

Turkey Increases Regulator Powers and Requirements for Electronic Communication Service Providers

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Turkey's Information and Communication Technologies Authority ("**Authority**") has received new powers to suspend Service Providers' authorizations, audit information, as well as require companies meet minimum capital thresholds to operate in the electronic communications sector. Turkey has also introduced new obligations for electronic communication Service Providers regarding permissions and notifications for share transfers, as well as data retention periods.

The Regulation Amending the Regulation of Authorization in Electronic Communications Sector ("**Amendment Regulation**") was published in Official Gazette number 29739 on 11 June 2016.

New powers for the Authority

The Amendment Regulation grants the Authority these new powers:

- The Authority can now suspend Service Providers' authorization for a limited or unlimited time period or operate the network directly if this is necessary due to war, full mobilization (or similar), public security, or national defense.
- The Authority can now inspect companies to authenticate application information or documents (except official documents).
- The Authority can set a capital sub-limit which companies must meet to operate in the electronic communications sector.

New requirements for electronic communication Service Providers

The Amendment Regulation introduces these new requirements for Service Providers:

- Companies which provide electronic communication services must store data and traffic information for two years. Other data (including user information) should be kept for the duration required in related laws and regulations.
- For share transactions:
 - *Transferring 10% shares or more*: Authority's permission is required
 - *Transferring less than 10% shares*: Companies must notify the Authority within two months after the transaction.
- To become an authorized Service Provider, applicants must be Joint-Stock companies.
- Companies must provide sales, maintenance and repairs, and consultancy services in accordance with their operations and services under the authorization.

Please see this [link](#) for the full text of the Amendment Regulation (only available in Turkish).

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