

## **PROCEDURES AND PRINCIPLES REGARDING THE PROVISION OF TRIAL PERMISSION IN THE ELECTRONIC COMMUNICATIONS SECTOR**

### **Purpose**

**ARTICLE 1** – (1) The purpose of this regulation is to define the procedures and principles to be applied for the provision of permissions for the establishment and use of electronic communications infrastructures, networks and services, on temporary basis, by the capital stock companies which were founded in line with the Turkish Laws, universities, research-development institutions and the public institutions for research and development and/or testing and/or trial and/or demonstration purposes.

### **Scope**

**ARTICLE 2** – (1) This regulation covers procedures and principles concerning the provision of permissions for the establishment and use of electronic communications infrastructures, networks and services, on temporary basis, by the capital stock companies which were founded in line with the Turkish Laws, universities, research-development institutions and the public institutions, for research and development and/or testing and/or trial and/or demonstration purposes.

(2) The trials to be conducted within the authorization held by the Operators do not fall under the scope of these Procedures and Principles.

### **Legal Basis**

**ARTICLE 3** – (1) These Procedures and Principles were prepared on the basis of the Article 10 and Article 46 of the Electronic Communications Law dated 5/11/2008 and numbered 5809 and the Article 23 of the By-law on Authorization for Electronic Communications Sector published in the Official Gazette dated 28/05/2009 and numbered 27241.

### **Definitions and Abbreviations**

**ARTICLE 4** – (1) The definitions in these Procedures and Principles shall have the following meanings:

a) Applicant: The capital stock companies, universities and research-development institutions and public institutions who applied for the permission of trial,

b) Trial permission: The permission granted by the Authority to the Applicant in order to establish and use electronic communications, networks and services, or use them, for testing and/or trial and/or demonstration purposes, on temporary basis,

c) Relevant Legislation: Any law, Decree of Board of Ministers, by-law, regulation, communiqué, circular letter, procedures and principles, board decision that are related to the electronic communications sector,

ç) The Law: Electronic Communications Law dated 5/11/2008 and numbered 5809,

d) The Board: Information and Communication Technologies Board,

e) The Authority: Information and Communications Technologies Authority,

(2) For the terms not defined in these Procedures and Principles, the definitions in the relevant legislation, primarily Article 3 of the Electronic Communications Law (No. 5809) shall apply.

### **Procedures and Principles Regarding Applications**

**ARTICLE 5** – (1) The Applicant applies to the Authority with a file containing the information and documents listed in the Annex-1 of these Procedures and Principles. In cases deemed necessary by the Authority, additional information and documents may be requested from the Applicant.

### **Evaluation of the Applications**

**ARTICLE 6** – (1) The trial permission requested under the application made with the information and documents listed in the Annex-1 are evaluated from various aspects, including, but not limited to:

a) Its possible contribution to the electronic communications sector,

b) Its possible contribution to the electronic communications technologies,

c) Its possible contribution to the new regulations,

ç) Whether it requires assignment of limited resources and if does, whether it is possible to assign limited resources,

In addition, the Authority also evaluates whether the infrastructures and/or the networks to be established under the scope of the trial permissions has a reasonable size. Trial permission shall be granted to the applications found eligible by the Authority.

(2) As a result of the evaluation made on the application, the Authority shall request the Applicant, who supplied incomplete/incorrect information or documents, to remedy the incomplete/incorrect aspects of the application. In the event that the Applicant fails to remedy the incomplete/incorrect aspects of the concerned information and documents by him, within three months as of the date of the notification made by the Authority to the Applicant, the application shall be taken out of evaluation procedure.

#### **Duration of the trial permission**

**ARTICLE 7** – (1) The duration of the trial permission shall be determined as maximum one year; however this duration may be extended for an additional period of time, deemed appropriate by the Authority, upon the request of the Applicant, along with his justification.

#### **Rights of the Entity holding the Trial Permission**

**ARTICLE 8** – (1) The entity holding the trial permission shall have the right to establish and use electronic communications infrastructures, networks and systems, provided that such activity shall be limited with the scope of the trial permission granted by the Authority.

(2) Trial permission shall not grant any priority and/or acquired right to the entity holding the permission, except for the trial permission.

#### **Obligations of the entity holding the trial permission**

**ARTICLE 9** – (1) The entity holding the trial permission shall have the following obligations:

a) He shall not conduct any commercial activity under the scope of the trial permission,

He shall obtain security certificate from the Authority in respect to the systems that he shall establish under the scope of the “Ordinance on Security Certificates of the Electronic Communications Devices” promulgated in the Official Gazette dated 16/5/2009 and numbered 27230, prior to initiating his trial work.

He shall provide the necessary information and documents to the Authority as required.

ç) He shall inform the Authority concerning the finalization of the trial work at the end of the trial activities,

He shall report the findings and results obtained under the scope of the trial permissions, excluding the permissions conducted for demonstration purposes, by filling the form in the Annex-2 wholly, at the end of the trial activities and send this report to the Authority within one month following the expiration of the trial permission,

In the event that it is deemed necessary by the Authority, he shall provide the required opportunities and facilities for the staff of the Authority for their inspections and examinations,

Through the electronic communications infrastructures or the networks under the scope of the trial permission, he shall not provide services needed by him and/or third persons, and he shall not use this infrastructure for his own interest and/or the interest of third persons,

g) He shall not conduct any activity or behavior which would be incompatible with the national security or the public order,

ğ) He shall not cause electromagnetic interference on the existing electronic communication infrastructures or networks,

(2) In the event that the entity holding the trial permission fails to submit the findings and the results to the Authority within one month period as stated in the subparagraph (d) of the first paragraph of this Article, a one month extension is given by the Authority to the concerned Entity and this time extension is notified to him.

(3) Additional obligations may be imposed on the entity holding the trial permission depending on the scope of the permission. The entity is obliged to obey the relevant legislation.

### **Fee of the trial permission**

**ARTICLE 10** – (1) The entity holding the trial permission shall pay the fees of trial permission, radio usage and license fees as stated in the Law.

### **Miscellaneous Provisions**

**ARTICLE 11** – (1) Other provisions involved in these Procedures and Principles are as follows:

a) Such provisions concerning the entities holding the trial permission, duration and subject of the trial permission shall be announced on the official website of the Authority,

b) Entity holding the trial permission may have requests concerning interconnection, access and similar demands from the operators in the event that he may need such within the scope of the trial permission; however the operators shall not have to meet such demands,

c) Other provisions not present in these Procedures and Principles shall be determined by the Board.

### **Sanctions**

**ARTICLE 12** – (1) In the event that the entity holding the trial permission fails to conform to the relevant legislation and these Procedures and Principles, his trial permission shall be cancelled and legal action shall be taken against him.

(2) In the event that the entity holding the trial permission acts against the sub-paragraph (d) of the first paragraph of the Article 9 titled “Obligations of the Entity holding the Trial Permission” in these Procedures and Principles and the second paragraph of the same Article, applications of the Entity for new trial permissions shall not be taken into evaluation until he fulfills the concerned obligations.

### **The Authority’s Right to Abrogate the trial permission**

**ARTICLE 13** – (1) The Authority reserves his right to abrogate the trial permission granted, under the conditions prevailing, without waiting for the expiration of the permission.

### **Annulled Legislation**

**ARTICLE 14** – (1) These Procedures and Principles replaced the “Procedures and Principles Regarding the Provision of Permissions for the Establishment and Use of Telecommunications Infrastructures on Temporary Basis for the Testing and Trial Purposes” which was put into effect with the Board Decision dated 19/02/2004 and numbered 2004/109.

### **Reference**

**ARTICLE 15** – (1) Any reference made to the “Procedures and Principles Regarding the Provision of Permissions for the Establishment and Use of Telecommunications Infrastructures on Temporary Basis for the Testing and Trial Purposes” which was put into effect with the Board Decision dated 19/02/2004 and numbered 2004/109 shall be deemed to have been made to these Procedures and Principles.

**PROVISIONAL ARTICLE 1** – (1) Testing and trial permissions granted prior to the enactment of these Procedures and Principles shall be valid until the expiration of their duration, without a need for their renewal under the scope of these Procedures and Principles.

**Enforcement**

**ARTICLE 16** – These Procedures and Principles shall enter into force on the date of the concerned Board Decision.

**Execution**

**ARTICLE 17** – (1) The provisions set out in these Procedures and Principles shall be executed by the Chairman of the Board.

**INFORMATION AND DOCUMENTS REQUIRED  
FOR THE APPLICATION OF TRIAL PERMISSION**

**1. INFORMATION CONCERNING THE APPLICANT**

- 1.1. NAME AND TITLE
- 1.2. ADDRESS
- 1.3. TELEPHONE AND FAX NUMBERS
- 1.4. WEBSITE
- 1.5. E-MAIL ADDRESS
- 1.6. COMMERCIAL REGISTRATION NUMBER  
(excluding the universities and the public institutions)
- 1.7. CIRCULAR OF SIGNATURE AUTHENTICATED BY THE PUBLIC NOTARY  
(excluding for the universities and the public institutions)

**2. INFORMATION ON THE INFRASTRUCTURE AND/OR NETWORK AND/OR SERVICE TO BE ESTABLISHED AND USED FOR TRIAL PURPOSES**

- 2.1. DEFINITION AND SCOPE OF THE TRIAL SERVICE
- 2.2. DURATION OF THE TRIAL PERMISSION REQUESTED
- 2.2. TARGET GROUP OF THE TRIAL SERVICE
- 2.2. TECHNOLOGIES TO BE USED IN THE ESTABLISHMENT AND OPERATION OF THE NETWORK AND/OR INFRASTRUCTURE
- 2.3. DEFINITION OF THE NETWORK AND/OR INFRASTRUCTURE  
Information, including but not limited to the definition of the infrastructure to be established, the components that will exist in the infrastructure (fixed and mobile stations and their numbers, subscriber terminals and their numbers, etc.), technical information concerning the devices to be used (transmitter output power, antenna gain, etc.) shall be stated in details.
- 2.4. THE LOCATION WHERE THE NETWORK AND/OR THE INFRASTRUCTURE WILL BE ESTABLISHED AND USED  
The Applicant shall state the information about addresses and geographical coordinates of the locations where the network and the infrastructure components will be established.
- 2.5. FREQUENCY BAND REQUESTED FOR ASSIGNMENT  
This part shall be filled for the services that require assignment of frequency. Information including the frequency band, bandwidth, frequency range, number of channels requested, etc. shall be given here.
- 2.6. INFORMATION CONCERNING THE NEED FOR INTERCONNECTION BETWEEN THE NETWORK AND/OR INFRASTRUCTURE AND OTHER NETWORKS  
In this part, information as to whether the network and/or the infrastructure to be established requires interconnection, if yes, information as to how to establish the interconnection with and which operators shall be provided.

### 3. LETTER OF UNDERTAKING

The Letter of Undertaking shall be prepared as shown below and attached to the file of the application (The file of application submitted by the capital stock companies shall include a letter of undertaking and a circular of signature, which were prepared duly):

“LETTER OF UNDERTAKING

We hereby accept and undertake that we will conduct activities limited within the scope of the trial permission, under the framework of the trial permission which will be granted by your Authority to our company/institution for .....technology/service in.....province; that we shall not conduct any commercial activity; that we will end the trial activities at the end of the period of the trial permission, after deactivating the systems and we shall not transmit electronic communications traffic through the testing and trial infrastructure and/or network thereafter; in addition we will provide your Authority any information and document duly you may request”.

Name- Surname of the Person Authorized  
to Represent the Legal Entity

Signature  
Company Stamp  
Date



**TEMPLATE FOR THE REPORT OF FINDINGS AND RESULTS OF  
THE TRIAL PERMISSION**

(Please find below the template to be used for the Findings and Results Report which shall be submitted by the Entity holding the Trial Permission to the Authority within one month as of the expiration date of the trial permission)

1. Name of the Entity holding the Trial Permission
2. Subject of the Permission
3. The Province for which the Permission Granted
4. Duration of the Permission
5. Information Regarding the Technology Used, Trial Network and/or Infrastructure Established (Information on the equipments in the trial network and/or infrastructure, including the trademarks, models, technical specifications; and information on the trial infrastructure, including the network diagrams)
- 6 Tests, Trials and Applications Planned  
(The tests planned for the technology/service for the granted trial permission)
- 7 Tests and Trials Realized  
(Tests conducted for the technology/ service for the trial permission)
- 7.1. Successful Tests and Trials Conducted and the Results Obtained and Their Evaluation  
(The results obtained from successful tests conducted in terms of performance, associated with the coverage and the technical parameters, service quality and similar criteria and the evaluation of these results)
- 7.2 The Reasons of Failure for the Unsuccessful Tests and Trials and their Evaluations
8. Evaluation of the impacts of the Technology and the Services for which the Tests and Trials were Made to Our Country and Electronic Communications Sector
- 9 Other Evaluations

*Note: Any abbreviation used in the report shall be stated both in Turkish and English.*

(Signatures)  
Technical Staff  
Name and Surname Signature

Name- Surname of the Person(s)  
Authorized to Represent the Legal Entity

Signature  
Company Stamp (for companies)