MEDIA LAW
INTERNATIONAL ®

e-Zine
02/18

Turkey extends regulation to include online broadcasting


shutterstock/ 49983280

Turkey's radio and TV regulator is granted powers to monitor internet content under draft law submitted to parliament

Turkey has introduced a draft law that would bring internet broadcasting under the regulation of the RTUK, the country's Radio and Television Supreme Council.

The bill was submitted to parliament on 08 February and is described by the opposition party as amounting to digital censorship.

If approved, the bill would allow the RTUK to regulate online content including social media posts and films offered by internet-based providers such as Netflix.

The RTUK will have regulatory authority to halt any internet broadcasting deemed a threat to national security or moral values.

The regulator's expansion of powers has been criticised by the Committee to Protect Journalists (CPJ) and is seen as an attempt to impede freedom of speech while acting as a barrier to independent news.

Commenting on the proposed changes, Nina Ognianova, a CPJ Europe and Central Asia Program Coordinator, said: "We call on Turkish authorities to abandon this latest attempt to deprive citizens of their right to access independent, alternative news and commentary."

She added: "This government, which already has control over traditional media ➔

Saudi to invest $64 billion in entertainment

Saudi Arabia has announced plans to invest $64 in its entertainment sector over the coming decade as part of wider social and economic reforms

During a media conference on 22 February, the General Entertainment Authority (GEA) chief, Ahmad bin Aqeel al-Khatib, said funding would cover new infrastructure and entertainment offerings.

Mr bin Aqeel al-Khatib said more than 5,000 events were planned for the year ahead, adding "God willing, you will see a real change by 2020".

According to the GEA chief, funding will come from the government and the private sector in a market boosted by new companies registering for licenses at a time of industry expansion and development.

Reforms are driven by the crown prince, Mohammed bin Salman, as part of kingdom's "Vision 2030" program that is aimed at diversifying the economy, with the entertainment sector seen as potential source of revenue growth.

In a statement, the Prince Mohamed commented: 'It is an ambitious yet achievable blueprint, which expresses our long-term goals and expectations and reflects our country's strengths and capabilities.' He also highlighted the kingdom's 'determination to become a global investment powerhouse'.

The authorities also announced plans to lift a decades-old ban on cinemas this year in a further move aimed at spurring growth in the entertainment sector, with around 300 cinemas expected to open by 2030. ■

What's inside

Contact

Zineb Serroukh-Ouarda
Managing Editor
zserroukh@medialawinternational.com
+44 7446 525 299

Trinity Mirror Group acquires newspaper titles including Daily Express and Daily Star

Trinity Mirror has agreed a £127 million deal to buy Northern & Shell titles including the Daily Express and Daily Star in one of the most significant transactions in the UK newspaper industry in more than a decade.

The deal brings together Trinity Mirror's portfolio of 130 titles with Northern & Shell's publishing assets including Daily Express, Sunday Express, Daily Star and Daily Star Sunday, as well as three celebrity magazines, OK!, New! and Star.

Northern & Shell's founder Richard Desmond has owned the Express titles for 18 years and will retain an "ongoing interest" in the combined company.

Commenting on the sale, Mr Desmond said: "The Express Newspapers and our celebrity magazine titles have been a key part of the Northern & Shell portfolio for many years, and I am immensely proud of building them into one of the largest newspaper and magazine groups in the UK."

He added: "Today's transformational transaction is a logical and natural next step in the evolution and consolidation of the media sector and will create a larger and stronger platform serving all stakeholders."

Simon Fox, Chief Executive, Trinity Mirror, described the deal as "a really exciting moment in Trinity Mirror's history". ■

Fairfax ready to "take advantage" of merger options

Fairfax has highlighted an interest in media consolidation after presenting its 2018 half-year financial results on 21 February.

The report shows a rise in first-half operating earnings and "solid performances" attributed to transformation initiatives implemented over the past five years.

Greg Hywood, Fairfax Media CEO & Managing Director said: "Our balance sheet is strong with a net cash position for Fairfax's 100%-owned entities. We will take advantage of opportunities arising from media consolidation as and when it occurs."

Australia's media reforms that cleared the Senate in September 2017 have made way for cross-media ownership in the country's biggest reform in 30 years.

Legislative changes include abolishment of the "two out of three" rule which prevented companies from owning a newspaper, radio and television station in the same city.

The bill also abolished the "reach rule" which prevented broadcasters from reaching more that 75 per cent of the population.

Although Fairfax confirmed the company is not involved in formal merger discussions at the moment, market speculation highlights possible deals with free-to-air TV groups Nine Entertainment or Seven West Media.

Mr Hywood commented: "Our Publishing businesses generate strong cash flows, benefit from cost control expertise, and continue to invest in revenue growth opportunities. We expect greater industry cooperation will deliver significant benefits." ■

Turkey extends regulation to include online content

continued from page 1

← in Turkey, is now aiming to police the internet as well."

Under the proposed legislative changes, the RTUK will have the authority to issue or reject broadcasting licenses. The RTUK can also delay licenses without providing a reason, say lawyers who describe the regulation as a controversial legal development.

Lawyers say it is not yet clear how the RTUK would regulate international content providers such as Netflix and YouTube, or what sanctions would be put in place for failure to comply with rules.

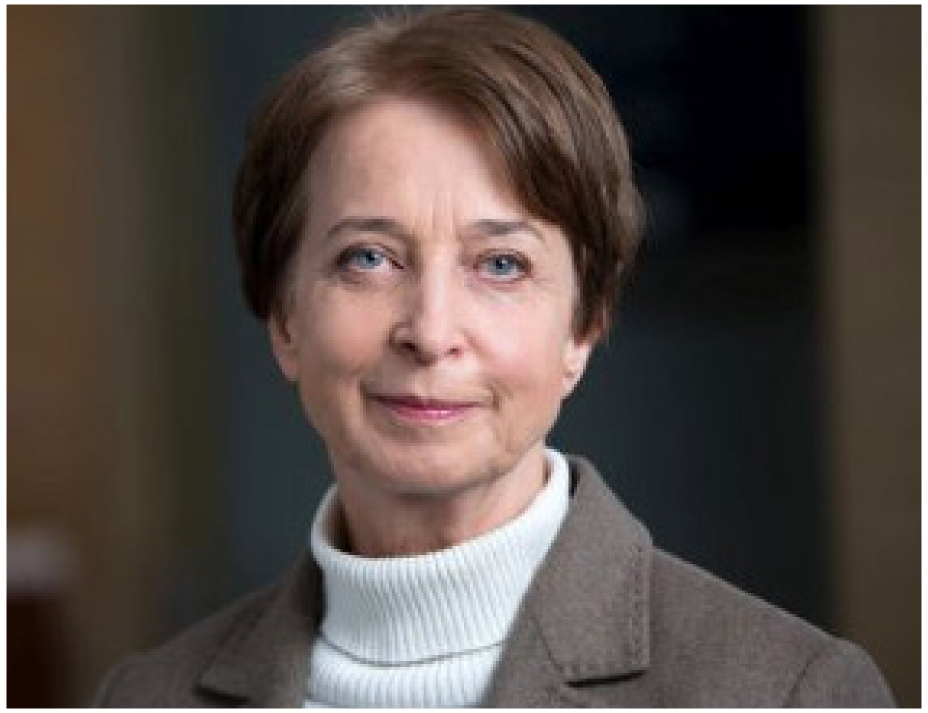
On its website, the CPJ, stated: 'The Committee to Protect Journalists calls on Turkish authorities to scrap the article of a draft bill that would expand internet censorship in Turkey.'

The Organization for Security and Co-operation in Europe (OSCE) has also urged parliament to abandon the regulation which it says 'could restrict online broadcasting and further limit media pluralism in the country'.

Harlem Désir, OSCE Representative on Freedom of the Media, shared a legal review with the Turkish authorities. Mr Désir stated: 'The bill could potentially restrict online broadcasting and limit content pluralism online. It is also questionable whether the bill is compatible with international treaties.' ■

Polish regulators issue new law supporting freedom of speech

Prof. Elżbieta Traple



Professor Traple highlights legislative change that alleviates restrictions faced by journalists

The Polish Press Law of 1984, though amended many times, is of course outdated to a high degree, especially when it comes to the internet.

Although, in my opinion, a completely new law would be necessary, in 2017 another amendment was made, favourable for freedom of speech of journalists. The change concerns the right to authorisation of the text of a person giving a statement and implements the recommendations of the European Court of Human Rights given in its judgment against Poland in 2011 (18990/05).

The Court noted a number of comments to the existing regulations on authorisation, finding them to be too restrictive for freedoms of journalists. It also challenged the criminal provisions, qualifying as a criminal offense the refusal to give authorisation to a person giving the statement. The new regulation provides that a press and internet journalist must inform about the right to authorisation but a person giving a statement must make a reservation immediately after interview that he/she wants to exercise that right. Time limits for authorisation are very short – 6 hours from receiving the statement record in the case of newsreels and information websites, and 24 hours in the case of newspapers.

What is important for the freedom of providing reliable information exercised by the press, the publication of the material without assuring authorisation is no longer a criminal offense punishable with a penalty of imprisonment but a minor offense subject to a fine. The provision saying that a person who publishes the cited speed verbatim shall not be subject to a penalty also implements the HUDOC guidelines.

Another change is the provision according to which a journalist may refuse to comply with his/her supervisor's business instruction (it relates to journalists employed with an editorial office) if the latter is connected with breach of the principles of professional reliability, objectivity and diligence.

As we can see, the HUDOC guidelines have only been implemented 6 years after the judgment, probably because during this time there were discussions in progress about a totally new press law.

Maybe in future we should, like other European countries, give up authorisation completely, since the related obligation is applicable to the publication of a statement cited verbatim.

But taking into account the current tendency of the ruling party to restrict the freedom of expression, changes in the opposite direction may not be excluded, either: as an example we may give a high penalty imposed quite recently on TVN, a private TV broadcaster, for a non-objective presentation of civic manifestations.

Regardless of the changes in the Polish Press Law, one of the hottest topics recently has been the proposals put forward by the Law and Justice party (PiS) regarding deconcentration of media ownership, i.e. limitation of the share of foreign capital, primarily in press companies.

At the moment, regional and local press is completely dominated by the Polska Press Group, which is owned by Verlagsgruppe Passau. A dozen or so local dailies and more than 100 local weeklies are owned by it.

In 2017, the Ministry of Culture and National Heritage was working on deconcentration, which was supposed to involve limiting the share of foreign capital in the Polish press market to a minority share either through the market adjusting itself to the new capital requirements (sale and purchase of shares) or through a buyout of majority shares by Polish State Treasury companies. Another option taken into account was a ban on different types of media being held by a single owner.

In autumn 2017, however, the PiS decided that the media ownership deconcentration bill was not urgent and work on it would not be continued for the time being. ■

Prof. Elżbieta Traple, Ph.D.
elzbieta.traple@traple.pl
+48 12 426 05 30

Featured Firm: Gugushev & Partners

Gugushev & Partners
LAW OFFICE

Leading Bulgarian Law Firm

"Gugushev & Partners has developed an established position in the market and is rising as one of the region's most widely respected practices. Founding partner Stefan Gugushev has exceptional experience advising a broad range of clients and leads the team in its advice on broadcasting, programming and regulation. Working with peers, leading lawyer Petko Angelov advises on advertising, sponsorship and licensing matters."

Media Law International 2017

Gugushev & Partners Law Office
11A Aksakov St., fl. 5, office 3
1000 Sofia
Bulgaria

Phone: +359 2 815 75 10
Fax: +359 2 981 69 64
office@gugushev.com
www.gugushev.com