

The Board Decisions Taken Recently about the Undertakings Operating in the Cement and Ready Mixed Concrete Sector

The Competition Board has taken the following decisions, which cover hindering/complicating on-site inspections, initiating an investigation and the final decision, within the scope of the examinations conducted concerning the cement and ready mixed concrete sectors recently.

Board Decision dated 26.01.2023, numbered 23- 06/75- 24.

In its meeting on 26.01.2023, within the scope of the preliminary inquiry conducted with the Board decision dated 28.04.2023 and no 22-20/328-M, the Competition Board took the decision no 23-06/75-24 that

- Oyak Çimento Fabrikaları AŞ hindered and complicated the on-site inspection conducted in Barkal Ready Mixed Concrete Facility on 20.12.2022,
- Therefore, per article 16(1)(d) of the Act no 4054 on the Protection of Competition, Oyak Çimento Fabrikaları AŞ shall be imposed administrative fines by 0.5% of its gross revenues generated at the end of the financial year 2021.

Board Decision dated 26.01.2023, numbered 23- 06/74- 23.

In its meeting on 26.01.2023, within the scope of the preliminary inquiry conducted with the Board decision dated 28.04.2022 and no 22-20/328-M, the Competition Board took the decision no 23-06/74-23 that

- Çimsa Çimento Sanayi ve Ticaret AŞ hindered and complicated the on-site inspection conducted on 20.12.2022,
- Therefore, per article 16(1)(d) of the Act no 4054 on the Protection of Competition, Çimsa Çimento Sanayi ve Ticaret AŞ shall be imposed administrative fines by 0.5% of its gross revenues generated at the end of the financial year 2021.

Board Decision dated 26.01.2023, numbered 23- 06/73- 22.

In its meeting on 26.01.2023, within the scope of the preliminary inquiry conducted with the Board decision dated 28.04.2022 and no 22-20/328-M, the Competition Board took the decision no 23-06/73-22 that

- Ceyhan Hazır Beton İnşaat Nakliye Madencilik Petrol Ürünleri Pazarlama San. ve Tic. Ltd. Şti. hindered and complicated the on-site inspection conducted on 20.12.2022,
- Therefore, per article 16(1)(d) of the Act no 4054 on the Protection of Competition, Ceyhan Hazır Beton İnşaat Nakliye Madencilik Petrol Ürünleri Pazarlama San. Ticaret AŞ shall be imposed administrative fines by 0.5% of its gross revenues generated at the end of the financial year 2021.

Board Decision dated 26.01.2023, numbered 23- 06/72- M.

In its meeting on 26.01.2023, as a result of the preliminary inquiry conducted with the Board decision dated 28.04.2022 and numbered 22-20/328-M, the Competition Board took the decision no 23-06/72-M that an investigation shall be initiated about

1. Çimsa Çimento Sanayi ve Ticaret AŞ,
2. KÇS Kahramanmaraş Çimento Beton Sanayi ve Madencilik İşletmeleri AŞ,
3. M.M. Tiftik Kardeşler Nakliye İnşaat Emlak Petrol ve Tarım Ürünleri Pazarlama Sanayi Ticaret Ltd. Şti.,
4. Oyak Çimento Fabrikaları AŞ
5. Samet Hazır Beton İnşaat Madencilik Lojistik Enerji Ltd.Şti

to determine whether they violated article 4 of the Act no 4054 on the Protection of Competition.

Board Decision dated 08.12.2022, numbered 22- 54/831- 341.

In its meeting on 08.12.2022, within the scope of the preliminary inquiry conducted with the Board decision dated 27.01.2022 and no 22-06/79-M, the Competition Board took the decision numbered 22-54/831-341 that

- Güven Grup Hazır Beton Harf. İnş. Maden Petrol Nak. Tic. Ltd. Şti. hindered and complicated the on-site inspection conducted on 03.11.2022,
- Therefore, per article 16(1)(d) of the Act no 4054 on the Protection of Competition, Güven Grup Hazır Beton Harf. İnş. Maden Petrol Nak. Tic. Ltd. Şti shall be imposed administrative fines by 0.5% of its gross revenues generated at the end of the financial year 2021.

Board Decision dated 08.12.2022, numbered 22- 54/828- M.

In its meeting on 08.12.2022, as a result of the preliminary inquiry conducted with the Board decision dated 27.01.2022 and numbered 22-06/79-M, the Competition Board took the decision no 22-54/828-M that an investigation shall be initiated about

a) The following ready-mixed concrete producers in Ankara

1. Baştaş Hazır Beton Sanayi ve Ticaret AŞ,
2. Birlik Hazır Beton ve Yapı AŞ,
3. Güven Grup Hazır Beton Hafriyat İnşaat Madencilik Petrol Nakliyat Ticaret Ltd. Şti.,
4. Efaş Beton İnşaat Malzemeleri Nakliye Emlak Reklamcılık Kırtasiye Turizm ve Ticaret Ltd. Şti.,
5. Kolsan İnşaat Otomotiv Sanayi ve Ticaret AŞ,
6. Limak Çimento Sanayi ve Ticaret AŞ,
7. Limmer Beton İnşaat Sanayi ve Ticaret AŞ,
8. Oyak Beton Sanayi ve Ticaret AŞ,
9. Ozan Hazır Beton İnşaat Madencilik Nakliye Petrol Otomotiv Kuyumculuk Ticaret AŞ,
10. Polat Hazır Beton ve Beton Prefabrik Yapı Elemanları Sanayi ve Ticaret AŞ,
11. SY Ankara Hazır Beton İnşaat Nakliyat Turizm Sanayi ve Ticaret Ltd. Şti.,
12. Şerbetçi İnşaat Malzemeleri Sanayi ve Ticaret AŞ,
13. Uğural İnşaat Turizm Petrol Sanayi ve Ticaret AŞ,
14. Yiğit Hazır Beton Sanayi ve Ticaret Ltd. Şti.,
15. Zirve Gurup Hazır Beton İnşaat Petrol Madencilik Nakliyat Sanayi ve Ticaret AŞ

b) The following ready-mixed concrete producers in Kırıkkale

16. Ar-Kar Nakliye Hazır Beton İnşaat Sanayi Ticaret Ltd. Şti. ,
17. Ezn Maden İmalat İnşaat Ltd. Şti.

to determine whether they violated article 4 of the Act no 4054 on the Protection of Competition.

Board Decision dated 23.11.2022, numbered 22- 52/787- 323.

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 within the scope of the investigation conducted per the Board decision dated 01.04.2021 and numbered 21-18/231-M about Baştaş Başkent Sanayi ve Ticaret AŞ, Limak Çimento Sanayi ve Ticaret AŞ, OYAK Çimento AŞ, Votorantim Çimento San. ve Tic. AŞ, As Çimento Sanayi ve Ticaret AŞ, Göltaş Göller Bölgesi Çimento San. ve Tic. AŞ, Konya Çimento Sanayi AŞ, Küpeliler Endüstri AŞ and Çimsa Çimento San. ve Tic. AŞ, it was decided WITH THE MAJORITY OF THE VOTES that it is not necessary to impose administrative fines on the said undertakings since no information and document could be found showing that the parties to the investigation violated the Act no 4054 on the Protection of Competition, with the decision subject to appeal before Ankara Administrative Courts within 60 days as of the notification of the reasoned decision.