

COMMUNIQUE AMENDING THE COMMUNIQUE (NO. 2010/3) ON THE REGULATION OF THE RIGHT
OF ACCESS TO THE FILE AND PROTECTION OF TRADE SECRETS

(COMMUNIQUE NO. 2016/2)

ARTICLE 1 – The title of article 8 of the Communiqué on the Regulation of the Right Of Access to the File and Protection of Trade Secrets (Communiqué no. 2010/3), which was published on the Official Gazette dated 18.4.2010 and numbered 27556 has been amended as follows and the following paragraph has been added to the same article.

“The duration and form in which the right to access can be exercised”

“(4) Requests to access the file shall be made by filling the File Access Request Form attached to this Communiqué correctly and completely.”

ARTICLE 2 – Article 9 of the same Communiqué has been amended as follows.

“ARTICLE 9 – (1) Requests for access to the file shall be evaluated by the investigation committee, in light of the information included in the form. In case the request is accepted, the method and timing of access to the file and the other points regarding access to the file shall be notified to the submitter of the request in writing.

If the investigation committee finds that the request is partly or fully unacceptable, the decision concerning the request shall be taken by the Board. If the request for access to the file is denied, the reason thereof shall be notified to the submitter of the request.

ARTICLE 3 – Attachment-1 below shall be attached to the same Communiqué.

ARTICLE 4 – This Communiqué shall enter into force on the date of its publication.

ARTICLE 5 – The President of the Competition Authority shall execute the provisions of this Communiqué.

ATTACHMENT -1

FILE ACCESS REQUEST FORM (FORM)

Application Date				
File No				
Subject of the File				
Title and Address of the Undertaking Requesting Access				
Title and Address of the Applying Representative				
Title of the Undertaking in the File		Party <input type="checkbox"/>	Complainant <input type="checkbox"/>	3rd Party <input type="checkbox"/>
Whether the Right to Access the File Was Exercised Before		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Date:
In Which Form the Examination Is Requested		<input type="checkbox"/> On CD-ROM or other electronic data storage <input type="checkbox"/> On paper (to be sent by mail) <input type="checkbox"/> Examination of the file at the Authority's facilities at a place and date to be determined		
In case examination at the Authority's Facilities is Requested, the Names and Titles of Those to Attend the Examination¹				
Any Other Points to Note				
Item No	Documents Requested for Access²	File Document Number of the Document Requested for Access		Reason for the Request to Access the Documents in Question⁴
		Document No	Paragraph No³	
1				
2				
...				

¹ All of the persons to take part in the examination must ready their power of attorney or authorization documents together with an authorized signatures list before access.

² In case the name or number of the document is not fully stated, details on the content of the document must be supplied for the identification of the requested document/record. Where the request could not be made sufficiently clear, relevant Authority staff shall assist the applicant in identifying the information, documents and record.

³ In case the document requested for access is used in a report (investigation, final examination, additional opinion, etc.) the relevant section of the report must be referenced by paragraph number.

⁴ Instead of general reasons, concrete and illustrative reasons are expected separately for each document/subject requested for access.