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**Communiqué of the Competition Board on the Procedures
and Principles for Notification of Agreements,
Concerted Practices and Decisions of Associations
of Undertakings Pursuant to the Article 10 of the Act
Communiqué No: 1997/2**

Aim

Article 1- The aim of this Communiqué is, based on Article 27, subparagraph (f) of the Act on the Protection of Competition No. 4054 dated 07.12. 1994, to determine the procedures and principles for notifications included in the Article 10 paragraph 1 and Article 12 of the Act.

Scope

Article 2- This Communiqué shall apply to agreements and concerted practices between undertakings, and decisions of associations of undertakings which have as their object or effect or potential effect the prevention, distortion or restriction of competition within a specific market for goods or services, as provided under the Article 4 of the Act.

Obligation to Notify

Article 3- Agreements, concerted practices and decisions that come under the Article 4 of the Act shall be notified to the Competition Board within one month after their conclusion.

No exemption provisions shall be applied to the agreements which have not been notified. In case an exemption is granted for notifications which have not been made within the specified period of time, the exemption shall be effective from the date of notification.

Agreements, concerted practices and decisions which fall within the scope of group exemption communiqués issued by the Competition Board, are not required to be notified.

Notification of Existing Agreements, Decisions and Concerted Practices

Article 4- Agreements, concerted practices and decisions which are in existence at the date of entry into force of this Communiqué shall be notified to the Competition Board within six months following the date of announcement by the Board of the establishment of the Competition Authority, pursuant to the Transitional Article 2 of the Act.

Submission of Notification

Article 5- Notification shall be made by the enclosed Notification Forms prepared by the Board. Notification should contain, in complete and correct manner, all the information and documents required. Any further changes in such information should also be submitted to the Board within one month.

Any of the parties may submit the notification. Where the notification is submitted by one of the parties, it shall give notice to the other party concerned. A representative may also submit the notification. In such a case, the document certifying that the representative is authorised should be annexed to the notification.

Twenty copies of notification and documents annexed thereto shall be submitted to the Board. Should the documents annexed to the notification are not the originals, the copies must be certified by the notifying parties as true copies of the originals.

Effective Date of Submission of Notification

Article 6- The submission date of the notification shall be the date on which it is received by the Competition Authority. If the information and documents requested in the Notification Form are not submitted in complete manner, then the notification shall be deemed as made on the date when such missing information and documents are completed.

Applicability of Notification to Applications for Negative Clearance

Article 7- The principles to be followed in the notification to be made in accordance with this Communiqué shall also apply to the negative clearance applications provided in the Article 8 of the Act.

Entry into Force

Article 8- This Communiqué shall enter into force on the date when the Competition Board, pursuant to the Transitional Article 2 of the Act, announces by a Communiqué that the organisation of the Competition Authority is concluded.

THE COMPETITION AUTHORITY APPLICATION/NOTIFICATION FORM FOR NEGATIVE CLEARANCE/ EXEMPTION (FORM-1)

This Application/Notification should fully and correctly involve all the information requested in the Form.

Should there be any changes to the information stated in the Form, these changes must be notified to the Board in one month's time.

The Application/Notification may be made by one of the undertakings which is party to the agreement, decision or practice stated in this Form. The applying/notifying party should inform the other parties concerned. A copy of the agreement or decision which is the subject of the Application/Notification, or an explanation defining the concerted practice should be annexed to the Form.

In case the areas allocated for each question in the form are not adequate for the requested information herein, detailed information can be presented on a separate sheet annexed to the Form, on condition that the related article numbers are followed.

Not only the agreements, decisions and practices that exist on the date of entry into force of this Communiqué but also the agreements that are made afterwards shall be notified with this Form.

Exemption provisions are not to be applied to the agreements, decisions and practices not notified.

Fines shall be imposed on those who make incorrect or misleading representations in the Application/Notification Form, under the Article 16 of the Act on the Protection of Competition No. 4054 dated 07.12.1994.

**THE COMPETITION AUTHORITY
NOTIFICATION FORM FOR
NEGATIVE CLEARANCE/ EXEMPTION
(FORM-1)**

Before commencing to answer the following questions, please state in advance whether your notification is for Negative Clearance Application or Exemption Notification, by marking 'A' or 'B' below.

A- Application for Negative Clearance, under the Article 8 of the Act, regarding the determination that the below-notified agreement, decision or practice is not contrary to the Articles 4 and 6 of the Act (Application).

B- Notification for Exemption of the below-notified agreement, decision or practice from the application of the provisions of the Article 4 of the Act, under the Articles 5 and 10 of the Act (Notification).

1. Information on the Identity of the Parties

1.1 Name- Title Address Tel. and Fax Number

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of the Applying/Notifying undertaking or undertakings or associations of undertakings.

1.2 Name of the Representative Address Tel. and Fax Number

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in case a representative makes the Application/Notification (The document certifying that the representative is authorised should be annexed to the Application/Notification).

1.3 Full Names Addresses Scopes of Activity

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of the undertakings that are party to the agreement which is the subject of the Application/Notification, or that are within the scope of the decision, or that take part in the practice.

1.4 Name and Surname Position Address Tel. and Fax Number

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of an authorised contact person of the undertakings that make the Application/Notification, and that are party to the agreement which is the subject of the Application/Notification, or that are within the scope of the decision or that take part in the practice.

1.5 Name- Title Sector(s) of Activity Turnover

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of the group, if the undertaking or undertakings that are party to the agreement which is the subject of the Application/Notification, or that are within the scope of the decision, or that take part in the practice are connected with a group of companies.

2. Information Regarding the Agreement, Decision or Practice

2.1 State briefly the nature, extent and purposes of the agreement, decision or practice which is the subject of the Application/Notification and annexed to this Form.

2.2 Does the agreement, decision or practice which is the subject of the Application/Notification have any provisions or impacts that prevent those that are party to the agreement or that are within the scope of the decision or that take part in the practice, from taking their independent commercial decisions, due to this agreement, decision or practice? State these provisions and their potential impacts from your point of view.

3. Information Regarding the Relevant Market

3.1 State the relevant product market where the agreement, decision or concerted practice which is the subject of the Application/Notification is effective, and which you consider that the Board should take as the basis during the assessment of this Application/Notification, and list the goods and services that you consider to be affected directly or indirectly from the agreement, decision or practice which is the subject of the Application/Notification.

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3.2 Define the relevant geographical market where the agreement, decision or concerted practice which is the subject of the Application/Notification is effective, and which you consider that the Board should take as the basis during the assessment of this Application/Notification.

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3.3 State the other undertakings that belong to the same group with the undertakings which are party to the agreement, decision or practice which is the subject of the Application/Notification, and that operate in the relevant product market stated above and in the neighbouring product markets. (Within this framework, state the name, central address, product(s) which is/are the subject of manufacture/production, and the geographical area of operation of the other undertakings in the same group).

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4. Information Regarding the Parties, Their Competitors and Customers in the Affected Relevant Product Market

(The following questions are to be answered not with regard to the undertakings that are party to the agreement, decision or practice, but by taking into consideration the group with which these undertakings are connected.)

4.1 State, regarding the relevant product market that you determined in 3.1.above, the market shares of the group with which the parties are connected, in the relevant geographical market for the last three years. *(Give your answers in this section by indicating the shares of the parties against the overall sale volume/value in the market concerned, and by stating the sources on which you base your determinations).*

<u>4.2 Name- Title</u>	<u>Address</u>	<u>Tel. and Fax Number</u>
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of the 5 largest competitors.

<u>Name</u>	<u>Tel. and Fax Number</u>
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of an authorised person of these undertakings, to be contacted when necessary.

Estimated market shares in the relevant geographical market.

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4.3 Name- Title Address Tel. and Fax Number

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of the 5 largest customers.

<u>Name</u>	<u>Tel. and Fax Number</u>
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of an authorised person to be contacted when necessary.

Estimated market shares in the relevant geographical market.

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5. Information Regarding the Conditions of Entry Into the Market and Potential Competition

5.1 Are there any conditions affecting the entry into the relevant product market ? If so, state them.

5.2 Are there any conditions affecting the entry into the relevant geographical market? If so, state them.

5.3 During the last three years, has there been any undertaking newly entering into the relevant product market within the geographical area where the parties operate? If so, state the name, address, telephone and fax numbers and the estimated market share of this undertaking, together with the name of an authorised person to be contacted when necessary.

6. Information Regarding the Reason for the Application / Notification

6.1 If you are making a Negative Clearance Application, in what respect or due to which provision, in your opinion, does the agreement, decision or practice which is

the subject of the Application require an examination according to the Competition Act?

6.2 If you are making a Notification for Exemption, explain the reasons that require exemption, in your opinion, for the agreement, decision or practice which is the subject of the Notification.

6.3 Though you are applying for Negative Clearance, do you have any request for your application to be appraised as a Notification for Exemption in case the Competition Board does not allow for this application ?

6.4 Other points that you would like to state regarding the agreement, decision and practice which is the subject of the Application / Notification :

7. Information Regarding the Annexes to the Application / Notification

In addition to the information above, the parties shall enclose the following with this Application / Notification :

7.1 A copy of the final version of the agreement, decision and practice which is the subject of the Application / Notification,

7.2 Account information and annual reports showing the activities and accounts of the parties during the last three years,

7.3 If any, plannings, market researches and the related studies made by the authorised bodies of the parties or by third persons.

The undersigned declare that the information provided in the Application / Notification Form above is complete and correct.

Date

Signature