

10103

## **ORGANIZATION OF PUBLICATIONS MADE ON THE INTERNET AND THESE PUBLICATIONS**

### **LAW ON FIGHTING CRIMES COMMITTED THROUGHOUT**

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**Purpose and scope**

**ARTICLE 1-** (1) The purpose and scope of this Law; content provider, hosting provider, access provider and mass use obligations and responsibilities of providers and content, location and access providers with certain crimes committed in the internet environment

It is to regulate the principles and procedures regarding the struggle over it.

**Definitions**

**ARTICLE 2-** (1) In the application of this Law;

a) Ministry: The Ministry of Transport,

b) (**Repealed: 15/8/2016-KHK-671/20 art.**)

c) (**Amended: 15/8/2016-KHK-671/art. 20**) Chairman: Chairman of the Information Technologies and Communications Authority,

ç) Information: The meaningful form of the data,

d) Access: Gaining the opportunity to use it by connecting to an internet environment,

e) Access provider: Any natural or legal person that provides its users with access to the internet environment,

f) Content provider: means producing, changing and changing all kinds of information or data presented to users over the Internet. natural or legal persons providing

g) Internet environment: Internet media that is open to the public and that is outside of communication and personal or corporate computer systems.

environment created on the internet,

ğ) Broadcasting on the Internet: The content on the Internet that can be accessed by an indefinite number of people. datas,

h) Monitoring: Following the information and data without affecting the data on the Internet,

ı) (**Amended: 15/8/2016-KHK-671/20 art.**) Institution: Information Technologies and Communication Institution,

i) Collective use provider: The one that provides people with the opportunity to use the internet environment in a certain place and for a certain period of time,

j) (**Amended: 26/2/2014-6527/art. 15**) Traffic information: IP address of the parties, the start and end of the service provided time, type of service used, amount of data transferred and subscriber identity information, if any,

k) Data: Any value that can be processed by the computer,

l) Broadcast: Broadcast on the Internet,

m) Hosting provider: Real or legal persons who provide or operate systems hosting services and content,

n) (**Annex: 6/2/2014-6518/85 art.**) Union: Access Providers Union,

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o) (**Annex: 6/2/2014-6518/article 85**) Denial of access: Blocking access from domain name, access from IP address blocking access to content (URL), blocking access by using similar methods,

ö) (**Annex: 6/2/2014-6518/article 85**) Content removal: Content or hosting providers removed from servers or hosted content,

p) (**Annex: 6/2/2014-6518/article 85**) URL address: The full internet address where the relevant content is located on the internet,

r) (**Annex: 6/2/2014-6518/article 85**) Warning method: Violation of rights due to broadcast content on the Internet

First of all, to the content provider, in a reasonable time, for the purpose of removing the content from the people who claim to be In case of failure, the notification method to be made to the hosting provider via the communication addresses, means.

**Obligation to inform** (1)

**ARTICLE 3-** (1) Content, location and access providers may provide introductory information within the framework of the principles and procedures determined by the regulation.

They are obliged to keep their information in their own internet environment in a way that can be accessed by users and up-to-date.

(2) The content, place or access provider that does not fulfill the obligation set forth in the above paragraph, by the Chairman.

Administrative fine from two thousand Turkish lira to fifty thousand Turkish lira. (12)

(3) (**Annex: 6/2/2014-6518/article 86**) Those who carry out the activities within the scope of this Law from within the country or abroad,

electronically based on information obtained through communication tools, domain name, IP address and similar resources on the internet pages.

Notifications can be made by mail or other means of communication.

(4) (**Annex: 26/2/2014-6527/16 art.; Amended: 10/9/2014-6552/126 art.; Cancellation: Constitutional Court's decision on 2/10/2014**

**With the Decision dated and numbered E.: 2014/149, K.: 2014/151.**) (3)

**Responsibility of content provider** (1)

**ARTICLE 4-** (1) The content provider is responsible for any content it makes available on the internet.

(2) The content provider is not responsible for the content of someone else to which it links. However, from the way it was presented, the link according to the general provisions, if it is clear that the user has adopted the content provided and intended for the user to reach the said content. is responsible.

(3) **(Annex: 6/2/2014-6518/article 87)** Content provider, the performance of the duties of the Institution given by this Law and other laws in the scope of; submits the requested information to the Institution as requested and takes the measures notified by the Institution. <sup>(one)</sup>

*(1) With the 21st article of the Decree Law No. 671 dated 15/8/2016, the "Presidency" in the second paragraph of the 3rd article of this Law the phrase "President", the phrase "Presidency" in the third paragraph of Article 4, the phrase "Institution", "Presidency" The phrase "Institution" was changed to "By the Presidency" and the phrase "By the Institution".*

*(2) With Article 126 of the Law No. 6552 dated 10/9/2014, the "ten thousand New Turkish Liras out of two thousand New Turkish Liras" in this paragraph*

*The phrase "in Turkish lira" has been changed to "from two thousand Turkish liras to fifty thousand Turkish liras".*

*(3) The said Cancellation Decision was published in the Official Gazette dated 1/1/2015 and numbered 29223.*

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### **Obligations of the hosting provider** <sup>(1)</sup>

**ARTICLE 5-** (1) The hosting provider is responsible for controlling the content it provides or whether an illegal activity is in question.

is not obliged to investigate.

(2) **(Amendment: 6/2/2014-6518/Art. 88)** The hosting provider, the illegal content that it provides hosting, is subject to the 8th and 9th articles of this Law.

It is obliged to remove it from publication if it is notified according to its articles.

(3) **(Annex: 6/2/2014-6518/article 88)** The hosting provider shall provide traffic information for the services it provides for less than one year and two years.

for a period to be determined in the regulation, not more than one year, and to keep the accuracy, integrity and responsible for maintaining its confidentiality.

(4) **(Annex: 6/2/2014-6518/Art. 88) Hosting providers can**

They can be classified according to the nature of the work and differentiated in terms of their rights and obligations.

(5) **(Annex: 6/2/2014-6518/Art. 88)** The hosting provider delivers the information requested by the Institution to the Institution as requested.

and to take the measures notified by the Institution. <sup>(one)</sup>

(6) **(Annex: 6/2/2014-6518/Art. 88) Not making a** hosting notification or fulfilling their obligations in this Law.

Administrative fee from ten thousand Turkish Liras to one hundred thousand Turkish Liras by the President about the hosting provider that does not comply

penalty is given. <sup>(one)</sup>

### **Obligations of the access provider**

**ARTICLE 6-** (1) Access provider;

a) Informing any user of illegal content published in accordance with the provisions of this Law.

(...) <sup>(2)</sup> blocking access,

b) Traffic information specified in the regulation regarding the services it provides, provided that it is not less than six months and more than two years.

to keep it for the period to be determined in the regulation and to ensure the accuracy, integrity and confidentiality of this information,

c) Notify the Authority, content providers and customers of the situation at least three months before the date of termination of its activities.

By submitting the records regarding the traffic and traffic information to the Authority in accordance with the principles and procedures specified in the regulation,

ç) **(Annex: 6/2/2014-6518/article 89)** Alternative access methods regarding the publications that have been decided to block access . by taking preventive measures,

d) **(Annex: 6/2/2014-6518/89 art.)** By submitting the information requested by the Institution to the Institution as requested, and <sup>(3)</sup> by taking the measures notified by

liable.

*(1) With the 21st article of the Decree Law dated 15/8/2016 and numbered 671, the phrase "Presidency" in the fifth paragraph of this article is replaced by the "Institution"*

*"To the Presidency" as "Institution", "By the Presidency" as "By the Institution" and as the sixth of the same article.*

*The word "President" in the paragraph has been changed to "President".*

*(2) With Article 89 of the Law No. 6518, the phrase "and to the extent that there is a technical possibility to prevent it" in this paragraph has been removed.*

*(3) With the 21st article of the Decree Law No. 671 dated 15/8/2016, the phrase "Presidency" in this paragraph is "Institution",*

*The phrase "To the Presidency" has been changed to "Institution" and the phrase "By the Presidency" to "By the Institution".*

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(2) The access provider shall verify whether the contents of the information accessed through it are unlawful and not liable.

It is not obliged to check whether it requires

(3) Those who do not fulfill one of the obligations in subparagraphs (b), (c), (ç) (...) <sup>(1)</sup> of the first paragraph,

An administrative fine from ten thousand New Turkish Liras to fifty thousand New Turkish Liras is imposed by the President. <sup>(1)(2)(3)</sup>

### **Access Providers Association**

**ARTICLE 6/A- (Annex: 6/2/2014-6518/90 art.)**

- (1) In order to ensure the implementation of the decisions to block access outside the scope of Article 8 of this Law. Access Providers Association was established.
- (2) The Union has a legal personality of private law. The headquarters of the union is Ankara.
- (3) The working procedures and principles of the Union shall be determined by the Regulation to be approved by the Institution. Bylaw changes as well  
It is subject to the approval of the institution.
- (4) The Union starts its activities after its Bylaws are reviewed and approved by the Institution.
- (5) The Association has authorized all internet services within the scope of Electronic Communications Law No. 5809 dated 5/11/2008.  
a coordinating organization formed by the participation of service providers and other operators providing internet access services. is an institution.
- (6) Decisions on blocking access outside the scope of Article 8 of this Law are made by access providers.  
is fulfilled. All kinds of hardware and software access providers themselves for the implementation of the decisions provided by.
- (7) Decisions on blocking access outside the scope of Article 8 of this Law shall be sent to the Union as required. This  
In this context, the notification made to the Union shall be deemed to have been made to the access providers.
- (8) The Union may object to the decisions that it considers not to comply with the legislation sent to it.
- (9) The income of the association consists of the fees to be paid by its members. Fees to be collected, expenses of the Union amount to be determined. The fee to be paid by a member is the net sales amount of that member within the total net sales amount of all members.  
determined by sales. Members' payment periods, when new members will start to pay, and  
Other matters regarding payments are determined in the Union's Bylaws. Fees not paid on time together with the statutory interest of the Union.  
is charged.
- (10) Internet service providers that are not members of the Union cannot operate.

*(1) With the Decision of the Constitutional Court dated 8/12/2015 and numbered E:2014/87, K:2015/112, the phrase "...and (d)..." in this paragraph was annulled.*

*and it is stipulated that the Decision will enter into force one year after it was published in the Official Gazette on 28/1/2016. taken.*

*(2) With the 21st article of the Decree Law dated 15/8/2016 and numbered 671, the phrase "President" in this paragraph has been changed to "President".*

*(3) With Article 89 of Law No. 6518, the phrase "(b) and (c)" in this paragraph has been changed as "(b), (c), (ç) and (d)".*

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**Obligations of collective use providers**

- ARTICLE 7-** (1) Providers of collective use for commercial purposes are obliged to obtain a permit from the local administrative authority.  
Information regarding the permit is notified to the Authority by the local administrative authority within thirty days. Supervision of these by local civil authorities  
done by. The principles and procedures regarding the issuance of the permit and inspection shall be regulated by a regulation.
- (2) **(Amended: 6/2/2014-6518/Art. 91)** All internet collective use regardless of whether it is for commercial purposes or not .  
providers, blocking access to criminal content and keeping access logs for use  
is obliged to take the measures determined by the regulation.
- (3) **(Amendment: 6/2/2014-6518/91 art.)** Providers of collective use for commercial purposes, protection of family and children,  
Within the scope of prevention of crime and detection of criminals, it is obliged to take the measures, the procedures and principles of which are determined in the regulation.
- (4) **(Annex: 6/2/2014-6518/Art. 91)** Collective use for commercial purposes that violates the obligations set forth in this article  
warning the suppliers within the framework of the procedures and principles to be determined by the regulation according to the gravity of the violation, ten thousand Turkish Liras  
one of the sanctions to impose an administrative fine of up to five thousand Turkish Liras or to cease commercial activities for up to three days.  
The local civil authority is authorized to make the decision.

**Decision to block access and its execution**

**ARTICLE 8-** (1) Sufficient grounds for suspicion that the crimes made on the Internet and the content of which constitute the following crimes

It is decided to block access regarding the publications found:

- a) In the Turkish Penal Code No. 5237 dated 26/9/2004;
- 1) Suicide (article 84),
  - 2) Child sexual abuse (article 103, first paragraph),
  - 3) Facilitating the use of drugs or stimulants (article 190),
  - 4) Supply of substances hazardous to health (article 194),
  - 5) Obscenity (article 226),
  - 6) Prostitution (article 227),
  - 7) Providing a place and opportunity for gambling (article 228),
- crimes.

b) Offenses included in the Law on Crimes Committed Against Atatürk, dated 25/7/1951 and numbered 5816.

(2) The decision to block access is made by the judge during the investigation phase and by the court during the prosecution phase.  
During the investigation phase, in cases where delay is inconvenient, the Public Prosecutor may also prevent access.

rar available. In this case, the public prosecutor submits his decision to the judge for approval within twenty-four hours and the judge makes his decision at the latest.

gives within twenty-four hours late. If the decision is not approved within this period, the measure is immediately taken by the Public Prosecutor.

is removed. **(Additional sentence: 6/2/2014-6518/art. 92)** If the decision to block access is deemed to fulfill the purpose, a certain

It can also be given for a limited time. The decision on the blocking of access given as a protection measure, dated 4/12/2004 and in accordance with the provisions of the Criminal Procedure Law No. 5271.

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(3) A copy of the decision to block access given by a judge, court or public prosecutor, as required.

sent to the Institution for execution. <sup>(one)</sup>

(4) The content or hosting provider of the broadcasts whose content constitutes the crimes specified in the first paragraph is abroad. or even if the content or hosting provider is located in the country, its content is numbered (2), (5) and (6) of subparagraph (a) of the first paragraph.

The decision to block access to the publications that constitute the crimes written in its sub-paragraphs is taken by the President ex officio.

This decision is notified to the access provider and it is requested to be fulfilled. <sup>(1)(2)</sup>

(5) The requirement for the decision to block access must be made immediately and at the latest within four hours from the notification of the decision.

is brought to them. <sup>(3)</sup>

(6) The identification of the broadcasters, which is the subject of the decision to block access given by the President,

If the decision is made, a criminal complaint is made by the President to the Office of the Chief Public Prosecutor. <sup>(one)</sup>

(7) If a decision is made not to prosecute as a result of the investigation, the decision to block access will automatically remains invalid. In this case, the public prosecutor sends a copy of the decision not to prosecute to the Institution.

<sup>(one)</sup>

(8) In case of acquittal during the prosecution phase, the decision to block access is automatically null and void.

it is. In this case, a copy of the acquittal decision is sent to the Institution by the court. <sup>(one)</sup>

(9) In case the content constituting the crimes listed in the first paragraph is removed from the broadcast; blocking access

The decision is removed by the public prosecutor during the investigation phase and by the court during the prosecution phase.

(10) Those who do not fulfill the requirements of the decision to block access given as a protection measure, from five hundred to three thousand days, unless the act does not constitute another crime requiring a heavier penalty.

punishable by a fine of up to <sup>(4)</sup>

(11) If the decision to block access given as an administrative measure is not fulfilled,

An administrative fine from ten thousand New Turkish Liras to one hundred thousand New Turkish Liras is imposed on the shipping provider. Administrative fine

If the decision is not fulfilled within twenty-four hours from the moment it is given (...) <sup>(1)</sup> Authorization by the Authority cancellation can be made. <sup>(one)</sup>

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*(1) With the 21st article of the Decree Law dated 15/8/2016 and numbered 671, the third, seventh and eighth paragraphs of the 8th article The words "Presidency" in the form of "Institution", the phrases "President" in the fourth, sixth and eleventh paragraphs are replaced by "President" and the phrase "at the request of the Presidency" in the eleventh paragraph was repealed.*

*(2) With Article 92 of Law No. 6518, the phrase "(2) and (5)" in this paragraph has been changed as "(2), (5) and (6)".*

*(3) With Article 127 of the Law No. 6552 dated 10/9/2014, the phrase "twenty-four hours" in this paragraph will be changed to "four hours". has been changed.*

*(4) With Article 92 of Law No. 6518, the phrase "imprisonment from six months to two years" in this paragraph is "five hundred days to three thousand days". judicial fine".*

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(12) Due to the misdemeanors defined in this Law (...) <sup>(1)</sup> Against the decisions regarding administrative fines given by the Institution,

In accordance with the provisions of the Administrative Procedure Law No. 2577 dated 6/1/1982, legal action may be taken. <sup>(one)</sup>

(13) **(Annex: 5/11/2008-5809/67 art.)** Judge and court decisions sent to the Institution for the execution of the proceedings dated 4/12/2004 and according to the provisions of the Criminal Procedure Law No. 5271, objections can be made by the Institution. <sup>(one)</sup>

(14) **(Annex: 12/7/2013-6495/47 art.)** Taxes, Funds and Shares Received from the Revenues of Games of Chance No 5602 dated 14/3/2007

Institutions and organizations defined in subparagraph (ç) of the first paragraph of Article 3 of the Law on the Regulatory

In case they determine that the crimes entered in the Internet are committed on the internet, they may take a decision to block access to these

publications.

Decisions on blocking access are sent to the Institution for implementation. <sup>(one)</sup>

(15) **(Annex: 26/2/2014-6527/17 art.) Pursuant to** this article, with the decision of the judge given during the investigation phase, in accordance with Article 9 and Article 9/A

In places where there is more than one criminal court of peace, the decision of the judge is determined by the High Council of Judges and Prosecutors. granted by the courts.

(16) **(Annex: 10/9/2014-6552/127 art.; Cancellation: Constitutional Court dated 2/10/2014 and E.: 2014/149, K.: 2014/151**

**By his decision.)** <sup>(2)</sup>

**Removal of content and/or blocking of access in cases where delay is inconvenient** <sup>(3)</sup>

**ARTICLE 8/A- (Annex: 27/3/2015-6639/29 art.)**

(1) The right to life, protection of life and property of persons, protection of national security and public order,

In cases where the judge or delay is inconvenient, depending on one or more of the reasons for prevention or protection of general health,

related to the Prime Ministry or the protection of national security and public order, the prevention of crime or the protection of general health.

At the request of the ministries, the removal of the content and/or access to the broadcast on the internet by the President

prohibition decision. The decision is immediately notified to the access providers and relevant content and hosting providers by the

President. Contents

The decision to remove and/or block access must be fulfilled immediately and at the latest within four hours from the notification of the decision.

is brought. <sup>(3)</sup>

(2) Removal and/or blocking of the content given by the President upon the request of the Prime Ministry or the relevant Ministries  
The decision is submitted by the President to the magistrate's approval within twenty-four hours. The judge announces his decision within forty-eight hours; opposite  
however, the decision is automatically lifted. <sup>(3)</sup>

(3) Decisions on blocking access given within the scope of this article, regarding the broadcast, section, section (URL, etc. form) is given by the method of blocking access to the content. However, it is technically impossible to block access to infringing content. or in cases where the violation cannot be prevented by blocking access to the relevant content, access to the entire website prohibition decision.

(4) By the President of the Republic, about those who create and distribute internet content subject to crime within the scope of this article. A complaint is made to the Attorney General's Office. The information necessary to reach the perpetrators of these crimes is content, location and access providers.  
given to the judicial authorities upon the decision of the judge. Responsibles of content, location and access providers who do not provide this information, the act is more severe.  
if it does not constitute another criminal offense, it is punished with a judicial fine from three thousand days to ten thousand days. <sup>(3)</sup>

(5) Access that does not comply with the decision to remove the content and/or block access given in accordance with this article. Administrative fine from fifty thousand Turkish liras to five hundred thousand Turkish liras by the President to content and hosting providers related to providers.  
is given. <sup>(3)</sup>

*(1) With the 21st article of the Decree Law dated 15/8/2016 and numbered 671, the phrase "To the Presidency" in the thirteenth paragraph of the 8th article  
In the form of "Institution", the phrase "by the Presidency" in the thirteenth paragraph is in the form of "By the Institution" and in the fourteenth paragraph  
The phrase "To the Telecommunications Communication Presidency" was changed to "Institution" and the "Presidency" or" is repealed.*

*(2) The said Cancellation Decision was published in the Official Gazette dated 1/1/2015 and numbered 29223.*

*(3) With the 21st article of the Decree Law dated 15/8/2016 and numbered 671, the "Presidency" in the first, second and fourth paragraphs of this article  
phrases have been changed as "President" and to come after the phrase "hosters" in the fifth paragraph of the same article.  
The phrase "by the President" has been added.*

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## 10106-1

### **Content removal and blocking <sup>(1)</sup>**

#### **ARTICLE 9- (Amended: 6/2/2014-6518/93 art.)**

(1) Real and legal entities claiming that their personal rights have been violated due to the content of the broadcast on the Internet. individuals, institutions and organizations, by applying to the content provider, if they cannot reach it, by applying to the hosting provider, with the warning method.  
may request that the content be removed from the broadcast or directly apply to the magistrate to prevent access to the content. can also request.

(2) Requests of persons claiming that their personal rights have been violated due to the content of the broadcast on the Internet, will be answered by the content and/or hosting provider within twenty-four hours at the latest.

(3) In line with the demands of those whose personal rights have been violated due to the content of the broadcast on the Internet, may decide to block access within the scope specified in this article.

(4) The judge shall base his decisions on blocking access within the scope of this article, based only on the personal right. by the method of preventing access to the content (in the form of URL, etc.) regarding the publication, section, section in which the violation occurred.  
gives. Unless it is obligatory, it cannot be decided to block access to the entire broadcast on the website. However,  
Convinced that the violation cannot be prevented by the method of preventing access to the content by specifying the dominant URL address  
In the event of such a decision, it may also be decided to block access to all publications on the website, provided that it also states the reason.  
can give.

(5) Decisions to block access given by the judge within the scope of this article are sent directly to the Union.

(6) The judge shall decide on the application made within the scope of this article within twenty-four hours at the latest, without holding a hearing.

ties. Against this decision, an objection can be made in accordance with the provisions of the Criminal Procedure Law dated 4/12/2004 and numbered 5271.

(7) If the content subject to the blocking of access has been removed from the broadcast, the judge's decision will automatically remains invalid.

(8) Pursuant to the decision to block access to the content sent by the Association to the access provider, immediately, at the latest four fulfilled by the access provider within hours.

(9) Regarding the violation of the personality right subject to the decision of the judge to block access within the scope of this article. In case the publication (...) <sup>(2)</sup> is also published on other internet addresses, the relevant person applies to the Association.  
In this case, the current decision is also applied to these addresses. <sup>(2nd)</sup>

(10) Those who do not fulfill the decision of the criminal judge of peace in accordance with the conditions specified in this article and in due time.  
the responsible person is punished with a judicial fine from five hundred days to three thousand days.

*(1) While the title of this article is "Removal of the content and the right of reply", it is stated that it is included in the text with Article 93 of the Law No. 6518.  
has been changed accordingly.*

*(2) The Constitutional Court published in the Official Gazette dated 28/1/2016 and numbered 29607, dated 8/12/2015 and E:2014/87, K:2015/112 With the Decree no.*

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**Blocking access to content due to privacy** <sup>(1)</sup>

**ARTICLE 9/A- (Annex: 6/2/2014-6518/94 art.)**

(1) Persons who claim that their privacy has been violated due to the content of the broadcast on the Internet,

It can request the implementation of the measure to prevent access to the content by applying directly to the institution. <sup>(one)</sup>

(2) In this request; the full address (URL) of the infringing publication, the aspects of the infringement

Information to prove the explanation and identity information about the subject is included. Request processing if this information is missing

not placed.

(3) The President immediately notifies the Union of this request to be implemented, and the access providers request this measure. immediately, within four hours at the latest. <sup>(one)</sup>

(4) Denial of access, regarding the broadcast, part, section, picture, video that violates the privacy of private life (URL form) through blocking access to content.

(5) Persons who request the blocking of access, due to the content of the broadcast on the internet,

within twenty-four hours from the time of the request for the blocking of access due to the fact that its privacy has been violated.

submits it to the decision of the magistrate. The judge violated the privacy of private life due to the content of the broadcast on the internet.

It evaluates whether it is done and announces its decision within forty-eight hours at the latest and sends it directly to the

Institution; opposite

In this case, the measure to block access is automatically lifted. <sup>(one)</sup>

(6) Against this decision made by the judge, the President can file an objection in accordance with the provisions of Law No. 5271. can go. <sup>(one)</sup>

(7) If the content subject to the blocking of access has been removed from the broadcast, the judge's decision will automatically remains invalid.

(8) Directly by the President's order in cases where delay is inconvenient due to the violation of privacy.

The blocking of access is done by the Institution. **(Repealed sentence: 26/2/2014-6527/18 art.)** <sup>(1)</sup>

(9) **(Annex: 26/2/2014-6527/18 art.)** Access granted by the President within the scope of the eighth paragraph of this article

(...) <sup>(1)</sup> is submitted to the approval of the criminal judge of peace within twenty-four hours. The judge shall render his decision within forty-eight hours.

explains. <sup>(one)</sup>

*(1) With the 21st article of the Decree Law dated 15/8/2016 and numbered 671, the phrases "To the Presidency" in the first and fifth paragraphs of this article*

*"President" in the third and sixth paragraphs, as "President" and in the eighth paragraph*

*The phrase "Presidency" was changed to "Institution", and the phrase "By the Presidency" in the ninth paragraph was repealed. has been removed.*

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**Administrative structure and duties** <sup>(1)</sup>

**ARTICLE 10-** (1) Duties assigned by law are fulfilled by the Authority. <sup>(one)</sup>

(2) With this Law, the cadres in the attached list will be created and used in the services of the Institution, dated 5/4/1983.

It has been added to the list (II) attached to the Radio Law No. 2813. **(Repealed second and third sentence: 15/8/2016-KHK-671/21**

**art.)** <sup>(1)</sup>

(3) All kinds of goods or service purchases, fines and tenders to be made regarding the duties assigned to the Authority by Law- With the Public Procurement Law No. 4734 dated 4/1/2002 and Public Procurement Law No. 4735 dated 5/1/2002, except for the prohibition of

It is covered from the Institution's budget, without being subject to the provisions of the Contracts Law. <sup>(one)</sup>

(4) Without prejudice to other powers and duties given by laws, the duties and responsibilities of the Institution within the scope of this Law

Its powers are: <sup>(1)</sup>

a) The Ministry, law enforcement, relevant public institutions and organizations, content, location and access providers and relevant civil servants

By establishing coordination between social organizations, crimes committed on the internet and falling within the scope of this Law It aims to prevent activities and publications with illegal content, to ensure safe use of the internet, and to develop information awareness.

For this purpose, when necessary, all kinds of expenses are made within the principles and procedures to be determined by the regulation.

To form working committees to be met in Greek. <sup>(2nd)</sup>

b) By monitoring the contents of the broadcasts made on the Internet, it is determined that the crimes within the scope of this Law have been committed.

To take the necessary measures foreseen in this Law in order to prevent access to these publications.

c) Specify the level, time and manner in which the content of the broadcasts made on the Internet will be monitored.

lyre

ç) With the authorization of the operators by the Authority, collective use for commercial purposes by the local authorities

For the systems to be used in filtering and blocking in the permit documents to be given to the transmitters and the arrangements to be made.

to determine the principles and procedures.

d) By watching the broadcasts on the Internet, the crimes listed in Article 8 and Article 8/A of this Law.

To establish or have all necessary technical infrastructure, including the monitoring and information reporting center, been established in order to prevent the processing of data, operating or ensuring that this infrastructure is operated. <sup>(one)</sup>

e) According to the filtering, screening and monitoring principles to be made in various services open to everyone on the Internet, To determine the minimum criteria for producing hardware or making software.

f) To ensure cooperation and coordination with international institutions and organizations in the field of informatics and internet.

*(1) With the 21st article of the Decree Law dated 15/8/2016 and numbered 671, "by the Presidency within its structure" in the first paragraph of this article*

*the phrase "by", the phrases of "Presidency" in the second and fourth paragraphs, the phrases of "Institution", in the third paragraph the phrase "To the Presidency" in the form of "Institution", the phrase "in the first paragraph of Article 8 of this Law" in subparagraph (d) of the fourth paragraph.*

*The phrase "in the first paragraph of this Law" has been changed as "Article 8 of this Law and Article 8/A".*

*(2) After the phrase "to prevent broadcasts" in this paragraph with Article 95 of the Law No. 6518, "the safe use of the Internet"*

*The phrase "to provide information and to develop information awareness" has been added.*

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g) Any offense that deals with the commission of the crimes listed in the first paragraph of Article 8 of this Law on the internet. Promoting, bringing into the country, keeping, leasing or selling products containing all kinds of representative images, texts or sounds.

to the authorized and responsible law enforcement and investigation authorities, within their technical means, in order to prevent the To provide all kinds of assistance and coordination.

(5) **(Amendment: 6/2/2014-6518/95 art.)** Institution; Transportation, dated 26/9/2011 and numbered 655 within the scope of the Ministry,

Pursuant to the provisions of the Decree Law on the Organization and Duties of the Ministry of Maritime Affairs and Communications

such as the dissemination, development, widespread and secure use of the Internet by the Internet Development Board established by the

takes all necessary measures or decisions regarding the suggestions to be made on the issues. <sup>(one)</sup>

(6) **(Annex: 6/2/2014-6518/95 art.)** The Authority is responsible for detecting and detecting cyber attacks within the scope of national cyber security activities.

Coordinates with content, location, access providers and other relevant institutions and organizations,

It carries out activities on taking the necessary measures and carries out the necessary studies. <sup>(one)</sup>

(7) **(Annex: 6/2/2014-6518/95th art.)** Research and development for the purpose of fulfilling the duties assigned to it by law . establish centres. <sup>(one)</sup>

#### **regulations**

**ARTICLE 11-** (1) The principles and procedures regarding the implementation of this Law are under the supervision of the Ministry of Justice, Interior and Transport.

It is regulated by the regulations to be issued by the Prime Ministry. These regulations, where the Law came into force, issued within four months of the date.

(2) Persons who want to operate as a hosting or access provider, regarding communication via telecommunication. regarding the obligations of location, access and mass use providers, regardless of whether there is a certificate of authorization or not.

principles and procedures shall be regulated by a regulation to be issued by the Authority. This regulation is effective from the date of entry into force of the Law.

issued within five months. <sup>(2nd)</sup>

#### **Amendments to relevant laws**

**ARTICLE 12-** (1) **(It is related to the Telegraph and Telephone Law No. 406 of 4/2/1924 and has been replaced.)**

(2) **(It is related to the Police Duties and Powers Law dated 7/7/1934 and numbered 2559 and has been replaced.)**

(3) **(Related to the Radio Law No. 2813 of 5/4/1983 and has been replaced.)**

(4) **(Related to the Law on State Intelligence Services and National Intelligence Organization dated 11/11/1983 and numbered 2937 )**

**has been replaced.)**

*(1) With the 21st article of the Decree Law dated 15/8/2016 and numbered 671, the fifth, sixth and seventh paragraphs of the 10th article The words "President" have been changed to "Institution".*

*(2) With the article 96 of the Law No. 6815 dated 6/2/2014, the "acting as a place or access provider" in this paragraph to be given an authorization certificate for the purpose of "location, access and collective use providers' obligations" has been changed.*

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**ADDITIONAL ARTICLE 1 - (Annex: 5/11/2008-5809/67 art.)** <sup>(1)</sup>

(1) **(Repealed: 15/8/2016-KHK-671/21 art.)**

(2) **(Repealed: 15/8/2016-KHK-671/21 art.)**

(3) **(Repealed: 15/8/2016-KHK-671/21 art.)**

(4) **(Repealed: 15/8/2016-KHK-671/21 art.)**

(5) **(Annex: 6/2/2014-6518/97 art.)** Establishment and Duties of State Personnel Presidency dated 8/6/1984 and numbered 217 Institutions working in public institutions and organizations listed in Article 2 of the Decree-Law, judges and prosecutors, on the other hand, with their consent, such as pensions, allowances, all kinds of raises and compensations, and other financial and social rights and benefits.

may be temporarily assigned under the order of the Institution, provided that their assistance is paid by their institutions. In this context, assigned

The number of personnel cannot exceed twenty percent of the number of staff of the Institution. These personnel are deemed to be on leave from their institutions. they are allowed

As long as they are civil servants, their personal rights continue and these periods are taken into account in their promotion and retirement. promotions

done on time without the need for any other action. <sup>(2nd)</sup>

**(6) (Annex: 6/2/2014-6518/97 art.; Abrogated: 15/8/2016-KHK-671/21 art.)**

(7) With this Law, the cadres in the table (V) attached to this Law were created and the Telecommunication Communication Presidency

It has been added to the list (I) attached to the Law No. 5651 to be used in its services. <sup>(one)</sup>

**ADDITIONAL ARTICLE 2 - (Annex: 6/2/2014-6518/99 art.)** <sup>(3)</sup>

In order to carry out the duties assigned to the Institution, the Civil Servants Law No. 657 dated 14/7/1965 and other requiring special knowledge and expertise, regardless of the provisions of the law on the employment of contracted personnel.

Contracted personnel may be employed in the Institution for these matters. In this way, the title, number, duration, wages and other

The issues are determined according to the principles of the service contract to be put into effect by the Council of Ministers. The fee to be paid to them

The contract wage ceiling applied for those who are employed according to subparagraph (B) of Article 4 of the Law No. 657 is five times higher.

and the total number of contracted personnel that can be employed cannot exceed two hundred and fifty, except for the wage specified in this paragraph.

No payment can be made.

**ADDITIONAL ARTICLE 3- (Annex: 15/8/2016-KHK-671/22 art.)**

(1) The Telecommunications Communication Presidency was closed.

(2) References to Telecommunications Communication Presidency in other legislation Information Technologies and Communications

Institution, Telecommunication Communications President, references were made to the Information Technologies and Communications Authority President.

sort of.

*(1) With Article 97 of the Law No. 6518, clauses (5) and (6) have been added to come after the fourth paragraph of this article, and has been arranged accordingly in the paragraph.*

*(2) With the 21st article of the Decree Law No. 671 dated 15/8/2016, the "Telecommunication Communications" in the fifth paragraph of this article The word "Chairman" has been changed to "Institution".*

*(3) With the 21st article of the Decree Law dated 15/8/2016 and numbered 671, the phrase "Presidency" in the first paragraph of this article is changed to "Institution".*

*in the form of "Presidency", the phrase "in the institution" and "seventy-five" were changed to "two hundred and fifty".*

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**PROVISIONAL ARTICLE 1-** (1) The construction of the service building of the Presidency, fines and prohibition from tenders. The fee is covered from the Agency's budget, without being subject to the provisions of the Public Procurement Law and the Public Procurement Contracts Law.

(2) Collective use providers for commercial purposes that are still operating, as of the effective date of this Law.

Within six months, they are obliged to provide the permit document that must be obtained according to Article 7.

(3) By the Authority, via telecommunication, to persons currently operating as a hosting or access provider.

operating as a hosting or access provider, regardless of whether it has a communication authorization document.

An authorization document is issued for the purpose.

**PROVISIONAL ARTICLE 2 - (Annex: 5/11/2008-5809/67 art.)**

(1) The education specified in the additional article 1 of the personnel working in the Telecommunications Communication Presidency

those who meet the conditions; Completion of three years of service in public, at least 60 from KPDS or with international validity

If they get equivalent points from the exams and the thesis they will prepare is accepted, they will be prepared five times as of the publication date of this Law.

They can be appointed to the communication specialist staff during the year. From these personnel; private legislation in other public institutions and organizations

In accordance with the requirements of the competitive examination, the profession is taken up by passing the proficiency exam or by having a successful thesis.

when those appointed to professional positions meet the foreign language requirement; graduate or doctorate education have completed

among those who have prepared their master's or doctoral theses related to the field of duty of the Institution or the Presidency.

Among those determined as a result of the examination to be made, those who have completed their doctorate education directly,

Those who have completed their education can be appointed as communication specialists when they meet the foreign language requirement.

(2) Among the Telecommunications Communication Presidency personnel, those who have graduated from a four-year faculty, three years of service in the public sector

to complete the term, to meet the conditions stipulated in the regulation to be issued, and in addition to the thesis they will prepare.

If they are accepted or do a master's or doctorate with thesis, within five years of the publication of this Law,

They can be appointed as technical experts or administrative experts according to their field.

**PROVISIONAL ARTICLE 3 - (Annex: 6/2/2014-6518/100 art.)**

(1) The establishment of the Union shall be completed within three months following the publication of this Law.

(2) As of the effective date of this article, the Association provides access to existing internet service providers that have subscribers.



The Union Regulation, signed with the participation of at least one-fourth of the operators providing service, is examined by the Authority and appropriate. It starts operating after it is found. Internet service that is still not a member within one month at the latest following the establishment of the Union providers and operators providing access services must complete their memberships. (one)

*(1) With Article 30 of the Law No. 6639 dated 27/3/2015, the phrase "existing internet service providers" in this paragraph is replaced by "this existing internet service providers with subscribers as of the effective date of the article".*

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(3) In the event that the Association cannot complete its establishment within the specified time, the Internet service providers may be notified by the Authority. and other operators providing internet access services, an administrative fee of one percent of their net sales in the previous calendar year.

penalty is applied.

(4) Within one month following the establishment of the Union, non-member internet service providers or internet access Administrative fee of one percent of the net sales of the previous calendar year by the Authority to other operators providing service. penalty is applied.

#### **PROVISIONAL ARTICLE 4- (Annex: 15/8/2016-KHK-671/23 art.)**

(1) The duty of the Head of Telecommunication Communications ends on the effective date of this article and

The provisions of the additional article 18 of the Decree-Law no. Telecommunications Communication Presidency

The duties of the heads of departments in charge shall expire on the effective date of this article. Former Communication Specialist

Those who have submitted the title are deemed to have been appointed to the staff of Informatics Specialists in the Information Technologies and Communication Institution.

(2) He is in charge of the Telecommunication Communication Presidency and acts against terrorist organizations or the State by the National Security Council.

membership, affiliation or affiliation with structures, formations or groups that are judged to be engaged in activities against national security

Communication Specialist and Assistant Communication Specialist, Information

Informatics Specialist and Informatics Assistant Specialist staff in the Technologies and Communication Institution, other personnel

Employees with the same title in the Information Technologies and Communication Institution are still

they are deemed to have been appointed with the rank of their staff. As of the date of their appointment, they are in compliance with the provisions of other laws.

and without the need for any other procedure, the staff of the Institution has been created in accordance with the relevant legislation. shall be deemed to have been added to the tables. The periods of time spent as Expert and Assistant Expert of those appointed in this way are deemed to have been appointed.

It is considered to have passed in the staff of the institution.

#### **Force**

**ARTICLE 13-** (1) This Law;

a) Articles 3 and 8, six months after the publication date,

b) Other articles on the date of publication,

enters into force.

#### **Executive**

**ARTICLE 14-** (1) The provisions of this Law are executed by the Council of Ministers.

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#### 10110-2

(1) LIST NO <sup>(1)</sup>

EMPLOYED STAFF

INSTITUTION: TELECOMMUNICATIONS AGENCY

ORGANIZATION: HEADQUARTERS

TITLE

CLASS

NUMBER OF STAFF

#### **GRADE 1**

Head of Department

GTL

3

Press and Public Relations Consultant

GTL

one

Communication Specialist

GTL

5

Communication Specialist

TH

8

Technician

TH

2nd

Technician

TH  
 2nd  
**GRADE 3**  
 Communication Specialist  
 GTL  
 4  
 Communication Specialist  
 TH  
 5  
 Expert  
 GTL  
 5  
 Expert  
 TH  
 10  
 Technician  
 TH  
 2nd  
**5 CELCIUS DEGREES**  
 Expert  
 GTL  
 7  
 Expert  
 TH  
 7  
 Technician  
 TH  
 2nd  
 Secretary  
 GTL  
 one  
**6. DEGREE**  
 Expert  
 GTL  
 7  
 Expert  
 TH  
 8  
 Technician  
 TH  
 2nd  
 heater  
 YH  
 one  
**GRAND TOTAL**  
**82**

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*(1) With the Article 67 of the Law No. 5809 dated 5/11/2008, the Provisional Article 9 added to the Law No. 2813 "For the Law No. 2813 The list (II) appended with the 9th article of the Law No. 5467 dated 1/3/2006 and the 10th article of the Law No. 5651 to this list. The added cadres were removed from the annex of the aforementioned Law and added to the Law No. 5651 as a list numbered (I). to the provision of The aforementioned lists have been taken as an Annex to this Law.*

10110-3  
 INSTITUTION: TELECOMMUNICATIONS AGENCY  
 ORGANIZATION: HEADQUARTERS  
**INCREASED STAFF**  
**CLASS**  
**TITLE**  
**NUMBER OF STAFF**  
**GRADE 1**  
 GTL  
 Head of Department  
 one  
 GTL  
 Legal advisers  
 one  
 GTL  
 Communication Specialist  
 5  
 TH  
 Communication Specialist

5

**GRADE 3**

GTL

Communication Specialist

10

TH

Communication Specialist

10

**5 CELCIUS DEGREES**

GTL

Communication Specialist

8

AH

Lawyer

3

TH

Communication Specialist

8

GTL

my translator

one

TH

Technician

2nd

GTL

Secretary

2nd

**GRADE 6**

GTL

Expert

15

TH

Expert

5

AH

Lawyer

2nd

GTL

my translator

2nd

GTL

Computer operator

10

TH

Technician

2nd

GTL

Secretary

one

**TOTAL**

93

(Annex: 5/11/2008-5809/67 art.)

INCREASED STAFF

INSTITUTION

: INFORMATION TECHNOLOGIES AND COMMUNICATIONS INSTITUTION

ORGANIZATION: HEADQUARTERS

CLASS

TITLE

DEGREE

MOQ

GTL

Communications Assistant Specialist

8

25

**TOTAL**

25

(Annex: 6/2/2014-6518/98 art.)

(2) LIST NO.

INSTITUTION: INFORMATION TECHNOLOGIES AND COMMUNICATIONS INSTITUTION

ORGANIZATION: HEADQUARTERS

**INCREASED STAFF**

**CLASS**

**TITLE**

**DEGREE**

**MOQ**

**GTL**

Head of Department

one

4

GTL

Legal advisers

3

6

TH

Engineer

3

10

TH

Engineer

6

10

GTL

Computer operator

9

10

GTL

Officer

9

5

**TOTAL**

**45**

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**ADDITIONAL AND AMENDMENT TO THE LAW NO 5651**

**IMPLEMENTATION OF LEGISLATION OR PROVISIONS CANCELED BY CONSTITUTIONAL COURT**

**LIST SHOWING THE ENTRY DATE**

**Amending the Law/ Decree Law/**

**Abrogated Constitution**

**Court Decision**

**Its number**

**Changes or changes in Law No. 5651**

**canceled items**

**Effective Date**

5809

8, Additional Article 1 and Provisional Article 2, (I)

Numbered List

10/11/2008

Decree/661

Additional Article 1

2/11/2011

6495

8

2/8/2013

6518

2, 3, 4, 5, 6, 6/A, 7, 8, 9, 9/A, 10, 11,

Annex 1, Annex 2, No. (I)

list, Provisional Article 3

19/2/2014

6527

2, 3, 8, 9/A

1/3/2014

6552

3, 8

11/9/2014

Constitutional Court

dated 2/10/2014 and E.: 2014/149,

K.: 2014/14(Effective

Suspension) Decision No.

3.8

9/10/2014

Constitutional Court

dated 2/10/2014 and E.: 2014/149,

K.: Decision No. 2014/151

3, 8

1/1/2015

6639  
8/A  
Provisional Article 3  
15/4/2015  
From 19/2/2014  
in effect  
on the date of publication  
(15/4/2015)

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**ADDITIONAL AND AMENDMENT TO THE LAW NO 5651  
IMPLEMENTATION OF LEGISLATION OR PROVISIONS CANCELED BY CONSTITUTIONAL COURT  
LIST SHOWING THE ENTRY DATE**

Amending the Law/ Decree Law/  
Abrogated Constitution  
Court Decision  
Its number

Changes or changes in Law No. 5651  
canceled items

Effective Date  
Constitutional Court  
dated 8/12/2015 and E:2014/87,  
K: Decision No. 2015/112

9  
28/1/2016

4, 5, 6  
From 28/1/2016  
starting one year later  
(28/1/2017)

Decree/671  
2, 3, 4, 5, 6, 8, 8/A, 9/A, 10, EK  
ARTICLE 1, ADDITIONAL ARTICLE 2, APPENDIX  
ARTICLE 3, PROVISIONAL ARTICLE 4  
17/8/2016