



**SCREENING CHAPTER 10  
INFORMATION SOCIETY AND MEDIA**

**AGENDA ITEM 2: AUTHORISATION**

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



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## Relevant primary legislation

- Telegraph and Telephone Law No.406
  - Amending Law No.4502
    - Authorisation responsibility in the Ministry of Transport
  - Amending Law No.4673
    - Authorisation responsibility in the Authority

## Relevant secondary legislation

- Authorisation By-law on Telecommunications Services and Infrastructure (2004)
- Before this regulation
  - Telecommunication Services By-law (2001) issued by the Ministry of Transport
  - Communiqué on Principles and Procedures for Granting 2nd Type Telecommunication Licenses and General Authorisation (2002) issued by the Authority





## Definition of Authorisation

Licenses and general authorisations issued by the Authority for capital stock companies for provision of telecommunications services and/or establishment and operation of telecommunications infrastructure, and issuance thereof

## Scope of Authorisation

- Capital stock companies requesting to provide telecommunications services and infrastructure
- Ensures rights of operator
- Lays down sector specific obligations

## Types of Authorisation

- Licenses
  - Authorisation agreement
  - Concession agreement
  - Telecommunication license
- General authorisation



## Authorisation agreement

- A contract between the Authority and a state owned entity
- Sets out authorities, rights and obligations
- Signed with the state owned entities specified in the Law



## Concession agreement-I

- A contract between the Authority and capital stock company
- Sets out authorities, rights and obligations
- Requires tendering

## Concession agreement-II

- This type of authorisation is used when
  - Authorisation involves the allocation of scarce resources such as frequency, satellite position and numbers
  - When granting special rights and obligations to each operator is necessary or
  - When the service in question has to be offered by a limited number of operators
  - For nation-wide networks

## Concession agreement-III

- Authorisation plans
  - Prepared by the Authority
  - Presented to the Ministry of Transport
  - Consented by the Council of Ministers
  - Cover issues on definition and scope of service, probable time for tender, number of concession agreements planned to be signed and other issues concerning policy

## Concession agreement-IV

- Provisions in concession agreements include rights and obligations on, *inter alia*, administrative charges, interconnection, frequency, numbers, competition, tariffs, emergency services, national security, public safety, commitments the operator has made in the course of tendering



## Telecommunication license

- 1st Type
  - Limited number of operators
  - Regional or local level
- 2nd Type
  - No limitation for number of operators
  - For services specified in Additional Article 18 of the Telegraph and Telephone Law



## General authorisation

- No limitation for number of operators
- For services not specified in Additional Article 18 of the Telegraph and Telephone Law
- If the application is complete, operator can start activities after sending to the Authority bank receipt related to authorisation fee



## Application

- Declaration of the intention
- Identification of the provider
- Information on service or infrastructure
- Estimated date for starting the activity
- Information on required resources

## Authorisations requiring resources

- Individual rights of usage for satellite positions, radio frequencies and numbers
- Objective, non-discriminatory
- The Authority's decision-making process
  - for frequencies 6 weeks, for numbers 3 weeks
  - If tendering procedure is required, for frequencies 38 weeks, for numbers 6 weeks.



## Limiting the number of authorisations

- Analysis and consultation in advance
- Selection criteria that are objective, transparent, non-discriminatory and proportionate
- Auctions in accordance with the State Tender Law No.2886



## Conditions attached to authorisations-I

- Conditions are listed in
  - Article 3/e of the Law No.406
  - Section V and Annex A of the Authorisation By-law
- Sector-specific conditions only
- Objective, non-discriminatory conditions

## Conditions attached to authorisations-II

- ❑ Include rights and obligations on the issues, *inter alia*, administrative charges, authorisation fees, access, frequency, numbers, number portability, carrier selection, consumer rights, transfer of authorisation, conditions relevant to services and infrastructure

## Fees

- Administrative fees
  - Contribution to the Authority's expenditure
  - Levied from licensees only
  - A proportion of operator's net sales
- Authorisation fees
  - Minimum values are proposed by the Authority
  - Consented by the Council of Ministers
  - Fully transferred to the Treasury



## Amendment of rights and obligations

- Amendment in objectively justified cases
- Interested parties are allowed a sufficient period of time to express their views



## Publication of information

- All relevant information on rights, conditions, procedures, charges, fees and decisions concerning authorisation is published and kept up to date





## Draft By-Law on authorisation

- ❑ A new By-Law on Authorisation of Electronic Communications and Networks has been drafted by taking into account the EU acquis in accordance with the draft Electronic Communications Law under discussion in the plenary of Turkish Grand National Assembly



**THANK YOU FOR YOUR ATTENTION**