

# INDIREG

## FINAL REPORT – ANNEX

*Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)*

Annex II – Country Tables – Turkey

## Table of contents

I. GENERAL INFORMATION .....	3
<b>Table 1 - Market data</b> .....	3
<b>Table 2 - Audiovisual laws and regulatory bodies</b> .....	3
<b>Table 3 - Regulatory bodies – general information</b> .....	4
<b>Table 4 - Sectors covered</b> .....	5
<b>Table 5 - Staff and overall budget</b> .....	5
II. INSTITUTIONAL FRAMEWORK .....	6
<b>Table 6 - Legislation establishing and governing the regulatory body</b> .....	6
<b>Table 7 - Legal status</b> .....	6
<b>Table 8 - Independence as a value</b> .....	6
III. POWERS OF THE REGULATORY BODIES .....	7
<b>Table 9 - Regulatory powers</b> .....	7
<b>Table 10 - Supervision and monitoring power</b> .....	8
<b>Table 11 - Powers of sanctions</b> .....	8
<b>Table 12 - De facto use of formally granted competences and monitoring powers</b> .....	9
<b>Table 13 - De facto use of formally granted sanction powers</b> .....	9
<b>Table 14 - Complaints handling</b> .....	10
IV. INTERNAL ORGANISATION AND STAFFING .....	10
<b>Table 15 - Highest decision-making organ – composition</b> .....	10
<b>Table 16 - Highest decision-making organ – competences and decision-making process and transparency</b> .....	11
<b>Table 17 - Highest decision-making organ – appointment process</b> .....	12
<b>Table 18 - Term of office and renewal</b> .....	13
<b>Table 19 - Professional expertise/qualifications</b> .....	14
<b>Table 20 - Rules to guard against conflicts of interest – Appointment process</b> .....	14
<b>Table 21 - Rules to guard against conflicts of interest – during term of office</b> .....	15
<b>Table 22 - Rules to guard against conflicts of interest – after term of office</b> .....	16
<b>Table 23 - Rules to protect against dismissal</b> .....	16
<b>Table 24 - Dismissal before term</b> .....	17
V. FINANCIAL RESOURCES .....	18
<b>Table 25 - Sources of income</b> .....	18
<b>Table 26 - Annual budget</b> .....	19
<b>Table 27 - Financial accountability – auditing</b> .....	19
VI. CHECKS AND BALANCES .....	20
<b>Table 28 - Formal accountability</b> .....	20
<b>Table 29 - Reporting obligation</b> .....	22
<b>Table 30 - Auditing of work undertaken</b> .....	22
<b>Table 31 - Power to overturn/instruct</b> .....	23
<b>Table 32 - Number of stages in appeal procedure</b> .....	24
<b>Table 33 - Does the regulator’s decision stand pending appeal?</b> .....	24
<b>Table 34 - Accepted grounds for appeal</b> .....	25
<b>Table 35 - Does the appeal body have power to replace the original decision with its own?</b> .....	25
VII. PROCEDURAL LEGITIMACY .....	25
<b>Table 36 - External advice regarding regulatory matters</b> .....	25
<b>Table 37 - Public consultations</b> .....	26
<b>Table 38 - Public consultations – figures</b> .....	26
<b>Table 39 - Publication of regulator’s decisions</b> .....	26
VIII. COOPERATION .....	27
<b>Table 40 - Cooperation with other regulatory authorities</b> .....	27
<b>Table 41 - International cooperation</b> .....	27

## I. GENERAL INFORMATION

**Table 1 - Market data**

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Turkey	22 national, 15 regional, 210 local TV stations 77 cable TV channels, 135 Satellite TV channels <a href="http://mavise.obs.coe.int/country?id=32">http://mavise.obs.coe.int/country?id=32</a>	VOD and IPTV services have recently started in Turkey. Turkish Telecom's subsidiary TTNET is the leader in the market. There are also around 10 big ISPs offering various online services. <a href="http://www.ttnet.com.tr">www.ttnet.com.tr</a>	Turkish Radio and Television Corporation (TRT) runs 12 channels, 6 national, 6 regional, 1 local, 2 international radio channels and one news portal in 30 languages (TRT-world.com) <a href="http://www.trt.net.tr">www.trt.net.tr</a>

**Table 2 - Audiovisual laws and regulatory bodies**

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Turkey	Information requirements (art. 5 AVMS Directive)	Law. No. 3984, Law on the Establishment and Broadcasts of Radio and Television, 13 April 1994 (Certain articles are amended by Law No. 4756, 15 May 2002) Draft law to harmonise legislation with AVMS Directive is in the Parliament for adoption in 2010	Turkish Radio and Television Supreme Council (RTÜK) is responsible for all issues and sectors covered.		
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)				
	Accessibility to people with a disability (Art. 7 AVMS Directive)				
	Broadcasting of major events (Art. 14 AVMS Directive)				
	Access to short news				

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	reports (Article 15 AVMS Directive) Promotion of European works (Art. 13, 16, 17 AVMS Directive) Hate speech (Art. 12 and 6 AVMS Directive) Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive) Protection of minors (Art. 27 AVMS Directive) Right of reply (Art. 28 AVMS Directive) Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)				

**Table 3 - Regulatory bodies – general information**

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Turkey	Radio ve Televizyon Üst Kurulu - RTÜK (Turkish Radio and Television Supreme Council)	<a href="http://www.rtuk.org.tr">www.rtuk.org.tr</a>	April 1994	ANKARA

**Table 4 - Sectors covered**

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Turkey	RTÜK	Yes	Yes (in cooperation with Information and Communication Technologies Authority)	Yes	Information and Communication Technologies Authority	Information and Communication Technologies Authority	No

**Table 5 - Staff and overall budget**

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Turkey	RTÜK	Not foreseen in law, but RTÜK's budget and list of staff are reviewed with the Parliament' Presidency's budget in the Plan and Budget Commission, debated and approved at the Plenary Session of the Parliament RTÜK says: 670	422	€71.9m	€34.3m	2008-2010 TBMM Journal of Minutes (December 17, 2008) Term: 23, Legislative year: 3 Session: 29, Vol. 35, Ankara: TBMM.

## II. INSTITUTIONAL FRAMEWORK

**Table 6 - Legislation establishing and governing the regulatory body**

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Turkey	RTÜK	Law. No. 3984, Law on the Establishment and Broadcasts of Radio and Television, April 1994 (Amended by Law No. 4756, May 2002)	Law. No. 3984 Implementing legislations: I. The Directive on the Working Standards and Procedures of the Radio and Television Supreme Council II. The Directive on the Personnel of the Radio and Television Supreme Council III. The Directive on the Establishment and the Obligations of the Board of Radio and Television Supreme Council

**Table 7 - Legal status**

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Turkey	RTÜK	It is a statutory body established by law	Yes		The Law states that "The Radio and Television Supreme Council is established as an autonomous and impartial public legal person in order to regulate radio and television broadcasting services".	Law No. 3984 (Article 5)

**Table 8 - Independence as a value**

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Turkey	RTÜK		√ Article 5 of the Law states that “The Radio and Television Supreme Council is established as an autonomous and impartial public legal person in order to regulate radio and television broadcasting services”	Law No. 3984 (Article 5)

### III. POWERS OF THE REGULATORY BODIES

#### Table 9 - Regulatory powers

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Turkey	RTÜK	Tick boxes	√	√	√
		Areas	Broadcasting standards Advertising Sponsorship Right of Reply Retransmission Protection of minors Media ownership	Monitoring broadcasting standards	Allocation of Channels and Frequency Bands Ownership Sanctions
		Source	General act These powers derive from Law No.	these powers derive from Law No. 3984	General act These powers derive from Law No. 3984

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
			3984		

**Table 10 - Supervision and monitoring power**

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Turkey	RTÜK	Quotas	N/A	N/A	N/A	N/A		
		Advertising	√	√	√	√		Law No. 3984 (Articles 19, 20, 21, 22, 23)
		Protection of minors	√	√	√	√		Law No. 3984 (Article 4)

**Table 11 - Powers of sanctions**

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Turkey	RTÜK	Quotas	N/A (No quota requirements)	N/A	N/A	N/A	N/A	
		Advertising	√ all sanctions are discretionary	√ Fines against national broadcasters cannot be less than TRY 250,000 (approx. €130,000),	√ Publishes its decisions on its website	√	√	



Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
				up to TRY 500,000 (approx. €260,000).				
		Protection of minors	√	√ same as above	√ same as above	√		Prison sentences (and fines) can be ordered against directors of televisions/radio broadcasters who broadcast without the required licence. Similar sentences can be ordered against broadcasters who fail to keep records of the programmes that are broadcast and who fail to communicate them, if they are ordered to do so by the prosecutor.

**Table 12 - De facto use of formally granted competences and monitoring powers**

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Turkey	RTÜK	√	√	√	√	√	√	√

**Table 13 - De facto use of formally granted sanction powers**

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Turkey	RTÜK	√ Issued 103 warnings to radio and television channels since 10 July 2005	√ Issued an administrative fine to radio and television channels 123 times since 10 July 2005	√ Publishes its board decisions on its website: <a href="http://www.rtuk.org.tr/sayfalar/IcerikGoster.aspx?icerik_id=3e3023f4-04d8-407b-844c-ad928fc51126">www.rtuk.org.tr/sayfalar/IcerikGoster.aspx?icerik_id=3e3023f4-04d8-407b-844c-ad928fc51126</a>	√ Issued 227 programme suspensions to radio and television channels since 10 July 2005	√

**Table 14 - Complaints handling**

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Turkey	RTÜK	Yes Complaints can be directed through its website, through which viewers can complain about programmes that are broadcast. It also has a hotline.	<a href="http://www.rtuk.org.tr/sayfalar/GorusOneri.aspx">www.rtuk.org.tr/sayfalar/GorusOneri.aspx</a> 444 1 178

#### IV. INTERNAL ORGANISATION AND STAFFING

**Table 15 - Highest decision-making organ – composition**

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ						Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts		

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Turkey	RTÜK	Board	9	No	No	No	No	No	Yes Board Members are chosen by the parliament among the candidates nominated by the political parties in accordance with their number of seats in the Grand National Assembly	No information available	Law. No. 3984 (Article 6)

**Table 16 - Highest decision-making organ – competences and decision-making process and transparency**

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Turkey	RTÜK	No information available	<p>Supreme Council works on full time basis. It must meet at least once a week with a presence quorum of 5 members (out of the 9 members). The law states that decisions must be taken with a majority of 5/9. The directive on the functioning of the board states that 7 members out of 9 need to be present.</p> <p>However, there are two exceptions:</p> <ul style="list-style-type: none"> <li>Decisions awarding frequency for a channel requires a majority of 6/9. (Article 12 of the directive on the</li> </ul>	<p>Yes</p> <p>The directive on the functioning of the board outlines how the decision making should take place in detail. Not all decisions are published. The decisions are written in a 'decision record book'.</p>	No

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
			<p>Workings of the RTÜK Board)</p> <ul style="list-style-type: none"> <li>Appointment of General Director of the Turkish Radio Television Corporation (TRT) and of board members requires a majority of 6/9. (Article 15 of the directive on the Workings of the RTÜK Board)</li> </ul>	However, the board members decide which decisions to announce and decisions are announced to the press only by the Chairman of the Board or a member to whom this task is assigned.	

**Table 17 - Highest decision-making organ – appointment process**

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Turkey	RTÜK	Chairman	No	n/a	Board members elect a president and a vice-president among its members.	n/a	Law No. 3984 (Article 7)
		Board members	Yes	Political parties nominate twice more candidates (than the number of members to appoint) in accordance with their	Members are appointed by Parliament.	No	Law No. 3984 (Article 6)

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
				number of seats in Parliament. The Board members are elected among these candidates on the basis of the number of members of each political party in Parliament.			

**Table 18 - Term of office and renewal**

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Turkey	RTÜK	Chairman of the board	2 years	No	Yes	Law No. 3984 (Article 7)
		Board members	6 years	Yes One third of the board should be renewed	Yes	Law No. 3984 (Article 7)

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
				every two years		

**Table 19 - Professional expertise/qualifications**

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Turkey	RTÜK	Chairman of the board	Has to have at least four years of higher education, qualification for being a state employee and should be over the age of 30.	10 years professional working experience in public and private organizations is required. Experience in any of the areas of journalism, publishing, communication and technology, culture, religion, education, law is required.	Law No. 3984 (Article 6) Directive on the Working Standards and Procedures of the Radio and Television Supreme Council (Article 3)
		Board members			Law No. 3984 (Article 6) Directive on the Working Standards and Procedures of the Radio and Television supreme Council (Article 3)

**Table 20 - Rules to guard against conflicts of interest – Appointment process**

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Turkey	RTÜK	Chairman	Yes		No	No During the nomination stage, political parties can take no decision or negotiate in their party groups on who will be voted	No	No Members (including the chairman) who are civil service officials shall be considered on leave without pay from their organization for the duration of their term of office.	Has to submit a declaration of property annually	Law No. 3984 (Article 10)
		Board members	Yes		No	Same as above	Same as above	Same as above	Have to submit a declaration of property annually	Law No. 3984 (Article 10)
		Senior staff			No					

**Table 21 - Rules to guard against conflicts of interest – during term of office**

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Turkey	RTÜK	Chairman	Yes		No	Yes Cannot be a member to any political party	Yes Same as table 20.	Law No. 3984 (Article 9)
		Board members	Yes		Same as above	Same as above	Same as above	Law No. 3984 (Article 9)
		Senior staff		No				

**Table 22 - Rules to guard against conflicts of interest – after term of office**

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Turkey	RTÜK	Chairman		No		
		Board members		No		
		Senior Staff		No		

**Table 23 - Rules to protect against dismissal**

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.



Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Turkey	RTÜK	Chairman	Yes		May not be removed from his/her seat on the Council or from his/her elected post during the term of office.	The chairman who (or his relatives up to the third degree) becomes member of a political party or acquires an interest in a media company shall be accepted as resigned. This issue shall be decided by the Supreme Council.	Not stated in the Law, but the rules are stated to apply to individual members	Law No. 3984 (Article 10)
		Individual board members	Yes		Same as above	Same as above	Same as above	Law No. 3984 (Article 10)

**Table 24 - Dismissal before term**

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Turkey	RTÜK	2005-2009	Chairman		No		
			Individual board members		No		

## V. FINANCIAL RESOURCES

**Table 25 - Sources of income**

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Turkey	RTÜK	No	Allocations from the Assembly budget	No	No	Yes	<ul style="list-style-type: none"> <li>Annual fees from commercial broadcasters</li> <li>Tax on advertising income of private broadcaster</li> </ul> <p>Collects 5% share of annual gross advertising receipts of private radio and television enterprises</p> <p>There are plans to reduce the amount to 3% but the draft law has not yet been introduced before the Parliament.</p>	

**Table 26 - Annual budget**

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Turkey	RTÜK	The budget submitted to Parliament is first assessed by the Planning and Budget Commission and finalised in a session of the General Assembly.	Yes The regulator prepares its own budget in accordance with its annual activities and income. In cases where it needs additional funding, the amount required is added to its annual budget document submitted to Parliament.	RTÜK	No	Directive on the Accounts and the Administrative Operations of the Radio and Television Supreme Council

**Table 27 - Financial accountability – auditing**

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
Turkey	RTÜK	Yes	Annual (information is not confirmed)	Yes The Turkish Court of Accounts (TCA) audits RTÜK. It is a constitutional body with a judicial power and not subject to administrative or political supervision	Has not been the case yet (information is not confirmed)	Information not available	Turkish Constitution (Article 160)

Country	Body	Is the regulatory body subject to periodic external auditing?					
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	Legal basis
				and is responsible for auditing on behalf of Parliament the revenues, expenditures and property of government offices operated under the general and annexed budgets.			

## VI. CHECKS AND BALANCES

**Table 28 - Formal accountability**

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Turkey	RTÜK	Parliament	Yes	RTÜK has to submit an official response to queries submitted by MPs during the parliamentary sessions.	<i>No information available</i>
		Government as a whole	No	Relations of the government with the Supreme Council are conducted by the Prime Minister	Law No. 3984 (Art. 14)
		Specific ministers (e.g. Media, finance, etc.)	No	The state minister responsible of media is also responsible of the regulator.	N/A
		Public at large	No	N/A	N/A
		Other	No	N/A	N/A



**Table 29 - Reporting obligation**

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved ?	Link
Turkey	RTÜK	Parliament and Turkish Court of Accounts	Annual	General	Yes	No	No	Parliament achieves

**Table 30 - Auditing of work undertaken**

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Turkey	RTÜK	Yes	The last report published in 17/02/2010 covered the years 2006-2007-2008	Yes State Audit Board of the Presidency of the Republic (not regular) Turkish Court of Accounts (Regular)	No	No	Art. 10 of Law no 3984

**Table 31 - Power to overturn/instruct**

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Turkey	RTÜK	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	Art. 39 of Law No. 3984
		Does anybody have the power to give instructions to the regulatory body?	No	No	No	No	No	
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude	N/A	N/A	N/A	N/A	N/A	N/A

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		instructions on political grounds)?						

**Table 32 - Number of stages in appeal procedure**

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage		Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Turkey	RTÜK	External	1	Administrative court	No	Broadcasters, Board Members	Law no: 3984, art. 39, art. 33
			2	Council of State			
			3	Council of State for a second reading of the file			

**Table 33 - Does the regulator's decision stand pending appeal?**

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Turkey	RTÜK			√	N/A



**Table 34 - Accepted grounds for appeal**

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Turkey	RTÜK	√	√	√	N/A

**Table 35 - Does the appeal body have power to replace the original decision with its own?**

Country	Body	Appeal stage	Yes	No	Comments
Turkey	RTÜK	2-3 Council of state		√	The appeal body has the power to cancel the decision.

## VII. PROCEDURAL LEGITIMACY

**Table 36 - External advice regarding regulatory matters**

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Turkey	RTÜK	No	N/A	RTÜK is not subject to the provisions of State Tender Law no 2886. The procedure regarding the Supreme Council's purchasing-selling, renting, transporting and other transactions shall be determined by a regulation. However, on the areas such as frequency allocations the body must respect public tender procedures.	-	No

**Table 37 - Public consultations**

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Turkey	RTÜK	It is not stated in the Law, however in recent years the regulator consulted various groups (academics, broadcasters) on the areas of protection of minors, advertising regulations, enforcement of ethical standards.	Broadcasters	Varies on the topic		Yes	Voluntary basis

**Table 38 - Public consultations – figures**

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Turkey	RTÜK	2005-2009	None

**Table 39 - Publication of regulator's decisions**

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Turkey	RTÜK	None by law	Not specified in the law	No	No

## VIII. COOPERATION

**Table 40 - Cooperation with other regulatory authorities**

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Turkey	RTÜK	I. Cooperation with the Information and Communication Authority (Bilgi Teknolojileri Kurumu, BTK).	Cooperation agreement signed in March 2006	No	According to the current regulatory framework (Law No. 3984, Article 24) , authorization of making studies for the frequency plans for national, regional and local radio and television channels and frequency bands of radio and television broadcasts in Turkey are under the responsibility of the BTK.
		II. Ad-hoc cooperation with the Communication High Council (Haberleşme Yüksek Kurulu, HYK)	Ad-hoc, on the basis of Law No. 3984 (Article 24)	Yes (see comments)	HYK shall determine to what extent and according to which schedule radio and television frequencies are tendered and shall notify the Supreme Council for the tender within this framework.

**Table 41 - International cooperation**

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Turkey	RTÜK	<p>Yes. It is a member of European Platform of Regulatory Authorities (EPRA)</p> <p><u>Council of Europe</u></p> <ul style="list-style-type: none"> <li>• EPRA (European Platform of Regulatory Authorities)</li> <li>• MNRA (Mediterranean Network of Regulatory Authorities)</li> <li>• BRAF (Black sea Regulatory Authorities Forum)</li> </ul> <p><u>Bilateral cooperation</u></p> <ul style="list-style-type: none"> <li>• RTUK and Broadcasting Council of the Republic of Macedonia</li> <li>• RTUK and National TV and Radio Council of the Republic of Azerbaijan</li> <li>• RTUK and High Council of Broadcasting- Turkish Republic of Northern Cyprus</li> </ul>	Law no 3984, Article 8	-