

The First Decision where Leniency and Settlement Procedures are Implemented Together (25.5.2022)

The investigation concerning Beypazarı İecek Pazarlama Dađıtım Ambalaj Turizm Petrol İnřaat Sanayi ve Ticaret A.ř. and Kınık Maden Suları A.ř. was concluded.

The investigation conducted to determine whether Beypazarı İecek Pazarlama Dađıtım Ambalaj Turizm Petrol İnřaat Sanayi ve Ticaret Ař and Kınık Maden Suları Ař violated article 4 of the Act no 4054 on the Protection of Competition by means of exchanging information in terms of current and future prices, price change dates and raised prices in natural mineral water market was concluded.

It has been decided that the investigation, which was initiated per the Competition Board decision dated 24.02.2021 and numbered 22-10/140-M, will be terminated in respect of both parties following the acceptance of the settlement texts submitted by the parties separately with Competition Board decisions dated 14.04.2022 and numbered 22-17/283-128 and dated 18.05.2022 and numbered 22-23/379-158. Moreover, the Competition Board also accepted active cooperation applications made by both investigation parties and reductions have been made in the administrative fines set according to the Regulation on Active Cooperation for Detecting Cartels.

As known, within the scope of the settlement procedure, which was brought to competition law legislation as a result of the amendments made according to the Act dated 16.06.2020 and numbered 7246 to article 43, paragraph five of the Act no 4054 on the Protection of Competition, the Board may start the settlement procedure on the request of the parties concerned or on its own initiative taking into account the procedural benefits that may arise from a rapid resolution of the investigation process and the differences in opinion concerning the existence and scope of the infringement, and decide to conclude the investigation.

Moreover, as understood from article 7 of the Regulation on The Settlement Procedure Applicable in Investigations on Agreements, Concerted Practices and Decisions Restricting Competition and Abuses of Dominant Position, active cooperation and settlement procedures can be applied together.

Within this framework, the decision of the Competition Board concerning the abovementioned undertakings is important since it is the first decision where active cooperation and settlement procedures have been applied together.

Click [here](#) for the text of the pronouncement of the decision dated 14.04.2022 and numbered 22-17/283-128 and dated 18.05.2022 and numbered 22-23/379-158 , the reason for which will be notified later and which can be appealed before Ankara Administrative Courts.