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Issue: 670

ELECTRONIC COMMUNICATIONS

(Law No 6/2012)

By-law made under Article 63

The Council of Ministers of the Turkish Republic of Northern Cyprus makes the following By-law by using the power given by Article 63 of Electronic Communications Law:

Short Name 1. This By-law is named the “By-law on Mobile Terminal Wireless Prices.”

**PART ONE**

**GENERAL PROVISIONS**

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| Definitions | 2. **In this By-Law text unless required otherwise:**  “Subscriber” describes any natural or legal person that is one party in a contract made for the provision of a communications tool along with its services.  “Active subscriber” describes any subscriber that materialized 1 (one) call originated by himself/herself, 1 (one) call received by himself/herself or sent “ (one) SMS or performed data service identity verification.  “Electronic communication” describes the sending and receiving of any type of sign, symbol, sound, image and data that can be transformed into electrical signals through the use of wired, wireless, optical, electrical, magnetic, electromagnetic, electrochemical, electromechanical and other conduction systems.  “Electronic Communications Service,” describes the service that is presented, including telecommunications and transmission services, for broadcasting on networks (excluding services for the provision of content that is transmitted over electronic communications networks or services for the function of editorial control over these, along with information communities services) that is completely or partially comprised of the transmission of electronic signals over networks and normally in exchange for a fee.  “Cancellation document” describes the document, which is prepared by the undertaking that the subscriber cancelled the subscription contract and given to the subscriber and which contains information such as subscription identity information, telephone number on the subscription, which was cancelled, or information on the device and date of cancellation.  “Communication Service Provider” describes the company that provides electronic communications services and/or that provides electronic communication network and that operates its infrastructure.  “Public Electronic Communication Network” describes an electronic communication network that can be used by anyone.  “Public Electronic Communication Service Provider” describes the communication service provider that provides electronic communication services to the public through public electronic communication network and the definition includes the Telecommunications Department as well.  “The Board” describes the Information Technologies and Communication Board.  “The Authority” describes the Information Technologies and Communication Authority.  “Wireless” describes systems in which open, coded or encrypted sound or data can be sent or received or only sent or only received, through electromagnetic waves without the presence of a physical connection.  “Fee Tariff” describes the tariff on the wireless fees that are given in the Annex of the By-law.  “The Law” describes the Electronic Communications Law dated 10/01/2012 and numbered 6/2012.  The definitions that are given in the Law shall be valid for the definitions that are not included in this By-law. |
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| Purpose and Scope | 3. The purpose of this By-law is to regulate principals and procedures on the fees for wireless permission and annual wireless usage permit that will be taken from active subscribers that will receive mobile electronic communication service from public communication service providers for wireless devices and systems.  **PART TWO**  **Tariffs and Fees** |
| Fees and Collection | 4. (1) Wireless permit and usage fees, which are resourced from the wireless usage of subscribes in the land cellular wireless telephony system and that are given in the fee tariff that is annexed to the By-law, shall be paid by active subscribers in accordance with the provisions set forth with this By-law.  (2) The monthly permit and usage fees that are taken from active subscribers shall be paid monthly by including in the monthly bill for the post paid lines and in the pre paid lines, it will be taken by decreasing from the present balance. Wireless permit and usage fees are separately included in the bills of public communication service providers, they do not constitute any basis for calculating any financial obligation and they are not registered as an income for public communication service provider.  (3) Annual wireless permission and usage fees that will be taken from active subscribers shall be applied as of the By-law enters into force. If the active subscriber is a post paid subscriber, the wireless permission and usage fees will be included in the bill of the following month, if he/she is a pre paid subscriber, the fee will be taken from the account on the first day of the following month. |
| Obligations of Communication Service Providers | 5. (1) Public communication service providers that provide mobile electronic communication service are obliged to collect the wireless permission and annual usage fee, which is required to be paid by the subscribers using its system to the Authority in accordance with the Law, from active subscribers on behalf of the Authority and deposit the fee for the accounts of the Authority.  (2) The wireless permission and usage fee shall be deposited to the bank account, which will be notified to the public communication service provider by the Authority, by that public communication service provider on the first workday of the month following the collection of the bill, which includes the wireless permission and usage fee, that will be taken by public communication service providers from active subscribers.  (3) Public communication service providers are obliged to determine the number of active subscribers in their system and to keep the information on the number of active subscribers and their status for at least 5 years.  (4) The subscriber registry process in transfer among communication service providers status shall be made in accordance with the Cancellation Document, which is notified by the subscriber except for the scope of number portability. |

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| Executive Power | 6. The provisions of this By-law shall be executed by the Chairperson of the Board. |
| Entry into Force | 7. This By-law enters into force as of the date that it is published. |

**Annex-Land Cellular Wireless Telephone System Wireless Fee Tariff**

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| **Wireless Permission and Usage Fee** |  |
| Land cellular wireless telephone system |  |
| Per each subscriber in the system (monthly) | 0,95 TL |