

Pronouncement of the Final Decision Regarding the Investigation about Seher Gıda Pazarlama Sanayi ve Ticaret AŞ According to Article 49 of the Act no 4054 on the Protection of Competition

Within the scope of the investigation made according to the Competition Board decisions dated 13.04.2023 and numbered 23-18/321-M and dated 28.09.2023 and numbered 23-46/867-M, settlement negotiations were made with the representatives of Seher Gıda Pazarlama Sanayi ve Ticaret AŞ (SEHER) on 02.11.2023 depending on the interim decision of the Board dated 09.11.2023 and numbered 23-53/1000-MUA. The final settlement text sent by SEHER entered the registry of the Authority on 21.11.2023 with the number 45129 in time. In the settlement text, the undertaking clearly accepted the existence and the scope of the violation as well as the rate and amount of the maximum administrative fine provided in the settlement interim decision and it has been decided UNANIMOUSLY that;

1. Seher Gıda Pazarlama Sanayi ve Ticaret AŞ violated article 4 of the Act no 4054 on the Protection of Competition by means of determining the resale prices of its buyers,
2. Consequently, according to Article 16(3) of the Act no 4054 and Article 5(1)(b), 5(2) and 5(3)(b) of the Regulation on Fines to Apply in cases of Agreements, Concerted Practices and Decisions Limiting Competition, and Abuse of Dominant Position, at a certain rate of the annual gross revenues in 2022, by discretion, Seher Gıda Pazarlama Sanayi ve Ticaret AŞ shall be imposed 231.712.425,17-TL administrative fines,
3. 25% reduction shall be made in the administrative fines to be imposed to the undertaking as a result of the settlement procedure according to article 43(7) of the Act no 4054 and article 4(4) of the “Regulation on the Settlement Procedure Applicable In Investigations On Agreements, Concerted Practices And Decisions Restricting Competition And Abuses Of Dominant Position”,
4. Within this scope, as a result of the settlement procedure, at a certain rate of the annual gross revenues in 2022, by discretion, the undertaking shall be imposed 173.784.318,88-TL administrative fines,
5. Therefore, the investigation made according to Competition Board decisions dated 13.04.2023 and numbered 23-18/321-M and dated 28.09.2023 and numbered 23-46/867-M shall be terminated

with the decision subject to appeal before Ankara Administrative Courts within 60 days as of the notification of the reasoned decision.