

**The Pronouncement of the Final Decision Regarding the Investigation on  
Sahibinden Bilgi Teknolojileri Pazarlama ve Ticaret AŞ according to Article 49 of  
the Act no 4054 on the Protection of Competition**

According to the Report and the Additional Opinion prepared, evidence collected, written pleas, the statements made during the hearing and the scope of the file examined, regarding the investigation conducted per the Board decision dated 30.09.2021 and numbered 21-46/655-M, it has been decided UNANIMOUSLY that

1. SAHİBİNDEN holds dominant position in the online platform services market for the real estate sale/renting activities as well as vehicle sales activities of corporate members,
2. SAHİBİNDEN made it harder for its corporate members to use multiple platforms by preventing data portability, implemented actual/contractual exclusivity by this method and by the non-compete obligations it introduced in its contracts, obstructing the operations of its competitors and thereby violating Article 6 of the Act no 4054 by abusing its dominant position,
3. As a result, in accordance with the provisions of Article 16.3 of the Act no 4054, and Articles 5.1(b), 5.2 of the “Regulation on Fines to Apply In Cases of Agreements, Concerted Practices and Decisions Limiting Competition, and Abuse of Dominant Position,” administrative fine of

- 40.150.533,15-TL, by discretion, should be imposed on Sahibinden Bilgi Teknolojileri ve Pazarlama AŞ,

over its annual gross revenues generated by the end of the fiscal year of 2021 as determined by the Board,

4. The following obligations should be imposed on SAHİBİNDEN to ensure the termination of the violation and the establishment of effective competition in the market:
  - i. To be implemented and documented before the Authority within a 3 (three) month period following the notification of the reasoned decision, the agreement signed between SAHİBİNDEN and its corporate members must be redrawn to exclude the infringing provisions,
  - ii. To be implemented within a 2 (two) month period following the notification of the reasoned decision and provided that the compliance measures prepared are submitted to Authority one month before the end of the period granted to it at the latest, SAHİBİNDEN must set up the necessary infrastructure free-of-charge to ensure that corporate members can efficiently port the data for the real estate and vehicle ads they enter into

the SAHİBİNDEN platform to competing platforms and can keep the data included in those ads updated,

- iii. In case corporate members of competing platforms request to port their real estate and vehicle ad data on those platforms to the SAHİBİNDEN platform and keep the data included in the ads updated on the SAHİBİNDEN platform, and the competing platforms accept this request; SAHİBİNDEN must set up the infrastructure free-of-charge, to allow those members to port and update their data within the shortest reasonable time without delay in order to meet the demands from the competing platforms in an uninterrupted and effective manner,
  - iv. To allow the determination of whether the abovementioned obligations are implemented in line with the Board decision, SAHİBİNDEN must document both the start and the end of the process before the Authority,
  - v. SAHİBİNDEN must periodically submit annual reports to the Authority for a period of 3 (three) years, starting on the date of implementation of to the first compliance measure,
5. The allegations claiming that SAHİBİNDEN made it harder for corporate members to use multiple platforms by imposing minimum user limitations, did not publish “doping” ads transparently, did not act transparently in its natural ads implementation, engaged in self-preferential practices through its ranking algorithm and engaged in self-preference/displayed misleading results in the other services it provided (real estate/vehicle valuation, forwarding to authorized sellers in new vehicle sales, providing appraisals, etc.), thus abusing its dominant position by restricting competition should be rejected,

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