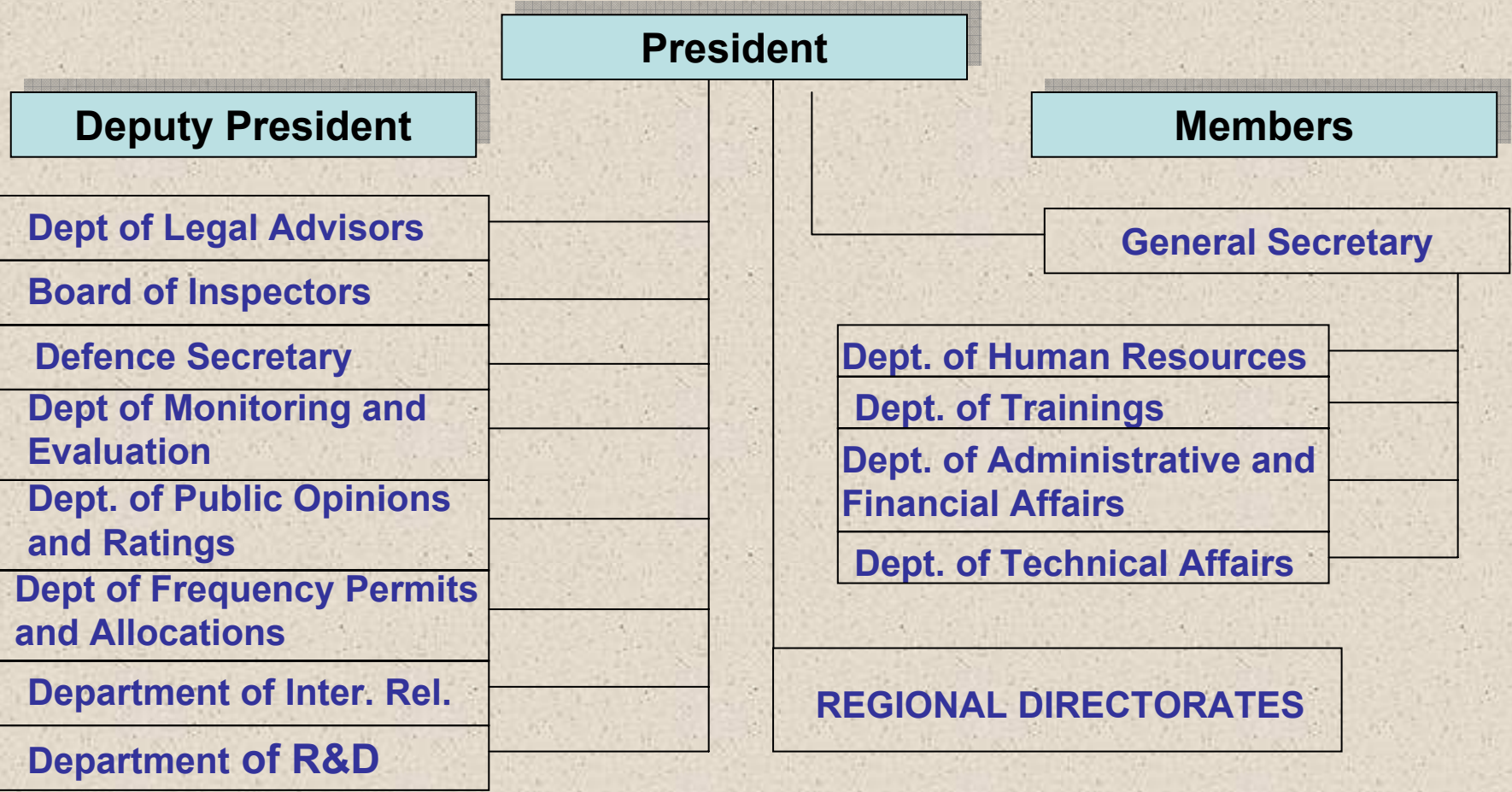


International Memberships

- **RTUK is one of the founder members of the European Platform for Regulatory Authorities (EPRA) where common problems on audio-visual sector are discussed and knowledge and applications are exchanged among the members**
- **RTUK is also member of the Mediterranean Regulatory Authorities Network which aims to harmonise the regulations on broadcasting and to protect the Mediterranean cultures**



Organisational Structure





Administrative Structure

- **RTUK works on the expertise base**
- **Heads of Department and upper level officials shall be appointed by the decisions of RTUK on the proposal of the President of the Council**
- **The number of staff is 350, including the regional directorates**



GENERAL OVERVIEW OF THE BROADCASTING SECTOR

Number of Channel and Frequency Allocations

➤ Terrestrial	TV	Radio
National	23	36
Regional	16	101
Local	214	951

- **With the addition of cable and satellite, number of broadcasting enterprises is 1291**



Media Ownership (I)

Law No.3984

Art.29

- **Political parties, associations, labour and employer unions, professional associations, co-operatives, foundations, local governments and companies established or partially owned by local governments, commercial companies, unions, and organisations and enterprises dealing with investment, import, export, marketing and financial affairs shall not be granted radio and television broadcast permit; these institutions could not be the partner of the enterprises which have granted radio and television broadcast permit**



Media Ownership (II)

- **A single corporation may establish only one radio and television enterprise**
- **The share of foreign capital in one private radio or television enterprise may not exceed 25 percent of the capital paid up**
- **A real or legal person of foreign nationality holding shares in a certain radio or television enterprise may not become a shareholder in another private radio or television enterprise**



UNESCO CONVENTION and WTO



UNESCO Convention on Cultural Diversity

- **Turkey has supported the adoption of UNESCO Convention on Protection and Promotion of the Diversity of Cultural Expressions and has launched the internal procedure for its signature and ratification**
- **The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage was ratified on 11 March 2006**



Turkey's Position at WTO on Audiovisual Products

- **There is no Most Favoured Nation clause for any foreign audiovisual products**
- **Turkey has no commitments and would like to keep on maintaining this condition**



THANK YOU FOR YOUR ATTENTION