



**SCREENING CHAPTER 10  
INFORMATION SOCIETY AND MEDIA**

**AGENDA ITEM 6: GENERAL FRAMEWORK**

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



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## Market Overview



## Market Overview

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

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

	<b>User Penetration</b>
Internet	14%

(Source:TUIK)



## Market Overview

Source: Records of TA

	Number of operators by 15 June 2006
Mobile Services	3
Fixed line Services	1
Satellite Platform Services	1
Satellite Telecommunications Services	24
GMPCS Mobile Telephone Services	5
Satellite and Cable TV Services	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
<b>TOTAL</b>	<b>232</b>



## Legal Framework





## 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





## Institutional Framework

Relevant Parties	Main Roles
Council of Ministers	<ul style="list-style-type: none"><li><input type="checkbox"/> Overall policy determination</li><li><input type="checkbox"/> Approves minimum fees for authorisations</li><li><input type="checkbox"/> Appoints Telecommunications Board Members</li></ul>
Ministry of Transport	<ul style="list-style-type: none"><li><input type="checkbox"/> Policy issues</li><li><input type="checkbox"/> Universal service</li></ul>
Communications High Board	<ul style="list-style-type: none"><li><input type="checkbox"/> Makes suggestions to MoT regarding radiocommunications</li><li><input type="checkbox"/> Approves radio and TV frequency channel plan</li></ul>
Telecommunications Authority	<ul style="list-style-type: none"><li><input type="checkbox"/> Regulates and monitors telecommunications sector</li><li><input type="checkbox"/> Authorisation, dispute resolution, consumer protection,</li><li><input type="checkbox"/> Carries out market analysis, imposes remedies and sanctions</li><li><input type="checkbox"/> Frequency management and preparation of NAT</li></ul>
Radio and TV Supreme Council	<ul style="list-style-type: none"><li><input type="checkbox"/> Regulates and monitors broadcasting sector</li><li><input type="checkbox"/> Assignment of radio &amp; TV frequency bands and channels</li></ul>

## 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 and Tasks of TA



## 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

- Monitoring of licence holders, monitoring and inspection of spectrum use





## Consultation and Transparency





## 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:  
[www.tk.gov.tr](http://www.tk.gov.tr)



## **Enforcement and Appeals Procedure**



## Enforcement and Appeals Procedure

- TA imposes sanctions and fines in cases of non-compliance 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.



# Frequency Management



## 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





## Rights of Way



## 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



## Co-location and Facility Sharing



## 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



## 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**





## 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

## 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**

## EU Programmes

- Technical Assistance for Institutional Building of the Telecommunications Authority
  - Aim: Strengthening of the regulation of telecommunications market in Turkey in compliance with the EU *acquis*
  
- Technical Assistance for Access Regime in Turkey
  - Aim: Non-discriminatory and transparent access pricing regime through development of cost model and improvement of implementation of unbundling of the local loop
  
- Other Instruments
  - TAIEX
  - NATP II



## 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 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)



**Thank You**