

Telecoms & Media 2021

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Telecoms & Media 2021

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Lexology Getting The Deal Through is delighted to publish the 22nd edition of *Telecoms & Media*, which is available in print and online at www.lexology.com/gtdt.

Lexology Getting The Deal Through provides international expert analysis in key areas of law, practice and regulation for corporate counsel, cross-border legal practitioners, and company directors and officers.

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Every effort has been made to cover all matters of concern to readers. However, specific legal advice should always be sought from experienced local advisers.

Lexology Getting The Deal Through gratefully acknowledges the efforts of all the contributors to this volume, who were chosen for their recognised expertise. We also extend special thanks to the contributing editors, Alexander Brown and David Trapp of Simmons & Simmons LLP, for their continued assistance with this volume.



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Contents

Introduction	3	Philippines	103
Alexander Brown and David Trapp Simmons & Simmons LLP		Rose Marie M King-Dominguez, Miguel Franco T Dimayacyac and Leo Francis F Abot SyCip Salazar Hernandez & Gatmaitan	
Brazil	4	Portugal	109
Mauricio Vedovato and Daniela Maria Rosa Nascimento Huck Otranto Camargo Advogados		Nuno Peres Alves and Mara Rupia Lopes Morais Leitão, Galvão Teles, Soares da Silva & Associados	
China	11	Russia	118
Jingyuan Shi, Ryo Lu and Jenny Liu Simmons & Simmons LLP		Anastasia Dergacheva, Ksenia Andreeva, Anastasia Kiseleva, Kamil Sitdikov and Alena Neskoromyuk Morgan, Lewis & Bockius LLP	
Egypt	21	Singapore	127
Mohamed Hashish and Farida Rezk Soliman, Hashish & Partners		Lim Chong Kin Drew & Napier LLC	
European Union	28	South Korea	141
Anne Baudequin, Christopher Götz and Martin Gramsch Simmons & Simmons LLP		Ji Yeon Park, Juho Yoon and Kwang Hyun Ryoo Bae, Kim & Lee LLC	
Greece	46	Switzerland	149
Dina Th Kouvelou, Nikos Th Nikolinakos and Alexis N Spyropoulos Nikolinakos & Partners Law Firm		Mario Strebel and Fabian Koch CORE Attorneys Ltd	
Ireland	56	Taiwan	158
Helen Kelly, Simon Shinkwin and Kate McKenna Matheson		Robert C Lee and Sharon Liu Yangming Partners	
Italy	67	Turkey	164
Alessandra Bianchi Simmons & Simmons LLP		Cigdem Ayozger Ongun, Volkan Akbas and Selin Cetin SRP Legal	
Japan	76	United Arab Emirates	175
Atsushi Igarashi, Takuya Yamago, Koshi Okabe and Yukito Nagaoka TMI Associates		Raza Rizvi Simmons & Simmons LLP	
Mexico	84	United Kingdom	182
Julián Garza and Paulina Bracamontes B Nader Hayaux & Goebel		Alexander Brown and David Trapp Simmons & Simmons LLP	
Nigeria	93	United States	199
Chukwuyere E Izuogu, Otome Okolo and Tamuno Atekebo Streamsowers & Köhn		Colleen Sechrest, Kent D Bressie, Michael Nilsson and Paul Caritj Harris Wiltshire Grannis LLP	

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COMMUNICATIONS POLICY

Regulatory and institutional structure

1 | Summarise the regulatory framework for the communications sector. Do any foreign ownership restrictions apply to communications services?

The main piece of legislation regulating the communications sector in Turkey is Law No. 5809 on Electronic Communications. The scope of Law No. 5809 is:

- the provision of electronic communications services and the construction and operation of the infrastructure and the associated network systems thereof;
- the manufacture, import, sale, construction and operation of all kinds of electronic communications equipment and systems;
- the planning and assignment of scarce resources including frequency and the regulation; and
- authorisation, supervision and reconciliation activities relating to said issues.

Also, the communications sector in Turkey is particularly governed by:

- Law No. 5651 on Regulating Broadcasting on the Internet and Fighting Against Crimes Committed through Internet Broadcasting;
- Law No. 5070 on Electronic Signature;
- Law No. 6563 on the Regulation of E-Commerce;
- the Regulation on Network and Information Security in the Electronic Communications Sector;
- the Regulation on Processing and Protection of Personal Data in the Electronic Communications Sector;
- the Regulation on Consumer Rights for the Electronic Communications Sector;
- the Regulation on Authorization in the Electronic Communications Sector;
- the Regulation on Spectrum Management; and
- the Regulation on Access and Interconnection.

The prepared communiqués and rendered decisions are enforced by the Information and Communication Technologies Authority (ICTA), and the general laws such as Capitals Markets Law No. 6362, Turkish Commercial Code No. 6102 and Criminal Procedural Law No. 5271 also govern the communications sector in Turkey.

The Ministry of Transport and Infrastructure (the Ministry) and ICTA are both vested with certain powers and duties under Law No. 5809. ICTA mainly has regulatory and executive powers, whereas the Ministry mainly has policymaking powers.

As per article 5 of Law No. 5809, the Ministry is vested with the following powers and duties:

- setting strategies and policies regarding electronic communications services that are based on scarce resources;

- determining objectives, principles and policies towards the aim of encouraging the development of the electronic communications sector and supporting the transformation into an information society;
- determining policies towards construction and development of electronic communications infrastructure, network and services;
- contributing to the creation of policies;
- representing the state in the international associations and organisations;
- conducting necessary research;
- taking necessary measures and performing coordination to ensure the continuity of electronic communications in the case of natural disasters and extraordinary situations;
- planning electronic communications services in the case of extraordinary situations and during war and performing necessary actions;
- encouraging domestic design and production of electronic communications systems, promoting research, development and training activities relating to the sectors; and
- determination of the amount of the source to be allocated by ICTA that shall not exceed 20 per cent of ICTA's income and allowing this source to be used by making necessary arrangements.

As per article 6 of Law No. 5809, ICTA is mainly vested with the following powers and duties:

- making regulations to create and protect competition and eliminating the practices that are obstructive, disruptive or limitative for competition;
- imposing obligations on operators with significant market power (SMP) in the relevant markets and on other operators when required, taking the necessary measures;
- inspecting breaches of competition and imposing sanctions;
- making necessary arrangements and supervisions pertaining to the rights of subscribers, users, consumers and end users as well as the processing of personal data and protection of privacy, rendering decisions;
- conducting the dispute resolution procedure between the operators when necessary and taking the necessary measures;
- following developments in the electronic communications sector;
- planning and allocating the frequencies, satellite position and numbering necessary for the provision of electronic communications services and installation and operation of electronic communications network and infrastructures;
- performing necessary regulations and inspections;
- supervising radio systems and determining the scope of commercial secrets;
- obtaining information and documentation that are deemed necessary;
- transferring sources that shall not exceed 20 per cent of the income, determining general criteria and implementation procedures and principles regarding tariffs to be imposed;

- approving reference access offers;
- determining provisions and conditions for authorisations and supervising their implementation and conformity;
- conducting frequency planning, assignment and registration procedures;
- ensuring the publication and implementation of the harmonised national standards for all kinds of systems and equipment, and creating technical regulations;
- coordinating the authorisation of institutions that will perform installation, measurement, maintenance and repair activities;
- conducting market analyses to determine the relevant market and operators that have SMP in the relevant market;
- determining all kinds of procedures and principles regarding fees;
- inspecting operators;
- taking necessary measures;
- making regulations prescribed by the legislation;
- inspecting the quality and standards of service for all kinds of electronic communications; and
- enacting by-laws, communiques and other secondary regulations pertaining to the authorisations granted by Law No. 5809.

Although there is no restriction regarding foreign ownership under the communications law, under the Regulation on Authorisation for Electronic Communications Sector, for a company to be granted an authorisation by ICTA in the communications sector, the company has to be duly established as a limited liability or joint-stock company under Turkish Commercial Law No. 6102. Also, a foreign entity or individual can be the sole shareholder of such an authorised company.

Authorisation/licensing regime

2 | Describe the authorisation or licensing regime.

Companies that are willing to provide electronic communications services or construct and operate electronic communications networks or infrastructure should notify ICTA of their intention before commencing activities. If the companies that have notified ICTA do not need the assignment of scarce resources, such as a number or frequency for electronic communications services or an electronic communications network or infrastructure that they plan to provide or operate, they shall be authorised under the notification to ICTA.

If the company requires the assignment of scarce resources, it shall be authorised upon receiving the right of use from ICTA. ICTA is entitled to decide whether it is necessary to grant a right of use to electronic communications services. ICTA issues the right of use within 30 days upon due application for electronic communications services, for which the number of rights of use does not need to be limited.

The authorisation fees are stipulated under the Regulation on Authorisation for Electronic Communications Sector. As per the Regulation, for the notification process, an administrative fee of 0.35 per cent of the yearly net sales must be paid to ICTA; for the right-of-use process, the specific fee for the relevant resource to be used in the operation must be paid, in addition to the administrative fee. The minimum fees for the right of use are determined by the Board of Ministers upon the proposal of ICTA and the resolution of the Ministry.

There is currently no distinct regulation regarding 4G, 4.5G and 5G mobile services. To be able to be granted a spectrum for 5G mobile services, companies must participate in right-of-use tenders. The tenders regarding 4G and 4.5G have already been realised and finalised, whereas the right-of-use tender regarding 5G mobile services has yet to be realised.

Flexibility in spectrum use

3 | Do spectrum licences generally specify the permitted use or is permitted use (fully or partly) unrestricted? Is licensed spectrum tradable or assignable?

The main piece of legislation regarding spectrum management is the Spectrum Management Regulation (the Regulation) published in Official Gazette No. 27276, dated 2 July 2009. The Regulation determines the procedures and principles of management, allocation, assignment, national and international coordination and registration of radio frequencies assigned, as well as the withdrawal and reassignment of assigned frequencies if necessary, for the efficient and effective use of radio frequencies. The licences generally specify the permitted use of the licensed spectrum under the Regulation. The scope of permitted use is generally determined within the spectrum licences.

As per the Regulation, while managing spectrum allocation, ICTA shall pay attention to providing effective competition, ensuring transparency and avoiding discrimination. The planning is made pursuant to the decisions of organisations such as the International Telecommunication Union, the International Maritime Organisation, the International Civil Aviation Organisation, the EU and the European Conference of Postal and Telecommunications Administrations, and frequencies are assigned to operators that are subject to authorisation for the duration stated in the certificate of authorisation granted for the right of use.

The trading of licensed radio-frequency spectrum is not prohibited under Turkish legislation. The trading of spectrum licences is not prohibited; however, to transfer spectrum frequency, operators must apply to ICTA for approval. ICTA shall decide for approval upon evaluation of the application by taking into consideration of the market and competition conditions of the transferee operator and other related issues. Upon ICTA's approval, a right of use shall be granted to the transferee operator within one month of the date on which the approval is granted.

Ex-ante regulatory obligations

4 | Which communications markets and segments are subject to ex-ante regulation? What remedies may be imposed?

Communications markets that are subject to ex-ante regulation are:

- the call transfers on the fixed-network market;
- the call origination on the fixed-network market;
- the call termination on the fixed-network market;
- the fixed-line network access market;
- the fixed-voice telephony services market;
- the wholesale and retail leased-lines market;
- the access and call origination on the mobile-network market;
- the call termination on the mobile-network market; and
- the wholesale local-access and central-access market.

ICTA has the power to make both ex-ante regulations and ex-post regulations. As per article 6 of Law No. 5809 on Electronic Communications, ICTA is vested with the duty of conducting market analyses to determine the relevant market and the operators that have SMP in this relevant market and to inspect the breaches of competition in the electronic communications sector and impose sanctions if necessary.

Sanctions imposed on each of the markets are as follows:

- call transfers on the fixed-network market: there are no sanctions imposed;
- call origination on the fixed-network market: sanctions imposed on operators having SMP are access and interconnection, transparency, publication of reference offer, non-discrimination, tariff control, accounting separation and cost accounting, co-location and infrastructure sharing;

- call termination on the fixed-network market: sanctions imposed on operators having SMP are access and interconnection, transparency, non-discrimination, quality of service, tariff control, accounting separation and cost accounting, co-location and infrastructure sharing. Sanctions imposed on operators that do not have SMP are interconnection, non-discrimination and transparency;
- fixed-line network access market: sanctions imposed on operators having SMP are access, wholesale of leased lines, carrier selection and pre-selection, non-discrimination, transparency, publication of reference offer and tariff control;
- fixed-voice telephony services market: there are no sanctions imposed;
- wholesale and retail leased-lines market: sanctions imposed on wholesale leased lines are access, non-discrimination, transparency, publication of reference offer, tariff control, accounting separation and cost accounting and co-location and infrastructure sharing. Sanctions imposed on retail leased lines are tariff control and accounting separation and cost accounting;
- access and call origination on the mobile-network market: there are no sanctions imposed;
- call termination on the mobile-network market: sanctions imposed on mobile network operators are interconnection, non-discrimination, quality of service, transparency, publication of reference offer, tariff control, accounting separation and cost accounting and co-location. Sanctions imposed on other mobile operators are interconnection, non-discrimination and transparency; and
- wholesale local-access and central-access market: sanctions imposed are access, co-location and infrastructure sharing, tariff control, publication of reference offer, non-discrimination, transparency and accounting separation and cost accounting.

Structural or functional separation

- 5 | Is there a legal basis for requiring structural or functional separation between an operator's network and service activities? Has structural or functional separation been introduced or is it being contemplated?

Under article 6 of Law No. 5809 on Electronic Communications, ICTA is vested with inspecting breaches of competition in the electronic communications sector, imposing sanctions and taking the opinion of the Competition Authority on issues regarding breach of competition.

Additionally, as per article 7 of Law No. 5809, the Competition Board, while performing examinations and supervisions and while making any decisions on the electronic communications sector, including decisions about mergers and takeovers, primarily takes into consideration ICTA's view and the regulatory procedures of ICTA.

The Competition Board is also authorised to decide on a structural or functional separation between an operator's network and service activities, taking ICTA's view on the matter into consideration. That was the case during the privatisation of the incumbent operator: Turk Telekomunikasyon AS. Under Decision No. 05-48/681-175 of 21 July 2005 of the Competition Authority, rendered upon taking the view of ICTA (which was referred to as the Telecommunication Authority at the time of the decision), TTNET AS was structurally separated from Turk Telekomunikasyon AS and, as of 28 April 2006, TTNET AS was established as a separate legal entity. However, as of 27 January 2016, Turk Telekomunikasyon AS and TTNET AS have once again merged.

Universal service obligations and financing

- 6 | Outline any universal service obligations. How is provision of these services financed?

Law No. 5369 on Universal Services stipulates the rules to promote access to telecom services in rural or under-served areas. Accordingly, operators that have a general authorisation, concession and authorisation agreement or a licence in the telecommunications sector are incumbent universal service providers.

Under Law No. 5369, universal services include fixed telephone services, public payphone services, telephone directory services (printed or directories on electronic media), emergency call services, internet services, passenger transportation services for settlements to which maritime lines is the single option of access and communications services regarding distress and safety at sea.

For the financing of universal services provided, Turk Telekomunikasyon AS and operators other than mobile operators are obliged to declare to the Ministry 1 per cent of their annual net sales proceeds by the end of April of the following year. Mobile operators are obliged to declare to the Ministry 10 per cent of the share they are to pay the Treasury within the month of payment. ICTA is obliged to declare to the Ministry 20 per cent of the administrative penalties it has applied under the relevant laws by the end of the month following the month of collection and is obliged to declare to the Ministry 20 per cent of the amount remaining after all expenditure is met at the end of the fiscal year by the end of January every year.

Following the collection of the above-mentioned amounts, the net cost incurred owing to the operator's obligations to provide universal services and other expenses incurred within the scope of Law No. 5369 shall be financed by the Ministry.

Number allocation and portability

- 7 | Describe the number allocation scheme and number portability regime in your jurisdiction.

Under Law No. 5809 on Electronic Communications, ICTA is authorised to allocate numbers and to prepare the National Numbering Plan and the National Frequency Plan under the policies of the Ministry. Number allocation and usage principles are specifically regulated under the Numbering Regulation. The purpose of that regulation is to ensure that the numbers used in the electronic communication networks are planned in a national context and are used effectively and efficiently under the stipulated plan.

Number portability is mainly regulated under the Regulation on Number Portability, which was amended under the Regulation on the Amendment of the Regulation on Number Portability published in the Official Gazette No. 29546, dated 28 November 2015. As per the Regulation on Number Portability, subscribers may change their operator, geographical position and service type without having to change their subscriber number. Operators are under the obligation to provide number portability.

Customer terms and conditions

- 8 | Are customer terms and conditions in the communications sector subject to specific rules?

The customer terms and conditions between subscribers and operators are subject to the Regulation on Customer Rights in Electronic Communications Sector.

The Regulation on Customer Rights in Electronic Communications Sector requires operators to be fully transparent and lays the burden of proof on the operator concerning subscriber requests and approvals.

Pursuant to the Regulation on Customer Rights in Electronic Communications Sector, the customers have the following rights:

- access to services under the same terms with similar customers and benefiting from the services with fair prices without any discrimination;
- entering into agreements with the authorised operators, requesting that their personal data be or not be included in publicly available directories;
- benefiting from directory services being free of charge or for a price and being able to register with the directories without any discrimination;
- being informed of the emergency call services and accessing those services free of charge;
- requesting itemised invoices;
- requesting information about the scope of the services to be provided by the operators;
- access to clear, detailed and current information on the tariffs to be applied to the customers and being informed of any change to those tariffs before such change is applied;
- opting out in a simple way or by an original way of application to the service, from all the services under the campaigns or tariffs including value-added services that they opted in through short message service, call centre or internet;
- requesting equal treatment without any discrimination concerning resolving the malfunction problems; and
- receiving services in the standards determined by ICTA or by international institutions.

Last, the agreement between the customer and the operator must be made in writing under the Regulation on Customer Rights in Electronic Communications Sector.

Net neutrality

- 9 | Are there limits on an internet service provider's freedom to control or prioritise the type or source of data that it delivers? Are there any other specific regulations or guidelines on net neutrality?

There are no regulations regarding net neutrality under Turkish legislation. However, in 2012, to restore net neutrality, ICTA imposed an administrative fine against an internet service provider owing to the internet service provider blocking some websites on its network without any court or competent authority's decision.

Platform regulation

- 10 | Is there specific legislation or regulation in place, and have there been any enforcement initiatives relating to digital platforms?

There are general and specific laws and regulations that apply to digital platform providers. For instance, Law No. 5809 on Electronic Communications includes provisions regarding digital platforms providing services by satellite broadcasting. Also, Law No. 6563 on Regulation of Electronic Commerce regulates the rules and procedures for electronic commerce platforms and digital marketing. Further, Law No. 4054 on the Protection of Competition in Turkey applies to the digital platform markets in Turkey. Moreover, all content published on the internet is subject to Law No. 5651 on Regulating Broadcasting in the Internet and Fighting against Crimes Committed through Internet Broadcasting. Law No. 5651 restricts the publication of content constituting certain types of crime and content violating the rights of third parties. Last, digital platforms are also subject to the laws and regulations on data protection and privacy.

With the Law No. 7253 on the Amendment to the Law on Regulation of Publications on the Internet and Combating Crimes Committed through Such Publication, (Social Media Law), which entered into force

following its publication in Official Gazette No. 31202, dated 31 July 2020, some amendments, especially those for the control of social media networks, have been made in the Law No. 5651. The purpose of the amendments regarding social media networks was shown in the justification of Law No. 7253 as 'the need to impose obligations on social networking platforms as well as states to take responsibility in combating illegal content'.

In addition to the definitions such as content provider, hosting provider, access provider and collective-use provider, the definition of 'social-network provider' has been added to Law No. 5651. Accordingly, social network providers are defined as 'real or legal persons that enable users to create, view or share content such as text, images, sounds, locations on the internet for social interaction purposes'. The definition of the traffic information that the hosting providers are obliged to keep for certain periods regarding the services they provide, internet protocol address, service start-end time, service type, transferred data amount and subscriber credentials, as well as 'port information' (virtual ports that are redirected via the internet or software) has also been added.

In addition to the decision to block access, it is now possible to decide to remove the content.

Social network providers established abroad accessed by more than one million daily users are obliged to appoint at least one legal or natural person as a representative in Turkey to fulfil the requirements of notifications and requests to be sent by official institutions, to respond to applications made by individuals under Law No. 5651 and to ensure that other obligations under Law No. 5651 are fulfilled. If the representative is a natural person, they must be a Turkish citizen. If the social network provider does not fulfil the obligation to appoint a representative despite the notification made by the Information and Communication Technologies Authority (ITCA), they may be subject to sanctions such as administrative fines of up to 40 million Turkish lira in total, an advertising ban and a reduction of internet traffic bandwidth of up to 90 per cent.

Another obligation for social network providers that are domestically based or established abroad with more than one million daily users is to take the necessary measures to retain data in Turkey of those users located in Turkey. However, any specific sanction to be applied in case of a violation of this obligation has not been foreseen.

Last, the social network provider will be responsible for the compensation of the damages arising from content determined to be illegal by a judge or court decision is notified to the social network provider and the network provider did not remove the content or block access within 24 hours.

Next-Generation-Access (NGA) networks

- 11 | Are there specific regulatory obligations applicable to NGA networks? Is there a government financial scheme to promote basic broadband or NGA broadband penetration?

In Turkey, there is no specific regulation in force for NGA networks. However, there are several ICTA board decisions regulating the NGA networks. In ICTA's 2020 plan, it is stipulated that new monitoring stations and vehicles, as well as hardware and software, will be supplied to adapt to new-generation technologies. Besides this, ICTA has also published several public releases indicating that the NGA penetration should be increased.

Data protection

- 12 | Is there a specific data protection regime applicable to the communications sector?

Data protection in the electronic communications sector is mainly regulated under Law No. 5809 on Electronic Communications and the Regulation on Processing of Personal Data and the Protection of Privacy

in the Electronic Communications Sector (the Regulation), published in the Official Gazette No. 28363, dated 24 July 2012. Under these specific laws and regulations, operators are obliged to protect subscribers' information and their privacy. Also, communication must not be listened to, recorded, stored, intercepted or tracked without the explicit consent of all the relevant parties to the communication, except in cases where the relevant legislation and judicial decisions so require. Moreover, traffic and location data may be transferred abroad only with the explicit consent of the data subjects. Last, operators are obliged to take necessary technical and administrative measures to ensure the security of the networks and personal data of the subscribers. Besides this, operators are subject to the Law on Personal Data Protection for the general rules, principles and procedures regarding data protection and privacy they process in their data-filing system.

Cybersecurity

13 | Is there specific legislation or regulation in place concerning cybersecurity or network security in your jurisdiction?

The Council of Ministers' Decision on Conducting, Managing and Coordinating National Cybersecurity Activities (the Decision), which entered into force on 20 October 2012, is one of the important legislative developments regarding cybersecurity in Turkey. Also, a Cybersecurity Board was established under the Decision, the duties of which include approval of policies, strategies and action plans regarding cybersecurity and rendering of decisions regarding their implementation nationwide in an effective manner, resolving proposals regarding the determination of critical infrastructure and determining the institutions to be wholly or partially exempt from cybersecurity provisions.

On the other hand, electronic communication sector-specific cybersecurity provisions are regulated with the secondary regulation, the Regulation on Network and Information Security in Electronic Communication Sector. This Regulation, which regulates and underlines technical, administrative, organisational and physical measures to be taken by operators, does not apply for personal data processing and protection.

Under the Regulation on Administrative Sanctions No. 28914, issued by ICTA, any natural or legal entity who fails to comply with the obligations related to network and information security and cybersecurity measures to be determined by ICTA shall be imposed with an administrative fine of 1,000 to 1 million Turkish lira.

Big data

14 | Is there specific legislation or regulation in place, and have there been any enforcement initiatives in your jurisdiction, addressing the legal challenges raised by big data?

There is no specific regulation regarding big data within the frame of Turkish legislation. However, if big data involves the processing of personal data, personal data-related provisions can be applied for.

If big data does not involve personal data but involves non-personal data (eg, anonymous data, commercial information and trade secrets etc), non-personal data-related provisions can apply to those processing activities. For instance, it can be said that the Regulation on Network and Information Security in Electronic Communication Sector excludes personal data processing and protection but can apply to big data processing in the electronic communications sector.

Data localisation

15 | Are there any laws or regulations that require data to be stored locally in the jurisdiction?

Under Law No. 5809 on Electronic Communications, data belonging to customers may only be transmitted abroad upon the consent of the customer. The Regulation on Processing of Personal Data and Protection of Privacy in the Electronic Communications Sector (the Regulation), published in the Official Gazette No. 31324, dated 4 December 2021, also stipulates that data transfer to third parties located abroad may only be realised upon the consent of the customer. In this scope, the customer has to be informed regarding the country to which the data is transferred, the scope and period the data will be kept and the relevant legislation and practice in the country.

Additionally, operators are also subject to Law No. 6698 on Personal Data Protection in terms of the general rules, principles and procedures of personal data processing and protection. Therefore, operators, while transferring personal data, must ensure compliance with and fulfilment of the requirements arising from both regulations.

Key trends and expected changes

16 | Summarise the key emerging trends and hot topics in communications regulation in your jurisdiction.

One of the most significant legislative developments is the Regulation on Processing of Personal Data and Protection of Privacy in Electronic Communications (Regulation). As per the Regulation, ICTA is given a more dominant role in the operations and practices of operators concerning the processing of personal data.

On another note, the Ministry has announced that there has been major progress in preparations regarding the 5G mobile service infrastructure, and it is anticipated that the transition to 5G has yet to be realised. ICTA has also announced that the 5G core network, 5G base station, 5G specific management, service and operation software products are being developed with local and national capabilities and the first phase is expected to be concluded by March 2021.

Also, the Deputy Minister of the Ministry announced that ICTA has made the necessary arrangements and embedded-SIM (eSIM) will be implemented in Turkey by 2021. The eSIM technology in question is produced by Turkish engineers and the Ministry announced that it will be implemented in 2021.

TÜRKSAT 5A, whose production has been completed, is expected to be launched into space towards the end of 2021. It is expected that TÜRKSAT 5B will be launched into space in 2022. TÜRKSAT 6A, which will be the first domestic communication satellite, has been completed, and it, too, is planned to be launched into space in 2022, making Turkey become one of 10 countries producing communications satellites in the world.

Last, the Ministry published the national cybersecurity strategy and action plan for 2020 to 2023.

MEDIA

Regulatory and institutional structure

17 | Summarise the regulatory framework for the media sector in your jurisdiction.

The key regulations governing the media sector in Turkey constitute:

- the Constitution of the Republic of Turkey (No. 2709);
- international agreements (the European Convention on Transfrontier Television);
- sector-specific Laws (Press Law No. 5187);
- Law No. 4982 on the Right to Obtain Information;

- Radio and Television Law of Turkey (No. 2954);
- Law No. 6112 on the Establishment and Broadcasting Services of Radio and Television Enterprises;
- Law No. 3093 on Radio and Television Incomes in Turkey;
- Law No. 5651 on Regulating Broadcasting in the Internet and Fighting Against Crimes Committed through Internet Broadcasting);
- general laws (Industrial Property Law No. 6769, Turkish Criminal Law No. 5237, Turkish Law No. 6098);
- regulations (the Advertisement Regulation of Radio and Television Authority of Turkey); and
- directives, communiques, principles and procedures, instructions executing and enforcing and the decisions rendered by the relevant authority.

In 2019, the following developments took place:

- the Regulation on Procedures and Principles regarding the Improvement of Broadcasting Services Access by Hearing and Visually Handicapped, published in the Official Gazette, dated 11 October 2019, and numbered and fully entered into force on 11 January 2020; and
- the Regulation on Radio, Television and On-Demand Broadcasts on the Internet (the RTI Regulation) published in Official Gazette No. 30849, dated 1 August 2019 and fully entered into force on 1 September 2019. The essential point is that the RTI Regulation is also applicable for content or hosting providers located in a foreign country, and media service providers that perform their business activities under the jurisdiction of the established country. In addition, media service providers broadcasting over the internet in Turkish and targeting Turkey, or broadcasting in another language but targeting Turkey and also including commercial broadcasts to Turkey are subject to the RTI Regulation. However, individual communications are excluded from its scope.

The Radio and Television Supreme Council (RTSC), founded in 1994, is the administratively and financially autonomous and impartial public legal authority for the regulation and supervision of radio, television and on-demand media services. In the field of audiovisual media services, the main function of the RTSC is taking essential precautions for securing freedom of expression and information, diversity of opinion, media pluralism, competition environment for avoiding media concentration and protecting public interests. On the other hand, the Information Technology and Communication Authority (ICTA), the national telecommunications regulatory and inspection authority, may also be intervened and act in some cases in this sector. For instance, under the RTI Regulation, ICTA is entitled to impose administrative fines on companies that do not abide by the decisions of the Criminal Court.

Ownership restrictions

- 18 | **Do any foreign ownership restrictions apply to media services? Is the ownership or control of broadcasters otherwise restricted? Are there any regulations in relation to the cross-ownership of media companies, including radio, television and newspapers?**

Certain restrictions regarding foreign ownership have been stipulated under Law No. 6112 on the Establishment and Broadcasting Services of Radio and Television Enterprises. For instance, the total direct foreign capital share in a media service provider shall not exceed 50 per cent of the paid-in capital. Further, a foreign real or legal person can directly become a partner of a maximum of two media service providers. Although it is important to point out that if foreign real or legal persons hold shares in companies that are shareholders of media service providers and become an indirect partner of the broadcasters, the chair,

the deputy chair and the majority of the board of executives and the general director of the broadcasting enterprises must be citizens of Turkey, and the majority of the votes in the general assemblies of broadcasting enterprises should belong to the real or legal persons holding Turkish citizenship. Last, foreign shareholders shall, by no means, own preference shares, as domestic shareholders do not.

In terms of the cross-ownership of media companies, the same Regulation indicates that a real or legal person can be a partner directly or indirectly of a maximum of four media service providers holding terrestrial broadcasting licences. However, in the case of partnership in more than one media service provider, annual total commercial communication revenue of those media service providers in which a real or legal person has direct or indirect shares shall not exceed 30 per cent of the total commercial communication revenue of the sector. The real or legal persons whose total commercial communication revenue exceeds this rate shall transfer their shares in media service providers so that it will be reduced down to the aforesaid rate within a time limit of 90 days given by the RTSC.

Licensing requirements

- 19 | **What are the licensing requirements for broadcasting, including the fees payable and the timescale for the necessary authorisations?**

First, it is necessary to define 'broadcasting licence' under Law No. 6112 on the Establishment and Broadcasting Services of Radio and Television Enterprises. 'Broadcasting licence' means the certificate of permission issued separately for each broadcasting type, technique and network by the RTSC to media service providers to allow them to broadcast using any kind of technology via cable, satellite, terrestrial and similar networks.

Under Law No. 6112, a broadcasting licence may only be granted to joint-stock companies established under Turkish Commercial Code No. 6102. The scope of the purpose of the joint-stock company has to be exclusively determined, concerning providing radio, television and on-demand broadcast service.

However, political parties, unions, professional associations, cooperatives, associations, societies, foundations, local administrations and companies established by them or of which they are direct or indirect shareholders, stockbroker companies and real or legal persons who are direct or indirect shareholders of these companies are not allowed to apply for a broadcasting licence.

Media service providers shall apply for a separate licence for each broadcasting technique and network to the RTSC to be able to broadcast through cable, satellite, terrestrial and similar networks. It should be clearly indicated in the licence document for which broadcasting technique and network the licence is granted. Enterprises requesting to make a simultaneous broadcast on different networks by different techniques should apply for separate licences for each broadcasting technique and network and must provide a simultaneous broadcast.

As per Law No. 7103 on Amending Tax Laws, Certain Laws and Certain Decree Laws stipulating amendments to Law No.6112, media service providers and online broadcast platforms that only broadcast content over the internet are also subject to these licensing requirements.

As per online broadcasting, the Regulation on Radio, Television and On-Demand Broadcasts on the Internet (the Regulation) outlines licensing requirements regarding three types of licences, namely:

- the INTERNET-RD broadcast licence for online radio services;
- the INTERNET-TV broadcast licence for online television services; and
- the NTERNET-IBYH broadcast licence for online on-demand broadcast services.

As per the Regulation, online broadcasting licences shall only be granted to joint-stock companies established as per Turkish Commercial Law No. 6102, exclusively established for providing radio, television and on-demand broadcasting services.

Under the Regulation, online platform operators that provide various radio, television and on-demand broadcasts through their uniform resource locator address or mobile applications must obtain internet broadcast transmission authorisation from the RTSC.

The term of a broadcasting licence is 10 years, both according to Law No. 6112 and the Regulation, and there are no specific timescale provisions for obtaining authorisation from the RTSC.

Licence fees are determined each year by the RTSC, and the most recent information on satellite, cable and online broadcasting licence fees for radio, television and demand broadcasting services can be found on the RTSC website.

Foreign programmes and local content requirements

20 | Are there any regulations concerning the broadcasting of foreign-produced programmes? Do the rules require a minimum amount of local content? What types of media fall outside this regime?

Law No. 6112 on Establishment and Broadcasting Services of Radio and Television Enterprises does not prohibit broadcasting in foreign languages; however, broadcasts made in foreign languages shall follow the rules of that preselected language and be supervised by the RTSC. On the other hand, the Regulation on the Procedures and Principles of Media Services stipulates that providing broadcasts in languages and dialects other than Turkish by media service providers is subject to permission to be issued by the RTSC. Thus, the RTSC permits broadcasting in a foreign language if it finds the media service provider's application appropriate according to their broadcasting area and technical facilities. However, no permission is required for on-demand media services in languages and dialects other than Turkish.

Under the same Law, if television enterprises that conduct general and thematic broadcasts include cartoons in the broadcasts for children, at least 20 per cent of the cartoons, and at least 40 per cent of other children's programmes, shall be productions made in the Turkish language and reflect Turkish culture. There are no further local content quotas for media service providers.

However, content to be broadcast for television broadcasters holding a national terrestrial broadcasting licence is as follows:

- television broadcasters are obliged to allocate at least 50 per cent of their broadcast time to European works, excluding the time allocated to news, sports events, contests, advertisements, teleshopping and related data broadcasts; and
- they must allocate 10 per cent of their broadcast time or programme budget broadcasts to European works of independent producers, excluding the time allocated to news, sports events, contests, advertisements, teleshopping and related data.

Additionally, as per the Regulation on Radio, Television and On-Demand Broadcasts on the Internet, the broadcasting services of foreign media service providers and foreign internet broadcasting platform operators under the jurisdiction of a country other than Turkey may be suspended by the RTSC if it is decided by the RTSC that the media service providers or internet broadcasting platform operators have acted in violation of Law No. 6112 or any international treaties within the scope of the RTSC's authority to which Turkey is a party.

Advertising

21 | How is broadcast media advertising regulated? Is online advertising subject to the same regulation?

The main pieces of legislation governing broadcast media advertising are Law No. 6112 on the Establishment and Broadcasting Services of Radio and Television Enterprises and the Advertisement Regulation of Radio and Television Authority of Turkey.

As per Law No. 6112, advertisements and teleshopping in television and radio broadcasting services must be broadcast in a manner that is easily distinguishable from the rest of the elements of the broadcasting programme services, by way of the use of audio or visual warnings. Broadcast media advertisements are also within the scope of the Regulation on Commercial Advertisements and Unfair Practices (the Regulation) published in Official Gazette No. 29232, dated 10 January 2015. Thus, advertisements and teleshopping must be made in compliance with the Regulation.

Online advertising is subject to the Consumer Protection Law and the Commercial Advertisement Regulation, which are the main legislation concerning advertisement rules. The Advertisement Board regulates the compliance of advertisements in all media, except for specific broadcasting rules that are governed under Law No. 6112. Also, all online broadcasts in Turkey are subject to Law No. 5651 on Regulating Broadcasting in the Internet and Fighting against Crimes Committed through Internet Broadcasting. If the content of an online broadcast, including online advertising, constitutes specific crimes that are listed in this Law, access to this website could either be banned by the Information Technology and Communication Authority or by the court, depending on the type of case and urgency.

Must-carry obligations

22 | Are there regulations specifying a basic package of programmes that must be carried by operators' broadcasting distribution networks? Is there a mechanism for financing the costs of such obligations?

There are no regulations regarding must-carry obligations under Turkish legislation.

Regulation of new media content

23 | Is new media content and its delivery regulated differently from traditional broadcast media? How?

Internet-based on-demand content has been traditionally regulated by Law No. 5651 on Regulating Broadcasting in the Internet and Fighting Against Crimes Committed through Internet Broadcasting. However, with the amendments to Law No. 6112 on the Establishment and Broadcasting Services of Radio and Television Enterprises, media service providers that make online broadcasting and platform operators that transmit these broadcasts via the internet are required to obtain a licence from the RTSC and online broadcasting activities are subject to supervising and controlling of the RTSC under the same principles applied to TV and radio broadcasts as per Law No. 6112.

Moreover, unlike traditional broadcast media such as radio and television, new media content is regulated under Law No. 5651. Additionally, advertisements made via new media content are also subject to Law No. 5651.

Digital switchover

24 | When is the switchover from analogue to digital broadcasting required or when did it occur? How will radio frequencies freed up by the switchover be reallocated?

Under Law No. 5651 on Regulating Broadcasting in the Internet and Fighting Against Crimes Committed through Internet Broadcasting, companies that obtained the right to a terrestrial digital multiplex capacity allocation in the ranking tender realised under the Regulation regarding Procedures and Principles on Terrestrial Broadcast Licences and the Ranking Tender published in Official Gazette No. 30634, dated 23 December 2018, may, in line with their ranks and the analogue channel capacity, be granted the right to make analogue broadcasts as well as terrestrial digital broadcasts for a period of a maximum of two years. At the end of the two years, analogue broadcasts shall be terminated nationwide. The transition from analogue broadcasting to digital broadcasting has not yet been completed.

Digital formats

25 | Does regulation restrict how broadcasters can use their spectrum?

First, according to Law No. 5809 on Electronic Communications, ICTA is the competent authority for spectrum management, supervision and inspection in Turkey. However, under Law No. 5809, the RTSC is the competent authority regarding the regulation of radio frequencies and television channel broadcasts.

The regulation restricts how broadcasters can use their spectrum. So, after obtaining the terrestrial broadcast licence, current transmitting facilities must be removed by the private media service providers or must be transferred to a transmitter procurer and operating company in exchange for a reasonable sum.

Under Law No. 6112 on the Establishment and Broadcasting Services of Radio and Television Enterprises, the RTSC shall adopt frequency plans concerning television channels and radio frequencies, within the framework of the frequency bands for terrestrial radio and television broadcasts allocated under Law No. 5809. Within the scope of the frequency plans the numbers and types of national, regional and local terrestrial broadcast networks, as well as multiplex numbers for digital broadcasts, shall be determined.

Media plurality

26 | Is there any process for assessing or regulating media plurality (or a similar concept) in your jurisdiction? May the authorities require companies to take any steps as a result of such an assessment?

Under Law No. 6112 on the Establishment and Broadcasting Services of Radio and Television Enterprises, one of the duties of the RTSC is to take essential precautions, in the field of media services, for media pluralism. On the other hand, the maximum number of media service providers in which a real person or a legal entity may directly or indirectly hold shares is four. However, there is no specific regulation concerning media plurality in Turkey.

Key trends and expected changes

27 | Provide a summary of key emerging trends and hot topics in media regulation in your country.

The most important piece of legislation currently adopted in Turkey is the Regulation on Radio, Television and On-Demand Broadcasts on the Internet (the Regulation), which was published in Official Gazette No. 30849, dated 1 August 2019. The Regulation has been drafted as a

cooperative effort of ICTA and the RTSC. It is understood that the two authorities are carrying out their activities in cooperation.

As per the recently enacted Regulation, online broadcasting of radio, television and on-demand broadcasts shall fall under the authority and supervision of the RTSC, and online broadcast platforms that only broadcast content over the internet shall also be obliged to obtain licences from the RTSC. As per the Regulation, the RTSC is now also vested with the power to suspend online broadcasts that violate the Regulation and Law No. 6122. Additionally, the broadcasting services of foreign media service providers and foreign internet broadcasting platform operators under the jurisdiction of a country other than Turkey may be suspended by the RTSC, if it is decided by the RTSC that said media service providers or internet broadcasting platform operators have acted in violation of Law No. 6112 or any international treaties within the scope of the RTSC's authority to which Turkey is a party.

Additionally, media service providers who transmit radio, television and on-demand broadcasts through the internet must obtain a broadcast licence from the RTSC. Specifically, licences are now required for the activities listed below:

- an INTERNET-RD broadcast licence for online radio services;
- an INTERNET-TV broadcast licence for online television services; and
- an INTERNET-IBYH broadcast licence for voluntary broadcast services.

Broadcast licences shall be granted exclusively to joint-stock companies established according to the Turkish Commercial Code. Each media service provider has the right to broadcast one radio, one television and one on-demand service online and must obtain separate licences for each of these broadcasters.

Also, platform operators must obtain authorisation from the RTSC to begin broadcasting.

In 2020, on-demand publishing licence applications were evaluated by the RTSC. As a result, national and international organisations that have continued their activities with a temporary broadcast permission for some time applied for a licence upon the notice of the RTSC and fulfilled the necessary obligations. International broadcast platforms have established a joint-stock company resident in Turkey, and general managers and representatives were appointed to the organisations. The RTSC decided to issue 10-year on-demand broadcast service through the internet (Internet-IBYH) licences to Netflix, Amazon Prime Video, Fizey, TV8, Diyanet TV and Powerapp Music. Also, On Media was authorised for internet transmission using the radio (Internet-RD) and television (Internet-TV) licences, together with channel TV +.

In the last quarter of 2019, significant negotiations were initiated in connection with foreign broadcasting platforms in addition to local broadcasting platforms. As per the announcements published by the RTSC:

- special importance shall be given to artificial intelligence;
- when evaluating broadcasts, matters such as cyberbullying and violence shall be taken into consideration;
- measures shall be taken for content that may adversely affect the psychological and physical development of children; and
- in connection with on-demand broadcasts, special attention shall be given to parental control mechanisms

Some of the relevant expected changes and the steps to be taken accordingly within the media sector are as follows:

- informing the legislative organ about the need for new regulations regarding issues on the establishment of a more effective sanction system and the implementation of joint audit in connection to new technological developments;
- the strengthening of the cooperation among shareholders in the media sector;

- the drafting of more explicit and concrete regulations by the RTSC, an independent and unbiased authority, especially regarding broadcasting principles in areas that are conceived negatively;
- the re-evaluation and revision of the legislative regulations in a manner that enhances the freedom of speech and freedom of information stipulated under the laws;
- the establishment of a more efficient mechanism to enable the consent analysis of the regulatory needs within the media sector and the overcoming of issues regarding regulatory activities;
- conducting studies by ICTA to pave the way for domestic and national productions on new technologies to ensure cybersecurity while it is at the design stage; and
- the draft Türk Telekomünikasyon A.Ş. Reference Interconnection Offer opened to Public Opinion.

REGULATORY AGENCIES AND COMPETITION LAW

Regulatory agencies

28 Which body or bodies regulate the communications and media sectors? Is the communications regulator separate from the broadcasting or antitrust regulator? Are there mechanisms to avoid conflicting jurisdiction? Is there a specific mechanism to ensure the consistent application of competition and sectoral regulation?

The communications sector is governed by Law No. 5809 on Electronic Communications. Whereas the media sector is mainly governed by Law No. 6112 on the Establishment of Radio and Television Providers and Broadcasting Services, the communications regulator is separate from the broadcasting regulator. The competent authority for the communications sector is the Information Technology and Communication Authority (ICTA) and the Competition Authority, whereas the competent authority for the media sector is the Radio and Television Supreme Council (RTSC). However, concerning online broadcasting, both ICTA and RTSC are vested with certain regulatory powers. Last, the Competition Authority is the main competition and antitrust monitoring authority, and the primary law applied is Competition Law No. 4054.

Besides this, the Advertisement Board, established under the Turkish Ministry of Commerce, is the main authority that is entitled to monitor and supervise advertisements for all media, including broadcasts in Turkey and to determine the related rules and impose fines in the case of violations.

Under article 6/1 of Law No. 5809, one of the powers vested in ICTA is the undertaking of regulations to establish and protect competition and to prevent activities that prevent, distort or restrict competition, and to impose remedies on operators with significant market power and other operators, if necessary. However, under paragraph 2 of the same article, it is stipulated that ICTA, while inspecting competition breaches against the same Law concerning the electronic communications sector, and imposing sanctions, seeks the opinion of the Competition Authority on issues regarding breaches specified by the legislation. Moreover, under Law No. 5809, ICTA is authorised to conduct analysis and investigations and impose sanctions regarding anti-competitive activities and practices, on the condition that the opinion of the Competition Authority is also demanded. However, the provisions of Law No.4054 are reserved.

Under Law No. 6112, one of the powers vested in the RTSC is to take the required precautions in the field of broadcast services to guarantee freedom of expression and information, diversity of opinions, competitive environment reserving the duties and powers of the Competition Authority and pluralism and prevent concentration and protect the public interest.

After radio and television broadcasting, on-demand over the internet was taken under the control of RTÜK, the Supreme Council discussed the file of a select-watch platform for the first time. RTÜK unanimously decided that the Minnoşlar film, which will be broadcast on Netflix on 9 September 2021 and criticised for allegedly containing child abuse, should be removed from the catalogue. It also fined Netflix for violating its streaming policy.

Last, both the RTSC and ICTA must cooperate with the Competition Authority regarding matters relating to competition and anti-competitive practices. There have been cases where cooperation between ICTA and the Competition Authority has been low, and there have been some disputes regarding the respective scopes of the two authorities. ICTA and the Competition Authority signed a cooperation protocol in 2011 and the scope of this protocol was expanded on 22 January 2015. This protocol aims to ensure the cooperation of the two regulatory bodies and avoid conflicts of jurisdiction. However, within the scope of article 7 of the protocol, article 6/2 of Law No. 5809 regarding seeking the opinion of the Competition Authority has been emphasised.

Appeal procedure

29 How can decisions of the regulators be challenged and on what bases?

The Radio and Television Supreme Council, the Information and Communication Technologies Authority and the Competition Authority are all independent and impartial administrative authorities and render administrative decisions related to the media sector in Turkey. The decisions are rendered under the earlier-mentioned laws and regulations, and also the administrative laws and regulations, mainly Law No. 2577 on Administrative Procedures. Criminal courts of peace, administrative courts and the Council of State are competent for legal actions to be taken against these administrative decisions.

Decisions rendered by the Board of Advertisement, established under the Ministry of Trade, can also be brought to administrative courts.

In principle, the time to bring an action for nullity is 60 days from the notification of the decision. Under Law No. 2577, an action for nullity against administrative decisions and actions can be brought forward under the following circumstances:

- If the administrative decision is not made by the competent governmental body; or
- If the form, rationale, subject or objective of the administrative decision is against the law.

Administrative court decisions can be appealed before the regional administrative courts within 30 days, starting with notification of the court's decision.

Competition law developments

30 Describe the main competition law trends and key merger and antitrust decisions in the communications and media sectors in your jurisdiction over the past year.

One of the most important decisions rendered by the Competition Authority is the decision regarding *Google LLC, Google International LLC and Google Reklamcılık ve Pazarlama Ltd Sti (Google)*. In the decision, dated 19 September 2018, the Competition Authority imposed an administrative fine in the amount of over 98 million Turkish lira on Google, and the decision was finalised on 13 February 2020. The decision of the Competition Board was based on article 6 of Law No. 4054 on the Protection of Competition, stating that Google has abused its dominant position in the mobile operating systems sector. Additionally, the Competition Board granted Google three months to comply with certain obligations determined in its decision; however, Google has not

complied with said obligations. Additionally, another investigation was conducted against *Google Reklamcilik ve Pazarlama Ltd. Sti., Google International LLC, Google LLC, Google Ireland Limited and Alphabet Inc.* regarding their dominant position allegations on general search-services markets. The Competition Authority imposed an administrative fine of over 19 billion Turkish lira on the parties, and the decision was finalised on 13 November 2020. Further, the Competition Authority recently concluded another investigation against *Google Reklamcilik ve Pazarlama Ltd. Sti., Google International LLC, Google LLC, Google Ireland Limited and Alphabet Inc* into abusing its dominant position in the general search-services market, highlighting its local search and accommodation price comparison services in a way that excludes competitors. The Competition Authority imposed an administrative fine of over 29 billion Turkish lira on the parties, and the decision was finalised on 8 April 2021.

Moreover, The Competition Authority ex officio opened an investigation against Facebook Inc, Facebook Ireland Ltd, WhatsApp Inc and WhatsApp LLC (Facebook) regarding the obligation to share data imposed on WhatsApp users to determine whether the article titled 'abuse of dominant position' of the Law on the Protection of Competition was violated. With the Competition Authority's Decision No. 21-02/25-10, dated 11 January 2021, it was unanimously decided to impose interim measures on Facebook that Facebook in Turkey shall stop enforcing the conditions imposed on WhatsApp users to use their data for other services as of 8 February 2021, and Facebook shall notify all users who accept these conditions or read the informative document and do not accept these conditions that the new conditions regarding data privacy will not be imposed until the mentioned date.

Another important decision concerns *Huawei Telekomunikasyon Dis Ticaret Ltd Sti* (Huawei), dated 30 May 2019. The Competition Board, upon its investigations concerning the base station hardware and software market and the base station antenna market, decided that Huawei did not abuse its dominant position in the mobile network sector by way of predatory pricing.

Last, Turkey's Competition Authority has launched an investigation into the online advertising sector on 6 March 2021, after the Board's meeting on 21 January 2021. It is aimed to find out the structure and functioning of the sector, the structural or behavioural competition problems in the sector and discuss the adequacy of existing competition law instruments and possible new instruments, to establish an effective competition. In this respect, it is planned to meet with policymakers, enterprises and association of undertakings to find out market failures and competition problems and to propose solutions in the process.

Coronavirus

31 | What emergency legislation, relief programmes and other initiatives specific to your practice area has your state implemented to address the pandemic? Have any existing government programmes, laws or regulations been amended to address these concerns? What best practices are advisable for clients?

As a result of some operators submitting their requests to ICTA, the measures to be taken by operators, within the scope of all access or interconnection offers during the covid-19 outbreak was adopted by ICTA Decision No. 2020/DK-ETD, dated 31 March 2020. The submitted requests were:

- taking measures regarding reference access or interconnection offers or some issues regulated by other regulations of ICTA;
- suspending some liabilities temporarily; or
- granting additional time.

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Accordingly, ICTA stated that, operators shall take all necessary measures to ensure that electronic communication services may be provided without interruption, that any malfunctions that may occur are quickly eliminated, capacity increases are carried out quickly against possible network bottlenecks, and that there is no discrimination between operators that receive services at a wholesale level without justified reasons.

Also, measures to be taken by operators for the protection of consumer rights during the covid-19 outbreak were adopted by the Department of Consumer Rights, No. 2020/DK-THD/100, dated 31 March 2020. Some of these measures include:

- Taking all necessary measures, including the development of flexible working opportunities with remote or home access within the bounds of possibility, to ensure that call-centre services can be carried out by operators without interruption.
- During the epidemic period, similar to the practices seen in national and international examples, taking all necessary steps by the operators to implement the applications in favour of subscribers in our country (providing subscribers with discounted or free services or voice, message and data benefits, expiry of the deadline, late payment, line restriction, closure or enforcement providing flexibility and convenience to subscribers in the follow-up measures, invoice payment terms and dates, etc).
- During the epidemic period, due to the possibility that it may not be possible to send printed invoices to subscribers, sending invoices electronically (by using short message service, interactive voice response and email) without requiring additional approval from subscribers,
- In addition to continuing to make mobile electronic communication contracts with secure electronic signature over the e-Government portal, taking all necessary security measures in the establishment of subscription contracts, to keep physical contact with the consumer at a minimum level to prevent the spread of epidemic effects, without prejudice to the query or verification obligations of the operators regulated in the legislation. Also, the Procedures and Principles Regarding Application for Termination of Subscription Agreements via the E-Government Gateway has been adopted by the Department of Consumer Rights, with ICTA Decision No. 2020/DK-THD/139, dated 12 May 2020.

- During the epidemic process, under the Information and Communication Technologies Authority Decision No. 2016/DK-THD/496, dated 21 December 2016, letter of the Department of Consumer Rights No. E167, dated 4 April 2017, Procedures and Principles Regarding Measures for Socially Supported Sectors, postponing the deadline for three months for submitting the related reports which the operators are obliged to send to ICTA, without prejudice to their liabilities regarding the issue.

Last, the Measures for Remote Access Services document, the document regarding the phishing attacks on the terms 'Coronavirus' and 'COVID-19' and the measures to be taken against fake applications in this context, and the recommendation document containing the issues to be considered in terms of cybersecurity in the use of videoconferencing and meeting software have been published by ICTA.

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