

Regulation on the Imposition, Notification, Accrual, Collection Procedures and Principles of the Revenues of Telecommunications Authority

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SECTION ONE

Purpose, Scope, Legal Basis and Definitions

Article 1- The purpose of this Regulation is to define the procedures and principles related with imposition, notification, accrual and collection of the revenues of Telecommunications Authority.

Article 2- This Regulation contains the imposition, notification, accrual and collection procedures related with the revenues of Telecommunications Authority, as defined in Article 5 of the Wireless Law No: 2813.

Article 3- This Regulation has been prepared as per Articles 5, 7 and 27 of Wireless Law No: 2813.

Article 4- The definitions in this Regulation shall mean as follows:

- a) **The Board:** the Telecommunication Board
- b) **The Authority:** the Telecommunications Authority,
- c) **Telecommunication:** the transmission, emission and reception through cable, wireless, optical, electric, magnetic, electro magnetic, electro chemical, electro mechanic and other transmission systems of all kinds of sign, symbol, voice and image and all kinds of data which can be converted into electric signals,
- d) **Telecommunication Service:** Provision of any or all of the activities, defined as telecommunication, as services,
- e) **Manager:** the Capital company that manages the telecommunication services and/or telecommunication infrastructure in compliance with a duty contract made with the Authority, including the Turkish Telecom, or with a franchise agreement and/or as per a telecommunication license issued by the Authority or as per the general permit.
- f) **Operator:** a capital company, including Türk Telekom, which provides telecommunication services and/or operates telecommunication infrastructure under an authorisation agreement or a concession agreement made with and/or a telecommunication licence or a general authorisation obtained from the Ministry,
- g) **User:** Real and legal personality utilizing the telecommunication services, without regard to subscription status,
- h) **Gross Revenue:** Revenue defined in the legislation concerning the Authority's licensing of the service to be provided by the Manager or legislation concerning the issuing of the certificate of authority.

- i) **Imposition:** The procedure in which the amounts of Authority's revenues are defined based on the related price list and Authority arrangements.
- j) **Notification:** Notification of all the pricing issues to the given addresses of the concerned by the Authority.
- k) **Realization:** The due amount of the Authority revenues for which imposition and notification was made,
- l) **Collection:** the collection of Authority revenues as per the defined procedures and principles,
- m) **Radio Link Channel:** Each 250 Hz channel, as per the radio frequency channel allocated for "channel" Radio link system, as defined in lines 1G and 3L of telecommunication services price list, as defined in Article 27 of Wireless Law No: 2813.

SECTION TWO

Principles related with Imposition, Notification, Realization and Collection

PART ONE

Principles related with Radio Systems Imposition Procedures

Article 5- Prices that must be paid by the manager, operator providing the telecommunication service as well as the users utilizing these services are calculated being based on the price list issued by the Authority and then the imposition procedures are realized.

Number of radio link channels shall be calculated by dividing each of the radio frequency channel bandwidth used in radio link system by 250 kHz. In case there is a remainder resulting from the division, the number of channels shall be deemed as one plus of the number found. The imposition procedure shall be completed by the calculating the certificate and usage prices being based on the number of channels calculated.

Article 6- Excluding the amateur radio systems, for all radio systems recently established, the defined certification price shall be completely imposed the for once. Annual usage price shall be imposed on a monthly basis considering the remaining months, including the month during which the system was established.

Article 7- Excluding the amateur radio systems, annually for all the existing radio systems, the listed usage prices shall be paid completely and in advance, for realization within that year.

Article 8- Price imposition procedure applied for auxiliary equipment of the radio systems shall be made as per Article 6 of this Regulation.

Article 9- Difference price for changes resulting in increases in the annual usage prices shall be imposed for the remaining months based on the change date.

Article 10- In case of a transfer in the radio system, the certification price shall be completely paid to the transferred part and the usage price shall be subtracted for the remaining months including the month the system was transferred.

Article 11- In the radio usage permit demands, the certification price shall be imposed completely and the usage price shall be imposed considering the given period. The usage price shall be imposed increasing the extended period to the full month amount.

Article 12- The date of establishment of the radio equipment or system shall be notified to the Authority within a month starting from the date of establishment. However in case such notification is late, default fine shall be applied at the rate defined in Article 51 of the Law No: 6183 on the Procedures of Collection of Public Claims. Monthly fractions shall be completed to a full month.

Article 13- In case date of the radio equipment or system establishment is not notified to the Authority and in case such an issue is determined by the Authority, the system establishment date shall be deemed as the date during which the system establishment permit is issued and monthly default fine stated under article 12 of this Regulation shall be applied to the radio prices for which imposition proceedings were made.

Article 14- In case equipment at the same amount is purchased instead of worn out equipment in the existing radio systems, with a permit; in case the usage price is accrued from the worn-out equipment in the same year, only the certification price shall be imposed for the replacing equipment.

Article 15- Excluding the permit for the radio system establishment, in case non-authorized use of frequency and/or equipment is determined, usage price shall be imposed as defined in the price list for the period until the date determined based on the invoice date of the mentioned equipment.

Article 16- Amateur radio certification prices shall be imposed as defined in the list once in three years. No additional prices shall be taken. In case the certification renewal period is exceeded, the new certification price as well as the monthly default fine shall be applied as per Article 12 of this Regulation considering the period starting from the license end date.

PART TWO

Procedures on Imposition Procedures for Other Revenues

Article 17- The visa price shall be imposed from the managers having the authority certificates subject to visa procedures, being based on the amount to be annually determined by the Authority.

Article 18- Prices included in the other Authority revenues shall be imposed based on the lists published by the Authority.

PART THREE

Principles related with Notification Procedures

Article 19- The addresses of the managers, operators and users, notified to the Authority shall be deemed as notification addresses and the changes in the titles shall be notified to the Authority with a registered mail within a month at the latest starting from the date the change took place. In case of non-compliance with the obligation for such a notification, the address in the Authority records shall be deemed as notification address and any notification made to this address shall be deemed as made to the concerned without the notice of delivery.

Article 20- Notifications to be made by the Authority may be made by mail or directly to the concerned.

Article 21- There is no obligation for the Authority's authorized representative to have a signature on the document on which the notification is to be made by the Authority.

Article 22- Any notification made to the address of the manager, operator or user shall be deemed as made to the authorized person.

PART FOUR

Principles related with the Accrual Procedures

Article 23- Imposed prices shall be accrued after notification of the Authority to the managers, operators and users.

Article 24- The usage prices notified in writing to the existing manager, operator and user after imposition shall be deemed as collected at the end of the given period.

PART FIVE

Principles on Collection Procedures

Article 25- The rates to be established based on the revenue as defined in the legislation for the Authority's authorization of the service provision of the Authority or in the legislation concerning the issue of certification, or the amount to be determined within the framework of Authority arrangements shall be collected as contributions to Authority expenses.

Article 26- It is an obligation to pay the prices defined by the Authority directly to the bank branch offices or Authority cashiers within the period defined in the notification made to the manager, operator and user. Monthly default fine shall be paid at the rates defined in Article 51 of the Law No: 6183 on the Procedures for the Collection of Public Claims for each month starting from the final date of payment (Rates varying as per the Decree of the Council of Ministers shall be considered). Monthly fractions shall be completed to one month.

Article 27- The Authority revenues shall be collected in advance as defined in the notification arranged as per revenue types.

Article 28- Protests that may be made against the price defined by the Authority or against the period defined in the notification shall not prevent the payments. In case no payment is made within such period, the default fine shall be applied as per Article 26 of this Regulation.

Article 29- In case it is defined that the protest is unbiased, the return of the unfairly collected price to the concerned shall be made as budget expenses. No default fines shall be paid to the Authority for the returned price.

Article 30- In case any price changes occur, resulting in price decreases, no return requests concerning the prices of that year shall be made from the Authority.

Article 31- No charge returns shall be made by the Authority in case of temporary suspension, halt or transfer of any telecommunication service by the Authority or manager, operator, user.

Article 32- In case it is deemed required by the Authority the charges accrued from the manager, operator or user, the notification for the final date of payment shall be arranged in case no collections could be made.

Article 33- In case the charges accrued to the manager, operator or user could not be collected within the defined period, the related procedures shall be launched within the scope of the Authority legislation in force.

SECTION THREE **Miscellaneous**

Article 34- Issues related with imposition, accrual and collection of charges related with infrastructure or subscribers included in the telecommunication services carried out by the manager or operators shall be defined as per the protocols and Authority arrangements.

Article 35- Procedures and principles concerning the other revenues, included in Article 5 of Wireless Law No:2813 but not included in the price list of telecommunication services shall be defined separately by the Authority.

Article 36- Prices included in the telecommunication services price list, but not requiring any imposition and accrual procedures, shall be deposited in the account of the Authority or to the cashier; and the documents proving the payment of the charge shall be presented to the Authority.

Article 37- Charges for the control, certification or certificate renewals of maintenance and repair laboratories of the importers and exporters; control, certification or certificate renewals of the maintenance and repair of the independent laboratories; control, certification or certificate renewals of the dealers, standard conformity test and measurement services, electromagnetic area intensity limit value measurement; telecommunication systems check and control as well as interphase analysis control and similar services shall be imposed and accrued with charge imposition and payment receipts.

Article 38- Authority revenues as defined in Article 5 of Wireless Law No: 2813 is exempt from any tax, duties and charges. There is no obligation regarding the bill arrangement, as per Tax Procedure Law.

Article 39- Procedures shall be executed as per the Board Decision in case there is no provision related with the notification procedures in this Regulation.

Article 40- “Regulation on the Procedures and Principles of Imposition, Notification, Accrual and Collection of Telecommunications Authority Revenues” No: 24846 of 14.08.2002, published in Official Gazette has been annulled following the date of publishing.

Article 41- This Regulation shall enter into effect as of the date it is published.

Article 42- The provisions of this Regulation shall be enforced by the Telecommunication Board Director.