

## **Pronouncement of the Final Decision Regarding the Investigation about Kınık Maden Suları AŞ According to Article 49 of the Act no 4054 on the Protection of Competition**

Within the scope of the investigation conducted per the Competition Board decision dated 24.02.2022 and numbered 22-10/140-M in order to determine whether Beypazarı İçecek Pazarlama Dağıtım Ambalaj Turizm Petrol İnşaat Sanayi ve Ticaret AŞ and Kınık Maden Suları AŞ violated article 4 of the Act no 4054; in the settlement text, which was sent by Kınık Maden Suları AŞ within the framework of the interim Board decision dated 07.04.2022 and numbered 22-16/259-MUA and entered into the registry of the Authority in due time on 08.04.2022 with the number 27009, the undertaking clearly accepted the existence and the scope of the violation as well as the rate and amount of the maximum administrative fine set in the interim settlement decision. It was decided UNANIMOUSLY that

1. Kınık Maden Suları AŞ violated article 4 of the Act no 4054 by means of price fixing through information exchange with a competitor in terms of current and future prices, price change dates and raised prices and thus by means of forming a cartel,
2. In line with this, according to third paragraph of Article 16 of the same Act and Article 5(1)(a), 5(2), 5(3)(a) and 7(1) of the Regulation on Fines to Apply in cases of Agreements, Concerted Practices and Decisions Limiting Competition, and Abuse of Dominant Position, on the basis of the annual gross revenues in 2020, by discretion, the said undertaking shall be imposed 2.322.328,75 TL administrative fines,
3. As Kınık Maden Suları AŞ fulfilled the necessary conditions, 35% reduction would be made in the fines to be imposed on the undertaking according to article 5(1)(a) of the Active Cooperation Regulation,
4. 25% reduction would be made in the fine 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 Settlement Regulation,
5. Within this scope, as a result of active cooperation and settlement procedures, on the basis of the annual gross revenues in 2020, by discretion, the undertaking would be imposed 928.931,50-TL administrative fines,
6. Therefore, the investigation conducted per the Competition Board Decision dated 24.02.2022 and numbered 22-10/140-M in order to determine whether article 4 of the Act no 4054 on the Protection of Competition was violated shall be concluded for Kınık Maden Suları AŞ with settlement.

The decision can be appealed before Ankara Administrative Courts within 60 days as of the notification of the reasoned decision.

**Pronouncement of the Final Decision Regarding the Investigation concerning  
Beypazarı İçecek Pazarlama Dağıtım Ambalaj Turizm Petrol İnşaat Sanayi ve  
Ticaret AŞ According to Article 49 of the Act no 4054 on the Protection of  
Competition**

Within the scope of the investigation conducted per the Competition Board decision dated 24.02.2022 and numbered 22-10/140-M, in the settlement text, which is sent by Beypazarı İçecek Pazarlama Dağıtım Ambalaj Turizm Petrol İnşaat Sanayi ve Ticaret AŞ within the framework of the interim Board decision dated 29.04.2022 and numbered 22-20/336-MUA and entered into the registry of the Authority on 13.05.2022 with the number 27971, the undertaking clearly accepted the rate and amount of the maximum administrative fine set in the interim settlement decision. It was decided UNANIMOUSLY that

1. Beypazarı İçecek Pazarlama Dağıtım Ambalaj Turizm Petrol İnşaat Sanayi ve Ticaret AŞ violated article 4 of the Act no 4054 by means of price fixing through information exchange with a competitor in terms of current and future prices, price change dates and raised prices and thus by means of forming a cartel,
2. In line with this, according to third paragraph of Article 16 of the same Act and Article 5(1)(a), 5(2), 5(3)(a) and 7(1) of the Regulation on Fines to Apply in cases of Agreements, Concerted Practices and Decisions Limiting Competition, and Abuse of Dominant Position, on the basis of the annual gross revenues in 2021, by discretion, the said undertaking shall be imposed 21.885.323,28 -TL administrative fines,
3. As Beypazarı İçecek Pazarlama Dağıtım Ambalaj Turizm Petrol İnşaat Sanayi ve Ticaret AŞ fulfilled the necessary conditions, 30% reduction would be made in the fines to be imposed on the undertaking article 5(1)(b) of the Regulation on Active Cooperation for Detecting Cartels
4. 25% reduction would be made in the fine 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 Settlement Regulation,
5. Within this scope, as a result of active cooperation and settlement procedures, on the basis of the annual gross revenues in 2021, by discretion, finally, the undertaking would be imposed 9.848.395,48-TL administrative fines,
6. Therefore, the investigation conducted per the Competition Board Decision dated 24.02.2022 and numbered 22-10/140-M shall be concluded for Beypazarı İçecek Pazarlama Dağıtım Ambalaj Turizm Petrol İnşaat Sanayi ve Ticaret AŞ with settlement procedure.

The decision can be appealed before Ankara Administrative Courts within 60 days as of the notification of the reasoned decision.