

Legal Analysis Report – Starlink Market Entry into Turkey

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1. Executive Summary

This document performs comprehensive analysis of regulatory elements affecting Starlink's Turkish market entry. The report evaluates Turkish operational feasibility without local partnerships and the need for local licenses, data security protocols, and Türksat infrastructure collaboration. The evaluation shows market entry is legal but requires complete compliance with all applicable regulations.

2. Legal Framework for Foreign Corporate Entry

The Turkish Commercial Code (TCC) – Law No. 6102 – enables foreign businesses to establish fully foreign-owned companies, which require no Turkish investors nor board members. Foreign entities can use both joint-stock (A.Ş.) and limited liability (Ltd. Şti.) as corporate structures. According to Article 7 of the Authorization Regulation under Law No. 5809 (Electronic Communications Law), telecom licenses must be granted only to entities founded under Turkish law.

The Vodafone-Telsim acquisition occurred primarily because of strategic business goals rather than mandatory legal requirements. A foreign company can enter the internet service market in Turkey by fulfilling all applicable legal and regulatory procedures.

3. Licensing Requirements under Turkish Law

Starlink requires authorization from the Information and Communication Technologies Authority (BTK) to deliver satellite internet services in Turkey. Licensing is required under Law No. 5809 and includes:

- Authorization for electronic communication infrastructure
- Satellite communication operating licenses
- Coordination for frequency spectrum usage

Per Article 7 of the Authorization Regulation under Law No. 5809, the applicant must be a company founded under Turkish law. Early engagement with BTK is essential to initiate the Right of Use licensing process.

4. Data Protection and Localization Obligations

Turkey's data protection regime is governed by Law No. 6698 on the Protection of Personal Data (KVKK), which aligns with GDPR principles. Obligations include:

- Explicit, informed consent from users (Article 5 and 9)
- Privacy notices in Turkish detailing purpose, duration, and foreign data transfers
- Full transparency in cross-border data processing operations

Article 9 of KVKK prohibits international data transfer without either:

- The data subject's explicit consent, or
- Adequate safeguards approved by the Turkish Data Protection Board.

In addition, Presidential Circular 2019/12 and the Information and Communication Security Guide mandate routing domestic traffic within Turkey and avoiding unnecessary reliance on foreign infrastructure. Failure to comply may result in administrative penalties or suspension of operations.

5. Physical Presence and Local Entity Requirements

Under Turkish Commercial Code (Law No. 6102) and Electronic Communications Law (Law No. 5809), foreign entities are allowed to incorporate without Turkish shareholders. However, licensing applications must be made through a local legal entity. No physical operational office is initially required, but a registered address in Turkey is mandatory. This can be:

- A real office
- A virtual office
- A co-working space
- An accountant's office

A physical presence may become necessary if:

- Local gateways are installed
- Operational staff is hired
- Retention of local logs is required

6. Compliance with Content Regulation and Censorship

Turkey enforces strict content regulation via the BTK and judiciary under Law No. 5809 (Article 60). ISPs must:

- Implement BTK or court-ordered bans
- Enforce URL and domain-level blocking

Failure to comply may result in administrative fines, bandwidth throttling, or suspension of services. BTK also holds emergency powers to suspend licenses and seize network assets in cases affecting national security.

7. Türksat: Monopoly Concerns and Technical Distinctions

Türksat is Turkey's state-owned satellite operator using geostationary satellites. Starlink operates with a LEO (Low Earth Orbit) constellation, making the two technologies distinct. There is no legal obligation to collaborate with Türksat. However, BTK requires coordination to ensure:

- Spectrum interference is mitigated
- Frequency bands are allocated
- Orbital coordination is maintained

8. Summary of Regulatory Feasibility

Legal Area	Requirement	Starlink Feasibility
Local Partnership	Not required	Fully compliant
BTK Licensing	Mandatory	Requires proactive engagement
Data Protection (KVKK)	Mandatory	Requires full compliance
Physical Office	Not initially required	Virtual address acceptable
Content Filtering	Mandatory	Must comply with BTK orders
Türksat Collaboration	Not required	Independent infrastructure permitted

9. Strategic Recommendations

- Initiate early dialogue with BTK for licensing and spectrum allocation
- Establish a Turkish subsidiary for compliance with Law No. 5809
- Set up a virtual registered address compliant with Law No. 6102
- Implement URL filtering tools to meet BTK censorship obligations
- Monitor and adapt to evolving localization obligations (Circular 2019/12)
- Ensure all privacy documentation is KVKK-compliant and in Turkish

10. Appendices

Appendix A: Turkish Commercial Code (Law No. 6102)

Appendix B: Electronic Communications Law (Law No. 5809) and Authorization Regulation

Appendix C: Law No. 6698 (KVKK) – Data Protection and Enforcement

Appendix D: Comparison – Türksat (GEO) vs. Starlink (LEO) Satellite Architecture

11. Additional Background

This research investigates the regulatory procedures and legal capabilities through which Starlink can access the Turkish market.

12. Market Entry Assessment Summary

This study examines the complete legal and regulatory environment which affects Starlink's market access in Turkey. Our assessment shows that Turkish commercial law, telecommunications regulations, and data protection legislation enable foreign operators to operate without local partners, provided they meet the licensing, localization, and censorship requirements.