



SCREENING CHAPTER 10 INFORMATION SOCIETY AND MEDIA

AGENDA ITEM 6: GENERAL FRAMEWORK

Country Session: The Republic of TURKEY 13-14 July 2006

13 July 2006

The Republic of Turkey



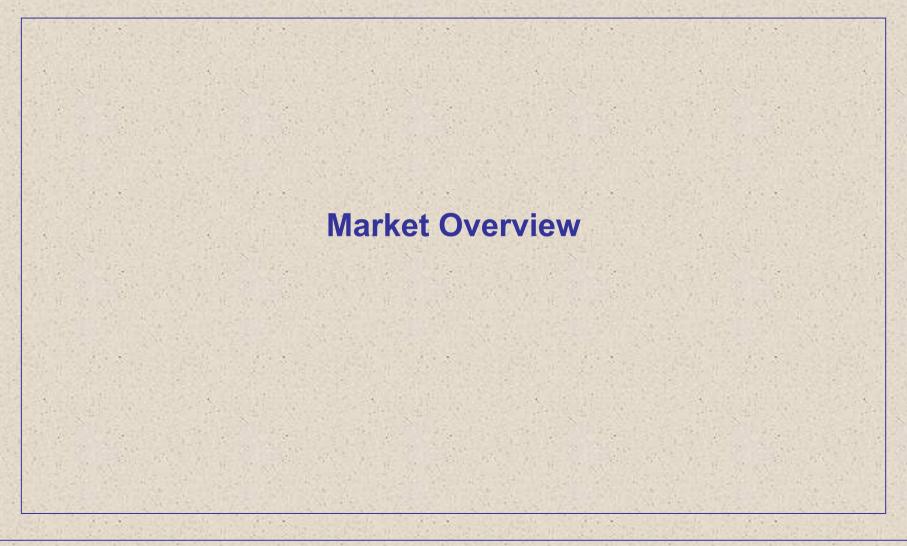


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Market Overview

•The total market size 10 b € (end 2005) (Source: Records of TA as of May 2006)

	Number of Subscribers	Penetration Rate
Mobile	46,2 million	66%
Fixed	19 million	27%
Cable TV	1,2 million	1,6%
Broadband	1.8 million	2,5%

	User Penetration	
Internet	14%	
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Market Overview Source: Records of TA	
	Number of operators by 15 June 2006
Mobile Services	3
Fixed line Services	1
Satellite Platform Services	
Satellite Telecommunications Services	24
GMPCS Mobile Telephone Services	5
Satellite and Cable TV Services	4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Coastal Safety and Salvage Service	1
Data Transmission Over Terrestrial Lines Service	20
Internet Services	73
Common Usage Wireless Services	51
Long Distance Telephony Services	40
Infrastructure Services	4
Cable Platform Services	4
Electronic Certificate Services	4
TOTAL	232











Legal Framework
 Telegram and Telephone Law No.406 as amended by several Laws.

Radiocommunications Law No.2813 as amended by several Laws

Universal Service Law No.5369

□ Electronic Signature Law No.5070

Law on the Establishment of Radio and Television Enterprises and Their Broadcasts No.3984











Institutional Framework

Relevant Parties	Main Roles	
Council of Ministers	 Overall policy determination Approves minimum fees for authorisations Appoints Telecommunications Board Members 	
Ministry of Transport	 Policy issues Universal service 	
Communications High Board	 Makes suggestions to MoT regarding radiocommunications Approves radio and TV frequency channel plan 	
Telecommunications Authority	 Regulates and monitors telecommunications sector Authorisation, dispute resolution, consumer protection, Carries out market analysis, imposes remedies and sanctions Frequency management and preparation of NAT 	
Radio and TV Supreme Council	 Regulates and monitors broadcasting sector Assignment of radio & TV frequency bands and channels 	



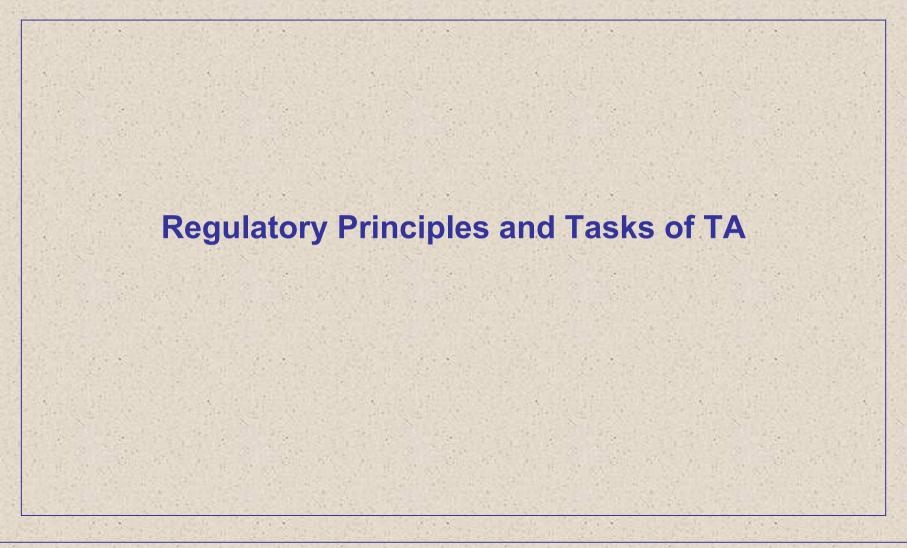


Telecommunications Authority (TA)

- Established in August 2000
- TA is independent with administrative and financial autonomy as guaranteed by Law No.4502 amending Art.5 of Law No.2813
- Chairman and 6 Board Members appointed for 5 years by Council of Ministers, re-appointment is possible.
- □ The total number of staff is 494.
- 35 Telecommunications Assistant Experts were recruited in 2006.











Regulatory Principles of the TA

According to Article 4 of Law No.406 and relevant secondary legislation:

Promotion of competition,
 Safeguarding rights and interests of consumers,
 Interoperability of telecommunications systems,
 Promotion of innovative technologies,
 Efficient use of scarce resources,
 Impartiality, non-discrimination, transparency.





Tasks of the TA

As defined in Article 7 of Law No.2813 major tasks are: Regulation Enact secondary legislation Authorisation Telecommunication services and networks. Dispute Resolution Access and interconnection disputes, consumer complaints Spectrum Management Spectrum planning, National Allocation Table Monitoring & Inspection In Monitoring of licence holders, monitoring and inspection of spectrum use









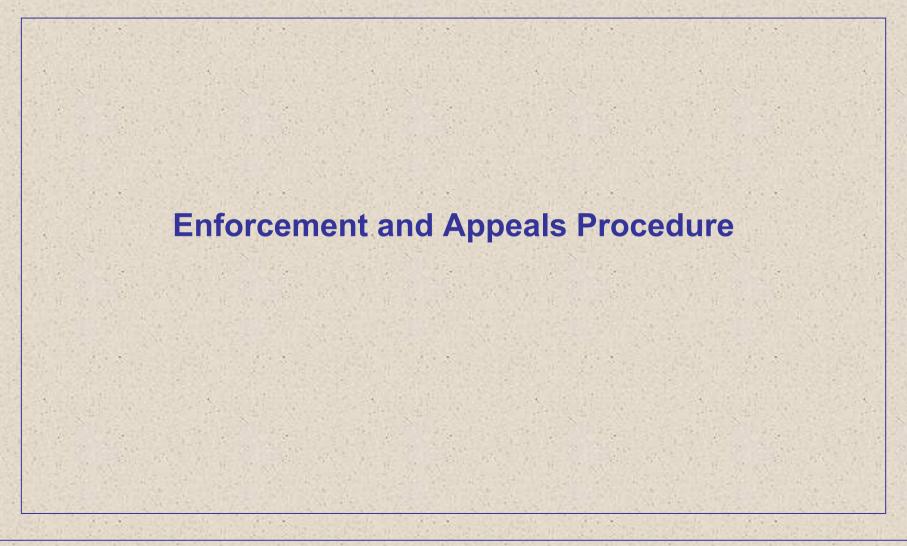


Consultation and Transparency

- Draft legislation prepared by TA usually with the participation of the industry through joint committees
- Functioning consultation mechanism established
- Consultation documents on issues having impact in the sector are published on the web site and sent to the relevant operators, industry NGOs etc.
- Consultation results are published and considered
- Draft legislation is published on the web site
- TA's annual report covering activities and plans made available to relevant parties.
- All documentation is provided through TA's web site: <u>www.tk.gov.tr</u>











Enforcement and Appeals Procedure

TA imposes sanctions and fines in cases of noncompliance with the legislation and Board decisions

Maximum fine that has been given was about 150 million Euros

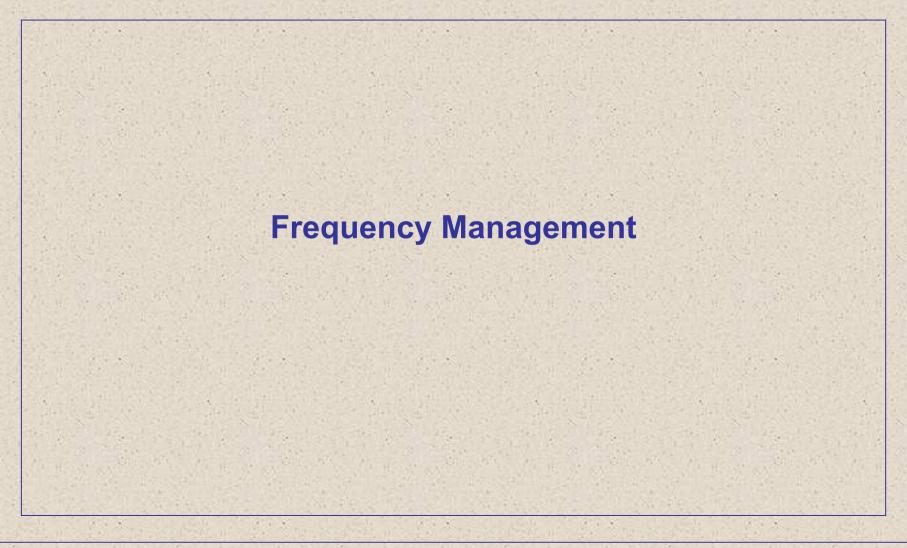
Decisions issued by TA are subject to judicial review.

Appealing to the administrative court does not impede implementation of the decision.

9 Appeals in International Chamber of Commerce - All resulted in favour of TA.







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Frequency Management

- TA manages frequency spectrum regarding Radiocommunications Law No.2813
 - Preparation of National Allocation Table
 - Regulation of wireless communications
 - Monitoring and inspection of spectrum use

Use of spectrum resources considering basic principles of practice such as

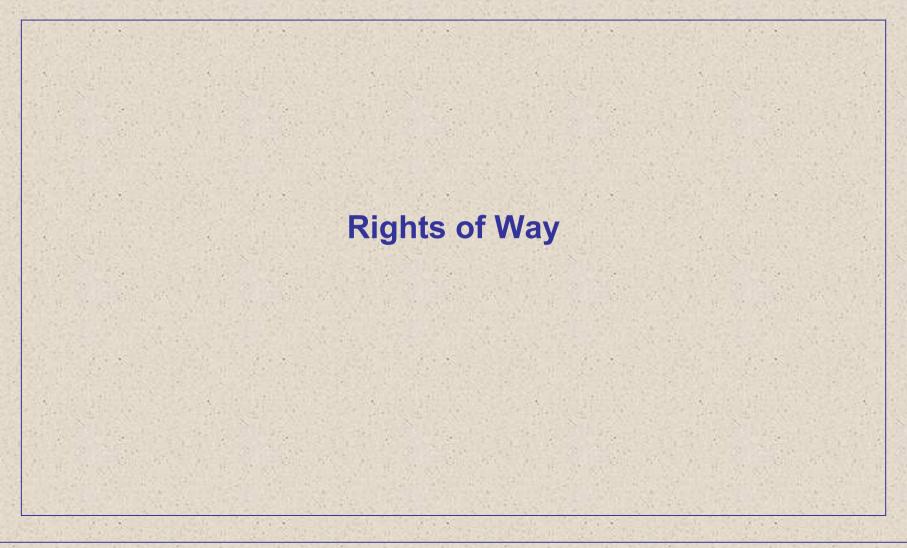
- objectivity
- □ transparency
- non-discriminatory access
- technological neutrality

Transfer of spectrum frequency usage rights is possible in Turkey

Switch-off date for analogue terrestrial television by 2012











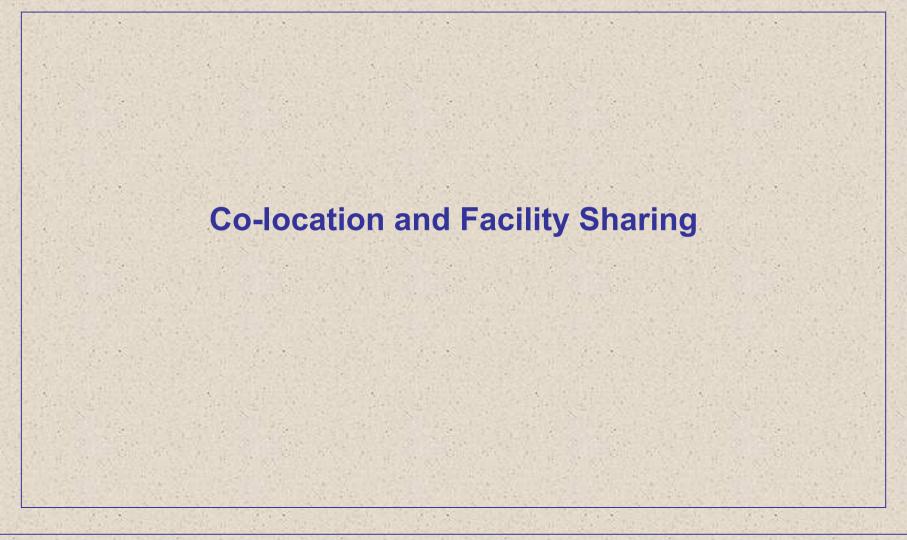
By-law on Rights of Way

□ Entered into force in May 2006

Principles
 Efficient and effective use of resources
 Provision of rights of way on technically viable, economical, feasible, proportionate means
 Priority given to facility sharing and co-location
 Avoidance of any disturbance or damage to nature, city planning, private or public properties











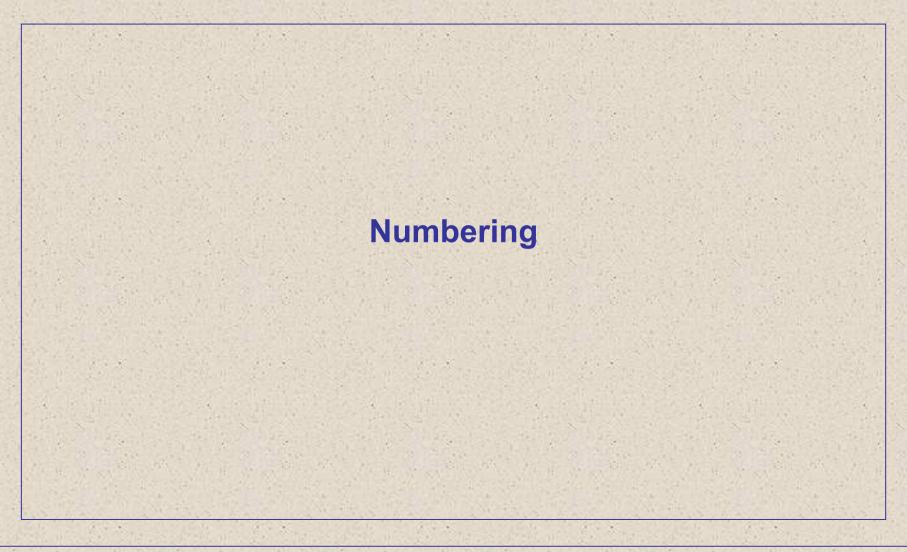
Communiqué on Co-location and Facility Sharing

- □ Entered into force in December 2003
- Considered within the context of implementation of the access regime

Relevant information was also presented in the presentation on access











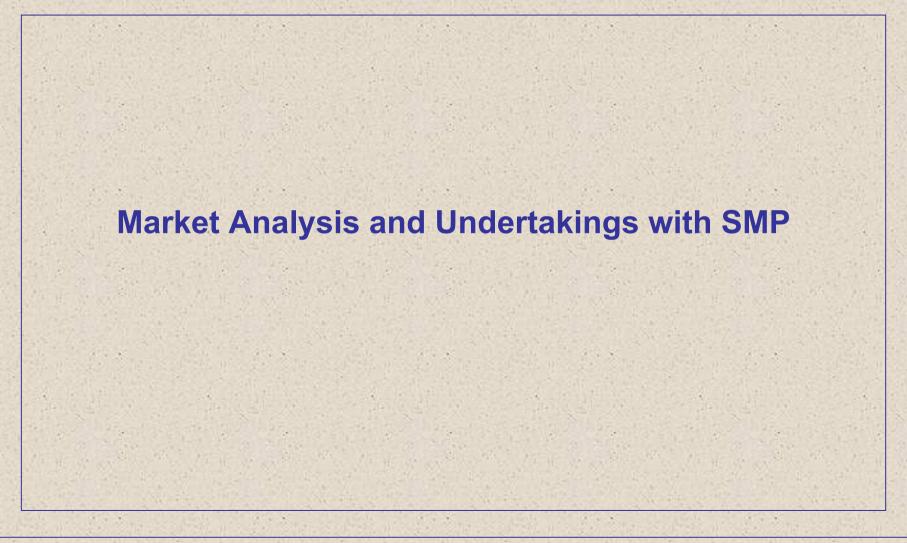
Numbering Plan & By-law on Numbering

By-Law on Numbering entered into force February 2004
 Use of number resources, considering basic principles of practice such as

- □ objectivity
- □ transparency
- non-discriminatory access
- proportionality
- TA manages the numbering plan











Market Analysis and Undertakings with SMP

- The operators having significant market power determined by using market analysis
- Public consultation documents with questionnaires published for the relevant markets
- □ SMP designations published in the Official Gazette.
- NRA-NCA Cooperation
 - TA takes the opinion of all related parties including NCA
 - □ NRA-NCA cooperation in market analysis will be covered in draft SMP By-law
 - NCA takes the opinion of TA on the issues related to telecommunications sector including merger and acquisitions (Law No.2813).











Transitional Measures

- SMP designation used to be made in accordance with SMP Communiqué which reflects 1998 Framework.
- □ In 2005 TA started market analysis in line with 2002 Framework
- Remedies (such as non-discrimination, transparency, cost accounting, etc) defined in Access and Interconnection By-Law are imposed on SMP operators.





EU Programmes and Participation in the EU Committees









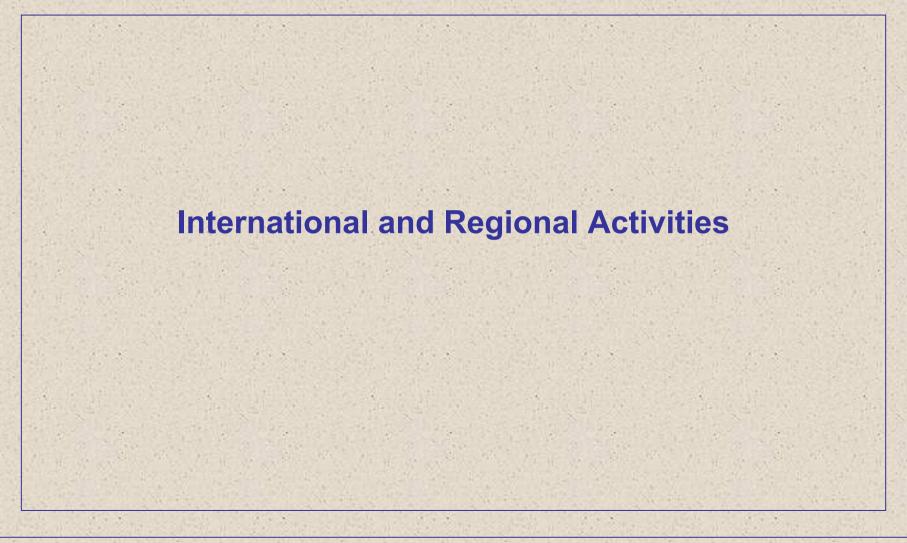


Participation in the EU Committees

Observer in ERG – European Regulators Group and member in IRG - Independent Regulators **Group since February 2005** TA participates in □ IRG & ERG Plenary meetings, CN meetings, WGs RSPG- Radio Spectrum Policy Group RSC-Radio Spectrum Committee











International and Regional Activities

- International activities in
 - □ ITU (ITU-D, ITU-R, ITU-T)
 - Plenipotentiary Conference (PP-06) will be held in Antalya in Nov.2006
 - CEPT
 - ECC-Electronic Communication Committee & WGs
 - ETSI
 - □ ITS
 - □ ERO
- Regional initiatives
 - Black Sea and Caspian Regulatory Conference
 - Regional Commonwealth in the Field Communications (RCC)
 - Eurasian Cooperation in the Field of Telecommunication Regulation (ECFTR)





