

# ELECTRONIC COMMUNICATIONS LAW

Law No. 5809

Date of Adoption: 5/11/2008

## CHAPTER ONE General Provisions

### PART ONE Purpose, Scope and Definitions

#### Purpose

ARTICLE 1- (1) The objectives of this Law are to create effective competition, to ensure the protection of consumer rights, to promote the deployment of services throughout the country, to ensure efficient and effective use of the resources, to promote the new investments and technological developments in communications infrastructure, network and services through regulations and inspections in electronic communications sector and to determine relevant principles and procedures thereto.

#### Scope

ARTICLE 2- (1) Alongside the provision of electronic communications services and the construction and operation of the infrastructure and the associated network systems thereof; manufacture, import, sale, construction and operation of all kinds of electronic communications equipments and systems, planning and assignment of scarce resources including frequency and the regulation, authorization, supervision and reconciliation activities relating to such issues are also subject to this Law.

(2) This Law shall apply without prejudice to the provisions of Certain Laws regarding national security and public order and the provision of electronic communications services in case of extraordinary situations such as martial law, mobilization, war and natural disasters as well as the provisions of “Law On How Transportation and Communication Services Are To Be Carried Out In Extraordinary Situations” no. 697 dated 16/7/1965; “Law On The Organization And Duties Of The Ministry Of Transport” no. 3348 dated 9/4/1987, “Law On Provision of Universal Services and Amendments to Certain Laws” no. 5369 dated 16/6/2005, “Law on Amendments to Certain Laws” no. 5397 dated 3/7/2005 and “Law on the Regulation of Publications on Internet and Suppression of Crimes Committed by means of Such Publications” no. 5651 dated 4/5/2007.

(3) Provisions of this Law, except for Article 36 and Article 39, shall not apply to electronic communications equipments, systems and networks of Turkish Armed Forces, General Command of Gendarmerie and Coast Guard Commands as well as electronic communications equipments, systems and networks of Ministry of Foreign Affairs, Telecommunication Communication Presidency, Undersecretariat of National Intelligence Agency and the General Directorate of Security limited with issues relating to their purview set out in establishment laws and on the equipments, systems and networks which were installed or to be installed by the operators and whose fees have been paid by the above mentioned institutions.

#### Definitions and Abbreviations

ARTICLE 3- (1) Certain terms used in this Law shall have the following meaning:

a) Subscriber means any natural person or legal entity who or which is party to a contract with a provider of electronic communications services for the supply of such services

b) Subscriber Contract means any contract signed between the electronic communications service provider and the subscriber upon which the service provider, in

return for a charge, undertakes to serve or provide any goods to the subscriber or both, permanently or for a period of time,

c) Subscriber's identity and communication data mean, any specific information assigned to the subscriber by the operator,

ç) Location portability means changing of location without changing of subscriber number,

d) Main electronic communications network means access and transmission systems network, by which the publicly available electronic communications services are provided, including switching equipments and transmission infrastructure which enable electronic communications between specific points

e) Interconnection means the physical and logical linking of electronic communications Networks used by the same or different operators in order to allow the users of one operator to communicate with users of the same or another operator, or to access services provided by another operator,

f) Interconnection obligator means any operator, who is subject to the obligation of providing interconnection,

g) Ministry means the Ministry of Transport,

ğ) Distributor means any real person or legal entity who or which take part in the sale and/or supply chain of the equipment and whose activities do not affect the properties of equipment,

h) Electronic communications mean the transmission, exchange and receiving of all kinds of signals, symbols, sounds, images and data which could be converted into electrical signals, by means of cable, radio, optic, electric, magnetic, electromagnetic, electrochemical, electromechanical and other types of transmission systems,

ı) Electronic communications infrastructure means all kinds of network components, relevant facilities and the supplementary elements including switching equipments, hardware and software, terminals and lines; over or by which the electronic communications is provided,

ı) Electronic communications infrastructure operation means construction, causing others to construction, hiring or procuring of the electronic communication infrastructure related with the relevant network in such other ways, and providing that infrastructure for use of other operators and other requesting real or legal persons,

j) Electronic communications service means provision of wholly or partly the activities which fall under the scope of electronic communications definition, k) Electronic communications network means all kinds of transmission systems networks including switching equipments and lines, which constitute the connections between one or more points in order to ensure electronic communications in such points,

k) Electronic communications network means all kinds of transmission systems networks including switching equipments and lines, which constitute the connections between one or more points in order to ensure electronic communications in such points,

l) Electronic communications sector means the sector involved in the provision of electronic communications services and electronic communications network and the production, import, sales, maintenance and repair facilities of electronic communications equipments and systems,

m) Provision of electronic communications network means the construction, operation, submission for use and the control of the electronic communications network,

n) Electronic identity information means the identity allocated uniquely for each electronic communications equipment,

o) Electromagnetic interference (Interference) means all kinds of broadcasting or electromagnetic impact which obstruct, interrupt or degrade the electronic communications operating in accordance with the provisions of relevant legislation,

ö) Access means provision of electronic communications network, infrastructure and/or associated services to the use of other operators under conditions laid down in this Law,

p) Access obligator means any operator, who is subject to the obligation of providing access,

r) Significant market power means the economic power which enables the operator, either individually or jointly with others, to behave to an appreciable extent independently of its competitors, customers and ultimately consumers in the electronic communications market,

s) Rights of way means the rights granted to operators for to pass under, above and over the public and private proprietary areas for constructing, removing, maintaining, repairing etc. of necessary for electronic communications network and infrastructure,

ş) Rights of way supplier means the immovable owners and/or the right owner on the immovable provided that the immovable belonging to the public or under common usage of the public regarding the rights of way is included,

t) Service portability means changing of service type without changing of subscriber's number,

u) Relevant market means the market which covers certain electronic communications services provided throughout or part of the country and the associated electronic communications services which are highly substitutable,

ü) Relevant facilities mean any facilities related to any electronic communications services and/or any electronic communications network which support and/or enable the provision of services by the relevant network and/or services,

v) Internet domain names mean the names which define the internet protocol number used for identifying the address of internet sites or the computer, on internet,

y) Internet domain name system means the system which finds the internet protocol number that has its equivalent in the addressing established by symbolic names that are easy to read and remember and that may be related to requested domain owners in general and which designates this number to the user,

z) Operator means any legal entity, which has the right to provide electronic communications services and/or to provide electronic communications network and to operate the infrastructure within the framework of authorization,

aa) Operator number portability means changing of operator without changing subscriber's number,

bb) Conditional access system means any technical measure and/or regulation enabling conditional access to radio or television broadcasting system through subscription or other forms of authorization granted beforehand,

cc) User means any natural person or legal entity that uses electronic communications services disregarding whether he is a subscriber or not,

çç) Right of use means the right granted for the use of scarce resources such as frequency, number, satellite position,

- dd) Board means Information and Communication Technologies Board,
- ee) Authority means Information and Communication Technologies Authority,
- ff) CEIR means central equipment identity register data base system,
- gg) EIR means equipment identity register data base,
- ğğ) Number means a string or combination of letters or/and digits or symbols that defines the network termination point and routes the voice, data and images to the respective point that includes the information which may refer to subscriber, application, operator, telecommunication network and/or telecommunication service where relevant,
- hh) Number portability means a facility that enables the subscriber to change its operator, geographical position and/or service type without changing subscriber's number,
- ıı) Notified Body means public corporations and institutions and real persons or legal entities which are assigned by the Authority with a view to carry out conformity assessment activities and which are authorized in accordance with the principles specified in Law no. 4703 dated 29/6/2001 on the Preparation and Implementation of Technical Legislation regarding the Products and with the relevant technical regulations,
- ii) Radio and television broadcasting means transmission of image and/or voice services via a terrestrial antenna, electronic communications network or satellite in coded or not coded form, aimed for reception by the public except from individual communication,
- jj) End user means any natural person or legal entity that does not provide public communication networks and/or public communications service,
- kk) Spectrum means the frequency range of electromagnetic waves which are utilized for electronic communications and whose frequency varies between 9 kHz-3000 GHz and in case of international regulations which also includes frequencies over 3000 GHz,
- ll) Standard means any voluntary regulation which is accepted by consensus and ratified by an authorized body; aims to provide an optimum order under the existing conditions; lays down, for common and repeated use, the characteristics, processing and production methods of a product, as well as one or more of the related terminology, symbols, packaging, marking, labeling and conformity assessment procedures aspects,
- mm) Network termination point means the physical point at which a subscriber has access to electronic communications network. In the case of networks involving switching or routing, the network termination point is identified by means of a specific network address, which may be linked to a subscriber number or name.
- nn) Tariff means the list containing itemized fees by which the operators charge users in return for the electronic communications services provided,
- oo) Carrier means the operator which provides the all or part of the call origination, termination or transit services,
- öö) Carrier pre-selection means the way of pre-selecting the carrier in a manner to enable the selection without dialing carrier selection code,
- pp) Carrier selection means the way of selecting the carrier by dialing carrier selection code,
- rr) Carrier selection code means the code assigned by the Authority to the carriers for the purpose of carrier selection,
- ss) Radio means systems which do not have any physical linkage in between and which are utilized for transmitting and receiving or solely transmitting or receiving coded, not coded or cryptographic sounds and images via electromagnetic waves,

§§) Permission for installation and use of radio means the permission issued by the Authority for radio equipment and systems to be installed and used under the scope of this Law,

tt) Radio license means the license issued by the Authority for radio equipments and systems to be installed and used under the scope of this Law,

uu) Consumer means any natural person or legal entity who uses or demands electronic communications services for non-commercial or non-occupational purposes,

üü) National roaming means the roaming between systems which allows the provisions of any operator's services via equipments of other operator's subscribers or which allows the interconnection of any other system, provided that technical compatibility requirements of the operator's services are guaranteed,

vv) National numbering plan means the numbering plan that defines the structures of the numbers which can be divided into parts for providing information on routing, addressing, pricing or service type,

yy) Harmonized European Standard means the standard published in the Official Journal of the European Communities,

zz) Harmonized National Standards mean Turkish standards which are adopted after being harmonized by Turkish Standards Institution in accordance with the Harmonized European Standards and whose lists have been published as communiqués by the Authority,

aaa) Manufacturer means any real person or legal entity who manufactures or reconditions the electronic communications equipment or who introduces itself as the manufacturer by affixing its name, trademark or distinctive mark on the equipment. In case of manufacturer is being abroad, it refers the representative and/or importer authorized by the manufacturer, and also the real person or legal entity who takes part in the sales and/or supply chain of the equipment and whose activities affect safety properties of equipment,

bbb) Local loop means the physical circuit in the fixed electronic communications network, connecting the network termination point, at the subscriber's premises to the main distribution frame or equivalent facility,

ccc) Authorization means the registration of entities providing electronic communications services and/or electronic communications network in the eye of the Authority and pursuant to such registration, or granting of certain rights and obligations specific to electronic communications services to these entities.

## Principles

ARTICLE 4-(1) Authorization for the installation and operation of any kind of electronic communications equipments, systems and networks; assignment of the necessary frequencies, numbers, satellite positions and associated resources and the arrangement thereof are under the State's terms of reference. The following principles shall be considered by the relevant bodies whilst providing electronic communications services and the arrangements thereof;

a) Creation and protection of a free and efficient competitive environment.

b) Protection of consumer rights and interests.

c) Consideration of the objectives of development plans and Government programs as well as the strategies and policies set by the Ministry.

c) Promotion of the practices which ensure that everyone can benefit from electronic communications networks and services at affordable prices.

d) Ensuring non-discrimination among subscribers, users and operators who are under the same conditions and ensuring that services are accessible to users in similar situation under the same terms, unless based on objective grounds or except for the aim of providing facilitation, with defined limits and under certain scope, special to the people in need of in the society .

e) Unless based on objective grounds or the contrary is specified by this Law, promotion of qualitative and quantitative sustainability, regularity, reliability, productivity, clarity, transparency and the efficient use of resources.

f) Ensuring the conformity of electronic communications systems to international norms.

g) Promotion of research and development activities and investments and implementation of technological innovations.

ğ) Promotion of the improvement of quality of service

h) Giving priority to the requirements of national security, public order and the emergency situations.

ı) Except for the situations clearly expressed in this Law, in relevant legislation and in the authorizations; ensuring free determination of the prices by the operators for the electronic communications services which covers access charges including interconnection and line and circuit rental fees.

i) Taking the minimum international norms into consideration with regard to protection of human health, life and property, environment and the consumer at installation, usage and operation of electronic communications equipments and systems.

j) Ensuring objectiveness in providing electronic communications services and in related arrangements.

k) Including the use of technological innovations, taking into consideration the specific needs of disabled, elder and people in need of social protection.

l) Protection of information safety and confidentiality of communication.

## PART TWO

### Competent Bodies in

#### Electronic Communications Sector

##### Competencies of the Ministry

ARTICLE 5- (1) The Ministry is competent for the following activities in the field of electronic communications:

a) **Setting strategies and policies** regarding electronic communications services which are based on scarce resources such as numbering, **internet domain names**, satellite position and frequency allotment.

b) Determination of objectives, principles and policies towards the aim of encouraging the development of electronic communications sector in free competitive market and

supporting the transformation into an information society, therefore taking promotional measures to this end.

c) Determination of policies towards construction and development of electronic communications infrastructure, network and services in accordance with the technical, economic and social needs and in harmony with the national security objectives and the public interests, and towards ensuring their operation in a complimentary manner.

ç) Contributing to the creation of policies regarding the development of electronic communications equipments industry and to the determination of policies towards taking measures which encourage domestic production of the electronic communications equipments.

d) Without prejudice to the provisions of Law no. 1173 dated 5/5/1969 on the Coordination and Maintenance of International Relations, representing the State or giving authorization to represent the State in the international associations and organizations regarding electronic communications of which our Country is a member and ensuring coordination regarding the participation to activities and the implementation of the decisions.

e) Conducting and having third parties to conduct necessary researches with a view to determine and implement electronic communications policies.

f) Taking necessary measures and performing coordination to ensure the continuity of electronic communications in the case of natural disasters and extraordinary situations. Against the risk of interruption of communications, constructing or having third parties to construct alternative communication infrastructure beforehand for continuity of communication and connecting to such system, when required.

g) Planning electronic communications services in the case of extraordinary situations and at war in accordance with Law no. 697 dated 16/7/1965 and performing necessary actions or having third parties to perform.

ğ) Encouraging domestic design and production of electronic communications systems, promoting research, development and training activities relating to the sector by technical and financial means and determination of the amount of the source to be allocated by the Authority which shall not exceed 20% of the Authority's income and having such source to be used by making necessary arrangements.

#### Competencies of the Authority

ARTICLE 6-(1) The Authority shall be competent to:

a) In the electronic communications sector; to make regulations to create and protect competition and to eliminate the practices which are obstructive, disruptive or limitative for competition, to this end to impose obligations on operators with significant market power in the relevant markets and on other operators when required, and to take measures stipulated by the legislation.

b) To inspect the breaches of competition in electronic communications sector which are against this Law and against regulations based on of this Law, to impose sanctions and to take the opinion of Competition Authority on the issues regarding the breach of competition in electronic communications sector, if specified by the legislation.

c) To make necessary arrangements and supervisions pertaining to the rights of subscribers, users, consumers and end users as well as processing of personal data and protection of privacy.

ç) To make the Board decisions those concern the operators and consumers publicly available with its rationale and processes.

d) In accordance with this Law, to conduct the dispute resolution procedure between the operators when necessary, and to take necessary measures that are binding until otherwise decided by the related parties in case of no settlement.

e) To follow the developments in electronic communications sector, to conduct researches or to have third parties to conduct research in order to promote the development of sector and to cooperate with the related organizations and institutions in this regard.

f) To plan and to allocate the frequencies, satellite position and numbering necessary for the provision of electronic communications services and installation and operation of electronic communications network and infrastructures, by taking into consideration the Clause (a) of Article 5 of this Law.

g) To perform necessary regulations and inspections including authorization, tariffs, access, right of way, numbering, spectrum management, licensing for the installation and use of radio equipments and systems, monitoring and inspection of the spectrum, market surveillance; by taking into consideration the strategies and the policies of the Ministry regarding electronic communications.

ğ) To supervise if the radio systems are installed and operated in accordance with the specified techniques and procedures, to detect electromagnetic interference and to eliminate them.

h) To determine the scope of commercial secrets and the information of the operators which may be made publicly available, to protect the privacy of commercial secrets, the investment and business plans of the operators and to keep such secrets and plans unless requested by the judicial authorities.

ı) To request any kind of information and documents from the operators, public authorities and institutions, natural persons and legal entities which deemed necessary pertaining to electronic communications and to keep necessary records, to present those needed by the Ministry upon request in determination of the strategies and policies towards electronic communications sector.

i) As per clause (ğ) of first paragraph of Article 5 of this Law, within the frame of the regulations set by the Ministry; to transfer a source which shall not exceed 20% of its income taking into consideration current revenues of the Authority to the Ministry for research, development and training activities pertaining to electronic communications sector. Such source transfer shall be free from any kind of tax, charge, duty and other financial obligations including value added tax and stamp tax.

j) To determine general criteria and implementation procedures and principles regarding tariffs to be imposed on the users and other operators within the scope of access, contract terms, technical matters and other issues related to its areas of office; to approve the tariffs and to make regulations regarding the supervision of tariffs.

k) To approve the reference access offers submitted by the operators.

l) To determine provisions and conditions for authorizations regarding electronic communications services, network and/or infrastructure, to supervise their implementation and conformity to the authorization, to perform necessary actions thereof and to take measures as deemed necessary by the legislation.

m) To conduct frequency planning, assignment and registration procedures taking into consideration their transmitter power and broadcasting duration through cooperation with the international organizations, without prejudice to the provisions set out in the relevant laws pertaining to radio and television broadcasting.

n) To ensure the publication and the implementation of the harmonized national standards for all kinds of systems and equipments used in electronic communications sector



and to make technical regulations, perform and/or to have third parties to perform market surveillance of them, and to establish and operate a laboratory for this purpose and to determine the charges for training and consultancy services to be carried out in such laboratory.

o) To coordinate the authorization of institutions that will perform the installation, measurement, maintenance and repair activities in electronic communications sector, together with the relevant bodies.

ö) To conduct market analyses regarding electronic communications sector, to determine the relevant market and the operator/s that have significant market power in this relevant market.

p) To participate in the works of international associations and organizations regarding electronic communications to follow the implementation of decisions and to ensure the necessary coordination.

r) As prescribed in Article 46 of this Law, to determine all kinds of procedures and principles regarding fees including cancellation of any debt; to ratify the annual budget, income and expense settlements and the annual work plan of the Authority, to make transfers between accounts in the budget if needed or to transfer the revenue surplus to the general budget within the frame of the legislation.

s) To inspect and/or to have third parties to inspect the conformity of operators to the legislation, who perform activities in electronic communications sector; to set the relevant procedures and principles, in case of inconsistencies to perform the actions suggested by the legislation and to impose sanctions.

ş) To take measures specified by the legislation with a view to ensure that the national security, public order or public service are duly maintained in electronic communications sector.

t) To make regulations prescribed by the legislation and to determine the procedures and principles concerning access including interconnection and national roaming, to take measures suggested by the legislation so as to ensure that the agreements signed for the purpose of providing electronic communications will not contain provisions which constrain the competition, which are against the legislation and/or consumer interests.

u) Under the provisions of the relevant law; to set, to inspect and to have third parties inspect the quality and standards of service for all kinds of electronic communications including the quality of service and standards of universal services when required and to determine the procedures and principles pertaining thereto.

ü) In electronic communications sector, to determine the principles regarding the independent inspection activity and to determine the establishment requirements, working principles and the quality of the personnel of independent inspection bodies.

v) To enact by-law, communiqué and other secondary regulations pertaining to the authorizations granted by this Law.

#### Provision of competition

ARTICLE 7- (1) Without prejudice to the provisions of Law no. 4054 dated 7/12/1994 on Maintenance and Promotion of Competition, the Authority is entitled to perform examination and investigation of any action conducted against competition in electronic communications sector, on its own initiative or upon complaint; to take measures it deems necessary for the establishment of competition and to request information and documents within the scope of its tasks.

(2) The Competition Board while performing examinations and supervisions and while making any decisions on electronic communications sector, including decisions about merges and takeovers, takes into consideration primarily the Authority's view and the regulatory procedures of the Authority.

(3) The Authority may identify the operators with significant market power in the relevant markets as a result of conducting market analyses. The Authority may also impose obligations on operators with significant market power with the aim of ensuring and promoting an effective competition environment. Differentiating may be performed among the operators with significant market power in the same and/or different markets, in terms of the obligations in question.

## CHAPTER TWO

### General Regulations

#### PART ONE

##### Authorization

###### Authorization of electronic communications services

ARTICLE 8 – (1) Electronic communications services could be provided and/or electronic communications network or infrastructure could be constructed and operated by taking into consideration the strategies and policies of the Ministry, upon receiving authorization from the Authority.

(2) It is fundamental that the electronic communications service and/or network or infrastructure is provided primarily by the operators which are authorized by the Authority. Nevertheless, electronic communications service and/or network or infrastructure shall not be subject to authorization, which is;

a) Within any natural person's or legal entity's property under his/its own use, which do not exceed any property's borders, which is used upon exclusively individual or organizational needs, which is not used for providing any electronic communications services to third parties, which is provided without any commercial intention and which is not publicly available,

b) Constructed pertaining solely to the services of public corporations and institutions in accordance with the specific laws thereof.

(3) The Authority is entitled to inspect the conformity of such networks and infrastructures to the principles of this Article and the conformity of equipments to the standards; to ensure the removal of those which do not comply therewith and to regulate the procedures and principles regarding the implementation of this Article.

(4) The provisions of Law regarding radio and television broadcasting are legally guaranteed.

###### Authorization Procedure

ARTICLE 9-(1) Authorization is issued on the base of notification or rights of use.

(2) Companies who are willing to provide electronic communications services and/or to construct and operate electronic communications networks or infrastructures shall notify the Authority of their intention prior to the commencement of their activities, within the frame of the Authority regulations.

(3) When companies who have notified the Authority do not need the assignment of resources such as number, frequency and satellite position for electronic communications services and/or electronic communications network or infrastructure which they plan to provide and/or to operate; they shall be authorized pursuant to the notification to the Authority. In case they need assignment of resources they shall be authorized upon receiving the right of use from the Authority.

(4) The Authority is entitled to determine whether electronic communications services for which the right of use is requested, and the number of rights of use for mentioned services should be limited or not.

(5) The Authority issues right of use within 30 days upon due application for electronic communications services for which the number of rights of use does not need to be limited.

(6) The number of rights of use could only be limited when the resources need to be operated by a limited number of operators and for the aim of ensuring the efficient and effective use of resources. In case the quantity of right of use is limited:

a) The Ministry determines the criteria such as the authorization policy regarding electronic communications services which cover the assignment of satellite position and frequency band in national scale and which need to be operated by a limited number of operators, starting date of the service, the duration of authorization and the number of operators to serve and the authorization is done by the Authority. Nevertheless, when deems necessary, the Ministry may open tenders directly on its own, for electronic communications services which cover the assignment of frequency bands in national scale and which need to be operated by a limited number of operators.

b) Necessary procedures pertaining to the performance of electronic communications services which are out of those mentioned in clause (a) and which need to be provided by a limited number of operators and/or to the construction and operation of electronic communications network and infrastructure shall be performed by the Authority.

(7) The Authority, with a view to ensure the efficient use of resources, shall take necessary measures after consulting the Ministry and determine the procedures and principles of the tender. The Authority and, under situations predicted in clause (a) of the above paragraph, the Ministry shall not be subjected to the State Tender Act no.2886 dated 8/9/1983 and the Public Tender Act no. 4734 for tenders regarding right of use.

(8) The durations of right of use are determined in a manner not to exceed twenty five years. The duration of authorization as per this Article shall be determined taking into consideration the qualification of the service and network and the request of the applicant.

(9) The Authority shall be entitled to reject the applications for right of use due to the insufficiency of resources and the non-availability of the qualification requirements specified in tender stage, and on the grounds related to national security, public order, public health and similar public interests.

(10) When the operator's activities are found as contrary to the legislation, such operator's right of use shall be revoked in accordance with the procedures and principles determined by the Authority. In cases of revocation, necessary measures shall be taken with a view to protect the subscribers' rights.

(11) The Authority, upon taking opinion of the Ministry shall be entitled to prevent the functioning of the companies in the field of electronic communications or prevent those providing electronic communications when it deems necessary due to factors related with the necessities of public security, public health and similar public interests.

(12) The facilities of those who construct and operate electronic communications facilities or who provide electronic communications services by breaching the provisions of

the Law, shall be closed down and their activities shall be terminated by the civilian authority upon the request of the Authority.

(13) Procedures and principles regarding the notification and right of use shall be determined by regulations enacted by the Authority.

#### Trial Permission

ARTICLE 10 – (1) The Authority shall be entitled to issue provisional permission for trial or demonstration purposes to natural persons or legal entities who apply for providing electronic communications services or operating electronic communications network or infrastructure. Procedures and principles pertaining thereto shall be regulated by the Authority.

#### Authorization fee

ARTICLE 11 – (1) The authorization fee consists of administrative charges and fees for rights of use.

(2) The Authority, for the purpose of contributing to the expenses incurred due to its activities such as market analysis, preparation and enforcement of secondary regulations, supervision of the operators, technical monitoring and inspection of services, supervision of the market, international cooperation, harmonization and standardization, as well as any kind of administrative expenses; shall charge operators, on condition that such charge does not exceed five per thousand of the operator's previous year's net sales, taking into account the international obligations. Procedures and principles pertaining thereto shall be regulated by the Authority.

(3) In case the operators do not pay for due administrative charges in a period of time prescribed within the frame of established procedures and principles, a fine equivalent to the amount of default interest which is calculated according to the basis as per Article 51 of Law no. 6183 dated 21/7/1953 on The Collection of Public Receivables shall be imposed. Administrative charges which are not paid by the operators in due time shall be collected by the relevant tax office as per provisions of Law no. 6183 upon notice of the Authority and they shall be registered as revenue for the Authority. The Authority shall publish annual report which shows the administrative cost and the amount of collected administrative charges.

(4) Fees for rights of use shall be collected in return for issuance of right of use for the resources and for the assurance that the resources in question are efficiently used.

(5) Minimum values of the fees for rights of use shall be determined by the Board of Ministers upon the proposal of the Authority and the resolution of the Ministry.

(6) Without prejudice to the provisions of Law no. 5369, fees for rights of use shall be deposited to the relevant accounting department so as to be registered as revenue for the Treasury. Fees for rights of use which are not paid in due time shall, upon notice of the Authority and as per provisions of Law no.6183, be collected by the relevant tax office.

#### Rights and obligations of the operators

ARTICLE 12 – (1) The operator shall be entitled to provide the electronic communications services under the scope of his authorization in accordance with the Authority regulations and the requirements specified in his authorization.

(2) The Authority, considering the factors such as requirements of the sector, international regulations, and technological developments, shall be entitled to impose legislation oriented obligations on the operators, among which the following have utmost importance:

- a) Administrative charges.
- b) Interoperability of the services and interconnection of the networks.
- c) To ensure accessibility of numbers from the National Numbering Plan to end users.
- ç) Co-location and facility sharing.
- d) To protect personal data and privacy.
- e) Protection of the consumer rights.
- f) To submit information and documents to the Authority.
- g) To provide technical facilities for the lawful interception and intervention by the national bodies that are authorized by laws.
- ğ) To take necessary measures for maintaining uninterrupted communication under major disaster situations.
- h) To take necessary measures within the scope of this Law for the prevention of exposure of the general public to electromagnetic fields which radiate from electronic communications networks and which endanger public health.
- i) Access obligations.
- i) To maintain the integrity of electronic communications networks.
- j) To ensure the security of network against unauthorized access.
- k) The measures designed to ensure compliance to the standards and specifications, including the quality of service.
- l) To perform services requested by the Authority as per the relevant legislation.

(3) In addition to the above obligations, under circumstances which enable the issuance of right of use, considering the factors such as requirements of the sector, international regulations, and technological developments; legislation oriented obligations may be imposed, among which the following have utmost importance:

- a) Type of technology, network or service for which the right of use for frequency has been issued and the scope of service for which the right of use for number has been issued.
- b) Efficient and effective use of frequencies and numbers.
- c) Prevention of electromagnetic intervention.
- ç) Number portability.
- d) Directory services.
- e) Duration of authorization.
- f) Transfer of rights and obligations.
- g) Fees for rights of use.
- ğ) Commitments undertaken during tender process.
- h) To obey to obligations as per international agreements regarding the use of frequency and number.

(4) Procedures and principles pertaining to the rights and obligations of the operators shall be regulated by the Authority.

(5) The operators are obliged to construct the technical infrastructure before providing electronic communications services towards meeting demands regarding national security and the regulations of Laws no.5397 and 5651 and of other relevant Laws. As for operators which have already been providing electronic communications services, they are obliged to construct technical infrastructure with the same conditions within a period of time prescribed by the Authority, on condition of undertaking all kinds of expenses.

## PART TWO

### Tariffs

#### Regulation of Tariffs

ARTICLE 13 – (1) Tariff may be determined as one or more of; subscription fee, fixed charge, call charge, line rental, and similar various price items.

(2) Tariffs to be imposed in return for providing any kind of electronic communications services shall be subject to the following provisions:

a) Operators shall freely determine the tariffs under their possession, provided that they comply with the regulations of the Authority and the relevant legislation.

b) In case that an operator is designated as having significant market power in the relevant market, the Authority shall be entitled to determine the procedures regarding the approval, monitoring and supervision of tariffs as well as the upper and lower limits of the tariffs and the procedures and principles for implementation.

c) In case that the operator is designated as having significant market power in the relevant market, the Authority shall be entitled to make necessary arrangements to prevent anti-competitive tariffs such as price squeezing and predatory pricing and supervise the implementation.

(3) Procedures and principles pertaining to the implementation of this article, submission of tariffs to the Authority and publication and announcement of them to public shall be determined by the Authority.

#### Principles regarding the regulation of tariffs

ARTICLE 14 – (1) The Authority shall consider the following principles whilst making regulations on tariffs to be imposed in return for providing all kinds of electronic communications services:

a) The practices which enable the users to benefit from electronic communications services in return for a reasonable charge shall be promoted.

b) Tariffs shall be fair, transparent without making unjustified discrimination among users in equivalent conditions, without prejudice to the circumstances of providing easiness with a definite scope and limits exclusive to those stated in clause (c) of first paragraph of Article 3 of Law no. 5369 who are in need and cannot afford.

c) Tariffs shall reflect the costs of relevant electronic communications services to the possible extent.

ç) The cost of a service shall not be supported or covered by the price of any other service.

d) The tariffs shall not be determined in a manner not to cause to hinder, damage or limit competition.

e) The international practices shall be taken into consideration to the appropriate extent.

f) Tariffs shall promote technological developments and investments which enable the use of new technologies with reasonable prices.

g) Consumer interests shall be protected.

ğ) It shall be ensured that the consumers be well informed regarding the tariff issues.

h) The Authority shall also take into account the prices of electronic communications services which are basic inputs that the competitors will request from the operator with significant market power whilst providing electronic communications services to their own users.

## PART THREE

### Access and Interconnection

#### Scope of Access

ARTICLE 15 – (1) The following issues are under the scope of access in electronic communications services:

a) Any method of access to the components of electronic communications network, including unbundled access to the local loop and bit stream access.

b) Access to physical infrastructure including buildings, ducts and poles considering the available access options.

c) Access to relevant software systems including operation support systems.

ç) Access to systems providing number transformation or equivalent functionality.

d) Access to virtual network services taking into account the status of the competition.

e) Interconnection between two electronic communications networks.

f) Access to fixed and mobile networks including national roaming.

g) Access to conditional access systems.

ğ) Provision services on a wholesale basis for the purpose of resale.

(h) Other access methods to be laid down in Authority's regulations.

#### Obligation of Access

ARTICLE 16 – (1) Those that will be subject to the obligation to provide access and the scope of the obligation shall be determined by the Authority. When an operator does not allow other operators to have access within the scope defined in Article 15 of this Law or it sets forth unreasonable durations and conditions for access in a manner to result in not allowing access, and the Authority decides that such behaviour of the operator will prevent the formation of a competitive environment and the situation to arise will be against the interests of end users; the Authority shall be entitled to impose obligation on the operator to accept the access requests of other operators.

(2) In accordance with this Law, all operators are obliged to negotiate on interconnection with each other upon request. In case that the parties cannot reach an agreement, the Authority may impose on operators the obligation to provide interconnection.

(3) In circumstances where it considers necessary in terms of public benefit, the Authority, may limit the access and interconnection obligations by enacting regulations, considering the principles specified under Article 4 of this Law.

(4) The Authority shall make necessary regulations for the establishment and implementation of all access contracts in alignment with the objectives and the scope of this Law, with protection of competition and consumer rights, integrity and interoperability of networks and the mutual operability of services.

(5) The Authority may impose obligations on operators which are notified for providing access; such as equality, nondiscrimination, transparency, clarity, to be based on cost and reasonable profit and to provide access services with fair conditions and with the same quality which they provide for their subsidiaries or partners or partnerships in order to have reasonable access demands of other operators met within the frame of provisions of this Law.

(6) Procedures and principles pertaining to the implementation of this Article shall be determined by the Authority.

#### Facility sharing and collocation

ARTICLE 17 – (1) In circumstances where an operator can construct its facilities on or under public domain or third parties' properties or where he is authorized to use such properties or granted the right to expropriation; the Authority, giving due weight to the necessities to the protection of environment, public health and safety, urban and regional planning and the efficient use of resources and considering the factors on competition, may impose obligations on the relevant operator to share his facilities and/or properties with the other operators in return for a reasonable charge.

(2) The Authority may impose obligations on operators to provide any kind of collocation including physical collocation for the equipments of other operators within their own facilities in return for a cost-based charge. In the case that the operators do not determine their collocation tariffs on cost basis although stipulated by the Authority, it shall be entitled to determine collocation tariffs taking into account the costs, international applications and/or current market values to the appropriate extent.

(3) Procedures and principles pertaining to facility sharing and collocation including the construction of shared antenna systems and facilities shall be regulated by the Authority with a view to ensure broadcasting of all kinds of broadcasts including radio and television broadcasts from specified emission points. When required, necessary works and operations regarding shared antenna systems and facilities including the execution of exemption from charges listed in the tariff table attached to this Law, shall be executed by the Authority for the purpose of promoting implementation. Provisions regarding the construction of electronic communications infrastructure shall also be valid for shared antenna systems and facilities. Within the frame of the Authority regulations; the municipalities, civilian authorities and other public institutions shall be obliged to make due contribution and represent any kind of assistance including the provision of properties regarding shared antenna systems and facilities.

#### Access agreement and settlement of disputes

ARTICLE 18-(1) Access contracts shall be signed between the sides by negotiating freely on the condition of not including any provision contrary to the relevant legislation and Authority regulations. In case that no contract is signed between the sides within maximum two months beginning from the demand of access or in case that any dispute under the scope of this Law occurs due to the current access contract then the Authority shall be entitled to



initiate dispute resolution procedure between parties upon the request of any party and within the principles it will determine, and/or take other measures which it considers necessary in terms of public interest including determination of the interim rates or reject the dispute resolution request.

(2) In case that the parties do not reach an agreement during the dispute resolution process, the Authority shall be entitled to determine the provisions, terms and charges of the access contract, which constitute the subjects of dispute, within two months except for the specified exceptional cases. The determined provisions, terms and charges shall be applied until otherwise decided by the operators within the frame of the legislation and Authority regulations.

(3) Access contracts shall be submitted to the Authority after signing. The Authority is entitled to request from the operators to make amendments in the contracts in case of violation of the relevant legislation and Authority regulations. The operators are obliged to fulfill the amendment request of the Authority.

(4) Access contracts are public, except for trade secrets.

(5) Procedures and principles pertaining to the implementation of this Article shall be determined by the Authority.

#### Reference access offer

ARTICLE 19 – (1) The Authority may impose obligation on operators who are obliged by the Authority to provide access, to submit their reference access offers. Operators subject to the obligation of submitting reference access offers shall submit their offers for the approval of the Authority within three months beginning from the imposition date of the obligation.

(2) The Authority may request from the operators to make necessary amendments in their reference access offers, considering principles in Article 4 of this Law. Operators shall be obliged to make the amendments requested by the Authority in the prescribed manner and duration. In case that the operators do not make the amendments requested by the Authority in due time the Authority shall be entitled to make such amendments on its own initiative.

(3) The Authority shall approve offers which it considers eligible. The operators shall be obliged to publish their reference access offers which have been approved by the Authority and to provide access under conditions specified in their reference offers which have been approved by the Authority.

(4) Procedures and principles pertaining to the implementation of this Article shall be determined by the Authority.

#### Tariffs for access

ARTICLE 20 – (1) The Authority may impose obligation on operators, who are subject to the obligation to provide access, to set their access tariffs on cost basis. Upon request of the Authority, the obliged operators must prove that their tariffs are set on cost basis.

(2) In case the Authority notices that the obliged operators have not set their tariffs as cost-oriented, the Authority shall be entitled to set their access tariffs as cost-oriented. Until it does so, the Authority shall be entitled to set the tariffs and/or to introduce price ceilings considering the implementations of other countries to the appropriate extent. It is obligatory to comply with the tariffs set by the Authority.

#### Accounting separation and cost accounting

ARTICLE 21 – (1) The Authority may impose accounting separation obligation on operators with significant market power in relevant market. Operators with accounting separation obligation shall be obliged to keep separate accounts for their fields of activities and business units within the scope of procedures and principles to be prescribed by the Authority regarding accounting separation and cost accounting.

(2) The Authority may audit the accounts of operators or have agencies to audit by granting authority for audit or impose obligation on operators to have their accounts audited by independent auditors. Agencies with audit authority or independent auditors shall be responsible for investigating and auditing within the frame of the provisions of this Law and the legislation regarding account separation and cost accounting. Authorized agencies and independent auditors shall be responsible for losses arising due to the misinformation and misleading information and convictions in their audit reports and losses which lead to the detriment of third parties. Expenses relating to the audits within the scope of account separation and cost accounting shall be afforded by the operators.

(3) The Authority may impose on operators to publish documents and information which are prepared within the scope of accounting separation and cost accounting obligations. If it deems necessary, the Authority may publish such documents and information on its own initiative. The scope of the documents and information to be published shall be determined by the Authority.

(4) The provisions related to this article shall be detailed by the Authority.

### PART FOUR

#### Rights of Way

##### Scope of the rights of way

ARTICLE 22 – (1) The rights of way covers installation of any kind of electronic communications infrastructure and their supportive equipments under, above or over, public and private proprietary areas and the use of such properties for the purpose of installation, altering, disassembling, controlling, maintaining, repairing and etc. with a view to provide electronic communications services, within the frame of this Law.

##### Acceptance of the rights of way demand

ARTICLE 23 – (1) The provisions of reasonable and justified grounds are reserved, demands for rights of way shall be accepted on condition of not giving any damage to the property and not hindering consistently the use of rights on such properties, if such demands do not consist of without any options and economically non-proportional costs and if they are technically applicable.

(2) Public corporations and institutions evaluate the references for the demand of rights of way by giving priority and without any delays and conclude such procedure within sixty days. They act transparent without differentiation between the operators at similar conditions.

##### Priority of facility sharing and co-location

ARTICLE 24 – (1) Facility sharing and co-location shall be given priority in instances where any electronic communications network, for which facility sharing and co-location

obligation has been imposed by the Authority, already exists on any property subject to the right of way as per the frame of this Law and Authority regulations.

#### Freedom of agreement

ARTICLE 25 – (1) The provisions of Turkish Civilian Act no.4721 are reserved, the operator and the rights of way of supplier shall be free to contract regarding the right of way, as long as the contract provisions are not contrary to the relevant legislation and Authority regulations. Operators, on demand of the Authority, shall be obliged to submit to the Authority agreement and annexes and amendments thereof as well as any kind of information, documents and communications.

#### Protection of environment

ARTICLE 26 – (1) It is fundamental that the trees and environmental assets which exist on the ways subject to the rights of way are protected while using the rights established as per the rights of way. The provisions of legislation regarding the protection of historical artifacts and cultural and natural heritages in implementing the rights of way are under legal guarantee. Applications for permissions regarding such issues shall be concluded within sixty days by the notified bodies.

#### Circumstances regarding other infrastructures

ARTICLE 27 – (1) Electronic communications network and their supportive equipments belong to operator shall be constructed in reasonable distance and manner so as not to give any damage to the sewage, water and gas canals, railways, electric facilities, other electronic communications network and suchlike infrastructure of the public service which already exist on the properties subject to the rights of way. Any operator who is obliged to construct new infrastructure and network shall act in coordination with the relevant public authorities. Under essential circumstances, the expenses resulting from the measures taken against the interruption of public services shall be covered by the party who retains the ownership of rights of way. All expenses originating from any kind of work pertaining to the rights of way shall be covered by the operator.

#### Obligations regarding the rights of way

ARTICLE 28 – (1) With a view to ensure the maintenance of activities in a safe and continuous manner the rights of way supplier shall allow the operator to take all necessary measures and to execute the works as long as the expenses are covered by the operator of rights of way.

(2) The rights of way supplier whilst exercising his rights shall be obliged to abstain from any kind of activity that will endanger or damage the electronic communications network and the activities of operator that he performs as per the rights of way.

(3) Operators who possess the rights of way shall be obliged to compensate the rights of way supplier's damages which arises from implementing of rights of way are also other damages which occurred except from the implementing of rights of way within a month at the latest.

#### Rights of way agreement in case of transfer of authorization

ARTICLE 29 – (1) In case of the transfer of authorization, with a view to prevent the interruption of public services the agreement of rights of way shall be valid under same terms and conditions between the rights of way supplier and the new operator, unless otherwise decided by the rights of way supplier.

#### Expropriation

ARTICLE 30 – (1) When the activities laid down in this Law necessitated, expropriation shall be established as per principles of Expropriation Act no. 2942 dated 4/11/1983, regarding real estates under the private domain. The Ministry's relevant decision for the necessity of expropriation shall stand for a public benefit decision and without the need for any other approval; the subsequent procedures shall be executed by the Ministry as per provisions of Expropriation Act. The possession of the expropriated properties shall pass to the Treasury and right of easement shall be established free of charge on such properties, on condition that such right of easement is limited with the authorization duration granted to the operator by the Ministry of Finance. In case of cessation or termination of the authorization, the right of easement granted in favor of the operator shall be abated by the real estate registration office upon request of the relevant revenue office or fiscal directorate and the properties subject to right of easement shall be transferred to the Treasury, without the need for any other procedure. Expropriation charges that were previously paid by the operator shall not be refunded.

(2) When the operator needs as regards for the activities provided for in this Law, he shall apply to the Authority for the establishment of right of easement or right to use of or to hire any property which is under the exclusive possession of Treasury or under State's possession and discretion. If such reference approved by the Authority, the Ministry signs right of easement, rights to use or lease agreement with the operator in return for the cost, as per its relevant legislation on condition that the agreement is limited with duration of the authorization. Such contracts entail a provision which stipulates that the validity of the contract is limited with the duration of authorization. The operator shall be obliged to pay for the right of easement, rights to use or hiring charges.

### PART FIVE

#### Numbering and Internet Domain Names

##### National numbering plan

ARTICLE 31 – (1) The Authority prepares the national numbering plan and make the administration and management of national numbering resources in accordance with the plan considering the policies of the Ministry. Rules and procedures for management and administration of numbering resources, its efficient and effective use and revocation of numbering resources and other similar issues shall be determined by the regulation of the Authority. The Authority makes necessary planning in a manner that to find sufficient numbering resources for electronic communications services and/or network or infrastructure and it ensures the management of such resources in line with the fair, transparent and non-discriminatory principles.

(2) The Authority can make changes in national numbering plan in accordance with the regulation enabling the efficient and effective use of numbering resources or within the frame of new planning to be set forth by the relevant international organizations taking into account also the opinions of the operators. For the implementation of such changes, operators shall be given enough periods in accordance with international norms. Operators shall implement such changes and take necessary measures.

(3) The Authority may lay down conditions for the use and allocation of numbers, make changes or revoke allocated numbers due to the requirements of public order and national security the need for number capacity, regulations of international organizations of which the Authority is a member, and the international agreements to which the Authority is a side or in the case where the number is not used in accordance with the Authority regulations. The Authority shall not be liable for any obligation arising from the regulations on this issue.

(4) Users of public telephony services including public pay phone service users, have right to access free of charge to the relevant administration authorized to answer the emergency call by dialing 112 and other emergency call numbers determined by the Authority. Within the principles determined by the Authority, operators are obliged to ensure the access of users to 112 and other emergency call numbers free of charge in line with the quality and scope of the services they provide and to inform the relevant authority about the location of users who requested emergency aid.

### Number portability

ARTICLE 32 – (1) Operators shall be obliged to provide number portability in accordance with the regulations of the Authority. The Authority determines principles and procedures regarding the implementation of this obligation considering also the opinions of the operators. Operators shall make and implement necessary arrangements in their networks in accordance with the regulations of the Authority. Operators shall not have the right to demand any expenditure item which arises as a consequence of the arrangements they made in their networks within the scope of the operator number portability.

(2) Operators shall bear the system set up cost derived from the modifications to be made in their current systems or installation of systems in order to route the calls to the ported numbers or to provide number portability service. Reference database and similar systems shall be established and/or operated by the Authority or willing operators within the frame of regulations of the Authority. Such systems may be established and/or operated either by operators which are obliged to enable operator number portability or by third parties within the principles and procedures regulated by the Authority. The principles of cost sharing regarding such systems may be regulated by the Authority.

(3) The Authority shall take all necessary measures, to ensure the protection of the user and the users to enjoy the most benefit from the said services under best conditions within the scope of number portability.

(4) Provisions of Article 20 of this Law shall be applicable for charges that any operator imposes on other operators within the scope of operator number portability.

(5) Fees to be reflected to the subscriber directly within the context of number portability shall not impede the subscribers to take such services.

(6) The Authority may impose an obligation on operators to enable location portability or service portability. Procedures and principles regarding this obligation shall be regulated by the Authority by receiving the opinions of the operators.

### Carrier selection and pre-selection

ARTICLE 33 – (1) The Authority may impose obligation on operators to perform carrier selection and pre-selection. Operators with significant market power in the relevant market may be obliged to perform carrier selection and pre-selection in their networks, within the frame of Authority regulations. The Authority regulates the principles and procedures of such obligation. The operators within the scope of carrier selection and pre-selection are obliged to make and implement necessary changes in their networks in accordance with the

Authority regulations. Operators are not entitled to demand right for any expense item which arises as a consequence of the arrangements they made in their networks within the scope of carrier selection and pre-selection.

(2) Provisions of Article 20 of this Law shall be applicable for charges that any operator imposes on other operators within the scope of carrier selection and pre-selection.

(3) Charges to be reflected directly to the subscribers for carrier selection and pre-selection shall not be in the quality of preventing them to benefit from this service.

(4) A billing contract may be signed with a view to prevent double billing of the subscriber, between the operators which provide fixed or mobile telephone services that have the billing information of the subscribers and the other operators which provide service to the subscribers on such networks, and such contract shall not bring any additional cost to the consumer. The Authority is authorized for the determination of principles and procedures thereof.

#### Non-seizability and the continuity of communications services

ARTICLE 34 – (1) Regarding electronic communications services, usage of frequency, number and line allocated to users and beneficial interests and rights of use such as internet domain names, and the authorization of operators shall in no way be seized.

(2) Communications oriented to general security and public order whose scope has been determined by the Authority shall not be interrupted whatever the reason is.

(3) Unless relevant resolution is enacted by the Authority, Ministry or other notified bodies on electronic communications infrastructure, as per court decision or the relevant legislation, no intervention shall take place which results in the disruption of electronic communications.

#### Internet domain names

ARTICLE 35 – (1) Designation of the organization or institution that will allocate internet domain names and procedures and principles regarding the management of domain name shall be determined by the Ministry

### CHAPTER THREE

#### Spectrum Management

##### Planning, assignment and registration of frequency

ARTICLE 36 – (1) Provided that the provisions of the relevant law regarding radio and television broadcasts are reserved:

a) National frequency planning, assignments of frequencies, international frequency coordination and registration procedures are carried out by the Authority, taking into account the international frequency planning and the decisions of international organizations so as to ensure the efficient and effective use of frequency bands and to prevent radio broadcasts from constituting electromagnetic interference on each other.

b) Those who are willing to install and operate radio equipments or systems must have their frequency assignment and registration procedures approved by the Authority. Yet, assignment and registration procedures shall not be carried out for frequencies which will be

used in radio equipments or systems that operate without the need for any authorization or radio license as per Article 37 of this Law.

(2) Turkish Armed Forces, Undersecretariat of the National Intelligence Organization , Ministry of Foreign Affairs, Gendarmerie General Command, Coast Guard Command and Security General Directorate shall be given priority in frequency assignment as well as the needs thereof.

(3) Turkish Armed Forces and Radio and Television Supreme Board make and implement frequency planning in frequency bands allocated thereto, within the framework of national frequency plan.

(4) The Authority ensures coordination with the Ministry and with the relevant authorities regarding the assigned frequencies and bands, within the scope of new plans towards technological developments and the decisions of international organizations of which Turkey is a member. The Authority can make any kind of amendments including cancellation, in a manner not to result in infirmity as regards State security and intelligence. The Authority shall not bear any responsibility for the regulations made regarding such amendments.

#### Principles concerning permission for the installation and use of radio and radio license

ARTICLE 37 – (1) Provided that the provisions of relevant law regarding radio and television broadcasts are reserved, users of radio equipments or systems that need assignment of frequency in order to operate as per Authority regulations, are obliged to obtain radio license and permission for the installation and use of radio. Users within this scope must have installed and used their radio equipments or systems in accordance with the Authority regulations and the radio license.

(2) Procedures and principles regarding the issuance of permission for the installation and use of radio; duration, renewal, alteration or cancellation of permission and radio licenses as well as the subjects which will govern the users in the installation, usage, transportation, alteration of operation types and transfer or demobilization of radio equipments or systems specified within this framework, shall be determined by a by-law which will be published by the Authority. Permissions for the installation and use of radio which are not subject to authorization are issued for five years at most. In case permissions and licenses are not renewed in due time, frequencies assigned for radio equipments or systems specified therein shall be revoked. Radio equipment users which are incorporated in the system of operators providing radio services, as long as authorized by the Authority, shall be exempted from the permission and licenses for the use of radio, within the framework of second paragraph of Article 46 of this Law.

(3) Radio equipments and systems that were specified in Authority regulations and approved by the Authority, which operate in frequency bands and output power allocated for specific needs and therefore do not need assignment of frequency for operation, can be used without the need for any permission or license for the installation and use of radio.

(4) The Authority, considering standard values set by the national and international organizations, shall carry out independently or have any agency to carry out the determination, control and supervision of limit values for electromagnetic field intensity to be followed in the use of radio equipments and systems. Procedures and principles for the regulation of these activities shall be determined by a by-law which will be published by the Authority by taking the views of Ministry of Health and Ministry of Environment and Forestry. Facilities which are found in conformity with the limit values and safety distance determined by the legislation shall, without the need for any procedure, be installed and operated pursuant to the issuance of safety certificate by the Authority.

#### Allocation of satellite position

ARTICLE 38 – (1) The Authority shall carry out planning and assignment, international coordination and registration procedures regarding the satellite positions in coordination with the Ministry within the frame of international planning and criteria.

#### Coded and cryptographic communications

ARTICLE 39 – (1) Turkish Armed Forces, General Command of Gendarmerie, Coast Guard Command, National Intelligence Organization, Security General Directorate and Ministry of Foreign Affairs are authorized to make cryptographic communications by radio communications systems. Procedures and principles for making coded and cryptographic communications in electronic communications service of public institutions and organizations except from those which are under the body of above mentioned institutions and natural and legal persons shall be determined by the Authority.

#### Spectrum monitoring and inspection

ARTICLE 40 – (1) Inspection of radio equipments or systems to check whether they were installed and operated in accordance with certain techniques and procedures, detection and elimination of electromagnetic interferences, ensuring coordination with security units about radio activities concerning State and individual safety within the scope of legislation, national and international spectrum monitoring, inspection and having third parties inspect the spectrum shall be carried out within the procedures and principles to be determined by the Authority.

(2) The Authority is entitled to perform spectrum management including spectrum planning and frequency assignment, registration and pricing as well as spectrum trading including the revocation of allocated frequency and resale thereof and to exercise the regulations necessitated by spectrum monitoring and inspection for the effective and efficient use of frequencies.

(3) If deems necessary, the Authority may have all its equipments, devices, systems and facilities that are used in spectrum monitoring and inspection activities, insured against any kind of risk for safety and preservation purposes.

(4) Within the relevant legislation, the Authority, with a view to perform national and international spectrum monitoring and inspection, may install and operate any kind of its equipments, devices and systems in locations where it seems fit or it may have such equipments, devices and systems installed and operated by a third party.

(5) Coast Guard Command is authorized to perform all kinds of inspection and spectrum monitoring tasks within the scope of this Law in nautical fields.

#### Procedures for foreigners

ARTICLE 41– (1) Radio equipments and systems which were installed or will be installed in accordance with contracts signed with foreign countries shall be subject to special provisions of such contracts, if available.

(2) Diplomatic embassies of foreign states in our country may be granted permission and license for the installation of radio equipments or systems on reciprocity basis, based on the appropriate view of the Ministry of Foreign Affairs.



#### Coast radio stations, maritime and aeronautical band radio systems

ARTICLE 42– (1) Installation and operation of radio communications systems including coastal radio stations which enable communications between marine vessels and the coast; and navigation safety communications by such radio stations shall be carried out by Directorate of Radio Operation under the body of Directorate General of Coastal Safety, without being subject to any authorization.

(2) Installing all kinds of radio communications systems including maritime and aerial band radio communications systems and navigation safety communications done by coastal radio stations and having third parties to construct, issuing permission for the use of such systems, licensing, assignment and registration procedures such as assigning call codes to maritime band radio communications and navigation systems, shall be carried out by Directorate of Radio Operation. The tariff regarding services which Directorate of Radio Operation is obliged to provide shall be determined upon the approval of its management board as per relevant legislation.

#### Amateur radio

ARTICLE 43– (1) Amateur Radio Certificate is issued for amateurs willing to perform amateur radio activities both in national and international scale, with a view to train themselves in the field of radio communications techniques on their own consent and willingness without minding any personal, material or political interest, in accordance with principles and charges determined by the Directorate of Radio Operation.

#### International coordination of aeronautical and maritime radio communications

ARTICLE 44– (1) International coordination and follow-up procedures pertaining to the tasks of Directorate of Radio Operation shall be carried out by the Authority within the scope of Article 42 of this Law.

#### Radio equipments used by foreigners in prohibited areas

ARTICLE 45– (1) Issuance of license and giving permission for installation and usage of radio equipments for transmitters, except from devices for transceiver, receiver and radio equipments for receiving radio and television broadcasts, to foreigners who are permitted to exist in prohibited areas, are up to the approval of the Turkish General Staff.

#### Radio fees

ARTICLE 46– (1), License and annual usage fees for radio equipments and systems and charges for technical examination and suchlike services as per this Law are specified in the attached tariff and such charges shall be registered as revenue for the Authority. Board of Ministers is entitled to add or remove any service item in the attached tariff and to determine the charges of new services upon the recommendation of the Authority and the resolution of the Ministry. When necessary, the Authority is authorized to reduce each charge item up to fifty percent of the first value or to increase the charges on condition that the new value will not exceed the re-valuation rate which is determined annually by the Ministry of Finance in relation with the previous year.

(2) All kinds of radio equipments and systems, which are out of the scope of authorization since they are utilized by regulatory and supervisory bodies, village legal

entities, Directorate General of Coastal Safety, Turkish red crescent, municipalities, Social Security Institution, public administrations and special budgeted administrations within the scope of general budget in tables (I), (II) and (III) that are enclosed to the Public Financial Management and Control Law dated 10/12/2003 no. 5018, and which are utilized by the embassies of foreign states determined by the Ministry of Foreign Affairs, shall be exempted from radio license and annual usage fees.

(3) Operators providing electronic communications services by means of being authorized by the Authority are obliged to collect from subscribers on behalf of the Authority the radio license and annual usage fees, which all kinds of subscribers are obliged to pay to the Authority including the operators' own systems as per this Law, and to transfer such charges to the accounts of the Authority as per procedures set forth by the Authority.

(4) Receivables of the Authority within the scope of this Article shall be deemed as the privileged receivables for the execution of Enforcement and Bankruptcy Law no. 2004 dated 9/6/1932. Collection of such receivables is subject to general provisions and shall be exempted from all kinds of tax, duty and judicial charges. Prescription period for these receivables is ten years.

(5) Radio license and utilization fees collected from the billed subscribers (except from pre-paid subscribers) of operators providing mobile electronic communications services shall be received on the basis of dividing fee amount into equivalent installments as of the month when subscription took place until the end of year.

(6) Radio license and usage fees for radio equipments and systems which are out of the scope of authorization shall be collected in advance, according to the license duration. In instances where radio license and usage fees are not paid at the end of period determined by the Authority within the framework of procedures and principles thereof, permissions and licenses for installation and use of equipments and systems aforementioned shall be revoked.

## CHAPTER FOUR

### Consumer and End User Rights

#### Right to benefit from services under same circumstances

ARTICLE 47– (1) Operators are obliged to provide electronic communications services with equal and non-discriminatory conditions to the consumers and end users that are under equivalent situations. Procedures and principles pertaining to this Article shall be determined by the Authority.

#### Protection of consumer and end user

ARTICLE 48– (1) The Authority determines the procedures and principles regarding the consumers' and end users' access to electronic communications services under equal conditions and regarding the protection of their rights and interests.

#### Provision of transparency and notification

ARTICLE 49– (1) The Authority may impose obligations on the operators towards publishing service options, quality of service, tariffs, tariff packages and enlightening of subscribers about similar issues with a view to ensure that end users and consumers take maximum benefit of these services and to offer services in conformity with the principle of transparency.

(2) Operators, without necessarily being requested, shall inform consumers under every circumstance regarding considerations that will affect their decisions especially when they are making choices between services and signing subscriber contracts, as per the principle of trustworthiness.

(3) Procedures and principles pertaining to the implementation of this Article shall be regulated by the Authority.

### Subscription Contracts

ARTICLE 50 – (1) When subscribing to an electronic communications service, consumers are entitled to sign contract with the operator who provides such services. Subscription contracts shall at least cover issues such as; name and address of the operator providing electronic communications service, content of the services to be provided, levels of the quality of service offered and the anticipated duration for the accomplishment of the first connection, types of maintenance and repairing services that will be supplied, the scope of tariffs that will be implemented and in what ways the current information regarding tariff changes could be learned, terms for the duration, termination and renewal of the contract, procedures of compensation or reimbursement in instances where the offered quality of service could not be ensured due to the failure of the operator and the dispute settlement procedures in case of any conflict between the subscriber and the operator.

(2) The Authority, either on its own initiative or upon complaint, is entitled to request the subscriber contracts from operators, to review them and to notify the operator regarding the issues which are seem necessary to be altered. Operators are obliged to perform required amendments in prescribed period in accordance with the Authority regulations.

(3) Provisions of subscriber contracts are void, where in case they may result in disparities against the subscriber and the contrary of the principle of trustworthiness regarding the rights and obligations of the sides arising from the contract.

(4) The subscriber is entitled to nullify the contract without paying any compensation after being notified by the operator that terms of subscriber contract have been altered. Operators shall be obliged to inform the subscribers regarding the amendments in subscriber contract at the latest a month before such amendments enter into force and declare that the subscribers are obliged to nullify the contract without paying any compensation in case they do not adopt such amendments. Subscribers, on condition of notifying in written, may any time terminate their subscription.

(5) In instances where unsolicited communication has been conveyed for the purposes such as direct marketing, political propaganda or transmission of sexual content messages by electronic communications means such as automatic dialing machines, fax machines, e-mails and short messages without the prior consent of the subscriber; the subscriber shall be entitled to reject such messages henceforth by simple means and free of charge.

(6) Procedures and principles pertaining to the implementation of this Article shall be regulated by the Authority.

### Processing of personal data and protection of privacy

ARTICLE 51 – (1) The Authority is entitled to determine the procedures and principles towards the processing of personal data and the protection of its privacy regarding electronic communications sector.

### Quality of Service

ARTICLE 52 – (1) The Authority may determine parameters for the level of the quality of service and its content, type of information to be published by the operators and other considerations pertaining to the quality of service level so as to provide the accessing of consumers and end users to comprehensive, sufficient and apprehensible information regarding the level of the quality of service.

(2) Operators are obliged to provide any kind of information regarding the quality of service parameters for electronic communications services to the Authority and to assure conformity to quality of service standards in due time and the requested manner. The Authority may either publish information sent by the operators regarding the quality of service or it may impose on operators to do so, within the procedures and principles regulated under its own authority. The Authority may also inspect the accuracy and conformity of such information to the standards for the quality of service level or have any third party to inspect thereof.

(3) The Authority may impose on operators to prepare service level agreements oriented to electronic communications services and electronic communications infrastructure or network components and to publish such agreements within due time and requested format. Furthermore, the Authority may request from the operators to make amendments, optimizations or corrections in their service level agreements. The operators are obliged to make such amendments, optimizations or corrections within due time prescribed by the Authority.

(4) In all circumstances, operators are obliged to ensure accurate billing and are under the burden of proof in case of any conflict regarding the content of the bill.

(5) The Authority determines the issues such as dispatch of bills, items necessary to be listed in bills, itemized billing, procedures to be applied for interruption of the service when the bills are not paid by the subscriber and the procedures and principles pertaining thereto.

## CHAPTER FIVE

### Notified Bodies and Market Surveillance

#### Notified bodies, market surveillance

ARTICLE 53– (1) Relevant provisions of Law no. 4703 shall be applicable in subjects such as; the conformity of equipments within the scope of this Law to relevant safety requirements and technical regulations to be published by the Authority, obligations of manufacturers and distributors regarding these issues, the Authority's terms of reference in market surveillance for such equipments and the responsibilities of notified bodies assigned by the Authority.

(2) The Authority, when deems necessary in terms of market surveillance activities, may utilize from the facilities of testing, examination and/or certification bodies which do not take part in conformity assessment processes of the equipment subject to surveillance; and it may put its own laboratory facilities to the service of those who demand for a fee and within procedures and principles defined under its own authority. The final decision on market surveillance is given by the Authority. If it is detected that the equipment is unsafe, testing and inspection charges shall be defrayed by the manufacturer.

(3) The Authority shall dispose or have third parties to dispose the electronic communication devices wholly or partly according to the risks they bear where it is impossible to make these devices safe and the expenses shall be defrayed by the manufacturer.

(4) The Authority regulates the procedures and principles pertaining to the notified bodies and market surveillance as per Law no. 4703 and the relevant technical regulations.

#### Certificate of competency

ARTICLE 54– (1) Real persons or legal entities without certificate of competency issued by the Authority shall not provide measurement and inspection services.

(2) The Authority regulates the procedures pertaining to the implementation of this Article as well as the charges for certificate of inspection competency.

#### Equipments with electronic identity register

ARTICLE 55– (1) Unless permitted by the Authority, specific information including subscriber's identity and communication data or electronic identity used for identifying the equipment shall not be reconfigured, altered, reproduced or distributed for any reason.

(2) It is strictly prohibited to import, manufacture, distribute, present and keep any equipment, boards, tools and materials whose electronic identity has been changed and any kind of software, tools or equipment used for changing electronic identity shall not be imported, manufactured, distributed or mediated.

(3) All kinds of equipment, boards, tools and materials whose electronic identity have been changed and any kind of software, equipment or materials used for changing electronic identity shall be confiscated as per provisions of Article 127 of Code of Criminal Procedure no. 5271 dated 4/12/2004.

#### Safety of subscriber and equipment identity register

ARTICLE 56 – (1) Without authority and consent, specific information including subscriber's identity and communication data as well as any kind of software, board, tool and material which has the equipment's electronic identity shall in no way be copied, kept, distributed or used for taking advantage on one's own or by third parties.

(2) False information and documents shall not be presented to the operator or the agency acting on behalf of the operator regarding subscriber information during subscription procedures.

(3) Subscription shall not take place until the copy of required identity cards are presented to the operators or the agency acting on behalf of the operator.

(4) Procedures and principles pertaining to the subscription shall be determined by a regulation of the Authority.

#### Technical conformity

ARTICLE 57– (1) Operators are not entitled to provide electronic communications services to lost, smuggled or stolen equipments. Nevertheless, original equipments that are registered to the CEIR and whose electronic identity have been copied, shall be put into service on condition of being used solely with the matched subscriber numbers.

(2) Operators are obliged to ensure the compatibility of their EIR systems with the Authority's CEIR and to ensure the security and reliability of the technical infrastructure and the system for continuous operations in order to prevent the connection of illegal equipments, mentioned in the above paragraph, to their communications systems.

#### Call Center

ARTICLE 58– (1) The Authority may establish a call center for the procedures necessary for the pursuance of its duties assigned by this Law. It may either operate such a center on its own or have third parties to operate it. Subscriber whose communication equipment has been registered in the electronic identity systems of the Authority shall first apply to call center for disconnection request of his/her equipment from electronic communications network if his/her communication equipment has either been stolen, despoiled, lost or whatsoever out of his/her hand without his/her consent.

## CHAPTER SIX

### Inspection, Authority's Authority and Administrative Sanctions

#### PART ONE

##### Inspection

##### Inspection

ARTICLE 59– (1) The Authority shall be entitled to inspect or to have third parties inspect real and legal persons which are engaged in electronic communications sector, pertaining to the tasks prescribed by this Law on its own motion or upon notification or complaint. The Authority may carry out or have third parties carry out examination and inspections in situ, when it deems necessary whilst performing its tasks assigned to it by this Law. Administrative chiefs, law enforcement officers and the chiefs and officers of other public corporations are obliged to make due contribution and any kind of assistance to officials in charge of examination or inspection. Officials in charge of examination or inspection are obliged to keep a certificate of competency indicating the subject and the purpose of inspection and the administrative fine to be imposed in case of giving misinformation.

(2) Officials in charge of inspection shall, in the presence of the entities or their facilities which are subject to inspection, be entitled to examine all kinds of documents and assets including the registers, data stored in electronic environment, electronic communications infrastructure, equipments, systems, software and hardware; to take copy or sample, to request verbal or written explanation pertaining to the subject, to take necessary minutes and to examine the facilities and the operation thereof. Operators subject to inspection shall be obliged to take necessary measures so as to make any kind of assistance to the in-charge officials, to meet their requests regarding the abovementioned issues within due time, to keep their equipments, systems, software and hardware available for the inspection, to provide the infrastructure necessary for inspection and to take precautions for keeping such infrastructure in operating condition. Penal sanctions in accordance with this Law and the provisions of relevant legislation shall be imposed for those who act in otherwise direction.

(3) The Authority, whilst performing its tasks assigned to it by this Law, shall be entitled to request information and documents which it deems necessary for the performance of its tasks from public corporations and institutions, real and legal persons. The Authority may request personnel qualified in inspection from other public corporations and institutions, when necessary.

(4) The Authority may have the operators inspected within the prescribed principles. Authorized agencies and independent inspection corporations shall be responsible for the conformity of information, documents, reports and financial tables to this Law and to the provisions of the legislation and for the accuracy, examination and inspection of the accounts in accordance with generally accepted inspection procedures and principles. Such agencies shall be responsible for losses that which may arise due to misinformation, misleading information and convictions in their inspection reports and for losses which lead to the detriment of third parties due to their activities performed as per this Law.

(5) Officials who are employed for inspection activities of the Authority shall be issued certification proving that they are authorized to act as independent inspectors in electronic communications sector, when their commissions are expired in the Authority. As long as such officials keep their status of not being deposed from their official duties due to criminal or disciplinary proceedings and as long as they meet the requirements laid down in sub-clauses no. (1), (4), (5) and (7) of paragraph (A) of Article 48 of State Officials Act no.657 dated 14/7/1965, they shall be entitled to act as independent inspectors in electronic communications sector after resigning from their position in the Authority.

(6) Procedures and principles pertaining to the implementation of this Article shall be determined by the Authority by a regulation.

## PART TWO

### Competence of Authority and Administrative Sanctions

#### Competence of Authority and Administrative Sanctions

ARTICLE 60– (1) The Authority shall be entitled to monitor and inspect the adherence to the legislation, right of use and other authorization requirements; to charge operators with administrative fine with the amount up to three percent of the previous calendar year's net sales in case of non-adherence, to take necessary measures for the enforcement of national security, public order or public services properly and for the implementation of provisions enacted by laws, if necessary to take over facilities in return for compensation and to revoke the authorization in case of a gross fault or in case the authorization fee is not paid in due time. Nevertheless, the Authority shall take the opinion of the Ministry in instances where authorizations regarding electronic communications services which cover the utilization of frequency bands allocated in national scale and which need to be provided by a limited number of operators, are need to be revoked.

(2) In case that the operator has just been engaged with electronic communications services, considering the criteria such as the quality of breach, whether any profit has been gained as a result of the breach, good will and voluntary declaration, the Authority shall be entitled to impose administrative fine with an amount from one thousand Turkish Liras up to one million Turkish Liras and other administrative sanctions prescribed in this Law, within the procedures and principles to be determined beforehand by the Authority.

(3) As regards the requirements of public service and, with a view to protect the public order the Authority shall be entitled to abort the operator's activities temporarily or to impose on operator to implement concrete measures in order to remedy the breach in instances determined beforehand by by-laws

(4) Natural persons and legal entities signing subscriber contract with any operator providing electronic communications services shall be entitled to grant such services to third parties in return for due charges or free of charge, as is due for their activities. Subscribers shall not offer the services they utilize to third parties for commercial purposes. Subscriber contract of those who act in contradiction shall be annulled.

(5) In instances where the operators do not make due notifications regarding their electronic communications facilities or where construct their facilities without safety certificate or where electromagnetic field intensity is found in non-conformity with the limit value set by the Authority after measurements carried out by the Authority or by the agencies authorized by the Authority; the owners of such facilities and equipments shall be charged with administrative fine for each equipment separately, with the amount of fifty times of license charge prescribed in the tariff of charge attached to this Law. Provisions of this Article shall be applicable for also those who are exempted from radio license and annual utilization

fees as per second paragraph of Article 46 of this Law. Administrative fines as per this paragraph may also be imposed by provincial organizations of the Authority.

(6) In cases where the first paragraph of Article 53 of this Law is breached, administrative fines prescribed for distributors, manufacturers and notified bodies in Article 12 of Law no. 4703, shall be imposed in an incremental manner starting from the fine amount up to four times thereof.

(7) The perpetrator who acts in defiance of the first paragraph of Article 57 of this Law shall be punished with administrative fine from ten thousand Turkish Liras to twenty thousand Turkish Liras per each equipment; perpetrator who acts in defiance of the second paragraph shall be fined with the amount up to ten million Turkish Liras.

(8) The Authority is entitled to impose administrative fines as per this Article.

(9) Considerations regarding the implementation of this Article and the administrative fines to be imposed in case of operators' failure to perform their obligations as per this Law shall be regulated by by-laws enacted by the Authority.

#### Imposing and collection of administrative fines

ARTICLE 61– (1) Administrative fines imposed by the Authority are subject to the provisions of Law no. 6183 and shall be paid to Authority accounts within thirty days as of the notification date. Fines which are not paid within such period shall be collected by the relevant tax office upon notification of the Authority as per provisions of Law no. 6183. Administrative Jurisdiction Procedures Law no. 2577 dated 6/1/1982 shall be applied regarding the lawsuits to be filed against administrative fines imposed by the Authority.

(2) The whole amount of the collected administrative fines shall be transferred to Authority accounts.

#### Right to sue

ARTICLE 62– The Council of State shall trial the lawsuits filed against the activities of Authority on the sector, as the court of first instance. The Council of State deems such lawsuits immediate actions. Decisions of the Board shall not be subject to the expediency inspection in the administrative inspection of the Authority.

(2) No warranty shall be requested for lawsuits filed by the Authority.

## CHAPTER SEVEN

### Penal Provisions

#### Penal provisions

ARTICLE 63– (1) Judicial fine for a term of thousand to ten thousand days shall be imposed for operators who provide electronic communications services and/or construct and/or operate associated facilities in defiance of the Article 9 of this Law without notifying the Authority.

(2) Judicial fine for a term of five thousand days to fifteen thousand days and imprisonment up to six months shall be imposed for the operators who provide electronic communications services and/or construct and/or operate associated facilities in defiance of Article 9 of this Law without holding the right of use.

(3) In instances where the personnel of any operator authorized to provide electronic communications services commit offense against the secret life and the secret parts of life



regulated under Book Two, Chapter Two, Part Nine of Turkish Criminal Act no. 5237 dated 26/9/2004, sentences prescribed within this part shall be imposed. However, the punishment shall be multiplied by one as per Article 137.

(4) Judicial fine up to two thousand days shall be imposed for perpetrators who sell, construct, operate and utilize radio equipments or systems which are subject to permission and license for construction and utilization, in defiance of Article 37 of this Law without taking approval of the Authority. Perpetrators who utilize such equipments for the violation of national security even if they retain the required permits, shall be imprisoned for a term of six months up to one year and a judicial fine up to ten thousand days, unless their actions do not necessitate a more serious punishment.

(5) Judicial fine not less than one hundred days shall be imposed in instances where the persons authorized, permitted and allocated by the Authority commit;

a) Not taking measures within due time determined by the Authority, for the remedy of contradiction which they have caused by constructing , operating, changing physical location, frequency and other technical characteristics in defiance of the Institute regulations and radio license and by utilizing such systems out of purpose,

b) Not taking measures within due time determined by the Authority, for the remedy of electromagnetic interference or jamming factors when detected on other electronic communications systems in whatsoever manner, which they have caused by operating radio systems in defiance of the prescribed techniques and procedures set forth by the Authority regulations.

(6) Perpetrators who communicate by means of coded or cryptographic communication or who enable such communication in defiance of Article 39 of this Law shall be punished by judicial fine from five hundred days up to one thousand days.

(7) Judicial fine from one thousand days up to five thousand days shall be imposed for the perpetrators when it is detected that equipments which were returned to the manufacturer, distributor or user by the Authority so as to be disposed have supplied to market or used in defiance of third paragraph of Article 53 of this Law.

(8) Judicial fine up to five thousand days shall be imposed for perpetrators who act in defiance of Article 54 of this Law.

(9) Judicial fine from one thousand days up to fifteen thousand days shall be imposed for perpetrators who act in defiance of the first and second paragraphs of Article 55 of this Law.

(10) Perpetrators who act in defiance of the provisions of first paragraph of Article 56 of this Law shall be punished with judicial fine from one thousand days up to five thousand days, perpetrators who act in defiance of the provisions of the second paragraph shall be punished with judicial fine from twenty days up to one hundred days and perpetrators who act in defiance of the provisions of third paragraph shall be punished with judicial fine from one hundred days up to five hundred days.

(11) In case the misdemeanors identified under this Article have been committed within the activities of a criminal organization, the amount of fines shall be increased by the half of fine amount. If the committer of misdemeanor is a legal entity, it shall also be subjected to specific security measures described in Law no. 5237.

## CHAPTER EIGHT

### Final Provisions

#### Notification

ARTICLE 64– (1) Notifications of Ministry and the Authority to be conveyed to the persons concerned as per this Law shall be issued in accordance with the provisions of Notification Law no. 7201 dated 11/2/1959.

#### References and implementation

ARTICLE 65– (1) References attributed to Telegraph and Telephone Law no.406 dated 4/2/1924 and to Radio Law no. 2813 dated 5/4/1983 in the other legislation pertaining to the service fields, as well as references attributed within the own entity of such Laws shall be deemed as being attributed to this Law.

(2) Provisions of other laws which contradict with this Law shall not be applicable.

(3) The expressions of “Telecommunication Authority” , and “Telecommunication Board” mentioned in the other laws and regulations refer to “Information and Communication Technologies Authority” and “Information and Communication Technologies Board” .

#### Abolished provisions

ARTICLE 66– (1) Of the Law no. 406; except for paragraph one, paragraph seven and the first sentence of paragraph nine of Article 1; Supplementary Articles 17, 19, 21, 22, 23, 24, 28, 29 and 30; paragraph four and paragraph six of Supplementary Article 32, Supplementary Article 33; second paragraph of Supplementary Article 35; Supplementary Articles 36, 37; provisional clause 3, Articles 35 and 36 have been abolished together with the annexes and amendments thereof.

(2) Provisions of Law no. 2813; except for Article 5, Article 8 and paragraph one, paragraph two, paragraph three, paragraph five of [Supplementary Article 2](#) and Articles 35 and 36 have been abolished together with the annexes and amendments thereof.

(3) Telegraph and Telephone Law no. 4502 dated 27/1/2000, Law on the Organization and Duties of the Ministry of Transportation, Radio Law, Law on Saving and Aid Fund of Post, Telegraph and Telephone Administration and Article 26, provisional clause 1, provisional clause 5, provisional clause 6, provisional clause 7, and provisional clause 8 of Law on Amendments to the Schedules annexed to Decree Law on General Staffing and Procedures have been abolished.

(4) Provisional clause 1, provisional clause 2 and provisional clause 4 of Law on Amendment to the Law on the Organization and Duties of the Ministry of Transportation and Telegraph and Telephone Law no.4673 dated 12/5/2001, Law on Saving and Aid Fund of Post, Telegraph and Telephone Administration have been abolished.

#### Amended provisions

ARTICLE 67– (1) This paragraph amends the Law no.406. Amendments are issued in the related text.

(2) This paragraph amends the Law no.2813. Amendments are issued in the related text.

(3) Additional articles have been annexed to the Law no. 3348.

“Expert and Assistant Expert of Transportation and Communications

ADDITIONAL ARTICLE 2 – Experts and Assistant Experts of Transportation and Communications are employed under the body of main service units of the Ministry’s central organization.

In order to be appointed as Assistant Expert of Transportation and Communications, besides meeting general requirements stipulated in Article 48 of Law no. 657 the following requirements must also be met:

a) To graduate from faculties which will be determined by the regulation, of law, political sciences, economy, business administration, economics and administrative sciences, communications, science; faculty of science and letters or faculty of engineering of the universities giving four years of graduate study at least, or from higher education institutions abroad whose equivalency to such departments are approved by Higher Education Board,

b) To get minimum (D) grade from Public Personnel Language Examination in terms of one of the foreign languages at least, determined by the regulation,

c) To be successful in the competition examination,

d) Not to be over thirty as of the first day of January of the year when the examination took place,

Personnel appointed as assistant experts as per paragraph two, shall be entitled to enter in the qualification test on condition of having worked minimum three years actually, possessing good qualification record every year and their specialization thesis, whose subject will be determined by the units to employ them, are approved by thesis jury. Those who succeed in qualification test shall be appointed in Expert of Transportation and Communications positions.

Personnel who have not succeeded in qualification test, who have not entered in test without reasonable excuse despite having the right to enter, whose specialization thesis have not been approved or who possess poor qualification record shall lose the title of Assistant Expert in Transportation and Communications and be appointed to other positions in accordance with their qualifications.

Procedures and principles pertaining to the competition, thesis preparation and qualification tests of Assistant Expert in Transportation and Communications and pertaining to the working and education of Experts in Transportation and Communications and Assistant Experts of Transportation and Communications as well as the related issues shall be determined by a regulation.

ADDITIONAL ARTICLE 3- Positions laid down in the annexed table no. (III) have been abolished and the appendix to Decree Law on General Staffing and Procedures Thereof no. 190 dated 13/12/1983 has been removed from the table of Ministry of Transportation; positions laid down in the annexed table no (IV) have been created and annexed to the table no. (I) which is appendix to Decree Law no. 190, to the part pertaining to the Ministry of Transportation.

(4) The following provisional Article has been annexed to the Law no. 3348.

“PROVISIONAL ARTICLE 6- As of the date when this Law entered into force, among personnel who work in the Ministry and the relevant organizations and affiliated institutions to the Ministry as being subject to the Law no. 657, who are not over the age of forty five, whose last three year’s qualification grade is eighty and more, who meet the education requirement to enter in the Assistant Experts of Transportation and Communications examination and who apply within one month after the Regulation to be enacted by the Ministry of Transportation as per additional Article 2 enters into force; those who have served minimum five years shall be appointed to Expert of Transportation and Communications positions within one year at most according to success rating as long as they meet the foreign language requirement prescribed in the Additional Article 2 and as long as they have succeeded in oral and written examination to be opened as per provisions of the mentioned regulation, with a stipulation that their number do not exceed one fifth of the created Experts of Transportation and Communications positions; those who have served

minimum three years shall be appointed to Assistant Experts of Transportation and Communications positions within one year at most according to success rating as long as they meet the foreign language requirement prescribed in the Additional Article 2 and as long as they have succeeded in oral and written examination, with a stipulation that their number do not exceed one fifth of the created Assistant Expert of Transportation and Communications positions.

Those appointed to Transportation and Communications Assistant Expert positions in the abovementioned manner shall be subject to the provisions pertaining to the “qualification exam” as per Additional Article 2 of this Law.

Personnel who work in administrative positions superior to the head of department in the Ministry at the time when this Law is in force, shall be deemed as having acquired the title of Transportation and Communications Expert.”

(5) Of the Law no. 657;

a) The expression “Assistant Experts of Transportation and Communications” has been annexed to clause (11) of paragraph (A) under “Common Provisions” part of Article 36 after “Assistant Experts of Culture and Tourism”; and “Expert of Transportation and Communications” has been annexed after “Expert of Culture and Tourism”,

b) The expression “Experts of Transportation and Communications” has been annexed to clause (i) of “A-Specific Service Compensation” part under “II-Compensations” chapter of Article 152, after the expression “Experts of Culture and Tourism”,

c) The expression “Experts of Transportation and Communications” has been annexed to clause (h) of “General Administration Services Class” part of Annex Indication Table no. (I) after the expression “Experts of Culture and Tourism.”

(6) The name of Law no. 5369 has been amended as “Universal Service Law” and of this Law;

a) The expression “in electronic communications sector” in Article 1 has been amended as “in electronic communications sector and other fields laid down within the scope of this Law”,

b) “Authority”, “Universal service”, “Incumbent Universal Service Provider” and “Operator” definitions in Article 2 have been amended as follows and the following “Infrastructure”, “Maritime communications services”, “Operator of passenger transportation by sea” and “Navigation safety communications services” definitions have been annexed in turn in order after the definition of “Operator”,

“Authority means Information Technologies and Communications Authority,

Universal service means electronic communications services including internet access and other services to be determined within the scope of this Law, which are accessible by anyone within the borders of Turkish Republic disregarding geographical position and which will be offered in pre-determined quality and minimum standards in return for a reasonable charge that anybody can afford,

Incumbent Universal Service Provider means any operator in electronic communications sector who has been authorized by the Authority as per relevant legislation and who is liable to provide services within the scope of this Law,

Operator means the operators authorized by the Authority or other relevant authorities according to the relevant legislation, responsible for services taken under the scope of this Law,

Infrastructure means any kind of outfit, equipment, computer, software and hardware used first of all for the purpose of creating a physical environment when necessary, for enabling service so as to provide universal service,

Maritime communications services mean communications services conducted as transmission of sound and data between ship-land and ship-ship by using radio systems via coast radio stations,

Operator of passenger transportation by sea means any operator, who carries out the passenger transportation between mainland and the island upon receiving line permit from the Undersecretariat of Maritime Affairs,

Navigation safety communications services mean radio broadcast services as sound and data transmission so as to ensure safe navigation of any kind of marine vessels,”

c) The following paragraph has been annexed to Article 4,

“Incumbent Universal Service Provider is not necessarily requested for the extensity of information technologies, internet infrastructure and the purchase and assembly of infrastructural equipment which are necessary for terrestrial digital broadcasting and for passenger transportation provided by sea.”

ç) The expression “Basic” in clause (e) of the first paragraph of Article 5 has been removed from the Article text; clause (f) has been amended as “passenger transportation services to settlements where transportation is provided by sea” and clause (g) has been annexed after this clause,

“g) Maritime communications and navigation safety communications services,”

d) Clause (a) of first paragraph of Article 6 has been amended as “Undersecretariat of Treasury, until the end of the month following the date when 2% of the authorization fee due to authorizations issued by the Authority is settled to its accounts”, clause (b) has been amended as “Türk Telekom and operators other than those who are obliged to pay Treasury contribution, 1% of the annual net sales revenue, until the end of April of the following year; the operators, despite of the obligation to pay Treasury contribution due to their activities, who also carry out services which do not require the payment of Treasury contribution, 1% of the annual net sales revenue, until the end of April of the following year”. Clause (c) has been amended as “Operators who are obliged to pay Treasury contribution, 10% of the contribution, within the month of settlement”, and the expression “as per Telegraph and Telephone Law no. 406 dated 4.2.1924 and Radio Law no. 2813 dated 5.4.1983” in paragraph (d) has been removed from the Article text,

e) Second sentence of the first paragraph of Article 7 has been amended as “However, in calculation of the universal service net cost, the evaluation must be carried out considering the other revenues that the operators will earn for being Incumbent Universal Service Provider” and the following paragraph has been annexed to this Article.

“The requirements of net cost and being a Incumbent Universal Service Provider stipulated in this Law shall not be requested for the purchase of; infrastructure services towards the dissemination of information technologies with a view to contribute to the development of information society including computer literacy and purchase of infrastructure services towards the provision of digital broadcasting, which is provided by various broadcast mediums and technologies, by terrestrial digital transmitters in a manner to cover all the settlements in our country and the purchase of similar facilities which necessitate the installation of specific infrastructure.”

f) The following additional article has been annexed to Law no. 5369.

“ADDITIONAL ARTICLE 1- In the implementation of clause (b) of first paragraph of Article 6 of this Law regarding the universal service revenues, time-based proportional share

principle shall be applied as of the start and termination date of the authorization, in determination of the annual net sales revenue of the operators. The date of 25/6/2005 shall be taken as basis in the implementation of abovementioned provision and of the exception provision regulated under the second paragraph of Article 7 of this Law.”

(7) The following paragraph “The Presidency may object to the judicial decisions which are sent thereto for the execution of procedures, as per provisions of Code of Criminal Procedure no. 5271 dated 4/12/2004” has been annexed to Article 8 of Law no. 5651 as paragraph thirteen and to the mentioned Law;

a) The following additional article has been annexed.

“ADDITIONAL ARTICLE 1- (1) Fundamental and continuous tasks and services imposed on Telecommunications Communications Presidency are performed by occupational personnel and other staff consisting communications chief expert, communications expert, technical expert, administrative expert and communications assistant expert, technical assistant expert and administrative assistant expert. In the Presidency: Personnel working in president, head of department, consultant and occupational personnel positions must be graduated from faculty or departments of electronic, electric-electronic, electronic and communications, industry, physics, mathematics, computer, telecommunications and business administration engineering for engineering field; faculty or departments of political sciences, economics and administrative sciences, economy, law, business administration and communication for social sciences field or from faculties abroad whose equivalency to the abovementioned faculties or departments are approved by the notified bodies; or besides graduating from the specified departments, they must have studied for master’s degree or doctorate in the mentioned fields, personnel working in expert titled positions must have bachelor’s degree, other personnel must be graduated from high school or the equivalent, at least. Those graduated from Security Sciences Faculties may also be appointed to head of department positions. Of the Presidency personnel; heads of departments shall be appointed by the Board upon the proposal of Telecommunications Communications President and the assent of Chairman of the Board; other personnel shall be appointed by Chairman of the Board upon the proposal of Telecommunications Communications President.

(2) In order to be assigned as assistant experts, it is a must to graduate from faculty or departments laid down above, to enter central competition examination, to know at least one of the specified foreign languages in required level, not being over thirty as of the first day of January of the year when the Authority examination took place and to be successful in such examination.

(3) Personnel, who work as assistant experts, on condition of having worked three years at least and possessing good qualification record, may be appointed as communications expert upon the approval of their thesis. Such personnel’s degree of office shall be promoted one grade for only once. Personnel who fail in thesis justification and in qualification exam twice times shall loose the title of assistant expert and be appointed to positions according to their qualifications.

(4) Other provisions pertaining to the entrance and qualification tests, working procedures and principles of experts and assistant experts shall be determined by the Authority regulation.

(5) Positions listed in this Law and the annexed table no. (V) have been created and annexed to the list no. (I) which is the appendix to Law no 5651, in order to be employed in the services of Telecommunications Directorate.”

b) The following provisional article has been annexed.

“PROVISIONAL ARTICLE 2- Among the personnel working in Telecommunications Directorate positions who meet educational requirements prescribed in Additional Article 1 may be appointed as communications experts within five years as of the publication date of

this Law, on condition that they have completed three years of public service, they received minimum 60 from Public Personnel Language Examination or the equivalent grade from internationally accepted examinations, and on condition that their thesis is approved. Among such personnel, those who have been assigned in other public corporations and institutions by succeeding in competition examinations in line with the specific legislations thereof, and who have been appointed as occupational career personnel upon succeeding in the qualification test and approval of the thesis, may be appointed as communications experts as long as they meet the requirement for foreign language; and among such personnel who have completed master's or doctorate studies may be appointed directly as communications experts as long as their master's or doctorate theses are determined to be relevant with the fields of duty of the Authority or the Presidency, and of such personnel who have bachelor's degree may be appointed as communications experts, on condition of meeting foreign language requirement.

(2) The personnel of Telecommunications Directorate, who have bachelor's degree may be appointed as technical expert or administrative expert in accordance with their educational background within five years as of the publication date of this Law, on condition of completing three years of public service, meeting the requirements prescribed in the regulation to be enacted and being approved of their thesis or having graduate or doctorate degree.”

#### Implementation

PROVISIONAL ARTICLE 1 – (1) Until the enforcement of regulations suggested by this Law, provisions of the current regulations which are not contrary to this Law shall continue to be implemented. The Authority may authorize as per the current legislation, until the provisions laid down in Chapter Two Part One of this Law regarding authorization enter into force. The operators shall continue to retain the rights of way which they hold in accordance with the relevant legislation, until the enforcement date of this Law.

(2) The provision of Article 61 shall be applied for administrative fines which have not been collected yet and which were decided by the Authority before the enforcement of this Law.

#### Transitional period for existing authorizations

PROVISIONAL ARTICLE 2 – (1) Operators who were authorized by telecommunication license or general authorization before the enforcement of this Law shall be regarded as having notified the Authority as per this Law and having received the right of use which is limited with the duration of their authorizations, when required.

(2) Authorization and concession agreements signed with the Authority before the enforcement of this Law shall continue to be valid as per their current provisions until their termination due to their expiration, annulment, cancellation of the agreement or in case of a termination for any other reason whatsoever. Definitions in the last paragraph of Article 1 of Law no. 406 shall continue to be valid for the implementation of such paragraph regarding the subject of the relevant agreement.

(3) The right of use of sources for which the Authority has granted permission for the installation and utilization of systems shall continue to be valid for electronic communications services which were not subject to authorization before the enforcement of this Law.

#### Renewal of radio licenses

PROVISIONAL ARTICLE 3 – (1) Except from public corporations and institutions which use radio equipments and systems in accordance with the authority granted by specific laws; public corporations and institutions, natural persons and legal entities which have been using radio equipments and systems before the enforcement of this Law shall apply to Authority within six months as of the publication date of regulation specified in Article 37 of this Law, with the necessary documents and make their situation appropriate for this Law.

(2) The Authority, upon examining the situations of abovementioned public corporations and institutions, natural persons and legal entities shall renew the radio licenses of those which it deems suitable. The Authority shall revoke the licenses of those which are not suitable and who have not applied in due time.

(3) Except from the receivables accrued within the operators' liabilities to collect and to pay to the Authority as per their authorizations and specific protocols regarding the collection of radio usage and license fees within the frame of Law no.2813; the collection of the Authority's receivables; which have not been collected whatever the amount is or the collection of which is impossible whatever the ground is, which have accrued due to the equipments of radio installation and systems that are utilized by administrations included in the scope of general budget, supplementary budgeted administrations, special provincial administrations, municipalities and village legal entities and which have arisen due to the implementation of Law no. 2813 before the enforcement of this Law; as well as the receivables and accessory receivables with the amount of one hundred fifty Turkish liras and the less which have accrued for all kinds of equipments of radio facilities and systems that are utilized by natural persons or legal entities except from those which have been finalized by adjudication shall be deemed as renounced without the need for any procedure. Legal procedures and trials filed for such receivables shall be cancelled.

#### Task agreements and transfer

PROVISIONAL ARTICLE 4– (1) The task agreement signed between the Authority and the Directorate General of Coastal Safety shall be deemed as annulled without the need for any procedure; and services defined under such task agreement and the tasks imposed on the Directorate of Radio Operation by this Law shall continue to be implemented without being subject to any authorization. Directorate General of Coastal Safety shall continue to be regarded as universal service obligator operator within the scope of Law no. 5369.

(2) All rights, receivables, debts, agreements, commitments and liabilities of the Authority and executive proceedings and follow-up lawsuits that are filed in favor of or against the Authority pertaining to the tasks and works which were transferred to the Directorate of Radio Operation in accordance with Articles 42 and 43 of this Law, shall be transferred to the Directorate of Radio Operation within six months as of the enforcement of this Law upon protocols held between the Directorate General of Coastal Safety and the Authority. All kinds of assignment, transfer and transition procedures regarding such transfer and all kinds of contracts, protocols or papers to be arranged in accordance therewith shall be exempted from financial obligations such as duty, charge and taxes including value added tax and stamp tax.

#### Updating of subscriber registries

PROVISIONAL ARTICLE 5– (1) All subscriber registries kept by the operators which provide GSM mobile telephone services, shall be updated within one year as of the publication of this Law so as to ensure that the registries comprise appropriate, correct and updated information. Within this scope, subscribers whose information and documents are faulty or deficient shall apply to the operator with their identity cards within such period. During application, individual subscribers shall be requested Turkish Republic identity numbers and corporate subscribers shall be requested taxpayer identification numbers in addition to the copy of their identity cards. Electronic communications network connection of the lines whose information has not been updated as per this article shall be cut off.

(2) End users identified in this Law are entitled to sign subscriber contract with the relevant operator in order to register the lines they use, on their name within the specified period and for only once, without being subject to any financial liabilities such as tax, duty



and charge. The rights of former subscribers of the mentioned lines to object such procedure within one year of prescription period are legally guaranteed.

(3) Regulations pertaining to the implementation of this Article shall be set forth by the Authority.

#### Enforcement

ARTICLE 68 – (1) Provisions in Chapter Two Part One of this Law regarding authorization shall enter into force in six months after the publication of the Law, other provisions shall enter into force on the date of publication of the Law.

#### Execution

ARTICLE 69 – (1) Council of Ministers shall execute the provisions of this Law.

RADIO FEES	
1. RADIO LICENSE FEES	
a. Radio transmitter-receiver equipments (per each terrestrial equipment, registered in license)	
1) Mobile radio (Vehicle/mobile/hand)	20.00 TL
2) Repeater (fixed/mobile) radio	100.00 TL
3) Fixed radio	50.00 TL
b. Terrestrial mobile (cellular) radio telephone system	
1) Per each base station	100.00 TL
2) Per each subscriber in the system	10.72 TL
c. Point to multipoint access systems	
1) Per each base station	100.00 TL
2) Per each subscriber in the system	10.00 TL
d. Common used (trunking, community repeater and so forth) radio systems (per each equipment registered in the license)	
1) Per channels of central station or repeaters	50.00 TL
2) User radio equipments (per equipment)	
a) Fixed radio equipment	25.00 TL
b) Mobile radio (Vehicle/mobile/hand)	10.00 TL
e. Radiolink systems	
1) Per each equipment in the system	100.00 TL
f. Satellite broadcasting and communications systems (except from those used as mounted in maritime vessels and aircrafts)	
1) Per satellite (space) station transponder	10,000.00 TL
2) Fixed satellite main land station	1,000.00 TL
3) Fixed satellite land terminals	50.00 TL
4) Mobile satellite land terminals	40.00 TL

5) Mobile satellite subscriber terminals (receiver/transmitter)	25.00 TL
6) Data satellite receiver	10.00 TL
7) Satellite mobile (cellular) radio telephone subscribers' equipments (per equipment)	15.00 TL
2. RADIO USAGE FEES ( PER YEAR)	
a. Terrestrial Radio Systems	
1) LF, MF and HF radio systems (per channel in each equipment registered in the license)	100.00 TL
2) Terrestrial VHF, UHF and SHF radio systems	
a) Per fixed and mobile radio equipment in the system, separately for each frequency allocated channel (Each 12,5 kHz bandwidth is accepted as a channel.)	
1) Per each simplex channel	10.00 TL
2) Per each simplex role channel	20.00 TL
3) Per each duplex channel	30.00 TL
4) Per each duplex role channel	40.00 TL
b) Per each repeater equipment registered in the license	20.00 TL
b. Terrestrial mobile (cellular) radio telephone systems	
1) Per each channel (TRx in the station) from each fixed radio (base) station (to be received every year in accordance with bandwidth allocated to system)	
a) Up to (including) 200 kHz	40.00 TL
b) Between (including) 201 kHz-1.25 MHz	125.00 TL
c) Between (including) 1.25-5 MHz	500.00 TL
d) Higher than 5 MHz	1,200.00 TL
2) Per each subscriber in the system	10.72 TL
c. Point to multipoint access systems from single spot (per each year) according to bandwidth of channel frequency assigned to the system	
1) From each fixes radio (base) station (to be received each year according to bandwidth allocated to the system)	
a) Including 2 MHz	40.00 TL
b) 2 MHz-7 MHz (included)	80.00 TL
c) 7 MHz-28 MHz (included)	160.00 TL
d) 28 MHz-56 MHz (included)	320.00 TL
e) 56 MHz-140 MHz (included)	640.00 TL
f) 140 MHz-250 MHz (included)	1,280.00 TL
g) 250 MHz and over	2,560.00 TL
2) Per each subscriber in the system	10.00 TL
d. Common used (trunking, community repeater and so forth) radio systems	
1) Per channels of central station or repeaters	40.00 TL
2) In user's radio equipments (per equipment)	
a) Per each simplex relay channel	20.00 TL

b) For each simplex channel (per equipment)	10.00 TL
e. Radiolink systems, (for each year) per equipment according to bandwidth of channel frequency allocated to the system	
1) Including 2 MHz	8.00 TL
2) 2 MHz-7 MHz (included)	24.00 TL
3) 7 MHz-28 MHz (included)	48.00 TL
4) 28 MHz-56 MHz (included)	96.00 TL
5) 56 MHz-140 MHz (included)	192.00 TL
6) 140 MHz-250 MHz (included)	640.00 TL
7) 250 MHz and over	1,280.00 TL
f. Satellite broadcasting and communication systems (except from those used as mounted in floating vessels and aircrafts)	
1) Per satellite (space) station transponder	10,000.00TL
2) Fixed satellite main ground station	1,000.00 TL
3) Fixed satellite ground terminals	50.00 TL
4) Mobile satellite ground terminals	40.00 TL
5) Mobile satellite subscriber terminals (receiver/transmitter)	25.00 TL
6) Data satellite receiver	10.00 TL
7) Satellite mobile (cellular) radio telephone subscriber equipments (per equipment)	15.00 TL
<b>3. FEES FOR TEMPORARY PERMISSION FOR INSTALLATION AND USAGE OF RADIO</b>	
a. Permission fee (for each permission valid for 6 months)	
a) Temporary permission fee for trial purposes	500.00 TL
b) Temporary permission fee for usage in temporary organizations/activities	
1) Broadcasting auxiliary systems (Wireless camera, Video Link, Voice Link, SNG, and so forth)	500.00 TL
2) Other Radio systems	250.00 TL
b. License and usage fee for the permitted radio system shall be collected separately. License fee is collected in whole amount. Usage fee is collected in installments. Month fractions are completed to the whole month.	
<b>4. CHARGES FOR EXAMINATION OF CONFORMITY TO STANDARDS AND TESTS</b>	
a) For samples brought from abroad, prototype equipments manufactured in Turkey and for equipments tested by taking samples from import and manufacturing, whatever the test result is (per equipment)	
1) Radio receivers-transmitters	100.00 TL
2) Radio transmitters	50.00 TL
3) Radio receivers	50.00 TL
b) For imported and manufactured equipments which are for personal use, whatever the test result is (per equipment)	

1) Radio receivers-transmitters	40.00 TL
2) Radio transmitters	20.00 TL
3) Radio receivers	20.00 TL
5. ELECTROMAGNETIC FIELD INTENSITY MEASUREMENTS TOWARDS THE DETERMINATION OF SAFETY DISTANCE, SAFETY AND CERTIFICATES OF COMPETENCY	
a. Safety Certificate	25.00 TL
b. Measurement upon demand for safety certificate (per measurement)	500.00 TL
c. Certificate of Competency for measurement (valid for two years)	1,500.00 TL

TABLE NO. (I)  
OF THE CREATED POSITIONS

AUTHORITY: INFORMATION TECHNOLOGIES AND COMMUNICATIONS  
AUTHORITY  
ORGANIZATION: CENTRE

CLASS	TITLE	GRADE	QUANTITY
GİH	Chairman of the Board	1	1
GİH	Board Member	1	6
GİH	Telecommunications Director	1	1
GİH	Authority Vice President	1	4
GİH	Consultant of President	1	15
GİH	Chief Legal Advisor	1	1
GİH	Head of Department	1	13
GİH	Legal Advisor	1	2
GİH	Director	1	3
GİH	Defense Expert	1	1
GİH	Press and Public Relations Consultant	1	1
GİH	Chief ICT Expert	1	20
TH	Technical Expert	1	1
GİH	Administrative Expert	1	1
GİH	Juristic Expert	1	1
GİH	Expert	1	46
GİH	ICT Expert	1	20
GİH	Administrative Expert	1	4
TH	Technical Expert	1	4
SH	Department Physician	1	1
TH	Engineer	1	21
TH	Technician	1	4
AH	Lawyer	1	1
GİH	Accountant for equipments and inventory	1	1
SH	Nurse	1	1
GİH	ICT Expert	2	9
TH	Engineer	2	8

TH	Technician	2	3
GĪH	Analyst	2	1
GĪH	Expert	2	1
GĪH	ICT Expert	3	4
GĪH	Administrative Expert	3	2
TH	Technical Expert	3	2
GĪH	Expert	3	1
TH	Engineer	3	6
TH	Technician	3	1
TH	Mechanist	3	11
GĪH	Chief	3	26
GĪH	Computer Operator	3	4
GĪH	Expert	4	3
GĪH	ICT Expert	4	6
TH	Engineer	4	4
TH	Mechanist	4	2
GĪH	Chief	4	6
AH	Lawyer	4	4
GĪH	Expert	5	2
GĪH	ICT Expert	5	14
GĪH	Administrative Expert	5	2
TH	Technical Expert	5	2
TH	Engineer	5	4
TH	Mechanist	5	3
GĪH	Chief	5	1
AH	Lawyer	5	1
GĪH	Computer Operator	5	3
GĪH	Civil Servant	5	39
GĪH	Driver	5	9
YH	Watchman	5	2
GĪH	ICT Expert	6	3
TH	Mechanist	6	1
GĪH	Civil Servant	6	4
GĪH	Driver	6	1
YH	Watchman	6	1
GĪH	Assistant ICT Expert	7	8
GĪH	Civil Servant	7	1
YH	Employee in charge for central heating	7	1
GĪH	Assistant ICT Expert	8	21
GĪH	Assistant Administrative Expert	8	8
TH	Assistant Technical Expert	8	8
GĪH	Driver	8	1
GĪH	Assistant ICT Expert	9	18
GĪH	Civil Servant	10	1

OVERALL

437



TABLE NO. (II)

## OF THE CREATED POSITIONS

AUTHORITY: INFORMATION TECHNOLOGIES AND COMMUNICATIONS  
 AUTHORITY  
 ORGANIZATION: PROVINCES

CLASS	TITLE	GRADE	QUANTITY
GĪH	Regional Director	1	8
GĪH	Regional Director Assistant	1	12
GĪH	ICT Expert	1	9
TH	Technical Expert	1	5
GĪH	Expert	1	9
TH	Engineer	1	8
TH	Technician	1	4
GĪH	ICT Expert	2	3
TH	Engineer	2	6
GĪH	Expert	2	2
TH	Technician	2	3
GĪH	ICT Expert	3	6
TH	Technical Expert	3	5
TH	Engineer	3	3
TH	Technician	3	1
TH	Mechanist	3	12
GĪH	Chief	3	8
GĪH	Computer Operator	3	6
GĪH	ICT Expert	4	1
TH	Engineer	4	2
GĪH	Expert	4	1
TH	Mechanist	4	7
GĪH	Chief	4	1
GĪH	ICT Expert	5	16
AH	Lawyer	5	3
TH	Engineer	5	4
TH	Technician	5	1
GĪH	Chief	5	1
GĪH	Computer Operator	5	1
GĪH	Civil Servant	5	7
GĪH	Warehouse Civil Servants	5	1
GĪH	Driver	5	3
GĪH	ICT Expert	6	8
TH	Mechanist	6	1
GĪH	Driver	6	1
GĪH	Chief	7	1
GĪH	Driver	7	2

GĪH	Assistant ICT Expert	8	15
TH	Assistant Technical Expert	8	5
GĪH	Civil Servant	8	1
GĪH	Assistant ICT Expert	9	10
	OVERALL		203



TABLE NO. (III)

OF THE ABOLISHED POSITIONS

AUTHORITY: MINISTRY OF TRANSPORTATION

ORGANIZATION: CENTRE

CLASS	TITLE	GRADE	QUANTITY
GİH	Civil Servant	5	7
GİH	Civil Servant	7	2
GİH	Bailee	5	1
GİH	Bailee	10	1
GİH	Typist	5	2
GİH	Typist	8	1
GİH	Typist	9	1
GİH	Typist	10	1
GİH	Driver	7	3
GİH	Driver	10	1
GİH	Driver	11	2
TH	Engineer	1	4
YH	Servant	5	7
YH	Servant	6	3
YH	Servant	7	16
YH	Servant	8	6
YH	Servant	9	2
	TOTAL		60

TABLE NO. (IV)  
OF THE CREATED POSITIONS

AUTHORITY: MINISTRY OF TRANSPORTATION  
ORGANIZATION: CENTRE

CLASS	TITLE	GRADE	QUANTITY	
			OF FREE STAFF	OVERALL
G1H	Expert of Transportation and Communications	1	8	8
G1H	Expert of Transportation and Communications	2	7	7
G1H	Expert of Transportation and Communications	5	8	8
G1H	Expert of Transportation and Communications	6	7	7
G1H	Assistant Expert of Transportation and Communications			
		8	30	30
	TOTAL		60	60

TABLE NO. (V)

OF THE CREATED POSITIONS

AUTHORITY: INFORMATION TECHNOLOGIES AND COMMUNICATIONS  
AUTHORITY  
ORGANIZATION: CENTRE

CLASS	TITLE	GRADE	QUANTITY
G1H	Assistant Expert of Communications	8	25
	OVERALL		25