

**Announcement of the Final Decision of the Investigation about Certain
Undertakings Concerning Gentlemen's Agreements in the Labor Market
according to Article 49 of the Act no 4054 on the Protection of
Competition**

According to the Report prepared and the Additional Opinion, evidence collected, written pleas, the explanations made during the oral hearing and the scope of the file examined regarding the investigation conducted per the Board decisions dated 01.04.2021 and numbered 21-18/213-M, dated 05.08.2021 and numbered 21-37/527-M, dated 16.12.2021 and numbered 21- 61/875-M, it has been decided UNANIMOUSLY with different reasons of the Board Members Hasan Hüseyin ÜNLÜ and Berat UZUN that

a) Of the investigated undertakings,

- 1- Arvato Lojistik Dış Ticaret ve E-Ticaret Hizmetleri AŞ,
- 2- Bilge Adam Yazılım ve Teknoloji Anonim Şirketi,
- 3- Binovist Bilişim Danışmanlık AŞ,
- 4- Çiçeksepeti İnternet Hizmetleri AŞ,
- 5- D-Market Elektronik Hizmetler ve Ticaret AŞ,
- 6- Flo Mağazacılık ve Pazarlama AŞ,
- 7- Koçsistem Bilgi ve İletişim Hizmetleri AŞ,
- 8- LC Waikiki Mağazacılık Hizmetleri Ticaret AŞ,
- 9- Sosyo Plus Bilgi Bilişim Teknolojileri Danışmanlık Hizmetleri Ticaret AŞ,
- 10-TAB Gıda Sanayi ve Ticaret AŞ,
- 11-Türk Telekomünikasyon AŞ,
- 12-Veripark Yazılım AŞ,
- 13-Vivense Teknoloji Hizmetleri ve Ticaret AŞ,
- 14-Vodafone Telekomünikasyon AŞ,
- 15-Zeplin Yazılım Sistemleri ve Bilgi Teknolojileri AŞ,
- 16-Zomato İnternet Hizmetleri Ticaret AŞ

have violated Article 4 of the Act no 4054 by participating in anticompetitive agreements and the actions in question cannot benefit from individual exemption under article 5 of the Act no 4054 on the Protection of Competition,

b) Therefore, according to Article 16(3) of the Act no 4054 on the Protection of Competition and article 5(1)(a) and 5(2)

- i. 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”, depending on the annual gross revenues which generated at the end of the fiscal year 2021 and which is determined by the Board, by discretion
- D-Market Elektronik Hizmetleri ve Ticaret AŞ shall be imposed 4.834.124,55-TL;
 - Vodafone Telekomünikasyon AŞ shall be imposed 5.319.292,25-TL;
 - Zeplin Yazılım Sistemleri ve Bilgi Teknolojileri AŞ shall be imposed 192.973,74-TL;
- ii. And according to article 5(3)(a) and 7(1) of the abovementioned Regulation, depending on the annual gross revenues which generated at the end of the fiscal year 2021 and which is determined by the Board, by discretion
- Arvato Lojistik Dış Ticaret ve E-Ticaret Hizmetleri AŞ shall be imposed 2.159.522,60-TL;
 - Çiçeksepeti İnternet Hizmetleri AŞ shall be imposed 517.883,20-TL;
 - Sosyo Plus Bilgi Bilişim Teknolojileri Danışmanlık Hizmetleri Ticaret AŞ shall be imposed 1.094.131,66-TL;
 - TAB Gıda Sanayi ve Ticaret AŞ shall be imposed 7.293.869,36- TL;
 - Vivense Teknoloji Hizmetleri ve Ticaret AŞ shall be imposed 1.218.089,30-TL;
 - Türk Telekomünikasyon AŞ shall be imposed 41.022.658,16-TL
- iii. according to article 5(3)(a) and 7(1) of the abovementioned Regulation, depending on the annual gross revenues which generated at the end of the fiscal year 2020 and which is determined by the Board, by discretion
- Zomato İnternet Hizmetleri Ticaret AŞ shall be imposed 20.827,94-TL;
- iv. And according to article 5(3)(b) and 7(1) of the abovementioned Regulation, depending on the annual gross revenues which generated at the end of the fiscal year 2021 and which is determined by the Board, by discretion
- Binovist Bilişim Danışmanlık AŞ shall be imposed 49.831,55-TL;
 - Bilge Adam Yazılım ve Teknoloji Anonim Şirketi shall be imposed 2.183.227,89-TL;
 - Flo Mağazacılık ve Pazarlama AŞ shall be imposed 18.021.702,86-TL;
 - Koçsystem Bilgi ve İletişim Hizmetleri AŞ shall be imposed 6.513.239,09-TL;
 - LC Waikiki Mağazacılık Hizmetleri Ticaret AŞ shall be imposed 59.590.457,10-TL;
 - Veripark Yazılım AŞ shall be imposed 1.116.070,57-TL

administrative fines;

c)

- 1- 41 29 Medya İnternet Eğitimi ve Danışmanlık Reklam Sanayi Dış Ticaret A.Ş
- 2- Anadolu Restoran İşletmeleri Ltd. Şti.
- 3- Doğuş Planet Elektronik Ticaret ve Bilişim Hizmetleri AŞ

- 4- Etiya Bilgi Teknolojileri Yazılım Sanayi ve Ticaret AŞ
- 5- Google Reklamcılık ve Pazarlama Ltd. Şti.
- 6- Grupanya İnternet Hizmetleri İletişim Organizasyon Tanıtım ve Pazarlama AŞ
- 7- Havas Worldwide İstanbul İletişim Hizmetleri AŞ
- 8- İş Gıda AŞ
- 9- Logo Yazılım Sanayi ve Ticaret AŞ
- 10-Meal Box Yemek ve Teknoloji AŞ
- 11-Migros Ticaret AŞ
- 12- Mobven Teknoloji AŞ
- 13- Mynet Medya Yayıncılık Uluslararası Elektronik Bilgilendirme ve Haberleşme Hizmetleri AŞ
- 14- Net Danışmanlık Eğitim ve Ticaret Ltd. Şti.
- 15- Noktacom Medya İnternet Hizmetleri San. ve Tic. AŞ
- 16-NTV Radyo ve Televizyon Yayıncılığı AŞ
- 17-Peak Oyun Yazılım ve Pazarlama AŞ
- 18-Pizza Restaurantları AŞ
- 19-Sahibinden Bilgi Teknolojileri Pazarlama ve Ticaret AŞ
- 20-Valensas Teknoloji Hizmetleri AŞ
- 21-Yeşil Vadi Tarım Gıda AŞ

could not be found to have violated article 4 of the act no 4054 within the framework of the claims in the file; therefore; it is not necessary to impose administrative fines to those undertakings according to article 16(3) of the Act no 4054 on the Protection of Competition,

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