

19- TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY

Necessary studies regarding legislative and infrastructural arrangements are being conducted with all the relevant institutions and the private sector in order to improve the electronic communications sector in Turkey. As the state monopoly on infrastructure that constitutes the backbone of electronic communications will cease to exist on 31 December 2003 at the latest, the administrative measures that are to be published will contribute to the development of the sector.

A new initiative has been taken in order to accelerate the transition of Turkey to an information society and to draw up information technology policies. To this end, an e-Turkey project was emphasized within the Immediate Action Plan of the 58th Government. In order to monitor and supervise the e-Turkey project, an advisory council consisting of high-level representatives of relevant institutions and non-governmental organizations has been established.

Rapid development is being experienced in Turkey in the field of telecommunications. The number of fixed telephone subscriptions was 18,395,171 for the year 2000, 18,904,486 for 2001 and 18,914,857 for 2002. The penetration rate for fixed networks is approximately 28 %. The number of mobile telephone subscriptions was 14.9 million for the year 2000, 18.2 million for 2001, and 23.3 million for 2002. The penetration rate for mobile telephone subscriptions is approximately 34 %. The number of Internet users in Turkey was 3.5 million for the year 2001, and 4.3 million for 2002. The length of fibre optic cable was 58,770 km in 1999, 77,340 km for 2001, and 81,304 for the year 2002.

Law No. 4502 Amending Certain Articles of the Telegram and Telephone Law, Law on the Organization and Responsibilities of the Ministry of Transport, the Wireless Law, the Law on Savings and Assistance Fund of the Post, Telegraphs and Telephone Administration, and the Organizational Charts attached to the Decree with the Force of Law on the General Cadres and Procedures, constitutes a milestone in the liberalization initiative in the telecommunications sector. With this Law it is intended to separate policy making, the authority to make administrative arrangements, and operational function from each other, and to pave the way for the implementation of the above mentioned functions according to the principles that are in compliance with the characteristics of that function. Moreover, the Law initiated the establishment of the Telecommunications Authority for regulating the telecommunications market by issuing and implementing secondary legislation. It also enabled the fulfilment of operational functions by commercial institutions within the context of economic principles intended to liberalize the telecommunications market. The Law stipulates that the monopoly on telecommunication networks, including national and international voice telephony, will cease to exist on 31 December 2003. The Telecommunication Authority, which is an independent budgetary entity having public legal status and administrative and financial autonomy, is established in order to implement the powers and responsibilities set out by the Laws, and sectoral actors have to have an authorisation agreement in order to operate in the sector.

Law No. 4673 Amending the Telephone and Telegram Law, the Law on the Savings and Assistance Fund of the Post, Telephone and Telegram Administration, the Law on the Organization and Duties of the Ministry of Transport, stipulates that the Telecommunications Authority, rather than the Ministry of Transport, will be entitled to issue general authorisations or telecommunication licenses, to conclude authorisation agreements or concession agreements and all regulations regarding these issues, and sundry other duties. Additionally, it stipulates that when the public share in Türk Telekom falls below 50 %, the monopoly rights of Türk Telekom shall be abolished even if this occurs before 31 December 2003.

In order to improve competition, the process of authorisation of enterprises by the Telecommunications Authority has been initiated. Progress is as follows: 1 authorisation agreement (Türk Telekom), 1 GSM authorisation agreement (Aycell), 3 GSM concession agreements, 2 Agreements on providing satellite platform operations, 5 Agreements on providing GMPCS mobile telephony services, 19 Agreements on providing satellite telecommunications services, 84 Agreements on providing internet services.

The harmonisation process regarding Commission Directive 94/46/EC of 13 October 1994 amending Directive 88/301/EEC and Directive 90/388/EEC in particular with regard to satellite communications, and Commission Directive 96/2/EC of 16 January 1996 amending Directive 90/388/EEC with regard to mobile and personal communications will be completed by 31 December 2003 at the latest, in accordance with Law No. 4673.

In line with Commission Directive 88/301/EEC of 16 May 1988 on competition in the markets in telecommunications terminal equipment, there is no national legislation in contradiction with the legal obligation to remove monopoly and exclusive rights regarding the import and marketing of telecommunications terminal equipment. An effective competition environment has been ensured within the telecommunications terminal equipment market.

Law No. 4673 has ensured harmonisation to a great extent with Commission Directive 96/19/EC of 13 March 1996 amending Directive 90/388/EEC with regard to the implementation of full competition in telecommunications markets. Other legislative studies regarding harmonisation with this Directive are in the Table 19.1.1. Article 4 of Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services was considered within the context of Law No. 3984 on the Establishment of Radio and Television Enterprises and Their Broadcasts, and the alignment with the related article was achieved. Other legislative studies regarding the harmonisation with this Directive are in the Table 19.1.1..

Article 5 of Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) on the usage of radio frequency for the providers of radio and television programmes is similar to Commission Directive 2002/77/EC of 16 September 2002 on competition in markets for electronic communications networks and services. Therefore, Law No. 3984 is in line with this article. Other legislative studies regarding harmonisation with this Directive are in the Table 19.1.1.

Legislative measures adopted towards the harmonisation with the EU Acquis are given in Annex 19.1.

I- PRIORITY LIST

PRIORITY 19.1 Alignment of legislation in the field of telecommunications

PRIORITY 19.2 Preparation of markets for full liberalisation

PRIORITY 19.3 Alignment with the acquis on postal services

PRIORITY 19.4 Establishment of the infrastructure for information technology

II- MEASURES FOR HARMONISATION WITH THE EU LEGISLATION AND IMPLEMENTATION

PRIORITY 19.1 Alignment of legislation in the field of telecommunications

1- Priority Description

The Council Decision of 19 May 2003 on the Accession Partnership with the Republic of Turkey foresees the effective implementation of leased lines, data protection in electronic communications, interconnection and universal service, carrier selection and number portability, issuing tariffing and licensing legislation, preparation of a schedule for the transposition of the new acquis issued in 2002, and strengthening the capacity building and the enforcement powers of the regulatory authority

2- Schedule of Necessary Legislative Changes

Table 19.1.1

No	Title and Number of EU Legislation	Title of Draft Turkish Legislation	Responsible Institution	Proposed Date of the Approval of the Board / Minister / Council of Ministers	Proposed Date of 1-Adoption by the Parliament 2- Entry into Force
1	Council Directive 90/387/EEC of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of open network provision	Implementing Regulation on Quality of Service	Telecommunications Authority	30.11.2004	2- 31.12.2004
2	91/396/EEC: Council Decision of 29 July 1991 on the introduction of a single European emergency call number	Law on Operation of Single Emergency Call Number	Ministry of the Interior	2004, IV. Quarter	1- 2004, IV. Quarter 2- 2004, IV. Quarter
3	Council Directive 92/44/EEC of 5 June 1992 on the application of open network provision to leased lines	Implementing Regulation on Quality of Service	Telecommunications Authority	30.11.2004	2- 31.12.2004
4	Commission Directive 95/51/EC of 18 October 1995 amending Directive 90/388/EEC with regard to the abolition of the restrictions on the use of cable television networks for the provision of already liberalized telecommunications services	Annex to the Implementing Regulation on Telecommunications Services	Telecommunications Authority	30.11.2003	2- 30.06.2004
5	Commission Directive 96/19/EC of 13 March 1996 amending Directive 90/388/EEC with regard to the implementation of full competition in telecommunications markets	New Telecommunications Law	Ministry of Transport	31.12.2003	1-2004, I. Quarter 2- 2004, I. Quarter
		Implementing Regulation regarding Rights of Way	Telecommunications Authority	30.11.2003	2- 30.06.2004

Table 19.1.1 (Continued)

No	Title and Number of EU Legislation	Title of Draft Turkish Legislation	Responsible Institution	Proposed Date of the Approval of the Board / Minister / Council of Ministers	Proposed Date of 1-Adoption by the Parliament 2- Entry into Force
6	Directive 97/13/EC of the European Parliament and of the Council of 10 April 1997 on a common framework for general authorisations and individual licences in the field of telecommunications services	New Telecommunications Law	Ministry of Transport	31.12.2003	1-2004, I. Quarter 2-2004, I. Quarter
		Amendment to Implementing Regulation on Telecommunications Services regarding process of general authorisation registry (the re-arrangement of this Implementing Regulation as “Implementing Regulation on Authorisation” is planned)	Telecommunications Authority	31.08.2003	2- 31.12.2003
		Amendment to Implementing Regulation on Telecommunications Services regarding authorisation periods	Telecommunications Authority	31.08.2003	2-31.12.2003
		Amendment to Implementing Regulation on Telecommunications Services regarding Individual and General Authorisations	Telecommunications Authority	31.08.2003	2-31.12.2003
7	Directive 97/33/EC of the European Parliament and of the Council of 30 June 1997 on interconnection in Telecommunications with regard to ensuring universal service and interoperability through application of the principles of Open Network Provision (ONP)	New Telecommunications Law	Ministry of Transport	31.12.2003	1-2004, I. Quarter 2-2004, I. Quarter
		Decision of Board Regarding Scope and Principles of Accounting Separation and Cost Accounting	Telecommunications Authority	31.12.2003	2- 30.06.2004
		Communiqué regarding the co-location and facility sharing	Telecommunications Authority	30.11.2003	2- 30.11.2003
		Implementing Regulation on Numbering and National Numbering Plan as Annex to Implementing regulation	Telecommunications Authority	30.11.2003	2- 30.06.2004

Table 19.1.1 (Continued)

No	Title and Number of EU Legislation	Title of Draft Turkish Legislation	Responsible Institution	Proposed Date of the Approval of the Board / Minister / Council of Ministers	Proposed Date of 1-Adoption by the Parliament 2- Entry into Force
8	Directive 97/51/EC of the European Parliament and of the Council of 6 October 1997 amending Council Directives 90/387/EEC and 92/44/EEC for the purpose of adaptation to a competitive environment in telecommunications	New Telecommunications Law	Ministry of Transport	31.12.2003	1-2004, I. Quarter 2-2004, I. Quarter
9	Directive 97/66/EC of the European Parliament and of the Council of 15 December 1997 concerning the processing of personal data and the protection of privacy in the telecommunications sector	Implementing Regulation on Protection of Personal Data and Privacy in the telecommunications sector	Telecommunications Authority	30.11.2003	2- 31.12.2003
10	Decision No 710/97/EC of the European Parliament and of the Council of 24 March 1997 on a coordinated authorisation approach in the field of satellite personal-communication services in the Community	Amendment to Implementing Regulation on Telecommunications Services regarding periods of authorisation by application date	Telecommunications Authority	31.08.2003	2- 31.12.2003
11	Decision No 1336/97/EC of the European Parliament and of the Council of 17 June 1997 on a series of guidelines for trans-European telecommunications networks	New Telecommunications Law	Ministry of Transport	31.12.2003	1-2004, I. Quarter 2-2004, I. Quarter
12	Directive 98/10/EC of the European Parliament and of the Council of 26 February 1998 on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications in a competitive environment	New Telecommunications Law	Ministry of Transport	31.12.2003	1-2004, I. Quarter 2-2004, I. Quarter
13	Directive 98/61/EC of the European Parliament and of the Council of 24 September 1998 amending Directive 97/33/EC with regard to operator number portability and carrier pre-selection	New Telecommunications Law	Ministry of Transport	31.12.2003	1-2004, I. Quarter 2-2004, I. Quarter

Table 19.1.1 (Continued)

No	Title and Number of EU Legislation	Title of Draft Turkish Legislation	Responsible Institution	Proposed Date of the Approval of the Board / Minister / Council of Ministers	Proposed Date of 1-Adoption by the Parliament 2- Entry into Force
14	98/80/EC: Commission Decision of 7 January 1998 on amendment of Annex II to Council Directive 92/44/EEC	Necessary Arrangements regarding the provision of conformity to technical standards adopted by ETSI on leased lines	Telecommunications Authority	31.12.2004	2- 31.12.2004
15	Commission Directive 1999/64/EC of 23 June 1999 amending Directive 90/388/EEC in order to ensure that telecommunications networks and cable TV networks owned by a single operator are separate legal entities	New Telecommunications Law	Ministry of Transport	31.12.2003	1-2004, I. Quarter 2-2004, I. Quarter
16	Decision No 128/1999/EC of the European Parliament and of the Council of 14 December 1998 on the coordinated introduction of a third-generation mobile and wireless communications system (UMTS) in the Community	Release of UMTS frequency band	Telecommunications Authority	31.12.2004	2- 31.12.2004
		New Telecommunications Law	Ministry of Transport	31.12.2003	1-2004, I. Quarter 2-2004, I. Quarter
		Implementing Regulation regarding the Rights of Way	Telecommunications Authority	30.11.2003	2- 30.06.2004
17	Regulation (EC) No 2887/2000 of the European Parliament and of the Council of 18 December 2000 on unbundled access to the local loop	Communiqué regarding the Unbundling of Local Loop	Telecommunications Authority	31.12.2003	2- 31.12.2003
18	2001/22/EC: Commission Decision of 22 December 2000 on amendment of Annex III to Directive 98/10/EC of the European Parliament and of the Council of 26 February 1998 on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications in a competitive environment	Implementing Regulation on Quality of Service	Telecommunications Authority	30.11.2004	2- 31.12.2004

Table 19.1.1 (Continued)

No	Title and Number of EU Legislation	Title of Draft Turkish Legislation	Responsible Institution	Proposed Date of the Approval of the Board / Minister / Council of Ministers	Proposed Date of 1-Adoption by the Parliament 2- Entry into Force
19	Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive)	Decision of Board Regarding Scope And Principles of Accounting Separation and Cost Accounting	Telecommunications Authority	31.12.2003	2- 30.06.2004
		Amendment to Law No. 3984 regarding Digital TV and Radio Broadcasting	Supreme Council of Radio and Television	31.12.2003	2- 31.12.2003
		Amendment to Implementing Regulation on Licensing and Permission of Satellite Broadcasting	Supreme Council of Radio and Television	30.06.2004	2- 30.06.2004
20	Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive)	New Telecommunications Law	Ministry of Transport	31.12.2003	1-2004, I. Quarter 2-2004, I. Quarter
		Amendment to Implementing Regulation on Telecommunications Services regarding Conditions of Authorisations	Telecommunications Authority	31.08.2003	2- 31.12.2003
		Implementing Regulation regarding the Rights of Way	Telecommunications Authority	30.11.2003	2- 30.06.2004
21	Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)				a)

Table 19.1.1 (Continued)

No	Title and Number of EU Legislation	Title of Draft Turkish Legislation	Responsible Institution	Proposed Date of the Approval of the Board / Minister / Council of Ministers	Proposed Date of 1-Adoption by the Parliament 2- Entry into Force
22	Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)	New Telecommunications Law	Ministry of Transport	31.12.2003	1-2004, I. Quarter 2-2004, I. Quarter
		Implementing Regulation on Consumer Rights	Telecommunications Authority	30.11.2003	2-30.11.2003
		Amendment to Implementing Regulation on Licensing and Permission of Satellite Broadcasting regarding the “must carry” obligation in order for public broadcasting to take place on digital platform free of charge	Supreme Council of Radio and Television	30.06.2004	2- 30.06.2004
23	Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications)	Implementing Regulation on Protection of Personal Data and Privacy in the telecommunications sector	Telecommunications Authority	30.11.2003	2- 31.12.2003
24	Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services	New Telecommunications Law	Ministry of Transport	31.12.2003	1-2004, I. Quarter 2-2004, I. Quarter
25	Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision)	New Telecommunications Law	Ministry of Transport	31.12.2003	1-2004, I. Quarter 2-2004, I. Quarter
		Implementing Regulation regarding the Rights of Way	Telecommunications Authority	30.11.2003	2- 30.06.2004

a) The harmonisation process regarding this Directive will be achieved when the harmonisation of national legislation with the New Regulatory Framework (2002/19/EC, 2002/20/EC, 2002/22/EC, 2002/58/EC, 2002/77/EC 676/2002/EC) is completed.

The evaluation of market surveillance, notified bodies, standards, and corresponding tables of institutional and financing requirements regarding Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity is given in Chapter 1- Free Movement of Goods.

The evaluation of Directive 95/47/EC of the European Parliament and of the Council of 24 October 1995 on the use of standards for the transmission of television signals is given in Chapter 20 - Culture and Audiovisual Policy.

3- Schedule of Necessary Institutional Changes

Table 19.1.2

No	Necessary Institutional Changes (Telecommunications Authority)	Period of Implementation
Strengthening of the Telecommunications Authority with regard to implementing power and capacity building		
1	Strengthening of the legislative capacity a- Assistance to the staff in the field of legislation preparation, review and related amendments and effective implementation activities b- Seminars on tariff regulation, access and interconnection, reference interconnection offer, roaming, authorisation and numbering, competition (significant market power, dominant position) protection of data, universal services, spectrum management, spectrum monitoring, technical standards	2003-2005
2	Strengthening of the administrative capacity a- Technical assistance on institutional building, human resource management and strengthening of technical procedures/implementation b- Strengthening of technical capacity on spectrum monitoring and supervision c- Training seminars on member state practices regarding information technology, spectrum management, spectrum monitoring, arbitration, cost accounting and accounting separation, leased lines, unbundling of local loop	2003-2005

Table 19.1.3

No	Necessary Institutional Changes (Ministry of Interior)	Period of Implementation
1	Strengthening the capacity building and implementing power of Ministry of the Interior with regard to single emergency call number	2003-2004
2	Establishment of legal structure of single emergency call number	2003-2004

Table 19.1.3 (Continued)

No	Necessary Institutional Changes (Ministry of Interior)	Period of Implementation
3	Establishment of institutional structure of single emergency call number	2003-2004
4	Assistance to the body that will implement and strengthen the single emergency call number in the fields of legislation preparation, review and change, effective implementation activities	2003-2004
5	Strengthening the administrative capacity and establishment of the emergency call centre (112)	2004

4- Financing Requirements and Sources of Financing

Table 19.1.4

(Euro)

Requirements– (Telecommunications Authority)	Year	National Budget	EU Resources	Other Resources	Total
I- Investment (2 Spectrum Analyser)	2003-2004	40,000	120,000		160,000
II- Harmonisation with the EU Legislation and Implementation					
Personnel					
Training (TAIEX)	2003-2005		80,000		80,000
Consultancy	2003-2006		2,340,000 ^{a)}	-	2,340,000
Translation	2003-2006		50,000	-	50,000
Other				-	
Total		40,000	2,590,000		2,630,000

^{a)} 2,140,000 Euro will be covered by the Twinning Project “Institutional Building in the Telecommunications Authority” TR02-TE-01

Table 19.1.5

(Euro)

Requirements– (Ministry of Interior)	Year	National Budget	EU Resources	Other Resources ^{a)}	Total
I- Investment	2004	250,000		20,000	270,000
II- Harmonisation with the EU Legislation and Implementation					
Training - Study visit for 15 people to the EU Member States - Training in Turkey (100 people)	2003 - 2004	20,000		30,000	50,000
Consultancy (2 foreign experts and 2 seminars)	2004			20,000	20,000
Other Public information activities (brochure, web site, TV, ..)	2004	10,000		100,000	110,000
Total		280,000		170,000	450,000

^{a)} For the single emergency call number project, it is hoped to benefit from the MATRA Programme implemented by the Government of Netherlands.

PRIORITY 19.2 Preparation of markets for full liberalization

1- Priority Description

Preparation for full liberalization of the markets is a medium term priority within the Council Decision of 19 May 2003 on Accession Partnership with the Republic of Turkey.

According to the article 2/c of the Telegram and Telephone Law No. 406 the monopoly on telecommunication networks including voice telephony and infrastructure will cease to exist on 31 December 2003. Law No. 4673 amending Law No. 406 stipulates that when the public share in Türk Telekom falls below 50 %, the entire monopoly rights of Türk Telekom shall be abolished even if this occurs before 31 December 2003. A schedule considering this new situation has been prepared in order to prepare for liberalization of markets.

2- Schedule of Necessary Legislative Changes

In addition to the necessary legislative changes specified in Table 19.1.1 the following legislative changes will be made in order to liberalize the telecommunications sector.

Table 19.2.1

No	Title and Number of EU Legislation	Title of Draft Turkish Legislation	Responsible Institution	Proposed Date of the Approval of the Board / Minister / Council of Ministers	Proposed Date of 1-Adoption by the Parliament 2- Entry into Force
1	Directive 97/33/EC of the European Parliament and of the Council of 30 June 1997 on interconnection in Telecommunications with regard to ensuring universal service and interoperability through application of the principles of Open Network Provision (ONP)	Communiqué regarding the co-location and facility sharing	Telecommunications Authority	30.11.2003	2- 30.11.2003
2	Commission Directive 96/19/EC of 13 March 1996 amending Directive 90/388/EEC with regard to the implementation of full competition in telecommunications markets Decision No 128/1999/EC of the European Parliament and of the Council of 14 December 1998 on the coordinated introduction of a third-generation mobile and wireless communications system (UMTS) in the Community Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision)	Implementing Regulation on the Rights of Way	Telecommunications Authority	30.11.2003	30.06.2004
3	Regulation (EC) No 2887/2000 of the European Parliament and of the Council of 18 December 2000 on unbundled access to the local loop	Communiqué regarding the Unbundling of Local Loop	Telecommunications Authority	31.12.2003	31.12.2003
4	Council Directive 92/44/EEC of 5 June 1992 on the application of open network provision to leased lines Directive 98/10/EC of the European Parliament and of the Council of 26 February 1998 on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications in a competitive environment Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)	Implementing Regulation on Consumer Rights	Telecommunications Authority	30.11.2003	30.11.2003

Table 19.2.1 (Continued)

No	Title and Number of EU Legislation	Title of Draft Turkish Legislation	Responsible Institution	Proposed Date of the Approval of the Board / Minister / Council of Ministers	Proposed Date of 1-Adoption by the Parliament 2- Entry into Force
5	<p>Directive 97/66/EC of the European Parliament and of the Council of 15 December 1997 concerning the processing of personal data and the protection of privacy in the telecommunications sector</p> <p>Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications)</p>	<p>Implementing Regulation on Protection of Personal Data and Privacy in the Telecommunications Sector</p>	<p>Telecommunications Authority</p>	<p>30.11.2003</p>	<p>31.12.2003</p>
6	<p>Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)</p>	<p>Implementing Regulation on Numbering and National Numbering Plan as Annex to Implementing Regulation</p>	<p>Telecommunications Authority</p>	<p>30.11.2003</p>	<p>30.06.2004</p>
7	<p>Directive 97/33/EC of the European Parliament and of the Council of 30 June 1997 on interconnection in Telecommunications with regard to ensuring universal service and interoperability through application of the principles of Open Network Provision (ONP)</p> <p>Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive)</p>	<p>Decision of Board Regarding Scope And Principles of Accounting Separation and Cost Accounting</p>	<p>Telecommunications Authority</p>	<p>31.12.2003</p>	<p>30.06.2004</p>
8	<p>Directive 97/13/EC of the European Parliament and of the Council of 10 April 1997 on a common framework for general authorisations and individual licences in the field of telecommunications services</p> <p>Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive)</p> <p>Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)</p>	<p>Implementing Regulation on Authorisation</p>	<p>Telecommunications Authority</p>	<p>31.08.2003</p>	<p>31.08.2003</p>

Table 19.2.1 (Continued)

No	Title and Number of EU Legislation	Title of Draft Turkish Legislation	Responsible Institution	Proposed Date of the Approval of the Board / Minister / Council of Ministers	Proposed Date of 1-Adoption by the Parliament 2- Entry into Force
9	<p>Commission Directive 95/51/EC of 18 October 1995 amending Directive 90/388/EEC with regard to the abolition of the restrictions on the use of cable television networks for the provision of already liberalized telecommunications services</p> <p>Commission Directive 1999/64/EC of 23 June 1999 amending Directive 90/388/EEC in order to ensure that telecommunications networks and cable TV networks owned by a single operator are separate legal entities</p> <p>Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services</p>	Amendment to Implementing Regulation on Telecommunications Services regarding Cable TV Services	Telecommunications Authority	10.11.2003	10.11.2003
10	No corresponding EU acquis exists (but necessary for the liberalization of markets)	Arrangements on the type subscription agreements	Telecommunications Authority	31.10.2003	31.10.2003
11	No corresponding EU acquis exists (but necessary for the liberalization of markets)	Authorisation regarding the public access radio system service	Telecommunications Authority	30.09.2003	30.09.2003
12	No corresponding EU acquis exists (but necessary for the liberalization of markets)	Authorisation regarding the service of voice transmission via internet protocol	Telecommunications Authority	Will be achieved in two months following the completion of legal arrangements	Will be achieved in two months following the completion of legal arrangements
13	No corresponding EU acquis exists (but necessary for the liberalization of markets)	Authorisation regarding the free wireless access system service	Telecommunications Authority	10.11.2003	10.11.2003

3- Schedule of Necessary Institutional Changes

Table 19.2.2

No	Necessary Institutional Changes – (Ministry of Labour and Social Security)	Period of Implementation
Consultancy regarding authorisation and entry to market		
1	Authorisation of free wireless access system services a- World experiences report regarding the authorisation of free wireless access system services b- Analyse report on Turkey regarding the authorisation of free wireless access system services c- The provision of free wireless access system services, training process regarding the provision of FWA, review studies	2003-2004
2	Authorisation of cable TV services a- World experiences report regarding the authorisation of cable TV services b- Analyse report on Turkey regarding the authorisation of cable TV services c- The provision of cable TV services, training process regarding the provision of cable TV services, review studies	2003-2004
3	Authorisation of national and international distant carrier services and carrier selection arrangements a- World experiences report regarding the authorisation of distant carrier services b- Analyse report on Turkey regarding the authorisation of distant carrier services c- The provision of distant carrier services, training process regarding the provision of distant carrier services, review studies d- Analyse report on Turkey regarding the carrier selection and legislation e- Training regarding carrier selection and review studies	2003-2004
4	Authorisation regarding the operating of infrastructure and arrangements on rights of way a- World experiences report regarding the authorisation for the operating of infrastructure b- Analyse report on Turkey regarding the authorisation for the operating of infrastructure c- The provision of services for the operating of infrastructure, training process regarding the provision of services for the operating of infrastructure, review studies d- World experiences report regarding rights of way e- Analyse report on Turkey regarding rights of way and legislation f- The provision of rights of way, training process regarding the provision of rights of way, review studies	2003-2004

Table 19.2.2 (Continued)

No	Necessary Institutional Changes – (Ministry of Labour and Social Security)	Period of Implementation
Consultancy regarding the numbering regime		
5	Numbering plan and management a- Research and evaluation report regarding the Numbering plan and management b- Numbering plan and numbering data base d- The submission of project outputs regarding the numbering plan and management, training	2003-2004
6	Number portability a- Research and evaluation report regarding number portability b- Implementation plan regarding number portability c- The submission of project outputs regarding number portability, training	2003-2004
Consultancy regarding unbundling of local loop, facility sharing, co-location, cost evaluation		
7	Unbundling of local loop Research and evaluation report regarding unbundling of local loop, training	2003-2004
8	Arrangements regarding the facility sharing and co-location a- World experiences report regarding facility sharing and co-location b-Analyse report on Turkey regarding facility sharing and co-location, legislation, and training	2003-2004
9	Cost model and accounting separation a- Public switched telecommunications network - Cost model for PSTN - Accounting separation for PSTN b- GSM services - Cost model for GSM - Accounting separation for GSM	2003-2004

4- Financing Requirements and Sources of Financing

Table 19.2.3

(Euro)

Requirements – (Telecommunications Authority)	Year	National Budget	EU Resources	Other Resources	Total
I- Investment					
II- Harmonisation with the EU Legislation and Implementation					
Personnel					
Training					
Consultancy	2003 - 2004	300,000			300,000
Translation					
Other					
Total		300,000			300,000

PRIORITY 19.3 Alignment with the acquis on postal services

1- Priority Description

The Council Decision of 19 May 2003 on the Accession Partnership with the Republic of Turkey foresees the initiation of alignment with the acquis on postal services as a priority.

2- Schedule of Necessary Legislative Changes

Table 19.3.1

No	Title and Number of EU Legislation	Title of Draft Turkish Legislation	Responsible Institution	Proposed Date of the Approval of the Board/Minister/Council of Ministers	Proposed Date of 1-Adoption by the Parliament 2- Entry into Force
1	Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service and the Directive 2002/39/EC of the European Parliament and of the Council of 10 June 2002 amending Directive 97/67/EC	Amendment to Postal Law No. 5584	Ministry of Transport, Directorate General of Post and Telegram Organisation	2004, IV. Quarter	1-2005, IV. Quarter 2-2005, IV. Quarter

3- Schedule of Necessary Institutional Changes

Table 19.3.2

No	Necessary Institutional Changes – (Ministry of Transport, Directorate General of Post and Telegram Organisation)	Period of Implementation
1	Institutional building related to these Directives	2006, II. Quarter

4- Financing Requirements and Sources of Financing

Table 19.3.3

(Euro)

Requirements – (Ministry of Transport, Directorate General of Post and Telegram Organisation)	Year	National Budget	EU Resources	Other Resources	Total
I- Investment					
II- Harmonisation with the EU Legislation and Implementation	2004				
Personnel					
Training					
Consultancy		400,000 ^{a)}		PSO Programme ^{a)}	
Translation					
Other					
Total					400,000

^{a)} For the provision of consultancy a project will be submitted to the PSO programme of the Government of Netherlands. If the project cannot be financed by the PSO the cost will be met from the national budget

PRIORITY 19.4 Establishment of the infrastructure for information technology

1- Priority Description

In order to create an electronic society, provide services via the internet more effectively, and include everyone in the information society, the European Council held in Lisbon on 23/24 March 2000 set the ambitious objective for Europe to become the most competitive and dynamic knowledge-based economy in the world in the next decade, and also adopted the “eEurope Action Plan” at the Feira European Council on 19-20 June 2000.

At the European Ministerial Conference held in Warsaw in 11-12 May 2000, Central and Eastern European Countries recognized the strategic goal set out by the EU-15 and agreed to embrace the challenge. In February 2001 the European Commission invited Turkey to join the other candidate countries. Following the inclusion of Turkey in the eEurope+ Action Plan drawn up for EU candidate countries, the necessary studies were initiated under the auspices of the Prime Ministry. With the Prime Ministry circular dated 27 February 2003, the e-Turkey project, which also encompasses the priorities of the eEurope Action Plan, was initiated and the institutional structure was established.

The State Planning Organization has been assigned to the coordination, monitoring, evaluation and orientation of the project. In order to fulfil this obligation the Department of Information Society has been established within the SPO.

In the above-mentioned circular, alignment of Information and Communication Technology (ICT) policies and legislation with the EU acquis, and alignment of the action plan with Turkey remain the main objectives. To this end, eight working groups have been established under the coordination of the Department of Information Society; technical infrastructure and information security, legal infrastructure, e-government, e-commerce, e-health, education and human resources, standards, monitoring.

Within the context of the Short-Term Action Plan of the e-Turkey project, several actions aimed at strengthening the information technology infrastructure have taken place. The Action Plan includes comprehensive actions regarding technical infrastructure and information security, standards, e-commerce, e-government, e-health and education and human resources for the 2003-2004 periods.

2- Schedule of Necessary Legislative Changes

No EU acquis exists in this field.

3- Schedule of Necessary Institutional Changes

Table 19.4.1

No	Necessary Institutional Changes – (State Planning Organization)	Period of Implementation
1	Consultancy services regarding policy-making, administrative structuring, and best practices, in order to benefit from EU member states' experiences	2005-2006
2	Training programmes for the strengthening of human resources in the Department of Information Society	2004
3	Strengthening of infrastructure in order to realize the sub-components (technical infrastructure and information security, legal infrastructure, e-government, e-commerce, e-health, education and human resources, standards, monitoring) of the e-Turkey Project	2003 – 2006

4- Financing Requirements and Sources of Financing

Table 19.4.2

(Euro)

Requirements – (State Planning Organization)	Year	National Budget	EU Resources	Other Resources	Total
I- Investment	2004 - 2006	500,000	500,000		1,000,000
II- Harmonisation with the EU Legislation and Implementation					
Personnel					
Training	2004		50,000		50,000
Consultancy	2005 - 2006		200,000		200,000
Translation					
Other					
Total		500,000	750,000		1,250,000

Annex 19.1

Administrative regulations realized since the Council Decision of 8 March 2001 on the Accession Partnership with the Republic of Turkey

Title of the EU Legislation	Corresponding Turkish Legislation	Date and number of Official Gazette
<p>Council Directive 90/387/EEC of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of open network provision</p> <p>Commission Directive 96/19/EC of 13 March 1996 amending Directive 90/388/EEC with regard to the implementation of full competition in telecommunications markets</p> <p>Directive 97/33/EC of the European Parliament and of the Council of 30 June 1997 on interconnection in Telecommunications with regard to ensuring universal service and interoperability through application of the principles of Open Network Provision (ONP)</p> <p>Directive 97/51/EC of the European Parliament and of the Council of 6 October 1997 amending Council Directives 90/387/EEC and 92/44/EEC for the purpose of adaptation to a competitive environment in telecommunications</p> <p>Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive)</p>	<p>Implementing Regulation on Access and Interconnection</p>	<p>23 May 2003, 25116</p>
<p>Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)</p>	<p>Communiqué regarding the procedures and principles for the designation of operators with dominant position</p>	<p>3 June 2003, 25127</p>
<p>Directive 97/33/EC of the European Parliament and of the Council of 30 June 1997 on interconnection in Telecommunications with regard to ensuring universal service and interoperability through application of the principles of Open Network Provision (ONP)</p> <p>Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)</p>	<p>Communiqué regarding the procedures and principles for the designation operators with SMP</p>	<p>3 June 2003, 25127</p>
<p>Council Directive 87/372/EEC of 25 June 1987 on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community</p> <p>Council Directive 90/544/EEC of 9 October 1990 on the frequency bands designated for the coordinated introduction of pan-European land-based public radio paging in the Community</p> <p>Council Directive 91/287/EEC of 3 June 1991 on the frequency band to be designated for the coordinated introduction of digital European cordless telecommunications (DECT) into the Community</p>	<p>National Frequency Allocation Table</p>	<p>11 January 2002 Decision of the Board</p>

Title of the EU Legislation	Corresponding Turkish Legislation	Date and number of Official Gazette
<p>Directive 97/13/EC of the European Parliament and of the Council of 10 April 1997 on a common framework for general authorisations and individual licences in the field of telecommunications services</p> <p>Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive)</p> <p>Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)</p>	Implementing Regulation on Telecommunications Services	28 March 2001, 24356
Directive 98/10/EC of the European Parliament and of the Council of 26 February 1998 on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications in a competitive environment	Implementing Regulation on Tariffs	28 August 2001, 24507
Directive 98/10/EC of the European Parliament and of the Council of 26 February 1998 on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications in a competitive environment	Communiqué on Price Cap	11 January 2002, 24637
<p>Directive 97/13/EC of the European Parliament and of the Council of 10 April 1997 on a common framework for general authorisations and individual licences in the field of telecommunications services</p> <p>Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive)</p> <p>Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)</p>	Communiqué On the Principles and Procedures Regarding the Granting of the 2nd Type Telecommunication License and General Authorisation	4 February 2002, 24661
Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)	Decision regarding the allocation of 00 as an international telephone access code	11 March 2002, 2002/103 Decision of Board
<p>91/396/EEC: Council Decision of 29 July 1991 on the introduction of a single European emergency call number</p> <p>Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)</p>	Decision regarding the allocation of 112 as single emergency call number	11 March 2002, 2002/103 Decision of Board
No corresponding EU acquis exists	Implementing Regulation regarding the principles and procedures for making national roaming agreements	8 March 2002, 24689
No corresponding EU acquis exists	Implementing Regulation regarding the principles and procedures for GSM telephone subscription	27 September 2002, 24889