**Cooperation Protocol Between Information Technologies and Communication Authority and Competition Board**

**PART ONE**

**Parties, Definitions, Purpose, Scope, Legal Basis**

**Parties**

**Article 1-** (1) The parties of the Protocol are the Information Technologies and Communication Authority and the Competition Board.

**Definitions and abbreviations**

**Article 2-** (1) The following abbreviations refer to the following institutions:

BTHK: Information Technologies and Communication Authority,

RK: Competition Board

(2) The definitions given in Law 6/2012, the Electronic Communications Law and Law 36/2009, the Competition Law and the definitions in the other related legislation are predicated on for the definitions that are not included in this Protocol.

**Purpose and Scope**

**Article 3-** (1) This Protocol is prepared by predicating on Article 17 of Law 6/2012, the Electronic Communications Law and Article 20 of Law 36/2009, the Competition Law.

(2) The purpose of this Protocol is for the parties to determine the procedures and principles to mutually address the issues that are within the powers and duties for establishing, improving and protecting the competitive environment in communications sector, to determine the conditions for mutually sharing information and document and for cooperation and to adopt a mutual attitude for interpreting the related legislation and concepts. The procedures and principles of mutual coordination and cooperation that will be taken by the parties for the specified purpose and that are within their powers are included in this Protocol.

(3) Ensuring consistency and predictability in the decisions and applications that they will create for the electronic communications sector, preventing different decisions to be taken on the same issue and ensuring the necessary coordination, cooperation and information sharing for creating measures to establish competition are aimed with the application of this Protocol.

**PART TWO**

**Information Transfer, Taking Opinion and Final Briefing on Coordination and Cooperation**

**Information transfer**

**Article 4-** (1) The parties may ask the other party to provide the information and documents that can be found at the other party that are required for an inspection, examination, research or inquiry, which they carry out to apply their legislation.

(2) On the condition that the parties pay regard to the facts for protecting the confidentiality of the inspection, examination, research or inquiry that are being carried out and for protecting commercial secrets, the parties transfer the requested information and documents to the other party as soon as possible.

(3) The information that is stated as confidential by the party that sent the information and particularly commercial secrets of undertakings and enterprises is assessed as confidential by the other party as well and the subject matter information is only used as limited for the purpose it was requested

**Taking opinion**

**Article 5-** (1) RK shall primarily take the opinion and the regulatory processes of BTHK into consideration in the decisions that it will take for electronic communications sector including the decisions on mergers and transfers in the analysis and investigations that will be carried out for electronic communications sector and shall request to take the opinion of BTHK to ensure this matter. If there is a study to impose a primary regulatory obligation for the fact that is subject to the application or if it is stated that an action would be taken by BTHK in the opinion of BTHK on the matter, RK may give a break to the investigation process on the matter in consideration of the period and the qualification of the allegation for violation. If it is stated that it is not regarded as necessary to make primary regulatory actions that will eliminate the problem in a reasonable and applicable period in the framework of the Electronic Communications Law and secondary regulations or if BTHK states that it is not considered necessary to take primary regulatory actions on the matter, RK may reassess the matter.

(2) BTHK shall take the opinion of RK on the procedures and principles of the secondary legislation when preparing the secondary legislation on establishing, promoting and protecting the competition in the sector and that affect the competitive conditions in the electronic communication sector. BTHK may take the opinion of RK on the specifications it prepared for new authorizations for electronic communication services that require allocation for limited usage right.

(3) BTHK shall take the opinion of RK on violations of competition in the electronic communication sector in the market analysis carried out by BTHK and when envisaged by the legislation.

(4) It is essential to keep all of the information and documents, in relation to inspection, assessment, research or investigation, in which the parties request opinion from each other, confidential. The party that gives opinion shall not announce its opinion on the matter to the public before the final decision of the other party is published.

(5) When requesting opinion from each other, the parties shall determine the reply period by considering the periods given in the related law. If detailed research and study is required on the opinion that will be given, the party that will give the opinion may inform the other party and request reasonable additional period.

**Coordination and cooperation**

**Article 6-** (1) The parties shall carry out their implementations to assess, take decision and establish the necessary actions for the matters that are within the scope of their powers and duties to establish, promote and protect the competitive environment in the electronic communications sector in the framework of the following principles:

(a) The parties may deliver the complaints, notifications and various applications, which they receive, which are beyond the description of duty and powers recognized by their legislation, which are assessed to be related with the legislation of the other party and which are considered to be taken into account of this legislation, to the other party. The parties may deliver the matters, which affect the competitive conditions in the electronic communication sector, which they consider important for promoting and protecting competition in the sector, to the other party as ex officio, without any application.

(b) When BTHK receives an application that the market power is being abused, if there isn’t any measure, which was imposed by BTHK itself or which is planned within a reasonable period with regards to the matter in the scope of Electronic Communications Law or secondary regulations, then BTHK transfers the application to RK so that it will be assessed in the framework of the Competition Law.

c) When RK receives an application that the market power is being abused, if the issue is in the scope of the Electronic Communications Law and the related secondary regulations or decisions of BTHK or if it can be resolved in the scope of the measures that can be applied to electronic communication service providers by BTHK in accordance with the related legislation, then the application is transferred to BTHK.

**PART THREE**

**Other Provisions, Execution and Entry into Force**

**Other Provisions**

**Article 7-** (1) The parties meet in every February, June and October every year with the participation of the Chairmen of BTHK and RK or the people they will authorize and discuss on promoting competitive environment in the electronic communications sector, present problems, continuing investigations and applications, market analysis, requirements and current developments on competition law and policies and make assessments on the necessary procedures.

(2) The parties may use the opportunities of each other for the education and training the employees; they can cooperate in training, seminar, workshop and similar activities as well as in arranging these activities.

**The period of the protocol**

**Article 8-** (1) The Protocol shall remain valid until the parties meet upon the request of one party and issue a new protocol.

**Execution**

**Article 9-** (1) The provisions of this Protocol are executed the Chairman of BTHK and the Chairman of RK.

**Entry into force**

**Article** **10-** (1) This Protocol is issued in two copies; it shall enter into force as of the date its provisions are accepted by BTHK and RK and as of the date it is signed by the Chairman of BTHK and the Chairman of RK.

Signed on: 08.11.2013