



2024 ANNUAL REPORT



ANNUAL REPORT 2024

COMPETITION AUTHORITY

Üniversiteler Mahallesi 1597. Cadde No: 9
Bilkent Çankaya 06800 / ANKARA
Tel: (0312) 291 44 44 - 291 40 00 • Fax: (0312) 266 79 20
Publication No: 411

www.rekabet.gov.tr

All rights reserved.

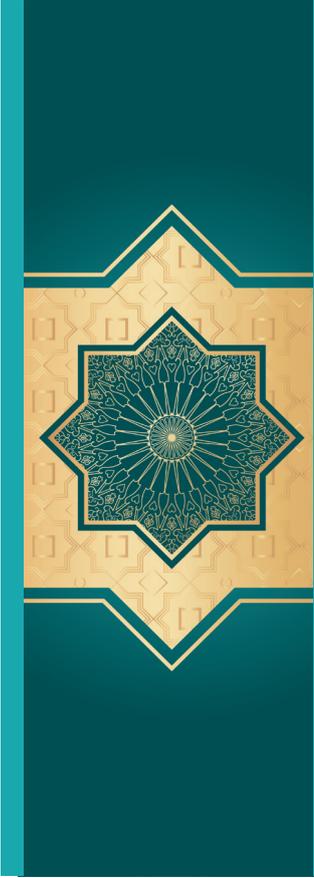
No parts of this publication may be reproduced and distributed by real and legal persons without permission.

Place and Date of Publication

June 2025 / Ankara

Design and Print

Pelin Ofset Tipo Matbaacılık San. ve Tic. Ltd. Şti.
İvedik OSB Matbaacılar Sitesi 1514. Cadde No: 28 Yenimahalle/ANKARA
Tel: (0312) 395 25 80 (pbx) • info@pelinofset.com.tr • www.pelinofset.com.tr



Rıdvan DURAN
Board Member

Hasan Hüseyin ÜNLÜ
Board Member

Ahmet ALGAN
Deputy President



Birol KÜLE
President

Şükran KODALAK
Board Member

Cengiz ÇOLAK
Board Member

Ayşe ERGEZEN
Board Member

FOREWORD BY THE PRESIDENT	6
1. GENERAL INFORMATION	16
1.1. Mission and Vision	16
1.2. The Importance of the Competition Authority for the Economy of the Country	17
1.3. Work Principles	20
1.4. Duties, Powers and Responsibilities	21
1.5. Information about the Authority	22
2. PURPOSES AND PRIORITIES	26
2.1. Purposes and Objectives	26
2.2. Fundamental Policies and Priorities	27
3. ANNUAL ACTIVITIES	30
3.1. Competition Infringements	30
3.1.1. Examples of Decisions Related to Competition Infringements	34
3.2. Exemption/Negative Clearance	57
3.2.1 Examples of Negative Clearance/Exemption Decisions	59
3.3. Mergers and Acquisitions	65
3.3.1. Examples of Decisions Related to Mergers and Acquisitions	68
3.4. Statistical Data for the Last Five years	78
3.5. Training and Internship Activities	98
3.6. Activities of the Legal Advisor's Office	101
3.7. Regulatory Activities	103
3.7.1. Amendments to the Act no 4054	103
3.7.2. Amendment to the Regulation on Administrative Fines	103
3.7.3. Labor Guidelines	104
3.7.4. Other Regulations Issued	104
3.7.5. Ongoing Legislative Work	104
3.8. Activities of the Economic Analysis and Research Department	105
3.8.1. Activities Related to Examinations	105
3.8.2. Impact Analysis Report	106
3.8.3. 2024 Mergers and Acquisitions Overview Report	106
3.8.4. Training for the Professional Staff	107
3.8.5. Artificial Intelligence Projects Conducted under the Economic Analysis and Research Department	107
3.9. Activities in the Field of Information Technologies	108
3.9.1. E-Government Application Portal	108
3.9.2. IT Security	108
3.9.3. Activities for Providing IT Infrastructure to Authority Events	110
3.10. International Relations Activities	110
3.10.1. European Union (EU)	110
3.10.2. Organization for Economic Co-operation and Development (OECD)	111
3.10.3. United Nations Conference on Trade and Development (UNCTAD)	112
3.10.4. International Competition Network (ICN)	112
3.10.5. Turkic States Competition Council	113
3.10.6. Balkan Competition Platform	114

3.10.7. Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC).....	114
3.10.8. International Training Seminars.....	114
3.10.9. Other International Meetings.....	115
3.10.10. Bilateral Relations.....	115
3.10.11. Activities within the Scope of Foreign Media Outlets.....	117
3.11. Activities within the Framework of Competition Advocacy and Institutional Relations.....	117
3.11.1. Sector Inquiries.....	118
3.12. Publications.....	120
3.12.1. Competition Journal.....	120
3.12.2. Academic Studies Published with Support from the TCA.....	120
3.13. Strategic Plan Performance Monitoring and Assessment Activities.....	120
3.14. Thursday Conferences.....	121
4. GENERAL ASSESSMENT.....	124
5. EVALUATION OF ORGANIZATIONAL CAPABILITY AND CAPACITY:	
Internal and External Analysis.....	128
5.1. Strengths.....	128
5.2. Improvable Aspects.....	128
5.3. Opportunities.....	128
5.4. Challenges.....	128
6. RECOMMENDATIONS AND PRECAUTIONS.....	130
FIGURES	
Figure 1 : The Contribution of Competition Authorities to Economic Growth.....	18
Figure 2 : Organization Chart.....	23
TABLES	
Table 1 : Purposes and Objectives.....	26
Table 2 : Finalized Files.....	78
Table 3 : Files Concluded under Articles 4 and 6 of the Act.....	79
Table 4 : Vertical and Horizontal Agreements under Article 4 of the Act.....	80
Table 5 : Negative Clearance Files Finalized.....	80
Table 6 : Finalized Exemption Files.....	81
Table 7 : Merger, Acquisition, Joint Venture and Privatization Files Finalized.....	82
Table 8 : Outcomes of the Concluded Merger, Acquisition and Privatization Files.....	83
Table 9 : Distribution of the Files Examined Ex Officio.....	84
Table 10 : Administrative Fines.....	85
Table 11 : Administrative Fines Imposed under Articles 4 and 6 of the Act.....	86
Table 12 : Administrative Fines Imposed in Files Examining Horizontal and Vertical Agreements.....	87
Table 13 : Training and Internship Activities.....	99
Table 14 : List of Actions Brought For and Against the Authority between 1997 and 2024..	101
Table 15 : List of Actions Brought Against Board Decisions in 2024.....	102
Table 16 : Distribution of Actions Finalized between 2020 and 2024 According to Outcome..	102
Table 17 : E-Government Application Portal Statistics.....	108
Table 18 : Sector Inquiries Launched/Ongoing in 2024.....	119
Table 19 : Thursday Conferences.....	121



Competition is one of the fundamental elements of a strong economy and social welfare. A fair and sound competitive environment provides the consumers with more options, reasonable prices and better services and also promotes innovation and economic growth. Therefore, the protection of competition is vital not only for general social welfare but also for sustainable development. The Competition Authority carried out its activities in a determined way in line with the Century of Türkiye in 2024, like in the past, and took important steps to establish fair competition and increase consumer welfare.

What we focus on, as the Competition Authority, is consumer welfare without exceptions. The Competition Authority has worked more and more proactively against competitive infringements every year. Consequently, the number of files concluded concerning competition infringement claims reached the highest level of the last four years in 2024. More than half of those (53%) were the files that were investigated ex officio, which is a clear indication of this approach.

In 2024, we made decisions that directly contributed to our citizens' welfare in many sectors from education to healthcare, from food to construction, from digital platforms to labor market. Accordingly, we imposed approximately 7.5 billion TL administrative fines in 2024 due to the violation of the Act no 4054. The sectors with the highest administrative sanctions imposed as a result of the competition infringements detected are respectively information technologies and platform services, food industry, and construction. The share of administrative fines imposed in those three sectors in total fines is 85%.

After the earthquake disaster in 2023, we imposed nearly 483 million TL in total to 26 undertakings, which operate in Hatay, Malatya, Adana, Osmaniye, Ankara, Kırıkkale, Aydın, Edirne, on the grounds that they violated article 4 of the Act no 4054 through price fixing and region/customer allocation in cement and ready-mixed concrete sectors, which are vital for the reconstruction of the earthquake area. In addition, we meticulously examined the white meat sector, which is one of the

food staples for consumers. The amount of administrative fines we imposed due to competition infringements in this sector reached 1.2 billion TL in 2024.

Being aware of the fact that labor is one of the important sources of sustainable development, we imposed about 580 million TL administrative fines in total to the undertakings that were found to commit an infringement as a result of the investigations we made. We prepared a comprehensive secondary legislation to provide guidance for the forthcoming processes and shared it with the public. In line with the calculations made according to the OECD methodology, the total benefit provided to consumers as a result of the investigations we made is 106.11 billion TL in 2024.

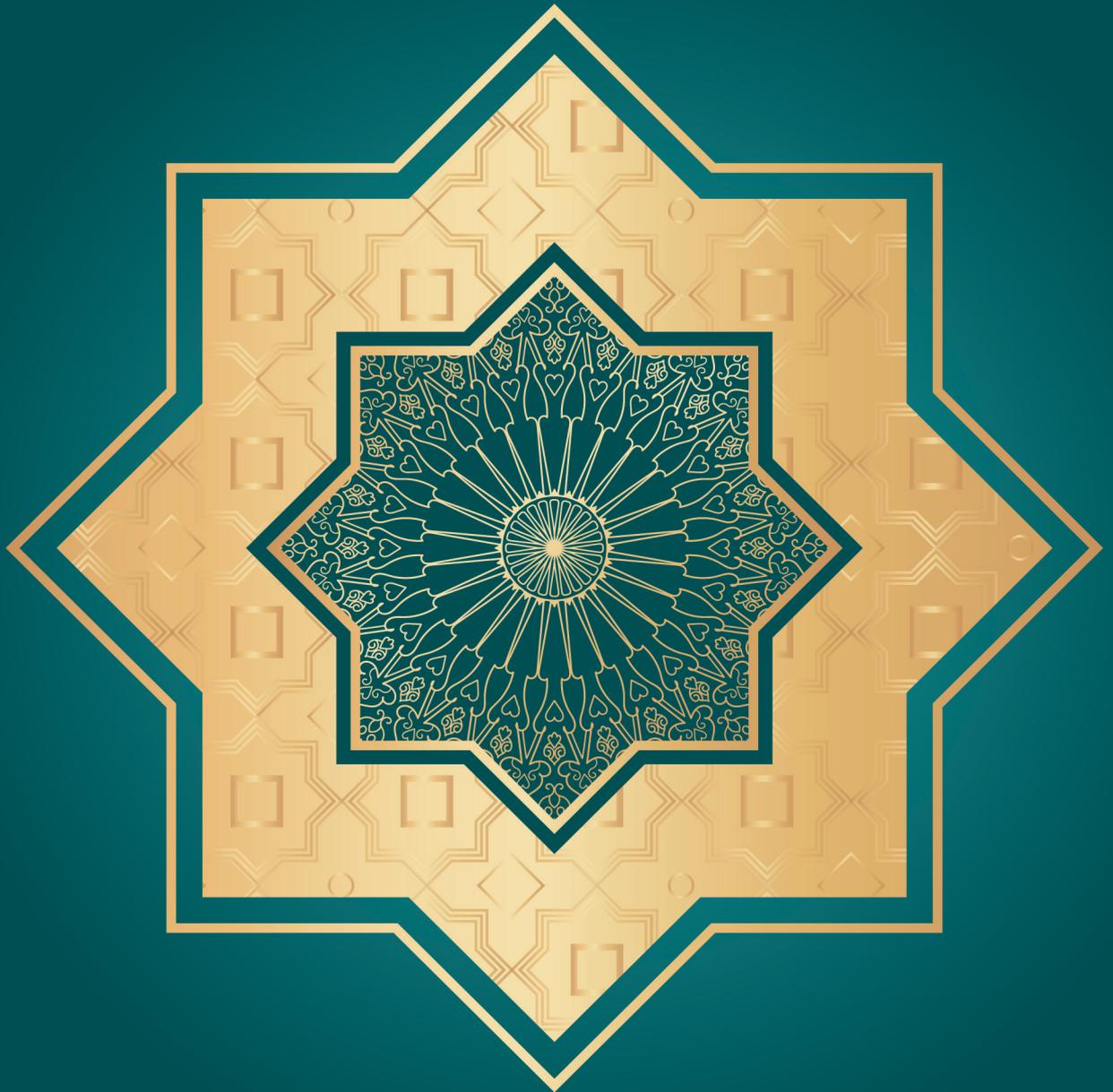
Digitalized markets have become an indispensable part of our lives. Digitalization has changed not only operation processes but also our perception of the world and behavioral patterns. Digital platforms, which we have followed closely since the beginning of the process, have been the subject of many of our investigations and they ranked the first among the sectors with the highest administrative sanctions imposed (nearly 4 billion TL administrative fines) within the scope of the investigations made. In addition, the rapidly emerging digitalization process has led to a need to review traditional competition law rules.

Accordingly, first, we put into effect the new regulations on procedural periods with the amendments made to the Act no 4054 so that the Authority concludes inquiries more quickly and efficiently under the scope of possible competition infringements. Moreover, we started two important projects for using AI based tools to detect the competition infringements via algorithmic agreements and to detect beforehand market anomalies such as price, etc. that might occur potentially through the use of machine learning algorithms in all sectors. Within the framework of the cooperation protocol with the Public Procurement Authority, which we updated in 2024, we agreed on developing AI-supported tools to detect competitive risks and likely infringements in public procurements and on conducting joint studies for statistical modeling and analysis.

Beside the competition enforcement activities, we continued our work to strengthen competition advocacy in 2024. We organized many events such as exchange of opinions, training support and online meetings in cooperation with UNCTAD, OECD, Organization of Islamic Cooperation, ICN and various national competition authorities. In addition, to strengthen the relations based on common historical, linguistic and cultural heritage between the countries in the geography where the Authority is located on one hand and to understand and solve current competitive problems on the other hand, with the initiative to bring competition authorities of the Turkic states together, which is led by our Authority and coordinated by the Secretariat General of the Organization of Turkic States, we successfully organized "the Turkic States Competition Council" meeting. Again with the same objectives, with our initiative to bring Balkan competition authorities together, we hosted "Balkan Competition Platform" meeting.

On this occasion, I would like to extend my sincere thanks to all the stakeholders who contributed to the development of competition law enforcement in Türkiye, especially the personnel of the Authority, and I hope that the Annual Report, which covers the activities of the Competition Authority in 2024 in detail, will be beneficial.

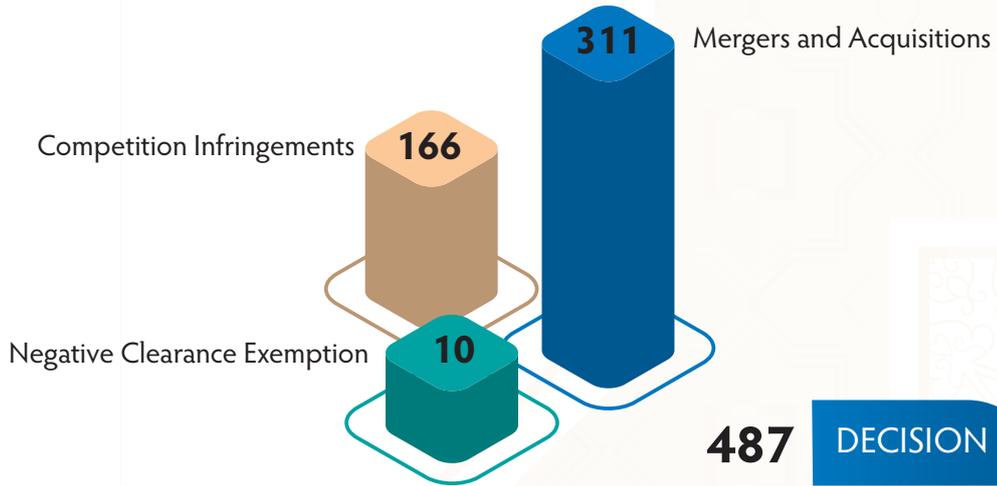
Birol KÜLE
President of the Competition Board



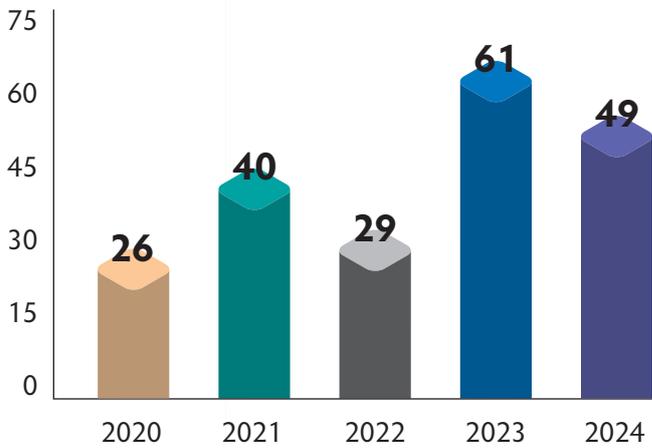
2024 IN NUMBERS



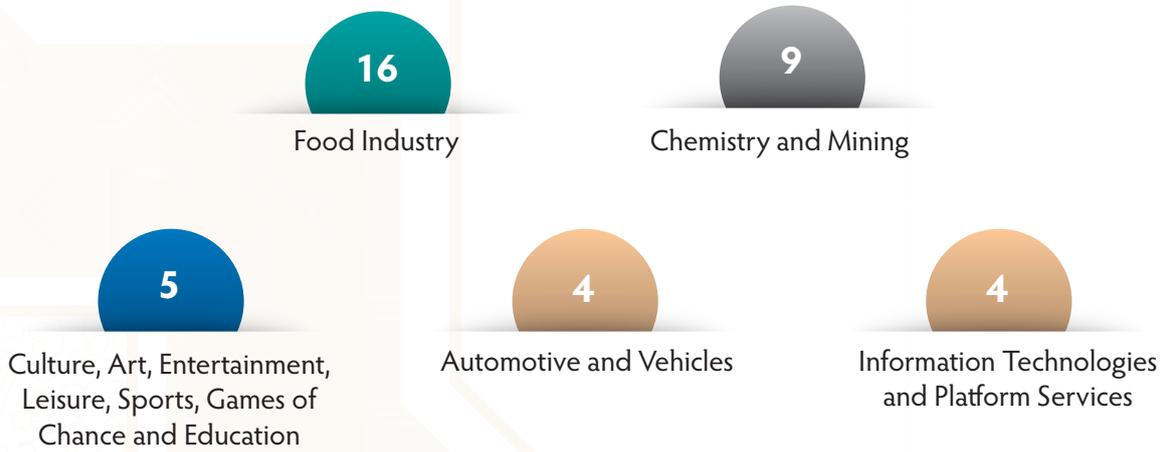
Files Concluded



Investigations Completed

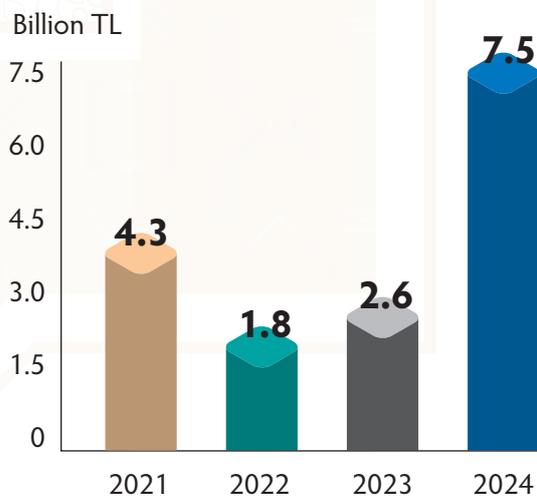


Breakdown of the Investigations Completed According to Sector (First five sectors)



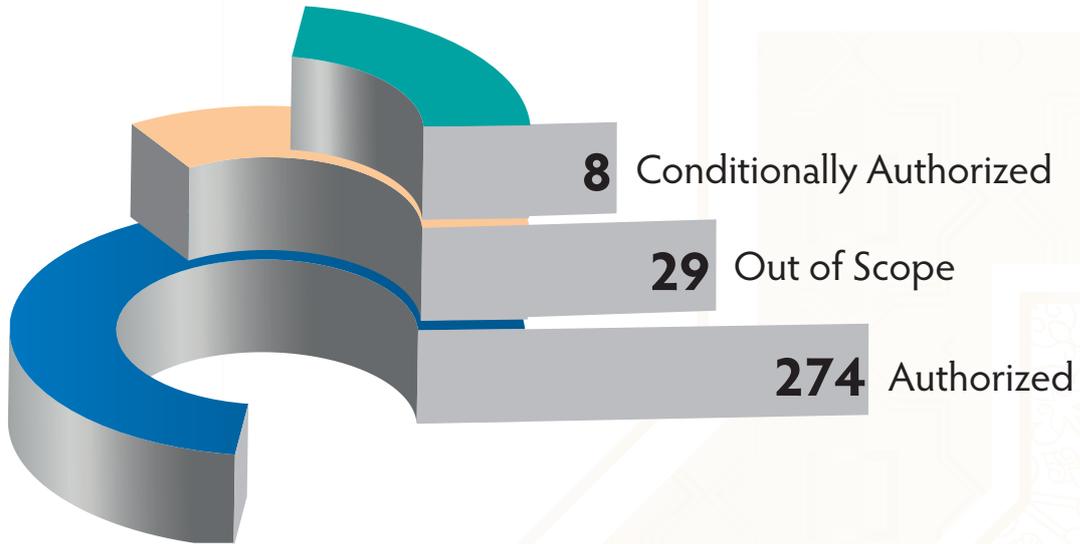
Year	The Number of Investigations Completed	The Number of Preliminary Inquiries	The Number of On-site Inspection Assignments
2021	44	29	653
2022	54	24	831
2023	61	28	1642
2024	49	27	1039

Administrative Fine



A **three-fold increase** in the amount of administrative fines in 2024, compared to the previous year

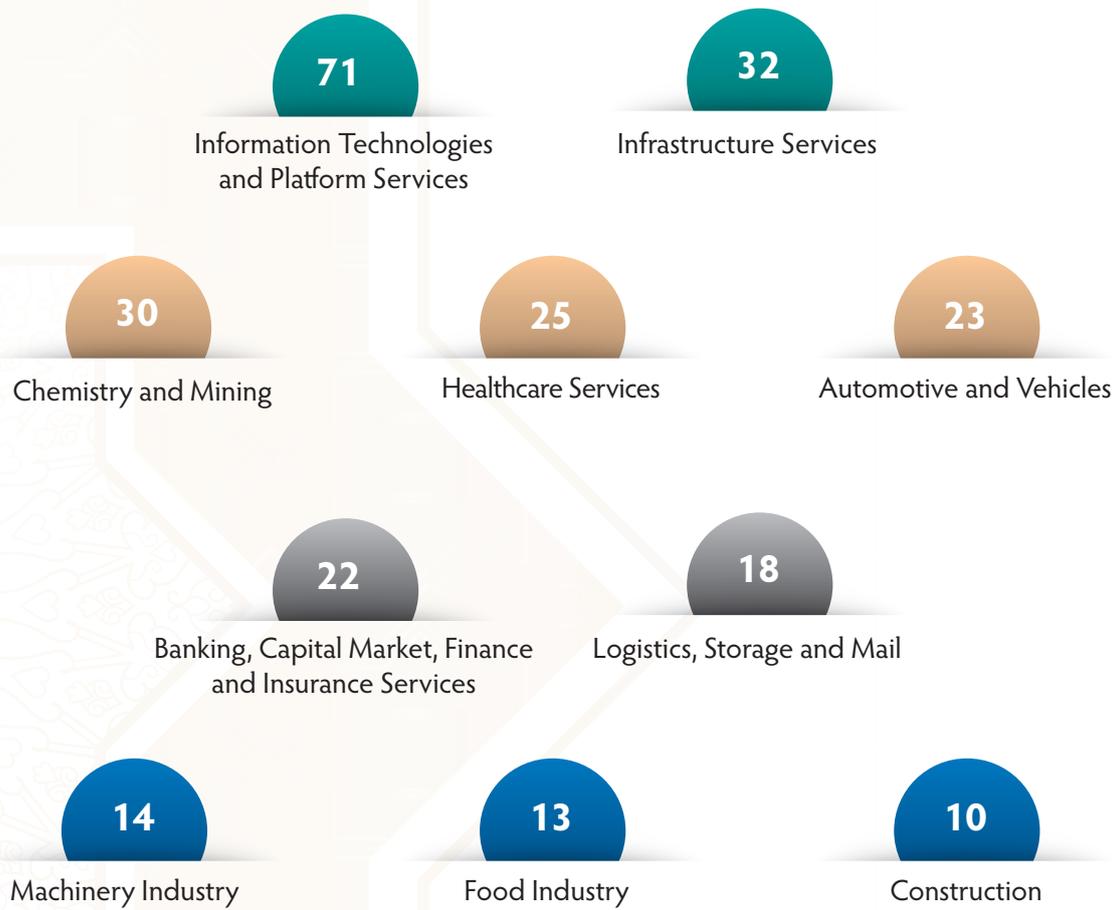
Mergers Acquisitions

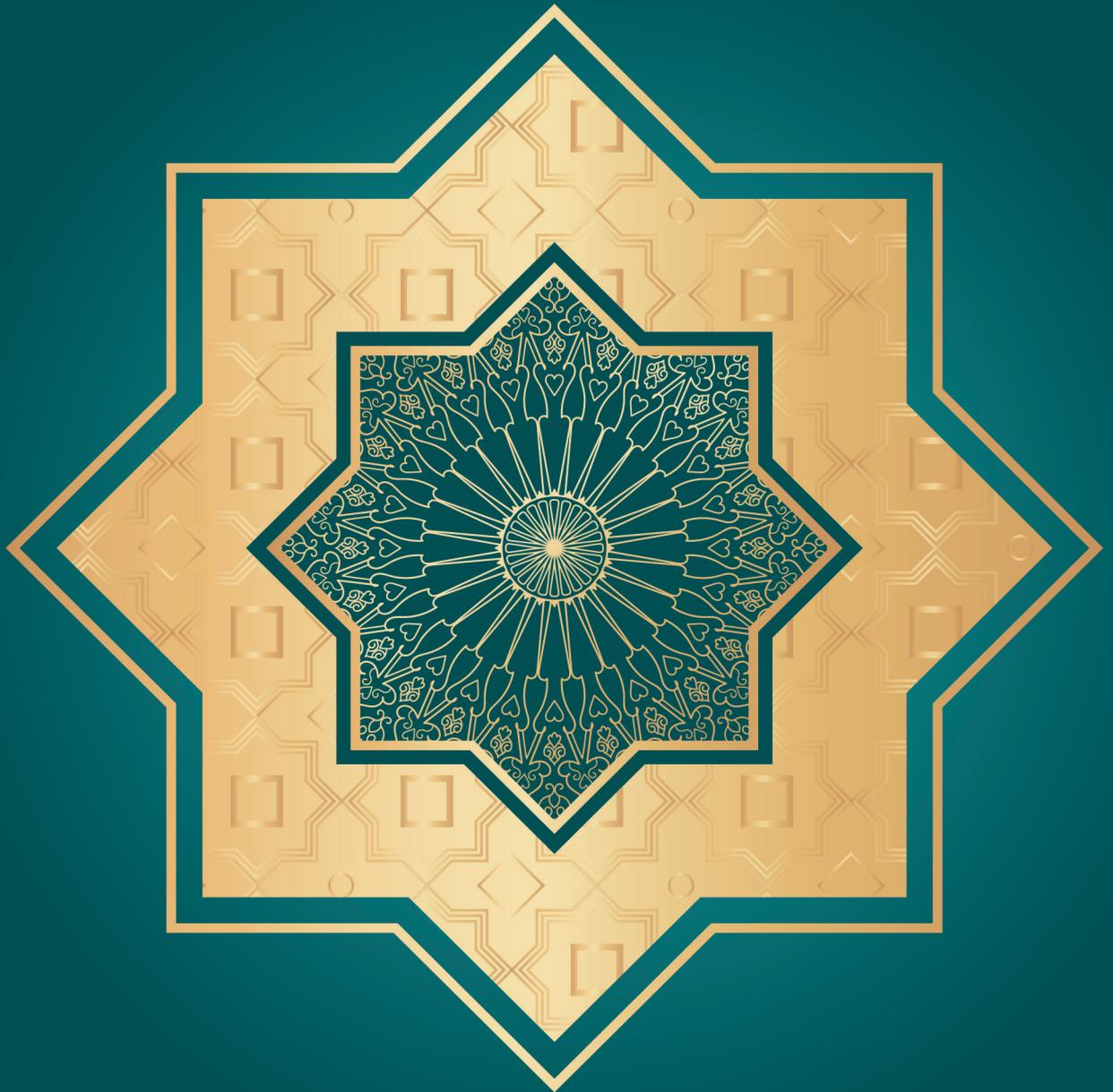


311 TRANSACTIONS NOTIFIED

Sectors

Breakdown of Merger and Acquisition Decisions According to Sector (First ten sectors)





GENERAL INFORMATION



1. GENERAL INFORMATION

Article 167 of the Constitution of the Republic of Turkey places a duty and responsibility on the state “to take measures to ensure and promote the sound, orderly functioning of the money, credit, capital, goods and services markets, prevent the formation, in practice or by agreement, of monopolies and cartels in the markets”. Depending on this Constitutional basis, the Act no 4054 on the Protection of Competition (the Act no 4054) was put into effect on 13.12.1994 to serve firstly the growth of consumer welfare and public welfare by establishing, protecting and improving competitive market based on economic efficiency. The Competition Authority (TCA) started to work on 05.11.1997 after completing its organization within the framework of the Act.

It is necessary to review competition law legislation constantly taking into account the dynamism of economic life, knowledge and experience gained in enforcement as well as the developments in the world and especially in the European Union (EU). Within this framework, amendments have been made to the Act no 4054 in 2003, 2004, 2005, 2006, 2008, 2011, 2012, 2018, 2020, 2021 and 2024 within 29 years as of its enactment. In addition the Competition Board (the Board) has issued many secondary regulations related to the implementation of the Act and amended existing secondary regulations.

1.1. Mission and Vision

The mission of the Competition Authority is to intervene in anticompetitive practices so that the market economy is protected and able to function soundly; accordingly to develop policies on competition law and economy, to take initiatives to spread competition culture in the country, to contribute to the social welfare by considering consumer benefit and to support sustainable growth in this way. In line with this mission, the Competition Authority has the following purposes:

- Monitoring, regulating and supervising markets to prevent agreements restricting competition, abuse of dominant position as well as mergers and acquisitions that will significantly decrease competition,
- Promoting competition culture and making necessary disposals to ensure that public decisions and actions are made according to competitive understanding,
- Making researches related to competition law, economy and policy, developing policies and contributing to the development of macroeconomic policies with respect to competition law.

The Authority is responsible for carrying out activities related to regulation, supervision, competition advocacy and policy making in order to achieve these objectives.

The future vision of the Authority is to aim for improving social welfare, to support the policies that lead the national economy, to play an important role in economic growth with an approach that focus on the creation of an efficient competition environment in markets and consumer welfare as well as to be a nationally and internationally effective agency through intellectual initiatives and studies that pioneer competition law and economics.

1.2. The Importance of the Competition Authority for the Economy of the Country

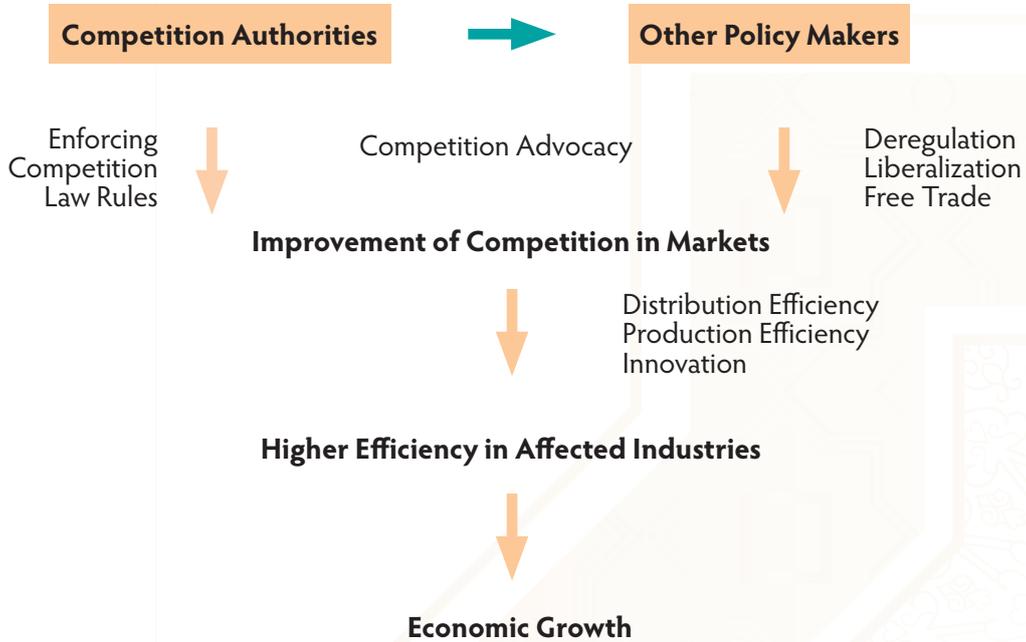
Competition has a strategic and central position with respect to the effective functioning of market economy. By contributing to the prevention of cartelization and monopolization and to the reduction of barriers to entry, competition authorities ensure that market mechanism functions in a healthy way. Competition authorities play a vital role in sustainable growth, healthy functioning of investment environment and maximizing consumer welfare as well as increasing efficiency and competitive power. Moreover, the role of competition authorities in mitigating negative effects created by unexpected supply and demand shocks is undeniable. In such periods, financial policies implemented by governments to increase total demand have produced more efficient results in economies with competitive markets. Competition authorities' advocacy role is important in reducing the negative effects of bail out packages on market structure.

Economic Growth

Competition authorities contribute to the development of competition in markets by means of their fundamental duty that is enforcing competition law rules and eliminating barriers in front of liberal market and economic freedom through competition advocacy. In this way, those authorities ensure that markets serve for consumer welfare by preventing cartelization and monopolization. The priority of the firms in the markets that are under competition law's shield is to meet consumer demand more efficiently at lower prices and higher quality. In such environment, R&D, innovation and innovative products are important parameters of the race between firms. As a result, market efficiency is higher. In turn, higher efficiency contributes to national competitive power, economic growth and thus public welfare.

Competition Authorities take an important role also by means of complementing other economic policies with their function of supervising markets. Indeed, markets free from dominating cartels and monopolies are essential to ensure that the decision of the government related to monetary and fiscal policies will produce efficient results and the national economy grows in a healthy way. Figure 1 summarizes the contribution of competition authorities to economic growth.

Figure 1: The Contribution of Competition Authorities to Economic Growth



Indirect Contribution to Price Stability

Competition authorities also contribute to price stability indirectly by means of improving competition in markets. Those contributions may be categorized into two: First, protecting the competition in markets helps preventing the distortion of price stability by ensuring lower prices in medium and long term. Preventing cartels and similar structures as well as dominant undertakings from distorting competition in the market and controlling mergers and acquisitions that will lead to monopolies can be considered in this category. Second category is the effects the outcomes of which can be observed in a short time by means of implementing the competition law rules directly. For instance detecting and terminating prohibited behavior such as increasing prices artificially via agreements between competitors, obstruction of new entries and prevention of lower prices through resale price maintenance are indirect contributions by competition authorities with respect to price stability.

Increase in Foreign Investment

One of the factors that investors take into account is the existence of a competition authority which applies competition law rules effectively because this assures investors that public institutions in the country in question provide all undertakings in the market with equal opportunities and do not favor national undertakings, which indirectly contributes to foreign investment.

Indirect Contribution to Fair Income Distribution

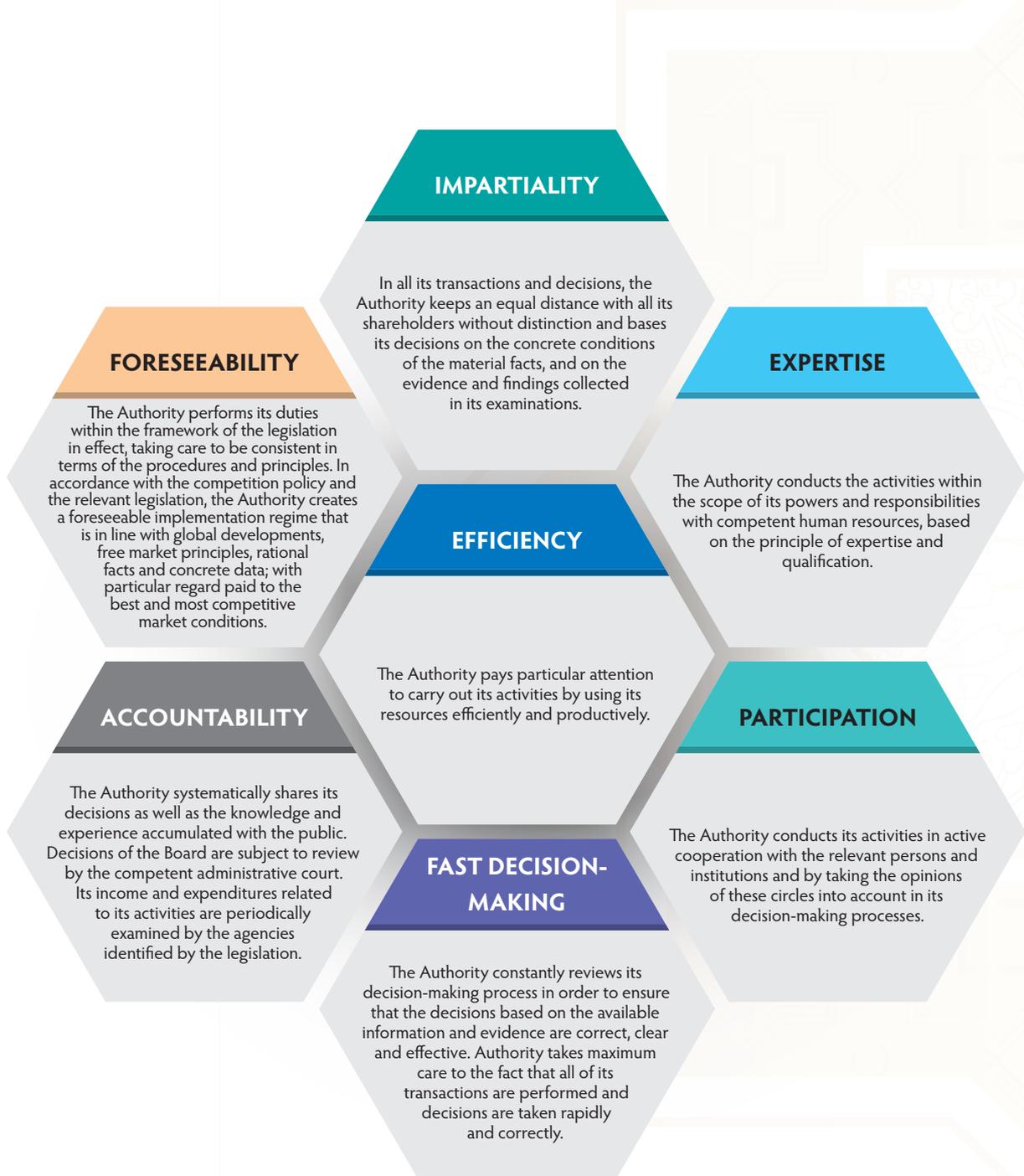
It is accepted that anticompetitive practices have negative effects on income distribution and markets where competition rules are not functioning efficiently may lead to inequalities in the allocation of welfare. Anticompetitive practices affect many people; however, those who form and benefit from a cartel or a monopoly are generally a small group. Moreover, it is the low-income section of the society who is affected the most by higher prices and lower quality products caused by the distortion of competition. Thus, the prevention of anticompetitive practices contributes indirectly to fairer income distribution especially through hindering unfair welfare transfers.

Increase in International Competition Power

As a result of economic and technological developments, especially in the last century, production opportunities have improved, communication and transport vehicles have advanced and become cheaper; consequently, trade activities have gone beyond national borders. Therefore, undertakings compete with not only undertakings within the borders of a country but also with those who carry out activities in international markets. In line with this, undertakings and countries have been elaborating on international competition. It is vital to have an efficient and sound competitive market to promote international competitiveness. Competitive markets motivate undertakings to work efficiently and productively; thus, increase undertakings' potential to compete with international rivals and contribute to the country's international competitive power.

1.3. Work Principles

The Authority takes into account certain fundamental values while fulfilling its duties according to its founding purposes and pays attention to reflect those to its work.



1.4. Duties, Powers and Responsibilities

The aim of the Act no 4054 is to prevent agreements, decisions and practices preventing, distorting or restricting competition in markets for goods and services, and the abuse of dominance by the undertakings dominant in the market, and to ensure the protection of competition by performing the necessary regulations and supervisions to this end. It is possible to categorize the provisions laid down in the Act regarding this aim under three main areas:

- Provisions related to agreements, concerted practices and decisions preventing, distorting or restricting competition between undertakings that operate in markets for goods and services within the borders of the Republic of Türkiye or affect those markets,
- Provisions related to abuse of dominance by undertakings dominant in markets,
- Provisions related to any legal transaction or conduct that constitutes a merger or an acquisition which would result in significant lessening of competition particularly in the form of creating a dominant position or strengthening an existing dominant position

The abovementioned provisions constitute the basic framework of the Act no 4054. The abovementioned provisions constitute the basic framework of the Act no 4054. There is neither discrimination between public enterprises and private enterprises in terms of the implementation of the Act nor distinction among sectors in the Act. Thus, anticompetitive conduct by all undertakings and associations of undertakings in any market for goods and services fall under the scope of the Act.

According to article 20 of the Act no 4054, the Authority was founded in order to ensure the formation and development of markets for goods and services in a free and sound competitive environment, to observe the implementation of this Act and to fulfill the duties assigned to it by the Act. Within this framework, the main duty of the Authority is to prevent threats to the competitive process in markets for goods and services by using its powers granted by the Act.

Another duty, competitive advocacy, is very important in terms of recovering market failures stemming from regulations, actions or transactions especially by other public institutions. The Act no 4054 gives the power and duty to opine, directly or upon the request of the Ministry of Trade, concerning the amendments to be made to the legislation with regard to the competition law, to monitor legislations, practices, policies and measures of the other countries, concerning agreements and decisions limiting competition. Contributing to the formation and sound implementation of the competition policy, which consists of competition law legislation and other relevant legislation, throughout the country forms a significant part of the Board's work.

Competition advocacy is not limited to the duties listed in the Act no 4054 and has a broader perspective, taking into account the basic philosophy underlying the Act. In this sense, another function of the Authority is to spread competition culture to different layers of the society mainly

to other public institutions. Since it is not possible to implement the vision on a healthy ground unless other public institutions are conscious about the benefits of a competitive market structure.

1.5. Information about the Authority

The Authority has public legal personality, administrative and financial autonomy and is independent in fulfilling its duties. **No organ, authority and person may give commands and orders to influence the final decision of the Authority.** The organization of the Authority consists of the Competition Board, the Presidency and Service Units.

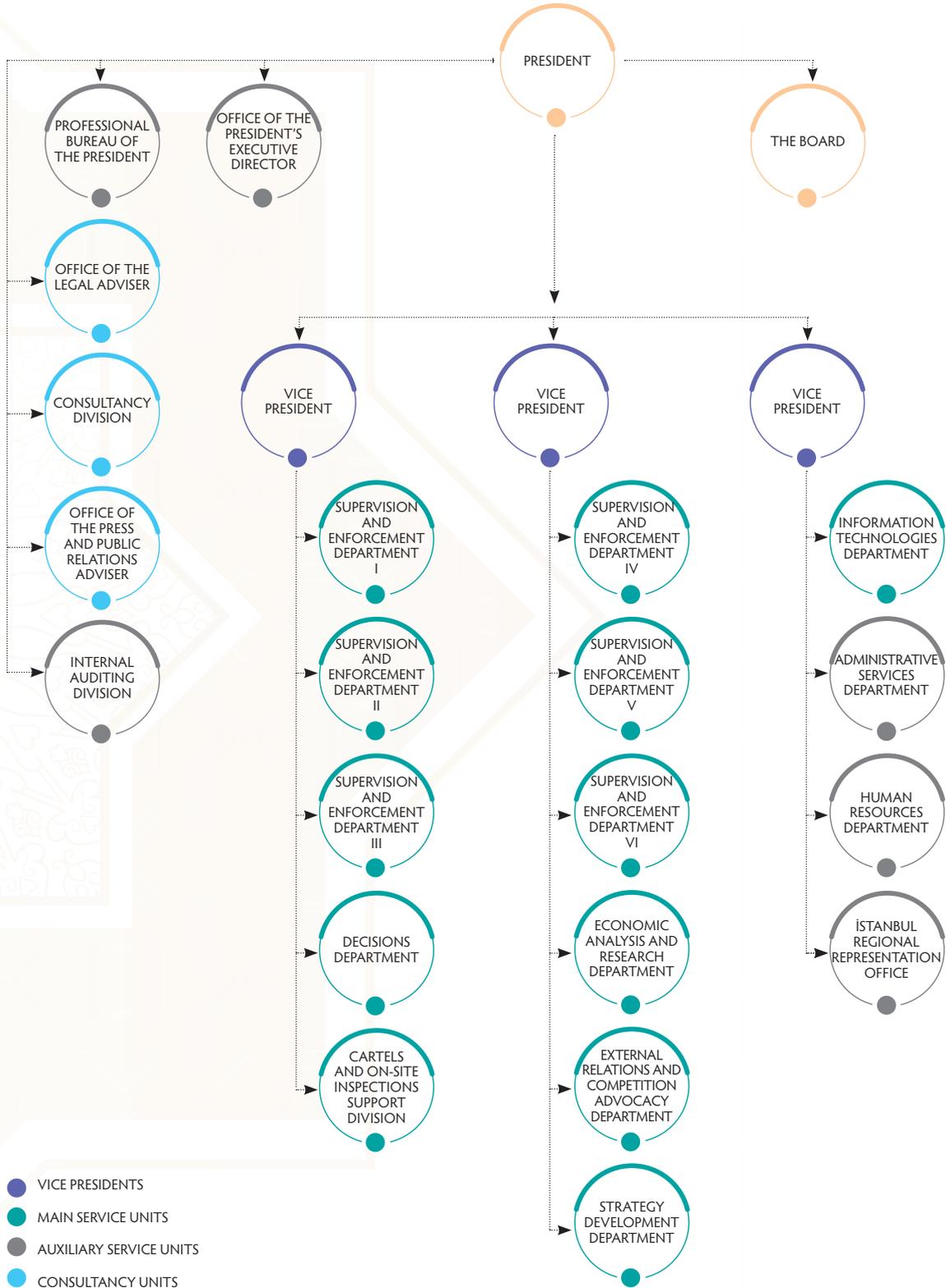
The Board is composed of a total of 7 members assigned by the President, one being the Chairman and the other being the Deputy Chairman. The Presidency consists of the Chairman, the Deputy Chairman and Vice Presidents of the Authority.

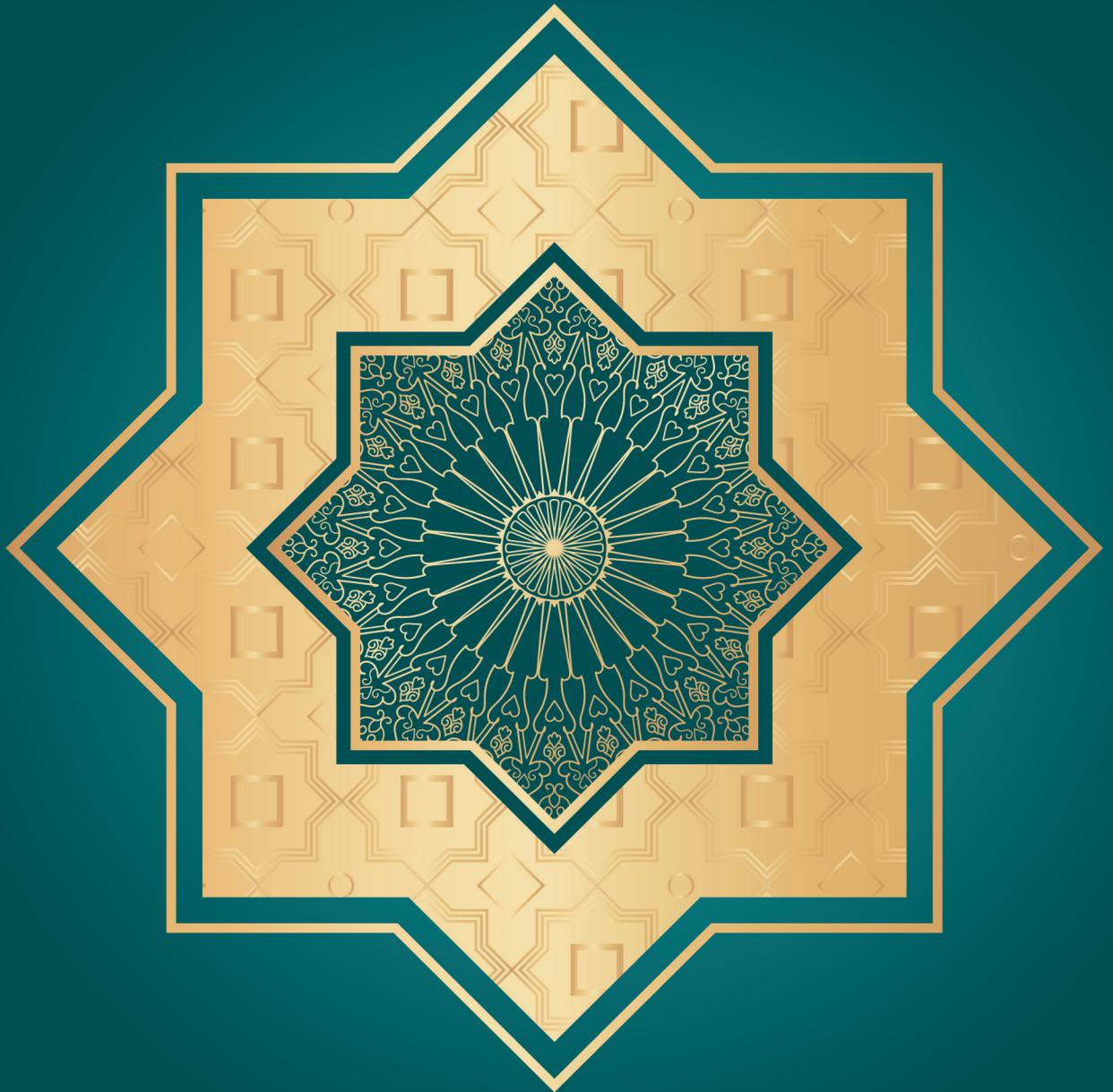
The Chairman of the Board is the highest supervisor of the Authority and is responsible for general management and representation. This responsibility covers arrangement, supervision, evaluation and announcement to public, when necessary, of Authority work in a general framework.

Service units consist of main service units, which are organized as departments, consultancy units and auxiliary service units.

The headquarters of the Authority is in Ankara and there is a regional representative office in Istanbul. The property, owned by the Authority, located in the address "Üniversiteler Mahallesi 1597. Cadde No:9 Bilkent/Çankaya ANKARA" is used as the headquarters. The address of Istanbul Regional Representative Office is "Prime İstanbul Yenibosna Merkez Mah. 1. Asena Sk. No:15 E Blok Kat: 12 Bahçelievler/ İSTANBUL".

Figure 2: Organization Chart





PURPOSES AND PRIORITIES

2. PURPOSES AND PRIORITIES

2.1. Purposes and Objectives

The main purpose of the Act no 4054 is to prevent agreements, decisions and practices preventing, distorting or restricting competition in markets for goods and services, and the abuse of dominance by the undertakings dominant in the market, and to ensure the protection of competition by performing the necessary regulations and supervisions to this end in order to ensure the protection of competition.

The Authority prepared the Strategic Plan for 2024-2028 period in 2024. The Strategic Plan includes the purposes related to those activities and objectives to reach those purposes. The table below shows those purposes and objectives according to each field of activity.

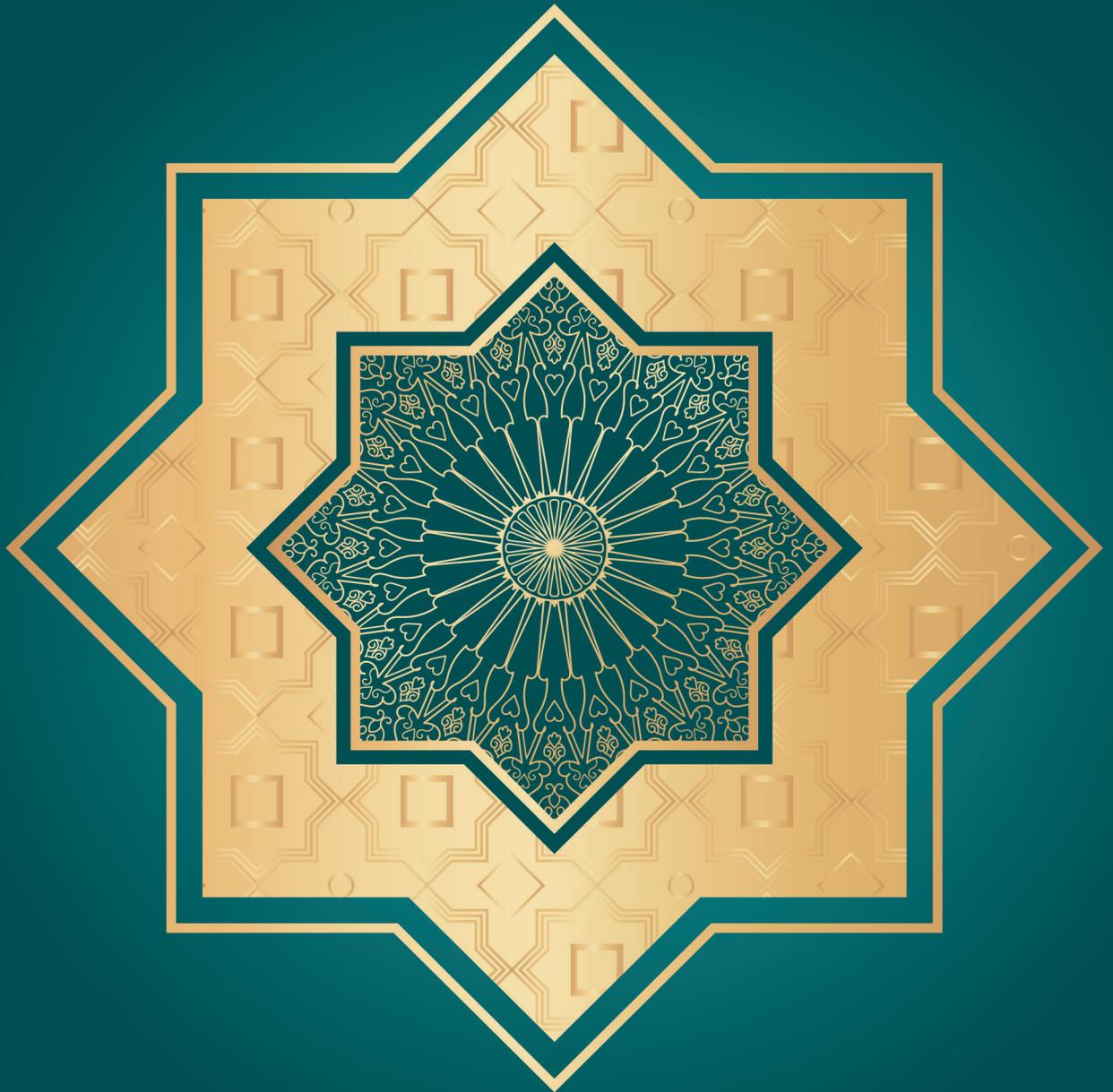
Table 1: Purposes and Objectives	
COMPETITION LAW ENFORCEMENT	
Purpose 1	To ensure that competition law is applied effectively
Purpose 1.1	To update legislation by taking into account developments, especially digital transformation
Purpose 1.2	To improve evidence collecting tools considering technological developments and other issues
COMPETITION ADVOCACY	
Purpose 2	To ensure that the Authority and competition law are recognized correctly and internalized at individual, institutional and sectoral levels
Purpose 2.1	To take initiatives to increase the recognition of competition law, awareness about competition policies as well as the Authority's visibility and communication channels by strengthening cooperation with other public institutions
Purpose 2.2	To improve academic work and relations with the academia
Purpose 2.3	To carry out activities for the media and the public for spreading competition culture throughout the country
Purpose 2.4	To increase awareness about competition law and competitive policies by making studies about the consequent effects of the Authority's activities and Board decisions
Purpose 3	To increase the recognition level of the Authority internationally
Purpose 3.1	To develop international relations in the area of competition law
Purpose 3.2	To introduce the decisions and activities of the Authority abroad
POLICY MAKING	
Purpose 4	To produce and spread knowledge about competition law and policy and transfer this knowledge into benefits
Purpose 4.1	To make academic and semi-academic studies related to competition law and policy
INSTITUTIONAL CAPACITY	
Purpose 5	To manage human resources efficiently and improve their productivity
Purpose 5.1	To improve in-house opportunities for sharing information and training
Purpose 5.2	To ensure efficient communication and the cooperation among the personnel
Purpose 6	To increase institutional performance
Purpose 6.1	To improve the competency of the professional and administrative personnel
Purpose 6.2	To increase capacity with respect to technological development
Purpose 6.3	To increase the role of economic analysis in revealing competition

In order to reach those purposes specified by the Act, the Authority carries out regulation and supervision activities under the scope of competition law enforcement; competition advocacy activities and policy-making activities

2.2. Fundamental Policies and Priorities

The Authority has completed its 27th activity year in 2024 and made important contributions to the improvements in competition law and policy enforcement. In the Strategic Plan for 2024-2028, the Authority sets the policies and priorities to make competition law and policy in our country more effective, dynamic and efficient, taking into account also those observations. The priorities of the Authority can be summarized as follows:

- Taking initiatives to make amendments to the Act no 4054 for enforcing competition law more effectively where necessary and to make the required amendments to the secondary legislation in this sense,
- Developing evidence collecting mechanisms in order to fight against competition infringements more effectively,
- Monitoring closely the markets which have changed with digitalization in order to develop efficient competition law and policies with respect to those markets,
- Carrying out activities in order to develop competition awareness in public institutions and authorities and competition culture in all segments of the society,
- Developing international relations in the area of competition law,
- Increasing institutional capacity and performance.



ANNUAL ACTIVITIES



3. ANNUAL ACTIVITIES

3.1. Competition Infringements

Article 4 of the Act no 4054 prohibits agreements and concerted practices between undertakings, and decisions of associations of undertakings which have as their object or effect or likely effect the restriction of competition. With respect to the implementation of this article, it is not necessary that agreements or decisions be put into practice. Transactions that do not create effects on the market can be considered under the scope of article 4 regarding their objectives and possible effects.

This article concerns practices with more than one party. Decisions of associations of undertakings reflect the willpowers and interests of their members, so they are deemed that they are created by more than one undertaking and evaluated according to the same article. Beside the agreements and decisions, concerted practices, which can be defined as direct or indirect relations that enable coordination or practical cooperation instead of undertakings' independent conduct, are under the scope of article 4. If the presumption of concerted practice laid down in the third paragraph of that article applies the burden of proof that such conduct does not exist is on the undertakings.

It is possible to group anticompetitive agreements into two categories: horizontal and vertical. While horizontal agreements cover agreements which undertakings at the same level of the market, vertical agreements are those to which undertakings at different levels of the market, such as provider and buyer, are parties.

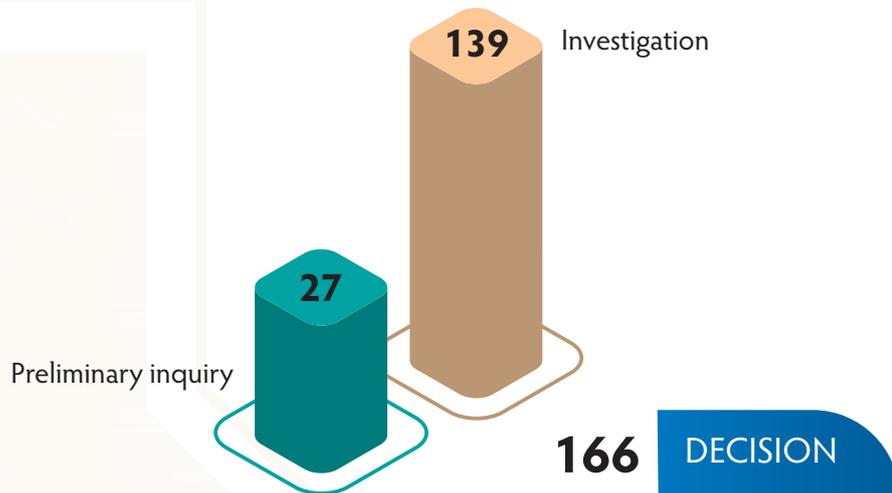
In competition law, it is generally accepted that horizontal agreements that restrict competition among brands have more negative effect on competition than vertical agreements in the same brand.

Article 6 prohibits the abuse by one or more undertakings of their dominant position. It should be noted that not being in a dominant position or transforming to a dominant position is not prohibited by article 6 but abuse of dominance is.

It is important to determine whether an undertaking holds a dominant position with respect to the implementation of this article. At this stage, whether the undertaking acts independently of its competitors and customers is examined by taking into account market share, barriers to entry, vertical integrity, powers of other undertakings in the market and some other factors.

The Act lists some examples of practices restrictive of competition in article 4 and abuse of dominance cases in article 6. However, actions or practices that might fall under the scope of the Act are not limited to the examples given in both articles.

Competition Infringements in Numbers



Breakdown of the Decisions According to Sectors (First five sectors)



In 2024, out of 166 decisions taken concerning competition infringements, 27 decisions were taken as a result of preliminary inquiries and 139 decisions were taken as a result of investigations. In terms of those decisions taken in 2024 concerning competition infringements, 124 of those are related to the five sectors shown in the chart above and 42 are related to other ten sectors. The decisions concerning the first five sectors that have been subject to decisions the most account for 75% of the total competition infringement decisions in 2024. The number of investigations finalized was 29 in 2022, reached to 61 in 2023 and was 49 in 2024. While the number of assignments in on-site inspections was 653 in 2021, respectively 831, 1642 and 1039 assignments were made in 2022, 2023 and 2024.

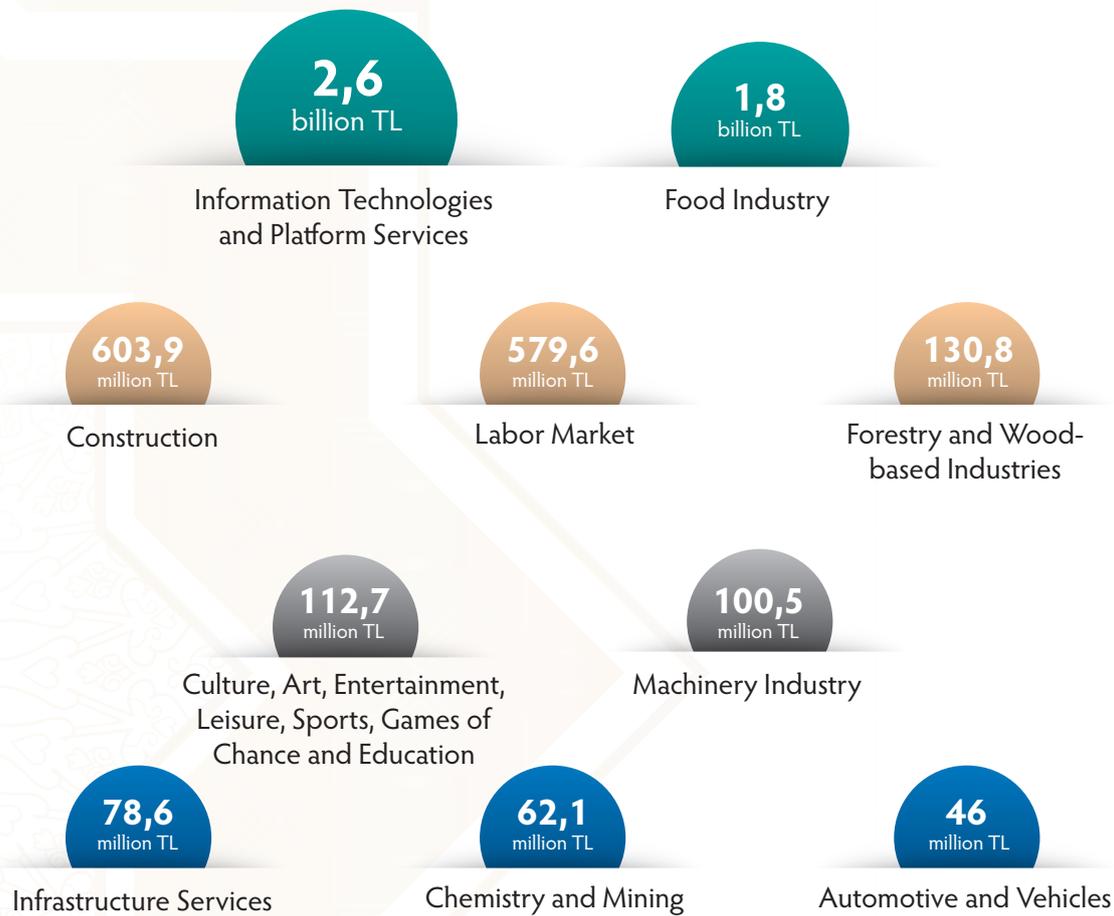
The investigations made by the TCA generally cover more than one undertaking. Especially, since settlement and commitment processes were put into effect, in multilateral investigations, in case the requirements are fulfilled, the procedure can be terminated with settlement or commitment by a Board decision in terms of some of the undertakings while the usual investigation process can continue for the others. Accordingly, as the data under "competition infringements" category are undertaking/decision-based data, the number of competition infringements is notably different from the number of investigations finalized.

Concerning the outcomes of 166 files on competition infringements, out of 139 investigation files, undertakings were imposed administrative fines as a result of usual investigation process in 20 files whereas undertakings were imposed fines with the investigation process terminated with settlement in 90 files. In 23 decisions, the commitments submitted by the undertakings were accepted and the investigation was concluded without administrative fines. The number of decisions where an infringement could not be found a result of the usual investigation process is six. The mentioned data shows that settlement-commitment procedures, especially the settlement procedure, were used efficiently in 2024.

Administrative fines were imposed in 13 sectors according to Article 16(3) of the Act. It is seen in the chart below, which shows the breakdown of the administrative fines imposed under the scope of article 16 of the Act in 2024¹, that information technologies and platform services sector with 2,608,032, 279 TL administrative fines, food industry sector with 1,802,450,739 TL administrative fines, construction sector with 603,913,869 TL administrative fines and labor market with 579,621,439 TL administrative fines are leading. The administrative fines imposed in those four sectors correspond to 91% of the total administrative fines given under the scope of article 16 of the Act in 2024.

¹ In addition, under the scope of article 17 of the Act, 1,369,687,630 TL relative administrative fines in information technologies and platform services sector and 6,863,036 TL relative administrative fines in food industry sector were imposed.

Breakdown of administrative fines imposed to competition infringements in investigations completed in 2024 according to sectors (first ten sectors)



3.1.1. Examples of Decisions Related to Competition Infringements

Google Search Features Decision

(Board Decision dated 04.07.2024 and numbered 24-28/682-283)



The investigation examined the claim that the economic unity composed of Alphabet Inc., Google LLC, Google International LLC, Google Ireland Limited and Google Reklamcılık ve Pazarlama Ltd. Şti. (Google) abused its dominant position in general search services market through certain features on the search engine results page. The relevant product market was defined as “*general search services*” market within the

framework of the investigation, like the previous Board decisions. The relevant geographical market was defined as “*Türkiye*”.

As a result of the analysis that evaluated Google’s and its competitors’ positions, barriers to entry and expansion and buyer power, it was found that Google was dominant in general search services market.

The investigation looked into the following allegations: Google favored search features to the detriment of content providing websites, Google caused websites to lose traffic due to being pushed downwards in the search result page and websites had to give more ads to rank higher on the search results page. Accordingly, how the display of search features on the search results page affected websites’ visibility and traffic volume was examined. In light of the findings and assessments, it was concluded that Google’s search features did not lead to exclusionary effects against content providing websites; thus they did not constitute an abuse. In conclusion, per the Board decision dated 04.07.2024 and numbered 24-28/682-283, it was decided that Google did not violate article 6 of the Act no 4054.

Google Advertising Decision

(Board Decision dated 12.12.2024 and numbered 24-53/1180-509)



The investigation examined the allegations that Google favored its own products/services by means of certain behavior in the online advertising technology services supply chain where it operates in a vertically integrated structure; in this framework, Google directed the demands from its demand side platforms (DSP) to its supply side platforms (SSP) and favored its SSP services through its publisher

advertisement server. The relevant product market was defined as “*publisher advertisement server services*”, “*DSP services*” and “*SSP services*” whereas the relevant geographical market was defined as “*Türkiye*”. As a result of the analysis made by considering Google’s and its competitors’ market

shares, other market data, entry barriers and buyers' bargaining power, it was found that Google was dominant in the three defined relevant product markets.

As a result of the assessing the allegations about Google in light of the information and documents obtained during the investigation process, the Board decided that Google provided unfair advantages to its SSP services depending on its dominance in publisher advertisement server services market; this self-favoring complicated its competitors' activities and violated article 6 of the Act no 4054; thus Google would be fined about 2.6 billion TL per Article 16(3) of the Act no 4054.

Moreover, in order to in order to ensure the termination of the violation in question and establishment of effective competition in the market, Google was imposed an obligation to provide the conditions which would allow third party SSPs to be at a no less advantageous position than its own services, within six months as of the notification of the reasoned decision.

Google Advertising Investigation Youtube Commitments (Board Decision dated 03.05.2024 and numbered 24-21/486-207)



Google advertising investigation examined whether Google used its strong position in advertising technology services to support its own services to the detriment of its competitors, customers (advertisers, publishers, etc.) and finally consumers. First, the investigation looked into the allegations that Google imposed a restriction that its online video sharing platform "YouTube" inventory could only be bought through its demand side platforms (DSP) and the verification and measurement of YouTube ads through independent service providers was prevented. Google submitted a commitment to the Board to resolve competition concerns in terms of this allegation. The commitment in question guarantees access to YouTube inventory for third party DSPs. The commitment was accepted with the Board decision dated 03.05.2024 and numbered 24-21/486-207 and the investigation was concluded with respect to the mentioned allegations.

Meta Decision (Board Decision dated 07.11.2024 and numbered 24-45/1053-450)



As a result of the preliminary inquiry about the allegation that Meta Platforms Inc. (Meta) violated article 6 of the Act no 4054 by linking Threads, which it recently launched, with Instagram, the Board decided to open an investigation in its meeting on 23.11.2023. Although it was considered under the scope of the examination made that there might be potential relevant product markets, it was concluded that

Meta was dominant in the social media market, departing from social media market in the widest sense.

The practices examined under the scope of the investigation are as follows: (i) users are required to have an Instagram account to sign up for Threads and (ii) users who do not want to use Threads have to give up also their Instagram account. Moreover, it was understood that the data collected from Instagram accounts could be transferred to Threads accounts; in addition, the data collected via Threads could be used to provide, personalize and improve other META products, measure and analyze the performance of Meta products as well as to provide other corporate services (including advertisements). It was considered that such behavior was a serious finding that indicated a violation of article 6 of the Act no 4054.

Depending on this consideration, in the meeting of the Board dated 08.02.2024, taking into account the fact that if competitive problems in the digital markets are not intervened in time, it is likely that the competition in the market may be distorted and mostly irreversible results may occur; thus, in order to prevent irreparable damages until the final decision was taken, according to article 9(4) of the Act no 4054, an interim measure decision was taken to prevent the combination of data obtained by Meta through Threads with the data obtained through Instagram.

The interim measure decision was taken for enabling users to sign up to Threads without an Instagram account and not combining their data with Instagram. Afterwards, Meta submitted remedies regarding the interim measure decision to the Authority. However, the remedies in question were not sufficient to resolve the Board's concerns and were not accepted. Moreover, Meta was fined nearly 335.7 million TL due to the failure to fulfill the obligations brought by the interim measure decision. Instead of offering new remedies to the Authority in order to resolve the concerns, Meta announced via Threads to its users that it would exit the market and shut down Threads in Türkiye as of 29.04.2024.

However, the commitment procedure concerning the investigation continued and Meta submitted a commitment text to the Authority on 30.10.2024 to eliminate the concerns about linking and data combination, which were the subject of the investigation. In the commitment text, in general, Meta stated that starting from the date when Threads becomes available in Türkiye again, both the existing users and the new users will be able to sign up to Threads independently from Instagram and the data collected through Threads will not be combined with the data collected over Instagram.

At the end of the commitment process, as a result of the discussion of the file in the meeting of the Board dated 07.11.2024, the decision numbered 24-45/1053-450 was taken that the commitments submitted by Meta in the commitment package shall be accepted since they are able to solve the competition problems, which stemmed from Meta's conduct and which were detected under the

scope of the file, and they are quickly realizable and efficiently applicable; the commitments in the commitment text shall be rendered binding for Meta and the investigation shall be terminated.

Hepsiburada and Trendyol Decision

(Board Decision dated 03.10.2024 and numbered 24-40/950-409)



According to the decision dated 19.10.2023 and numbered 23-49/940-M, an investigation shall be opened in order to determine whether D-Market Elektronik Hizmetler ve Ticaret AŞ (Hepsiburada), DSM Grup Danışmanlık İletişim ve Satış Ticaret AŞ (Trendyol) and Amazon Turkey Perakende Hizmetleri Limited Şirketi violated article 4 of the Act no 4054.

The investigation mainly looked into the anticompetitive concerns to be caused by automatic pricing mechanism. Within this framework, the concerns focused on the risk of coordination among the prices of sellers who operate in multi-category e-marketplace services market and the risk of price fixing independent from sellers' free will.

During the investigation process, on 16.01.2024 Trendyol and on 31.01.2024 Hepsiburada requested to offer commitments to resolve the concerns about the allegations that are the subject of the investigation. Hepsiburada and Trendyol offered commitments not to oblige the sellers to use automatic pricing mechanism, to omit "Match the Buybox Price" option, not to include the use of automatic pricing mechanism as a parameter in the buybox algorithm and not to share other sellers' data about the use of automatic pricing mechanism with sellers. With the Board decision dated 03.10.2024 and numbered 24-40/950-409, it was decided that the commitment texts submitted by Trendyol and Hepsiburada are sufficient to resolve the competition problems in the investigation, the commitments submitted shall be accepted and the investigation shall be terminated in terms of Trendyol and Hepsiburada.

Çiçeksepeti Decision

(Board Decision dated 21.11.2024 and numbered 24-49/1096-466)



The investigation analyzed the allegation that Çiçeksepeti İnternet Hizmetleri AŞ'nin (Çiçeksepeti) violated article 6 of the Act no 4054 by means of foreclosing platform services to third party sellers and favoring its own dealers.

In the investigation, three relevant product markets were defined: "(i) intermediary services for online flower sales, (ii)

intermediary services for online bonnyfood sales and (iii) "intermediary services for online sales of chocolate and confectionery." The relevant geographic market was defined as "Türkiye"

Then, an examination was made about the position of the undertakings operating in the relevant market and thus about whether Çiçeksepeti was dominant. The relevant assessments showed that in terms of two markets "intermediary services for online flower sales" and "intermediary services for online bonnyfood sales", Çiçeksepeti is dominant because (i) Çiçeksepeti's market share is quite higher compared to its competitors, (ii) There are important network effects in the relevant markets and (iii) There are no buyers with bargaining power vis a vis Çiçeksepeti. On the other hand, Çiçeksepeti is not dominant in "intermediary services for online sales of chocolate and confectionery."

While the investigation process was ongoing Çiçeksepeti applied to initiate the commitment process and as a result of the discussions made within this scope, the final commitment text was submitted. Accordingly, in the meeting of the Board dated 21.11.2024, the decision numbered 24-49/1096-466 was taken that the commitments submitted by Çiçeksepeti shall be accepted since they are able to solve the competition problems which stemmed from Çiçeksepeti's conduct and which were detected under the scope of the file, quickly realizable and efficiently applicable; the commitments in the commitment text shall be rendered binding for Çiçeksepeti and the investigation shall be terminated.

According to the commitments accepted by the Competition Board,

1. Third party sellers which meet certain requirements in flower and edible bouquet (*bonnyfood*) categories will be able to operate as third party sellers under the body of Çiçeksepeti platform if they request,
2. In order to provide transparency in search results, Çiçeksepeti will announce third party sellers the basic parameters that affect search ranking, an expression similar to "Seller's choice" will be used for the products that are placed at upper positions in return for a charge in search results and users will be given options to rank the results according to certain criteria (recommended, highest price, lowest price, most liked, most reviewed, newest, best sellers).

Çiçeksepeti will notify the commitments to the third party sellers who operated under marketplace model before by e-mail and announce that Çiçeksepeti starts to act as an intermediary in flower and bonnyfood categories to third party sellers who meet the necessary requirements by means of the panel which the sellers can access. The Commitments will be binding for Çiçeksepeti for 2 years.

White Meat Decisions



The information and documents obtained as a result of the on-site inspections made within the scope of the preliminary inquiry made ex-officio upon the claim that undertakings and associations of undertakings operating in the white meat sector were considered significant and according to the Board decision dated 04.01.2024 and no 24-01/8-M(1), an investigation was initiated about Abalıoğlu Lezita Gıda Sanayi AŞ (Lezita), As Ofis Damızlık Yumurta Yem Gıda San. ve Tic. AŞ (Astavuk), Banvit Bandırma Vitaminli Yem Sanayi AŞ (Banvit), Beypi Beypazarı Tarımsal Üretim Paz. San. ve Tic. AŞ (Beypiliç), CP Standart Gıda San. ve Tic. AŞ (CP), Erpiliç Entegre Tavukçuluk Üretim Pazarlama ve Tic. AŞ (Erpiliç), Gedik Tavukçuluk ve Tarım Ürünleri Tic. San. AŞ (Gedik), Hastavuk Gıda Tarım Hayvancılık Sanayi ve Ticaret AŞ (Hastavuk), Keskinöglü Tavukçuluk ve Damızlık İşl. San. Tic. AŞ (Keskinöglü) and Şenpiliç Gıda Sanayi AŞ (Şenpiliç) in order to determine whether they violated article 4 of the Act no 4054 by means of exchanging competitively sensitive information.

While the investigation process was ongoing, Beypiliç, Keskinöglü, Lezita and Şenpiliç applied for settlement. Accordingly, the settlement text sent by Beypiliç was accepted with the Board decision dated 21.05.2024 and numbered 24-23/529-223, the settlement text sent by Keskinöglü was accepted with the Board decision dated 03.05.2024 and numbered 24-21/488-208, the settlement text sent by Lezita was accepted with the Board decision dated 09.05.2024 and numbered 24-21/500-21 and the settlement text sent by Şenpiliç was accepted with the Board decision dated 21.05.2024 and numbered 24-23/529-222, and the investigation was terminated in terms of four undertakings. As a result of the settlement procedure, Beypiliç was imposed 244,655,573.31 TL, Keskinöglü was imposed 107,981,782,.50 TL, Lezita was imposed 277,866,357.92 TL and Şenpiliç was imposed 357,687,454.48 TL administrative fines.

Moreover, as a result of the additional findings obtained during the investigation, Akpiliç Tic. Ltd. Şti. (Akpiliç), Bakpiliç Entegre Tavukçuluk AŞ (Bakpiliç), Bupiliç Entegre Gıda San. Tic. AŞ (Bupiliç) and Ege-Tav Ege Tarım Hayvancılık Yatırım Tic. ve San. AŞ (Bolez) were added to the investigation.

Under the scope of the investigation, Bolez applied for settlement and the settlement text sent by Bolez was accepted with the Board decision dated 20.12.2024 and numbered 24-54/1225-523; it was decided that the investigation shall be terminated with respect to Bolez. As a result of settlement Bolez was imposed 41,164,149.12 TL administrative fines.

The investigation is currently ongoing for totally nine undertakings, Akpiliç, Astavuk, Bakpiliç, Banvit, Bupiliç, Cp, Erpiliç, Gedik and Hastavuk

Egg Tray Decisions²



The investigation examined the allegation that Dentaş Kağıt Sanayi AŞ (Dentaş), Güneş Kalıplı Basma Kutu Ambalaj San. ve Tic. AŞ (Güneş), Güres Tavukçuluk Üretim Pazarlama ve Ticaret AŞ (Güres), Keskinoğlu Tav. ve Dam. İşl. San. Tic. AŞ (Keskinoğlu) and Özay Karton Ambalaj Gıda San. ve Tic. Ltd. Şti.nin (Özay), which operate in the egg tray sector, violated article 4 of the Act no 4054.

While the investigation was ongoing, Güres applied for settlement and stated that it would also apply for active cooperation. The Board examined the settlement request of Güres.

Güres stated that since egg tray producers faced losses as egg tray prices were very low, Dentaş, Güres and Güneş decided to act together and met on 19.01.2021 in İzmir in “Birinci Kordon” Fish Restaurant; they talked about making immediate price increases, not supplying goods to each other’s customers, organizing a more comprehensive meeting with other egg tray producers and including them to the cartel On 03.12.2022, Dentaş, Güneş, Güres, Keskinoğlu, Özay and Yuva Viyol Ambalaj San. ve Tic. AŞ (Yuva) made a new meeting in a restaurant called “Arnavutköy Balıkçısı”. It was stated that the participants were of the same opinion about the following issues: The meeting on 19.10.2021 was beneficial, the prices of egg trays increased, the parties reaffirmed that they would not supply goods to each other’s customers, it was necessary to make new price increases in mid-November, in case the parties deviated from the decisions made during the meeting, the unity would be broken. It was also stated that Yuva told that it would comply with the decisions taken.

Under the scope of Güres’s active cooperation application, it was decided to make a reduction to the fines to be imposed on the undertaking per article 5(1)(a) of the Regulation on Active Cooperation for Detecting Cartels (Active Cooperation Regulation). Besides, in line with the information and documents obtained within the scope of the file, Yuva was included in the investigation with a Board decision.

While the investigation was ongoing, first Keskinoğlu, then Dentaş made settlement requests. Depending on those requests, it was decided to postpone the decision concerning the initiation of the settlement process.

On the other hand, Güres applied for the initiation of the settlement process and also for active cooperation under the scope of that application within the framework of Active Cooperation Regulation. In the active cooperation application, Güres stated that Dentaş, Güneş and Yuva made a third meeting on 17.03.2022 in İstanbul in a restaurant called “Deniz Kulübü Restoranı”.

² Board decisions dated 18.01.2024 and numbered 24-05/63-21, dated 24.01.2024 and numbered 24-06/92-40, dated 08.02.2024 and numbered 24-07/113-46, dated 11.01.2024 and numbered 24-03/50-14, dated 29.02.2024 and numbered 24-11/193-77, dated 04.01.2024 and numbered 24-01/6-2.

In the said meeting it was stated that after the first meeting of egg tray producers held in İstanbul, there was competition between Dentaş and Güres and they decreased prices, afterwards, other egg tray producers had to decrease their prices as well; Yuva, who was discontent about this situation, organized a third meeting. Under the scope of Güneş's active cooperation application, it was decided to make a reduction in the fines according to article 5(1)(b) of Active Cooperation Regulation.

Afterwards, Yuva applied for active cooperation and settlement. With the active cooperation application, it was observed that Yuva also confirmed the issues stated in active cooperation applications of Güres and Güneş. Under the scope of Yuva's active cooperation application, it was decided to make a reduction in the fines according to article 5(1)(c) of Active Cooperation Regulation.

The investigation process ended after the Board accepted the settlement requests of Dentaş, Güneş, Güres, Keskinöğlü, Özay and Yuva. As a result of the said settlement processes which were conducted with undertakings separately, the parties to the investigation were imposed nearly 54.9 million TL administrative fines in total on the grounds that they violated article 4 of the Act no 4054.

Nestle Decision

(Board Decision dated 15.02.2024 and numbered 24-08/149-61)



Under the scope of the investigation about the allegations that Nestle Türkiye Gıda Sanayi AŞ (Nestle) determined the resale prices of its distributors and put region and customer restrictions on its distributors, the following was detected:

- Nestle followed its distributors' prices, was annoyed by the price differences among its distributors and tried to make its distributors reach a certain price level,
- Nestle determined the discount rates of profit margins to be applied by its distributors and followed those; the distributors showed Nestle's intervention as the reason for not granting a discount rate higher than the one set by Nestle
- Nestle determined the customers to whom distributors would make sales, those customers were categorized as red, yellow and green and the discounts given by Nestle would not be met in the requests of customers other than those determined and in this way distributors are obliged to make sales to specified regions and customers,
- Although there were no region and customer restriction in the contracts made by Nestle with its distributors, bans on active or passive sales were imposed on distributors,

- Nestle specified the regions and customers where its distributors could make sales and in case distributors made sales out of the region, the managers warned the staff, distributors and the staff were obliged to comply with the practices designed by Nestle.

As a result of the investigation, it was decided that Nestle violated Article 4 of the Act no 4054 by determining the resale prices of its distributors and imposing region and customer restrictions on its distributors and thus shall be imposed 347 million TL administrative fines.

Koroplast Decision (Board Decision dated 03.10.2024 and no 24-40/945-406)



In the on-site inspections made within the framework the investigation initiated to determine whether some undertakings operating in the fast moving consumer goods sector as producer/supplier and retailer violated article 4 of the Act no 4054, documents that led to the suspicion that Koroplast Temizlik Ambalaj Ürünleri Sanayi ve Dış Ticaret AŞ (Koroplast) intervened in the resale prices of organized retailers; consequently it was decided to initiate a preliminary inquiry about Koroplast ex officio.

Considering that the information and documents obtained during the preliminary inquiry were significant and sufficient, the Board decided to open an investigation about Koroplast to determine whether it violated article 4 of the Act no 4054.

During the investigation process, the settlement text submitted by Koroplast was accepted with the Board decision dated 03.10.2024 and no 24-40/945-406 and it was decided that the investigation shall be terminated with settlement. In this context, Koroplast acknowledged that it set the resale prices of its buyers and violated article 4 of the Act no 4054 on the Protection of Competition. As a result of the settlement, Koroplast was imposed 31,209,736 TL administrative fines.

Pharmaceuticals Labor Investigation³



The subject of the investigation is the allegation that undertakings, most of which operate in the pharmaceuticals sector, violated article 4 and 6 of the Act no 4054 by means of exchanging competitively sensitive information and/or engaging in a no-poaching agreement as well as the allegation that AbbVie Tıbbi İlaçlar Sanayi ve Ticaret Limited Şirketi (AbbVie) violated article 4 and 6 of the Act no 4054 also by means of abusing its dominant position.

³ Board decisions dated 21.03.2024 and numbered 24-14/270-110, dated 28.03.2024 and numbered 24-15/319-131, dated 15.08.2024 and numbered 24-33/782-329, dated 31.10.2024 and numbered 24-44/1029-439, dated 31.10.2024 and numbered 24-44/1030-440.

A separate relevant market definition was not made in terms of the allegation that article 4 of the Act o 4054 was violated within the framework of the file. Regarding the allegation that article 6 of the Act no 4054 was violated the relevant market was defined as "Antivirals for the Treatment of J05AP - HCV (Hepatitis C 23 infections) in ATC-4 classification" for Maviret (Viekirax-Exviera), "D05B in ATC-3 classification" for Skyrizi, "L01X: all other antineoplastic drugs in ATC-3 classification" for Venclyxto and "L04B: Anti TNF drugs in ATC-3 classification" for Humira. The relevant geographical market was defined as "Türkiye.

The investigation that was initiated about totally 36 pharmaceutical companies, among which are AbbVie, AstraZeneca İlaç San. ve Tic. Ltd. Şti., Bayer Türk Kimya San. Ltd. Şti., Pfizer PFE İlaçları AŞ, Sanovel İlaç San. ve Tic. AŞ, Santa Farma İlaç San. AŞ and Servier İlaç ve Araştırma AŞ, ended with settlement with respect to Abdi İbrahim İlaç Sanayi ve Ticaret AŞ, Glaxosmithkline İlaçları San. ve Tic. AŞ, Bilim İlaç Sanayi ve Ticaret AŞ, Drogosan İlaçları San. ve Tic. AŞ, Genveon İlaç San. ve Tic. AŞ and Menarini Sağlık ve İlaç San. Tic. AŞ. Irrespective of undertakings' main field of activities, the investigation was based on the labor market and the competitive relations in the labor market were examined. It was stated that no-poaching agreements mean sharing employees, which are important inputs for employers; no-poaching agreements constitute an important barrier in front of labor mobility and employment efficiency, deprive employees of alternative advantageous job opportunities, create inefficiencies by negatively affecting the distribution of labor input, and indirectly lead to a decrease in or suppression on salaries/wages. In addition, those agreements where undertakings mutually give up competing for labor are like market/region/customer allocation and constitute a cartel.

Totally 481.638.111,42 TL administrative fines were imposed under the scope of the investigation on six undertakings for which the investigation ended with settlement. Currently, the investigation continues about 30 undertakings party to the investigation.

Cosmetics Investigations⁴



Investigations in cosmetics and personal care sector were made in 2024, like 2023. The investigations examined the restrictions on resellers' online/marketplace sales, restrictions to prevent resellers from giving ads and/or interventions to resale prices. The evaluations showed that interventions in retail sales by means of vertical agreements, due to reasons such as the sale of products with high customer loyalty and protection of resellers, in other words "vertical interventions" are seen frequently as a structural problem in the sector.

⁴ Board decisions dated 24.04.2024 and numbered 24-20/465-195, dated 21.05.2024 and numbered 24-23/549-232, dated 01.08.2024 and numbered 24-32/757-318, dated 21.11.2024 and numbered 24-49/1099-468.

After the pandemic, the importance of online sales channel has increased considerably, resulting in a downward pressure on prices. Undertakings who want to stop that pressure have started to prevent online sales or determine the resale prices of resellers. Afterwards, the investigations conducted about firms in cosmetics sector detected anticompetitive practices and those undertakings were imposed administrative fines.

Accordingly, the Board initiated an investigation about Herbalife International Ürünleri Tic. Ltd. Şti., Homm Bitkisel Ürünler Pazarlama AŞ, Forever Living Sağlık ve Güzellik Ürünleri Dağıtım Ltd. Şti., Biota Bitkisel İlaç ve Kozmetik Laboratuvarları AŞ, MOT Grup Bilişim Ltd. Şti., which make sales through the website "sachane.com"; CHI Kozmetik İthalat İhracat Sanayi ve Ticaret AŞ, which operates in the hair care product market with the brands CHI, BioSilk, Plex and Abko İç ve Dış Ticaret Ltd. Şti. While there are ongoing investigations, undertakings were imposed 6,970,473.58 TL administrative fines under the scope of the investigations completed in 2024.

THY-OPET Decision

(Board Decision dated 18.07.2024 and numbered 24-30/716-300)



The investigation, which was initiated to fulfill the requirement of the decision of Ankara 6th Administrative Court dated 16.02.2023 and numbered 2022/1806 E. 2023/322 K., examined the claim that THY OPET Havacılık Yakıtları A.Ş. (THY OPET) acted contrary to the commitments stated in the Board decision dated 26.02.2014 and numbered 14-08/155-66 concerning the acquisition of operating rights for fuel

storage, sales and supply units and/or THY OPET violated article 6 of the Act no 4054 by increasing the fees related to jet fuel storage and supply services excessively within the scope of operating jet fuel storage and supply units in İstanbul Sabiha Gökçen International Airport.

The relevant market was defined as "*jet fuel storage and supply services market*" whereas the geographic market was "*İstanbul Sabiha Gökçen International Airport*".

It was found that THY OPET was a monopoly in jet fuel storage and supply services market during the period when the practice in question took place. Afterwards, THY OPET's prices in the relevant market were analyzed within the framework of excessive pricing theory. Economic value test was applied to evaluate whether THY OPET's service fees for storage and supply activities were excessive.

To this end, first, price-cost (profitability) analysis was made with respect to THY OPET's services in the storage and supply services market. It was concluded that THY OPET made considerable losses in a certain part of the period examined, which strengthened the likelihood that it did not apply excessive pricing. Later, the prices of THY OPET and its competitors were compared. It was found that THY OPET did not obtain the highest unit revenue in a year either in the period that

was the subject of excessive pricing allegations or the period before and/or after the allegations and there were competing storage facilities that obtained higher unit revenue than THY OPET. Therefore, it was concluded that THY OPET did not apply excessive prices.

In terms of compliance with the commitments, it was concluded that there was no need to take a measure for providing access and pricing, THY OPET's dominance changed, it was not found in the report that there was excessive pricing in light of the conclusions made before, there was no finding of violation, which is a pre-condition for taking a measure per article 9(1) of the Act no 4054. It was concluded that there was no reason for imposing structural or behavioral measures to THY OPET.

As a result, the Board decided that THY OPET did not violate article 6 of the Act no 4054 by means of acting contrary to the commitments and applying excessive prices; thus, it was not necessary to impose administrative fines.

Canon Decision

(Board Decision dated 12.06.2024 and numbered 24-26/640-265)

Canon

Within the framework of the preliminary inquiry initiated with the Competition Board decision dated 23.03.2023 and numbered 23-15/262-M, the allegations that Canon Eurasia Görüntüleme ve Ofis Sistemleri AŞ (Canon), which operates in Türkiye in the supply of professional imaging products and consumer electronics products, violated article 4 of the Act no 4054 by means of intervening in the resale prices of its resellers. As a result of the preliminary inquiry, the Board took the decision dated 11.05.2023 and numbered 23-21/411-M to open an investigation about Canon.

Under the scope of the file, printing and copying market is divided into two as home and office printing and copying products in general according to how they are used. Office products, in other words, office system group products are divided into two as business professional imaging products and consumer imaging products. Although there is not a relevant product market definition in the file, as a result of the research about the sector, it is stated that the relevant product market can be defined as *"the market for the sale of printing and copying products"* and *"the market for the sale of photo/video products"*. It is also stated that the relevant geographical market can be defined as *"Türkiye"* however, it is not necessary to define an exact geographical market for the purposes of the file.

Depending on the information and documents obtained under the scope of the file, it is understood that resellers increased their prices in line with Canon's request to adjust the sale price, Canon strictly followed electronics stores' prices and as a result intervened in their prices; thus, the Board concluded that Canon violated article 4 of the Act no 4054 and took a decision to give 38.3 million TL to the undertaking.

Ready-Mixed Concrete Investigations

Ankara-Kırıkkale Ready-Mixed Concrete Decision (Board Decision dated 25.07.2024 and numbered 24-31/726-308)



The investigation examined the allegations that certain ready-mixed concrete producers operating in Ankara and Kırıkkale violated article 4 of the Act no 4054 by means of fixing the sale price of ready-mixed concrete and/or engaging in an agreement/concerted practice to allocate regions/customers and exchanging information.

The relevant product market was defined as “ready-mixed concrete market” whereas the relevant geographical market was defined as *Polatlı, Haymana, Akyurt, Çankaya, Elmadağ, Keçiören, Mamak, Yenimahalle, Altındağ, Bala, Çubuk, Etimesgut, Gölbaşı, Kazan, Pursaklar and Sincan districts of Ankara and the province of Kırıkkale*” as the complaints were made separately for Ankara and Kırıkkale provinces.

While the investigation process was ongoing, Ar-Kar Nakliye Hazır Beton İnşaat San. Tic. Ltd. Şti, Güven Grup Hazır Beton Harfiyat İnşaat Maden Petrol Nakliyat Tic. Ltd. Şti, OYAK Çimento Fabrikaları AŞ, Polat Hazır Beton ve Beton Prefabrik Yapı Elemanları Sanayi ve Tic. AŞ and Yiğit Hazır Beton Sanayi ve Tic. Ltd. Şti. made settlement applications. It was decided the aforementioned undertakings violated article 4 of the Act no 4054 by means of fixing the prices of ready-mixed concrete and allocating customers and the investigation shall be terminated for those undertakings with settlement. As a result of the assessments made within the scope of the file, of the parties to the investigation, it was found that Birlik Hazır Beton ve Yapı AŞ, Ezn Maden İmalat İnşaat Ltd. Şti., Limmer Beton İnşaat Sanayi ve Ticaret AŞ, Ozan Hazır Beton İnşaat Madencilik Nakliye Petrol Otomotiv Kuyumculuk Ticaret AŞ, Uğural İnşaat Turizm Petrol Sanayi ve Ticaret AŞ and Zirve Gurup Hazır Beton İnşaat Petrol Madencilik Nakliyat Sanayi ve Ticaret AŞ, by means of allocating regions/customers, price fixing, exchanging competitively sensitive information; Efaş Beton İnşaat Malzemeleri Nakliye Emlak Reklamcılık Kırtasiye Turizm ve Ticaret Ltd. Şti., by means of exchanging competitively sensitive information, violated article 4 of the Act no 4054 and it was decided that the mentioned undertakings shall be imposed administrative fines. As a result of the violation decisions in the file, the undertakings were imposed 185.7 million TL administrative fines in total.

Adana-Osmaniye Ready-Mixed Concrete Decision⁵



It was decided to initiate an investigation about MM Tiftik Kardeşler Nakliye İnşaat Emlak Petrol ve Tarım Ürünleri Paz. San. Tic. Ltd. Şti. (Tiftik), Samet Hazır Beton İnş. Madencilik. Loj. Enerji Ltd. Şti. (Toros), Çimsa Çimento San. ve Tic. AŞ (Çimsa), KÇS Kahramanmaraş Çimento Beton Sanayi ve Madencilik İşletmeleri AŞ (KÇS) and Oyak Çimento Fabrikaları AŞ (Oyak)

⁵ Board decisions dated 04.01.2024 and numbered 24-01/19-07, dated 18.01.2024 and numbered 24-05/86-36, dated 08.12.2024 and numbered 24-31/727-309

to determine whether they violated article 4 of the Act no 4054 by means of allocating customers and/or regions or price fixing.

While the investigation was ongoing, Oyak and Tiftik applied for settlement. It was decided that totally 66.4 million TL administrative fines shall be given on the grounds that Oyak and Tiftik violated article 4 of the Act no 4054 by price fixing and allocating customers and the investigation shall be terminated in terms of Oyak and Tiftik within the framework of the settlement procedure.

Of the parties to the investigation, Toros was found to be a party to an agreement/concerted practice between competitors, which had the nature of a cartel, for allocating customers/regions and colluding at the stage of bidding and thus violated article 4 of the Act no 4054. Toros was fined 6.6 million TL.

With respect to KÇS and Çimsa, it was concluded that since no information and document could be found showing that they violated article 4 of the Act no 4054 by being a party to an agreement/concerted practice for price fixing or allocating customers/regions, it was not necessary to impose administrative fines to the aforementioned.

Hatay Ready-Mixed Concrete Decision⁶



It was decided to open an investigation per article 41 of the Act no 4054 about Ceyhan Hazır Beton İnş. Nak. Mad. Petrol Ürünleri Paz. San. ve Tic. Ltd. Şti. (Ceyhan), Çimko Çimento ve Beton Sanayi Ticaret AŞ (Çimko), Ekintaş İnşaat Sanayi ve Ticaret AŞ (Ekintaş), Filitoğlu İnş. Petrol Gıda Turizm Nak. San. ve Tic. AŞ (Filitoğlu), KÇS Kahramanmaraş Çimento Beton Sanayi ve Madencilik İşletmeleri AŞ (KÇS), Oyak Çimento

Fabrikaları AŞ (Oyak), Kadir Soylu Beton Demir İnşaat Petrol Ürünleri San. ve Tic. Ltd. Şti. (Soylu) and MM Tiftik Kardeşler Nakliye İnşaat Emlak Petrol ve Tarım Ürünleri Paz. San. Tic. Ltd. Şti. (Tiftik) to determine whether they violated article 4 of the Act no 4054 by means of price fixing and allocation of regions/customers.

While the investigation was ongoing Ekitaş, Oyak, Soylu and Tiftik applied for settlement. It was decided that on the grounds that Ekitaş, Soylu ve Tiftik, by means of being a party to an agreement for allocating customers with their competitors in the ready-mixed concrete production market and for wage-fixing in the labor market and Oyak, by means of its practices aiming to be a party to an agreement/concerted practice for fixing the sale price of ready-mixed concrete and allocating customers, violated article 4 of the Act no 4054, they shall be imposed 110.5 million TL administrative fines in total and the investigation shall be terminated with respect to Ekitaş, Oyak, Soylu and Tiftik under the scope of the settlement procedure.

⁶ Board decisions dated 04.01.2024 and numbered 24-01/19-8, dated 18.01.2024 and numbered 24-05/86-35 and dated 21.03.2024 and numbered 24-14/274-112.

Aydın Ready-Mixed Concrete Decision

(Board Decision dated 25.07.2024 and numbered 24-31/726-308)



The investigation examined the allegation that 21 undertakings operating in the production and sale of ready-mixed concrete in Aydın violated article 4 of the Act no 4054 by means of price fixing, region/customer allocation and resale price maintenance.

The relevant product market was defined as “the market for the production and sale of ready-mixed concrete”; however it was not deemed necessary to define the relevant geographical market.

While the investigation was ongoing, Kösem Yapı Mimarlık Mühendislik Madencilik Taşımacılık İnşaat Makina Pazarlama San. ve Tic. Ltd. Şti., Ufuk Hazır Beton İnşaat Turizm Tic. ve Paz. Ltd. Şti., Boylular Gıda Petrol Madencilik İnşaat Turizm Otomotiv ve Orman Ürünleri San. ve Tic. Ltd. Şti., Türen Kireç İnşaat Malzemeleri Madencilik İnşaat Taahhüt Nak. San. ve Tic. Ltd. Şti., DYM Değişim Yapı Market İnşaat Enerji Maden Gıda Tarım Hayvancılık Dayanıklı Tüketim Malları Nakliye Turizm San. ve Tic. Ltd. Şti., Oyak Çimento Fabrikaları AŞ, Mendeş İnşaat Nak. Harf. Taah. Tic. Ltd. Şti., Asbeton Yapı Mühendislik Nakliye İnşaat Sanayi ve Ticaret AŞ, Canatanlar İnşaat Akaryakıt Tarım Ürünleri Turizm San. ve Tic. Ltd. Şti., Burhan TÜRÜN - Bilkent Beton, Aydın Seramik İnşaat İnşaat Malzemeleri Kömür San. ve Tic. Ltd. Şti. applied for settlement. It was decided that the aforementioned undertakings shall be imposed totally 113.6 million TL administrative fines on the grounds that they violated article 4 of the Act no 4054 by means of being a party to an agreement/concerted practice for price fixing and/or allocating regions/customers with their competitors and the investigation shall be terminated with respect to the said undertakings with settlement.

Refractory Decision⁷



With the decision of the Board dated 11.05.2023, an investigation was opened about Asmaş Ağır Sanayi Malzemeleri İmal ve Tic. AŞ (Asmaş), Daussan Refrakter AŞ (Daussan), Haznedar Durer Refrakter Malzemeleri Sanayi ve Ticaret AŞ (Haznedar), Kümaş Manyezit Sanayi AŞ (Kümaş), Piromet Pirometalurji Malzeme Refrakter Mak. San. ve Tic. AŞ (Piromet) and Remsan Refrakter Malzeme San. ve Tic. AŞ

(Remsan), which operate in the market for refractory material production in Türkiye.

⁷ Board decisions dated 24.04.2024 and numbered 24-20/468-198, dated 24.04.2024 and numbered 24-20/469-199, dated 28.11.2024 and numbered 24-50/1133-488

The investigation looked into the claim that the parties to the investigation, Daussan, Haznedar, Kümaş, Piromet, Asmaş and Remsan, which are direct competitors at the horizontal level, violated article 4 of the Act no 4054 by determining the prices and exchanging competitively sensitive information about prices in tenders made by private undertakings for refractory material.

While the investigation was ongoing, Daussan, Haznedar and Remsan applied for settlement and the investigation ended with settlement therefor.

As a result of the investigation, the Board decided that Asmaş and Piromet violated article 4 of the Act no 4054 by means of practices for reaching an agreement about the bids in tenders; thus the said undertakings would be imposed administrative fines. The aforementioned five undertakings were imposed 68.3 million TL administrative fines in total. It was decided that it was not necessary to impose administrative fines on Kümaş since no finding showing that Kümaş violated article 4 of the Act no 4054 could be obtained.

EPSON Decision

(Board Decision dated 27.12.2024 and numbered 24-56/1246-534)

EPSON

The investigation examined whether Epson Italia S.P.A., Epson Italia S.P.A. Headquartered in İtalya Türkiye İstanbul Branch (hereafter referred to as Epson) and Kadioğlu Kırtasiye Pazarlama Ticaret AŞ (Kadioğlu) violated article 4 of the Act no 4054 by resale price maintenance, restriction of online sales and vertical restriction of regions and customers.

Epson made a settlement and commitment application in terms of resale price maintenance and vertical restriction of regions and customers. In line with this, the investigation about Epson ended with settlement with respect to resale price maintenance claims and with commitment with respect to the claim of vertical restriction of regions and customers.

In addition, Kadioğlu made a commitment application concerning the restriction of online sales. Within this framework, the commitments submitted by Kadioğlu were rejected, as they were not capable of resolving the competition problems detected under the scope of the file and the commitment process ended.

As a result of the investigation conducted about Kadioğlu, the Board found that Kadioğlu violated article 4 of the Act no 4054 due to the restriction of online sales of resellers; thus the said undertaking was imposed administrative fines. Approximately 34.7 million TL administrative fines were imposed to the said two undertakings.

Labor Market - II Decision

(Board Decision dated 27.02.2024 and numbered 24-10/170-66)



The investigation examined whether 25 undertakings operating in various sectors, especially in IT sector, violated article 4 of the Act no 4054 via making gentlemen's agreements (no-poaching agreements) in the labor market.

Irrespective of undertakings' main field of activities, the investigation was based on the labor market and the competitive relations in the labor market with regard to employment were examined. Within this framework, the following considerations were made: Employees are the principal actors in undertakings' competitiveness, The competitive structure of the labor market, which ensures that employees work under better conditions or higher wages, is based on mobility of labor, no poaching agreements mean allocation of employees, which are among the important inputs of employers, No poaching agreements, which cause a decrease in the mobility of labor, result in the suppression of wages, reduction in employee welfare and inefficiency in the labor market, As a result of such agreements, undertakings' cost structures concerning labor input will be similar and the risk of anticompetitive agreement on other elements will increase. In addition, it was stated that horizontal agreements that cover hardcore restrictions such as no poaching agreements, which can be regarded as a reflection in the input market of market/customer allocation in the output market are likely to restrict competition; thus, such agreements are prohibited by object without the need to examine their actual or potential effects in the market. Moreover, it was stated that no poaching agreements that are directly related to a legitimate cooperation and that are necessary to realize and/or maintain that cooperation and also are arranged in a way that will restrict competition less in terms of the employees it cover and its duration can be regarded as an ancillary restriction.

While the investigation process was ongoing, of the parties to the investigation, Rdc, İzibiz and Borusan applied for settlement. As a result of the settlement process, it was decided that the said undertakings violated article 4 of the Act no 4054, a reduction of 25% would be made in the administrative fines to be imposed and the investigation would be terminated with settlement with respect to those undertakings.

Besides, of the parties to the investigation, Kafein and Testinium made applications according to Active Cooperation Regulation and Settlement Regulation. Concerning Kafein, it was decided to make a certain rate of reduction according to article 5(1)(a) of Active Cooperation Regulation and 25% reduction under the scope of Settlement Regulation and the investigation would be terminated with settlement. Concerning Testinium, it was decided to make a certain rate of reduction according to article 5(1)(a) of Active Cooperation Regulation and 25% reduction under the scope of Settlement Regulation and the investigation would be terminated with settlement.

As a result of the investigation, it was concluded that between Etiya and Pia, Rdc, Kafein, Netaş, Egemsoft, i2i and Innova; between Pia and Etiya; between Innova and Etiya, Rdc and Kafein; between Netaş and Etiya; between Turkcell and Ericsson; between i2i and Etiya and Kafein; between Egemsoft and Etiya and Kafein, there was consensus about no poaching. Accordingly, administrative fines were imposed per article 16 of the Act no 4054 to the said eight parties to the investigation because they violated article 4 of the Act. In terms of other 12 undertakings, there was no finding of violation. As a result of the labor investigation, undertakings were imposed nearly 98 million TL administrative fines.

Nesine Decision

(Board Decision dated 29.02.2024 and numbered 24-11/194/78)



NESİNE.COM

The investigation about D Elektronik Şans Oyunları ve Yayıncılık AŞ (Nesine) examined the claim that the undertaking violated article 6 of the Act no 4054 through the contracts with exclusivity provisions it signed with sports clubs, undertakings related to sports clubs' field ads and with Maçkolik İnternet Hizmetleri Ticaret AŞ (Maçkolik) on purchasing ad services.

In light of the information and documents obtained under the scope of the file, it was found that Nesine operates in the market for fixed odds betting, which is under the supervision of Directorate of Sports Toto Organization (STTB), the betting games where players' knowledge and skills are factors are different from the games of chance where only chance is important, besides, betting games operated at online dealer status are different from physical dealers due to the differences in distribution channels, customer profile as well as subscription and game processes. Thus, the relevant product market is defined as "*fixed odds betting operated by online dealers*" whereas the relevant geographical market was defined as "*Türkiye*."

In order to identify the position of Nesine under the scope of the investigation, many data such as the number of active users of Nesine and online betting companies that are Nesine's competitors, the number of betting slips used in platforms, the amount earned from consumers, commission revenues which Nesine and its competitors gained from STTB were examined. Besides, barriers to entry and brand recognition in the relevant market were considered. Consequently, Nesine was found to be dominant in the relevant market.

The provisions in Nesine's advertisement, introduction and sponsorship contracts with exclusivity provisions were examined together with the opinions of numerous parties such as competitors in the relevant market and sports club with which an agreement was made. Especially, in the assessment about the contract between Maçkolik and Nesine, it was understood that Maçkolik is the most preferred live score tracking app, there has been an exclusivity relation with Nesine since 2020 and the rate of live betting on online betting platforms is high.

During the investigation, Nesine applied for submitting commitments. However, the commitment text sent by the undertaking was rejected by the relevant Board decision and the file continued with investigation.

As a result of the findings, it was concluded that Nesine is dominant in the relevant market, abused its dominant position through advertisement, introduction and sponsorship contracts with exclusivity provisions, which it signed with sports clubs and Maçkolik and violated article 6 of the Act no 4054. It was decided that Nesine would be imposed 77.708.195,55 TL administrative fines.

French High Schools Decision

(Board Decision dated 24.04.2024 and numbered 24-20/466-196)



The Competition Board opened an investigation on 10.11.2022 about the claims that Saint-Joseph Private French High School, Saint Benoît Private French High School, Notre-Dame de Sion Private French High School, Saint-Michel Private French High School and Sainte Pulchérie Private French High School, which are private secondary education institutions operating in İstanbul, fixed school registration fees and the elements that constitute the fee as well as the salaries of Turkish schoolteachers

in order to determine whether the schools in question violated article 4 of the Act no 4054.

It was found that in the education market where undertakings are operating, except minority and foundation schools, private schools are different from state schools as they are profit-oriented, on the other hand, there are breakdowns among private schools as the nature and quality of the services differ on the basis of each private school. In the investigation conducted within the scope of the Act no 4054, it was concluded that the services provided by French schools are different from the services provided by other private schools in terms of their features as well as purposes in the eye of the consumers due to not only the language of education but also the opportunities provided during the period of education and after graduation. The relevant market was defined as *"the market for private secondary education institutions whose language of education is French"* and the relevant geographic market was defined as *"İstanbul"*.

As a result of the investigation, the Board decided that Saint-Joseph Private French High School, Saint Benoît Private French High School, Notre-Dame de Sion Private French High School, Saint-Michel Private French High School and Sainte Pulchérie Private French High School violated article 4 of the Act no 4054 by fixing school registration fees and the elements that constitute the fee as well as the salaries of Turkish schoolteachers; therefore, they shall be imposed totally 21.3 million TL administrative fines, separately for each violation.

Publishing Houses Decision

(Board Decision dated 28.11.2024 and numbered 24-50/1134-489)



The investigation examined the allegations that Başkent Ankara Yayıncılık Eğitim Hizmetleri San. ve Tic. Ltd. Şti. (Başkent), Bilfen Yayıncılık ve Tic. AŞ (Bilfen), Uzman Kariyer Kitabevi Yayın Dağıtım Eğitim ve Öğretim Hizmetleri Giyim Gıda Tic. Ltd. Şti. (Uzman Kariyer) and Batuksan Eğitim Hizmetleri ve Yayıncılık Tic. AŞ (Zeka Küpü), which operate in the publishing sector, violated article 4 of the Act no 4054 by intervening in their

dealers' resale prices, restricting online sales and imposing restrictions regarding customers/regions to which the dealers would sell contract goods or services.

During the investigation process, Bilfen, Başkent, Uzman Kariyer and Zeka Küpü submitted commitments about online sale restrictions and customer/region restrictions. The Board considered those commitments sufficient and decided that they shall be rendered binding for the undertakings and the investigation shall be terminated in terms of the allegations in question.

In addition Bilfen and Zeka Küpü applied for settlement concerning the claim that they intervened in the resale prices of their dealers. It was decided to end the investigation with settlement with regard to the said claim. The investigation continued for Uzman Kariyer and Başkent with respect to resale price maintenance allegation.

As a result of the investigation, the Board decided that Uzman Kariyer and Başkent violated article 4 of the Act no 4054 through resale price maintenance; thus, the said undertakings shall be imposed administrative fines. Approximately 5.5 million TL administrative fines were imposed to the undertakings under the scope of the decisions in question.

The Decision about the Driving Courses in Uşak (Board decisions dated 14.03.2024 and no 24-13/250-105 and dated 26.09.2024 and no 24-39/927-398)



The investigation examined the allegations that undertakings which provide training for learner drivers violated article 4 of the Act no 4054 through price fixing. The relevant product market was defined as "the market for private training services for learner drivers" whereas the relevant geographic market as defined as "Uşak province".

While the investigation was ongoing, 12 undertakings under investigation requested to initiate the settlement process. With respect to the allegation that the Act was violated by means of a cartel, it was concluded that 12 undertakings, which operate as a motor vehicle driving course in Uşak violated article 4 of the Act no 4054 and the investigation ended with settlement in terms of those.

It was concluded that Mir İş Sağlığı ve Güvenliği Hizmetleri Sürücü Kursu İnşaat Sanayi ve Ticaret Ltd. Şti., which made an active cooperation with the Authority under the scope of the file, shall not be imposed administrative fines according to article 16, paragraph six of the Act no 4054 depending on the facts that it submitted the contract sample that allowed the detection of the infringement as well as other information and document showing the infringement, ended its practices that constituted a violation and responded to all the requests for providing information and documents.

It was decided that True Özel Araştırma ve Danışmanlık Tic. San. Ltd. Şti., which was found to be a cartel facilitator, violated Article 4 of the Act no 4054 and shall be imposed administrative fines according to article 16 of the same Act.

The Decision about the Private Schools in Kocaeli

(Board Decision dated 03.10.2024 and numbered 24-40/948-407)



Under the scope of the investigation, the allegations that 19 private schools operating in Kocaeli fixed the prices of catering and education fees and/or were in an agreement about no poaching and fixing teachers' wages.

Bilgili Kültür, Bilnet Okulları, My Kolej, Nesibe Aydın Kocaeli, Uğur Okulları, Atafen Koleji, Bahçeşehir Koleji, Altıgen Eğitim, Kokpit Koleji, Nadide Eğitim Kurumları, Sınav Şahin, Simya Koleji, Ted Kocaeli, Seymen Koleji, Beşsekiz Okulları, Yahya Kaptan Koleji, Güneş Okulları and Bilgi Küpü, which are parties to the investigation, applied for settlement about the allegation. The investigation ended with settlement with respect to the mentioned parties. In terms of Arı İnovasyon ve Bilim Eğitim Hizmetleri AŞ (Doğa College), which is the only party that did not apply for settlement procedure, the investigation continued.

As a result of the investigation process completed, it was decided that it is not necessary to impose administrative fines as Doğa Koleji's practices in question regarding fixing catering prices did not violate article 4 of the Act no 4054 whereas its practices regarding no poaching and wage fixing violated article 4 of the Act no 4054; thus administrative fines shall be imposed. Approximately 5.5 million TL administrative fines were imposed to the undertakings under the scope of the decisions in question.

Tractor Decision

(Board Decision dated 18.07.2024 and numbered 24-30/717-301)



The subject of the file is the allegations that AGCO Tarım Makineleri Ticaret Ltd. Şti. (Agco), Argo Tractors Turkey Traktör San. ve Tic. Ltd. Şti. (Argo), Başak Satış Pazarlama ve Yatırım AŞ (Başak), Erkunt Traktör Sanayii AŞ (Erkunt), Hattat Traktör Sanayi ve Ticaret AŞ (Hattat), IPSO Tarım AŞ (Ipsos), Kubota Turkey Makine Ticaret Ltd. Şti. (Kubota), Same Deutz Fahr Traktör San. ve Tic. AŞ (Sdf), Tümosan Motor ve Traktör

Sanayi AŞ (Tümosan) and Türk Traktör ve Ziraat Makinaları AŞ (Türk Traktör) restricted their dealers' passive sales, exchanged information, made an anticompetitive agreement and Hattat determined the resale price of final points of sale.

Eight of the parties to the investigation submitted commitments with respect to the claims of restricting dealers' passive sales. As a result of the commitment discussions made separately with each of those undertakings, they offered the following commitments in summary:

- The provisions in dealer contracts covering region and customer restrictions and/or non-compete obligation will be made compatible with the Communiqué no 2002/2.
- The dealers will be sent an informative announcement about the said amendments in contracts and competitive concerns.
- Undertakings' staff and dealers will be provided a training on competition law about the competitive concerns in the file

. The commitments were considered capable of eliminating the competitive concerns.

The evaluation about the competitive concerns regarding Sdf's restriction of dealers' online sales is important. The Board considered that even if tractors cannot be an issue of distant sales as they are subject to registration, when a tractor sale ad is posted on the internet, the customer and the authorized dealer meet each other online, which paves the way for sales; thus, preventing authorized dealers from giving online ads is for restricting passive sales. Within this framework, Sdf offered the commitments that the ads can be posted on online platforms by authorized dealers provided that they meet certain requirements due to concerns about misinforming consumers and harming brand image. The requirements can be summarized as follows: corporate id standards will be met in logos and visuals in ads, the format prepared by Sdf will be used, ads will not be posted under various names different from commercial title, ads will not be posted for products which are not in stock yet, the support and campaigns given to customers physically will also be given online, the products that are sold in physical stores will be sold and consumers will be provided with the opportunity to ask questions. Considering that the requirements about online sales are objectively concrete, reasonable and acceptable with respect to the nature and quality of distribution as well as the elements increasing brand image, they serve for the same aim as the criteria for the physical sales channels, the aim of the requirements is not preventing online sales and price competition, the Board accepted the commitment that online sales will be allowed with certain requirements.

Concerning the allegations that the undertakings determined the resale price of the dealers, engaged in anticompetitive information exchange and agreement, as a result of the investigation, it was decided that

- Hattat violated article 4 of the Act no 4054 by setting the resale prices at final sales points; thus, the undertaking shall be imposed 20,675,810.53 TL administrative fines
- The parties to the investigation did not violate the Act no 4054 by means of engaging in anticompetitive information exchange and agreements; therefore, it is not necessary to impose administrative fines.

TETRAPAK Decision

(Board Decision dated 15.08.2024 and numbered 24-33/818-M)



The subject of the investigation can be summarized as follows: Tetra Pak Paketleme Sanayi ve Ticaret Limited Şirketi (Tetrapak Türkiye) Tetra Laval Holding & Finance SA (TLHF) are dominant in liquid food filling machine market. Liquid food filling machines are produced in a way to fill packages with a certain type and dimension. Tetrapak Türkiye sells prism package liquid food filling machine to food enterprises that fill liquid food. Tetrapak Türkiye registered prism package to be used in this machine as a brand. In this way those who purchase the said machine have to buy the packages from Tetrapak Türkiye. The undertaking abused its dominant position in liquid food filling machines in the market for packages used in those machines by means of tying and violated article 6 of the Act no 4054.

As a result of the investigation, the Board decided that

- The economic unity composed of Tetrapak Türkiye and TLHF is dominant in the markets for "manufacturing and selling aseptic liquid food paper package filling machines" and "manufacturing and selling aseptic liquid food paper packages",
- The said economic unity violated article 6 of the Act no 4054 by abusing its dominant position with its applications about three dimensional Tetra Prism Aseptic shape brand, which they registered as well as their other applications about three dimensional brand, which are at the stage of assessment, and its actions,
- Therefore, Tetrapak Türkiye and TLHF shall be imposed 130,889,523.70-TL administrative fines severally.
- The said economic unity shall give up brand and design rights examined under the file and withdraw existing applications in compliance with the Act no 6769 on Industrial Property and document it to the Competition Authority within 30 days as of the notification of the reasoned decision.

3.2. Exemption/Negative Clearance

According to article 5 of the Act titled "Exemption", the Board may exempt agreements, concerted practices or decisions of associations of undertakings from the provisions of article 4 provided that they fulfill the requirements listed in that Article. The evaluation for exemption must be done first by undertakings and associations of undertakings since there is not an obligation/necessity to notify. Undertakings should take into account block exemption communiqués, guidelines explaining those communiqués and other relevant guidelines as well as past Board decisions while making an evaluation for exemption. The communiqués and guidelines issued within this framework are:

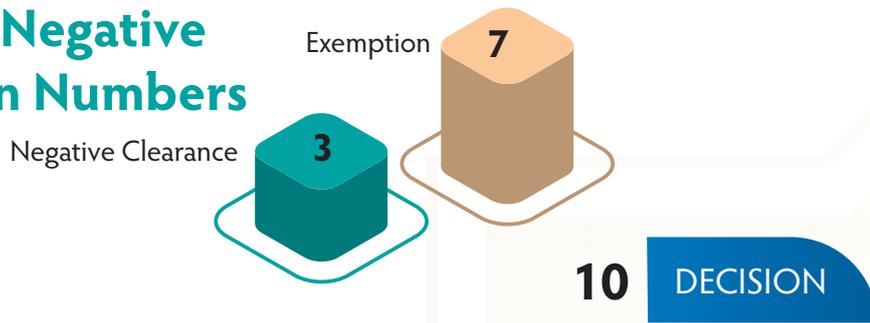
- "Block Exemption Communiqué no 2002/2 on Vertical Agreements" and "Guidelines on Vertical Agreements"
- "Block Exemption Communiqué no 2008/2 on Technology Transfer Agreements" and "Guidelines on the Application of Articles 4 and 5 of the Act no. 4054 on the Protection of Competition to Technology Transfer Agreements"
- "Block Exemption Communiqué no 2008/3 on Insurance Sector"
- "Block Exemption Communiqué no 2013/3 on Specialization Agreements"
- "Block Exemption Communiqué no 2016/5 on Research and Development Agreements"
- "Block Exemption Communiqué no 2017/3 on Vertical Agreements in the Motor Vehicles Sector" and "Guidelines on the Block Exemption Communiqué on Vertical Agreements in the Motor Vehicles Sector"
- "Guidelines on Horizontal Cooperation Agreements"
- "Guidelines on Subcontracting Agreements"
- "Guidelines on the General Principles of Exemption"

According to Article 8 of the Act, upon the application by the undertaking or associations of undertakings concerned, the Board may grant a negative clearance certificate indicating that an agreement, decision, practice or merger and acquisition are not contrary to articles 4, 6 and 7 of this Act.

The method for exemption/negative clearance applications are explained in "Guidelines on the Voluntary Notification of Agreements, Concerted Practices and Decisions of Associations of Undertakings"

Article 13 of the Act regulates the withdrawal of exemption or negative clearance decisions. Accordingly, the Board may withdraw exemption or negative clearance decisions or prohibit certain behavior by undertakings in case the conditions listed in the said article occur. Exemption/negative clearance files concluded by the Board in 2024, the breakdown of those according to sectors and outcomes of the decisions are presented in the graph on the following page.

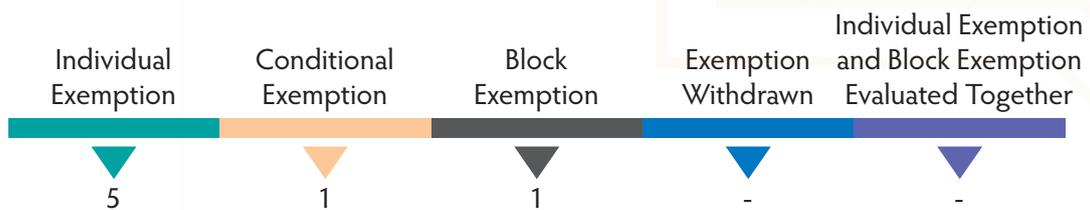
Exemption Negative Clearance in Numbers



Breakdown of the Decisions According to Sector



Outcomes of Exemption Decisions



The charts on the previous page show that a total of ten exemption/negative clearance files were concluded, three being negative clearance and two being exemption. Banking, capital market, finance and insurance services; automotive and vehicles; chemistry and mining; media, advertising and publishing are the sectors with the highest number of exemption/negative clearance examinations in the said year.

3.2.1 Examples of Negative Clearance/Exemption Decisions

TFF-Krea Exemption Decision

(Board Decision dated 24.04.2024 and numbered 24-20/449-188)



The file is about the request for the determination that the Package E Broadcasting Rights Contract, which grants the broadcasting rights of Turkish Football Federation (TFF) Super League and TFF First League games in 2024-2025, 2025-2026 and 2026-2027 football seasons is not contrary to article 4 of the Act no 4054, then for the acceptance of the application for negative clearance and in case this application

is rejected, for exemption for the Contract from the provisions of article 4 of the same Act.

It is stated that TFF transferred all the rights indicated in Package E Specifications exclusively to Broadcasting Rights Holder (BRH) within the broadcasting right region apart from the exceptions indicated in the Contract and BRH has the right to exclusively use, commercialize, promote, sublicense and archive the rights defined in the Contract during the Contract term.

As the Contract is found to be likely to restrict competition under the scope of the Act no 4054, it is concluded that the Contract cannot be granted negative clearance; thus it was taken under exemption assessment. In line with this, TFF, which is the provider, has 100% market share in the market for selling the broadcasting rights of football games, thus the market share exceeds the 30% market share threshold specified in Block Exemption Communiqué no 2002/2 on Vertical Agreements; therefore, the Contract cannot benefit from block exemption.

Afterwards, individual exemption assessment was made for the Contract according to article 5 of the Act no 4054. The assessment indicates the following findings:

- The Contract produces economic benefits because the sale of the broadcasting rights of football games through central sale with the tenders made by TFF as well as granting broadcasting rights exclusively to a broadcaster provide quality in the provision of services, technological improvements are made in years and the revenues provided to the football community follow a stable course and are maximized.
- Consumers benefit from the said economic benefits.
- After the Contract is signed, competition is not eliminated in a significant part of the relevant market, as the duration of the Contract is short.

- The Contract does not restrict competition more than necessary to achieve the goals being promoting the developments and improvements or technical or economic progress for the production and distribution of goods and provision of services and consumers benefiting from those.

It was decided that the Contract shall be granted individual exemption during the contract term since it fulfills all of the conditions listed in article 5 of the Act no 4054.

POTAS Exemption Decision

(Board Decision dated 28.11.2024 and numbered 24-50/1139-491)



The application that entered the registry of the Competition Authority on 06.11.2024 with the number 58637 requested that allowing the use of fuel tanks, which POTAS Akdeniz Akaryakıt Dağıtım Anonim Şirketi (Potas) owns in Antalya Airport, by refineries and fuel companies through fuel procurement tender method within the scope of the operating rights regarding fuel tanks be granted negative

clearance under the scope of article 8 of the Act no 4054, if not possible, be granted exemption under the scope of article 5 of the same Act.

Although it is stated in the file that the relevant product market, which the transaction that is the subject of exemption will affect, can be defined in a comprehensive sense as *"jet fuel sale market"*⁸, the effect of the transaction on jet fuel supply chain is addressed with a holistic view while assessing the exemption application. Thus, the relevant product market was not defined. The relevant geographical market was defined *"Antalya Airport"*.

In the assessment of whether the transaction in question can be granted negative clearance under the scope of article 8 of the Act no 4054, it was concluded that the transaction could not be granted negative clearance certificate because it has the potential to limit the number of refineries where fuel companies potentially make purchases and to restrict supply sources.

In the exemption assessment about the transaction, it was concluded that the requirement of efficiency is met because the buyer power to be created by making tenders by aggregating the need for fuel in the airport and the scale of ships that increases depending on the amount of supply may decrease transport costs, especially shipping charge. In addition, it was concluded that the improvements to occur in supplying fuel, which is the biggest cost item of airline companies, by creating economy of scale would be reflected positively in final consumer prices and thus the notified transaction meets the consumer benefit requirement.

⁸ In the Board decision dated 26.12.2019 and numbered 19-46/786-343, the relevant product market is defined as *"jet fuel sale market"*.

Moreover, it was found that the tenders which will bring variety to fuel supply⁹ are designed in a participative way and subject to five-year periods at most. It was concluded that on the basis of the transaction, the system, which may encourage competition between national and foreign refineries and fuel companies, makes a certain balance between the expected benefits of economy of scale and competitive structure. The fact that the transaction is unlikely to create exclusionary effects was taken into account and it was concluded that the transaction neither restricts competition more than necessary in the relevant market nor eliminates competition in a significant part of the relevant market.

Accordingly, the notified transaction is granted individual exemption as it fulfills all of the conditions listed in Article 5 of the Act No 4054.

QNB Finansbank and HSBC Exemption Decision (Board Decision dated 11.07.2024 and numbered 24-29/685-286)



The application submitted to the Authority requested that Member Merchant Usage Program Supplemental Contract (Supplemental Contract), which was drawn as a supplement to the Member Merchant Usage Program Contract and its annexes (the Main Contract), which was signed on 09.06.2017 between QNB Finansbank AŞ (Qnb Finansbank) and HSBC Bank AŞ (HSBC) to extend its duration for five years, and which entered into effect on 09.06.2022, be granted negative

clearance certificate according to article 8 of the Act no 4054 or be granted exemption according to article 5 of the same Act.

The notified transaction is about extending of the period of the Main Contract, which was granted exemption with the Board Decision dated 14.12.2017 and numbered 17-41/651-289, for five years.

The subject of the said Contract is the cooperation which provides the owners of HSBC's credit card, Advantage, with the opportunity to purchase goods and/or services over Qnb Finansbank's member merchant network by installments, win rewards (points) that can be used instead of money while shopping, purchase goods and/or services with those points at Finansbank's member merchants by protecting Advantage loyalty system infrastructure and through Qnb Finansbank POS software. Within this framework, HSBC's Advantage card can be accepted by the member merchants in the network created by QNB Finansbank and authorized third parties, if any, without signing another contract.

HSBC ended its activities for obtaining member merchants but needed member merchant infrastructure service to continue providing services to card owner customers in its credit card activities with Advantage brands. Thus it followed a tender process to make an agreement with an undertaking from which it can purchase the relevant service. HSBC decided to work with QNB Finansbank among the banks that submitted offers for HSBC's service procurement. Consequently,

⁹ The first 20,000-m³ fuel tank can be used among national refineries; the second 20,000-m³ may be used among foreign refineries/fuel companies by means of tender.

the MAIN AGREEMENT, to which the Board decision granted exemption in 2017, is about the cooperation made after the tender process between QNB Finansbank and HSBC on the use of member merchant network.

The relevant markets were defined as *“the services related to immediate payments by credit cards”* and *“payments by installments by credit cards”*.

It was concluded that vertical service supply agreement enabling HSBC to use QNB Finansbank’s POS infrastructure and member merchant network does not fall under the scope of the exception in the Communiqué no 2002/2 that “those vertical agreements where the provider is both the producer and distributor of the goods which are the subject of the agreement, and where the purchaser is not the producer but the distributor of the goods which compete with these goods”, that two competitors can participate in the campaigns together and bear the costs together, so the cooperation goes beyond providing only POS infrastructure and the vertical agreement between competitors can create horizontal effects. Therefore, it was understood that the contracts could not benefit from block exemption under the Communiqué no 2002/2 and it was concluded that the contracts cannot benefit from block exemption.

As a result of the examination of the said contracts according to four conditions listed in article 5 of the Act no 4054, the following observations were made: Thanks to the cooperation model, which is currently implemented and is planned to continue for five years, an efficient distribution network will be established, supply sustainability will be ensured and HSBC will not bear the costs necessary to establish member merchant network. The consumer benefit provided in terms of card owners and merchants will continue. The parties have lower market shares than their competitors thus they do not have a considerable market power in the market. There are rivals competing under joint brand card programs, which cover a more comprehensive cooperation in the market. The non-compete obligation is limited to a five-year period. The cooperation is made after a tender and bidders competed during the tender process. HSBC’s right to terminate the contract any time without paying a compensation is reserved. The non-compete obligation is unlikely to cause significantly anticompetitive effects in the market. The cooperation does not restrict competition more than necessary. As a result of the assessments made, it was found that the transaction in question met the conditions listed in subparagraphs (a), (b), (c) and (d) of article 5 of the Act no 4054 and could be granted individual exemption.

Bonus Exemption Decision

(Board Decision dated 12.12.2024 and numbered 24-53/1172-505)



In its meetings dated 10.06.2021 and 05.08.2021, the Board decided to initiate a preliminary inquiry about the claim that certain banks which issue debit cards and credit cards in Türkiye violated the Act no 4054 by means of preventing payment institutions from accessing their POS services and of various exclusionary practices. In line with the findings in the Preliminary Inquiry Report, the Board took the decision

dated 07.04.2022 and numbered 22-16/265-M(2) to make an investigation about Bonus Credit Card Program Sharing Contracts (Bonus Contracts) to determine whether it was necessary to withdraw individual exemption under article 13 of the Act no 4054.

The provisions covered by Bonus Credit Card Program Sharing Contracts, which Garanti signed separately with AŞ, Denizbank AŞ, ICBC Turkey Bank AŞ, ING Bank AŞ, Şekerbank Türk AŞ, Türk Ekonomi Bankası AŞ and Türkiye Finans Katılım Bankası AŞ, and/or their annexes were examined. Therefore, it was decided that the contract provisions prohibiting banks and payment institutions from providing services to member merchants under each other's Bonus Program met the individual exemption conditions within the scope of article 5 of the Act no 4054. In addition, it was decided that the contract provisions, which stipulate that if banks that are members of the Bonus Program become a member of another joint brand credit card program, this will be deemed as a reason for termination, may benefit from individual exemption. Similarly, the contract provisions mandating that the expenses made with Bonus credit cards be processed through the POS of the relevant bank that is a member of the Bonus Program may also benefit from individual exemption.

However, it was decided that since certain provisions in Bonus Contracts violate subparagraph (d) of article 5(1) of the Act no 4054, Bonus Contracts could not benefit from individual exemption as a whole. Accordingly, it was decided that the following contract provisions do not meet the individual exemption conditions in their current form: Banks or payment institutions are prohibited from negotiating with member merchants whose Bonus member merchant relations are ongoing with another bank or payment institution to provide services under the scope of the Bonus Program and there should be a one-month waiting period for merchants, whose member merchant relations ended, to get services from another bank or payment institution under the scope of the Bonus Program. It was decided that the prohibition on negotiating could benefit from individual exemption provided that it would not cover the negotiations with member merchants who want to change their service providers and the one-month waiting period covered by the same subparagraph is omitted.

Moreover, the provisions that the card changing period during which the bank whose membership has ended will collect the Bonus brand credit cards it issued during its Bonus Program membership and change those to new credit cards without Bonus brand and logo will be limited to a period less than nine months and during which the relevant credit cards will be closed to payments by installments and winning rewards could benefit from individual exemption as long as the card changing period is set as nine months.

On the other hand, the provisions that prohibits Bonus Program member banks from making campaigns to attract each other's customers under the scope of the Bonus Program may

benefit from individual exemption in case the scope of the said campaign restrictions are limited to the campaigns, where Bonus Program member banks consistently and directly target the campaigns of other Bonus Program member banks. Besides, it was concluded that Bonus Contracts may be granted individual exemption provided that provisions restricting competition in the contract aiming to ensure that member merchants will not use statements suggesting that Bonus Program gives fewer rewards than other card/loyalty programs and is more expensive or engage in actions resulting in such outcomes in cases where those member merchants to which payment institutions provide services under the scope of the Bonus Program also get services from a payment service provider that is a member of another card program, are removed from the contracts.

Consequently, it was concluded that Bonus Contracts to be amended and signed by the parties should be submitted to the Competition Authority within nine months as of the notification of the reasoned Board decision or the relevant contracts and the cooperation between banks under the scope of the Bonus Program should be terminated; otherwise proceedings will be initiated about contract parties per the Act no 4054.

Mercedes-Benz Türk Decision

(Board Decision dated 15.02.2024 and numbered 24-08/142-58)



The file is about the request that "Authorized Service Agreement" (Agreements) signed between Mercedes-Benz Türk AŞ (MBT) and Gelecek Otomotiv Sanayi ve Ticaret AŞ be granted exemption. The Agreement is about terminating the qualitative selective distribution system and switching to quantitative selective distribution system in the aftermarket for Mercedes-Benz trucks and buses as well as repair and

maintenance and sale and distribution of spare parts.

As a result of the examinations and assessments made, it was concluded that quantitative selective distribution system means using certain criteria that limit the potential number of sellers such as minimum or maximum sales volume requirement or determining the number of sellers; in line with this, Agreements that include provisions directly restricting the potential number of sellers cannot be granted negative clearance per article 8 of the Act no 4054. Afterwards, block exemption assessment under the scope of the Block Exemption Communiqué no 2017/3 on Vertical Agreements in the Motor Vehicles Sector was made. It was decided that the Agreements meet the general conditions of exemption listed in article 5 of the Communiqué no 2017/3 and do not include, directly or indirectly, hardcore restrictions; thus they benefit from block exemption granted by the Communiqué no 2017/3.

Ford-Volkswagen Decision

(Board Decision dated 07.03.2024 and numbered 24-12/229-95)



The file is about the request that Development and Supply Agreements signed between Ford Motor Company (Ford) and Volkswagen AG for development and supply of one-ton commercial vehicles by Ford and Subcontracting Agreements signed between Ford and Ford Otomotiv Sanayi AŞ (Ford Otosan) on subcontracting one-ton commercial vehicles be granted exemption.

Development Agreement regulates the development of Ford version and Volkswagen version of one-ton commercial vehicles by Ford whereas Supply Agreement regulates the manufacture and supply of those vehicles by Ford. Subcontracting Agreement between Ford and Ford Otosan, which is a complementary of Supply and Development Agreements, is related to the manufacture of vehicles by Ford Otosan in Türkiye. Under the scope of the file, it was concluded that Development and Supply Agreements and Subcontracting Agreement are restrictive of competition under article 4 of the Act no 4054 and they cannot be granted negative clearance certificate. The agreements that are found to be horizontal subcontracting agreements were addressed under the scope of the Block Exemption Communiqué no 2013/3 On Specialization Agreements.

Since the parties' total market shares exceed the 25% market share threshold specified in the Communiqué no 2013/3, they were found to be ineligible for benefiting from block exemption. Individual exemption assessment was made for the agreements within the framework of article 5 of the Act no 4054.

The individual exemption assessment showed that the cooperation between the parties will produce efficiency gains by increasing the product number and variety in the market, there are strong competitors in the light commercial vehicle market, parties' market shares are not high enough to negatively affect competition and the market shares in terms of body types of vehicles to be manufactured are very low. The scope of the transaction is limited as the notified agreements are valid for only certain models. In addition, it was understood that the parties to the agreement limit the scope of the information exchange strictly to what is necessary to implement the cooperation; thus, the parties do not exchange information more than necessary to achieve efficiency gains and consumer welfare within the cooperation. Consequently, it was decided that the conditions listed in article 5 of the Act no 4054 are met and the agreements shall be granted individual exemption.

3.3. Mergers and Acquisitions

Article 7 of the Act no 4054 on the Protection of Competition prohibits mergers and acquisitions which would result in significant lessening of efficient competition in a market for goods or services within the whole or a part of the country particularly in the form of creating or strengthening

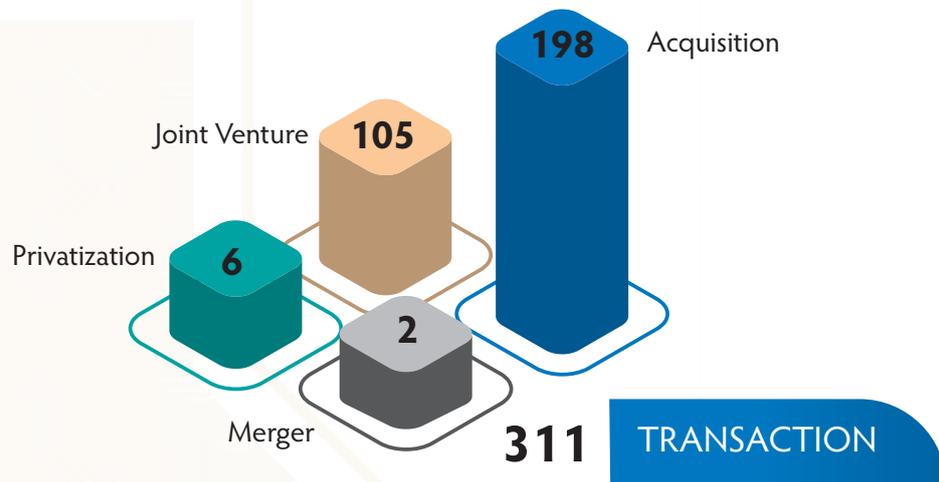
a dominant position. The Article provides that certain agreements should be notified and authorized by the Board to be legally valid and states that Board declares, via communiqués to be issued by it, the types of mergers and acquisitions which have to be notified to the Board and for which authorization has to be obtained, in order them to become legally valid. Accordingly, the Communiqué No 2010/4 Concerning the Mergers and Acquisitions Calling for the Authorization of the Competition Board is in force.

In addition, the Competition Board issued several guidelines related to monitoring mergers and acquisitions. Those are

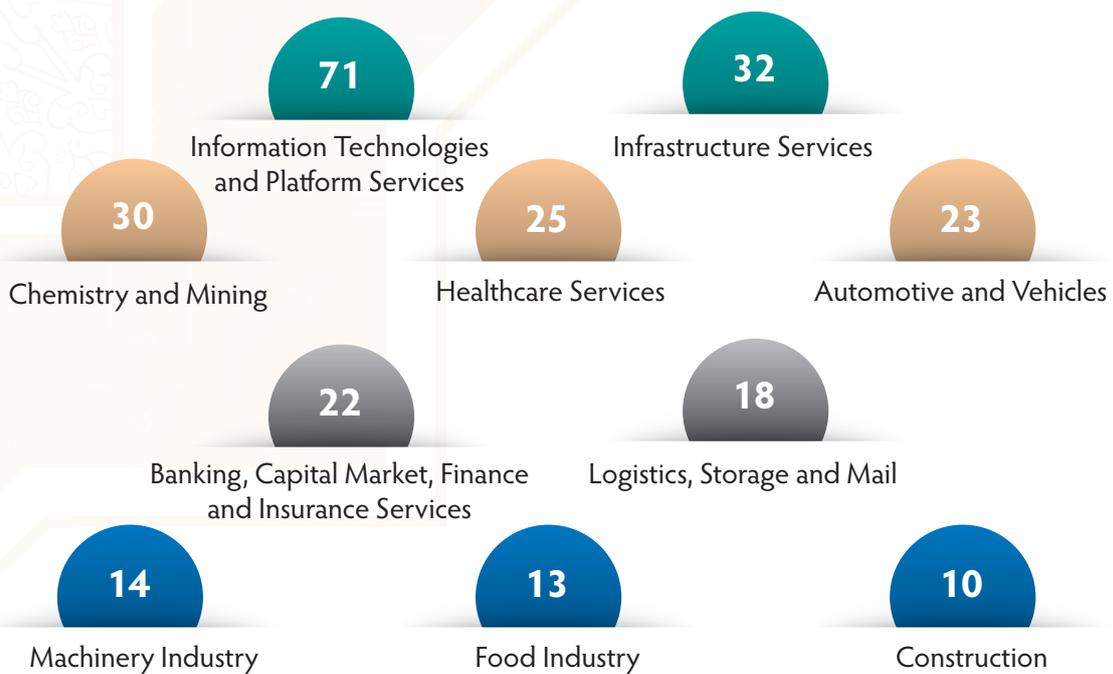
- “Guidelines on Cases Considered as a Merger or an Acquisition and the Concept of Control”, which is related to cases considered as a merger or an acquisition and related to permanent change in control, which is the fundamental factor in determining those cases,
- “Guidelines on Undertakings Concerned, Turnover and Ancillary Restraints in Mergers and Acquisitions” for increasing clarity and predictability for undertakings and enforcers,
- “Guidelines on the Assessment of Horizontal Mergers and Acquisitions”, which is published to demonstrate the general principles to be taken into account by the Board in preliminary assessments concerning horizontal mergers and acquisitions,
- “Guidelines on the Assessment of Non-Horizontal Mergers and Acquisitions” for explaining the general principles to be taken into account by the Board in preliminary assessments concerning non-horizontal mergers and acquisitions,
- “Guidelines on Remedies That are Acceptable by the Turkish Competition Authority in Merger/ Acquisition Transactions”, which is published to guide the parties about the remedies they will submit in order to eliminate competitive concerns to be created by a concentration that might be prohibited by Article 7 of the Act.

As seen from the chart on the next page, in 2024, the Competition Board concluded 311 applications; two mergers, 198 acquisitions, 105 joint ventures and six privatizations. The first ten sectors with the highest number of merger/acquisition decisions in 2024 are respectively information technologies and platform services, infrastructure services, chemistry and mining, healthcare services, automotive and vehicles, banking, capital market, finance and insurance services, logistics, storage and mail, machinery industry, food industry and construction sectors. Decisions related to those sectors constitute 83% of all merger/acquisition decisions. 274 merger and acquisition transactions were authorized without conditions and eight were authorized conditionally out of 311 merger and acquisition transactions examined by the Competition Board in 2024. 29 merger/acquisition transactions submitted to the Board were out of scope or not subject to authorization.

Mergers and Acquisitions in Numbers



Breakdown of Merger and Acquisition Decisions According to Sector (First ten sectors)



3.3.1. Examples of Decisions Related to Mergers and Acquisitions

VMware-Broadcom Decision

(Board Decision dated 18.07.2024 and numbered 24-30/707-296)



The acquisition of VMware, Inc. in (Vmware) by Broadcom Inc. (Broadcom) was examined ex officio according to article 11 of the Act no 4054. As a result of the assessments, it was concluded that the turnovers of the parties to the transaction in 2022 exceeded thresholds stated in article 7 of the Communiqué no 2010/4.

As a result of the evaluation of the parties' fields of activity, it was concluded that there were not any horizontal and vertical overlaps between the parties' activities on a global scale or throughout Türkiye. Since efficient competition would not be eliminated as a result of the transaction, the Board authorized the transaction. However, it was decided that administrative fines shall be imposed to Broadcom, which is the acquiring party, by one in thousand of the gross revenues generated in Türkiye in 2023, according to article 16(1)(b) of the Act no 4054 because the transaction in question was realized without the authorization of the Competition Board.

Kariyer.net Decision

(Board Decision dated 04.06.2024 and numbered 24-24/556-236)



The possible effects of the clearance of the acquisition by Kariyer.net Elektronik Yayıncılık ve İletişim Hizmetleri AŞ (Kariyer.net) of all the shares and sole control of Brotek Teknoloji AŞ (Brotek) were examined. Kariyer.net currently owns 52% shares of Brotek.

Under the preliminary examination, the relevant product market was defined as "candidate management systems software market" and the relevant market was defined as "Türkiye". The assessment made under the scope of the file concluded that there is a horizontal overlap between Kariyer.net's activities and BROTEK's activities in "candidate management systems software market". It was found that the transaction parties have limited market share in the said market and there are a lot of competitors who can make competitive pressure. In addition, there is a horizontal overlap between Kariyer.net's online selection and placement activity and candidate management systems software market, where Brotek operates.

Having a considerable market share, Kariyer.net is the market leader in the market where it is operating. Within this scope, the following evaluations are made: Candidate database owned by Kariyer.net is an important input for the sustainability of commercial activities of the undertakings that are operating in the candidate management systems software market; after the notified

transaction, Kariyernet may have an incentive and ability to restrict input for the undertakings operating in the downstream market for candidate management system software, which may result in significant restriction of efficient competition.

The Competition Board accepted the commitments submitted by Kariyernet concerning the vertical effects of the transaction with its decision dated 04.06.2024 and numbered 24-24/556-236. Accordingly, Kariyernet guaranteed that it would implement the commitments in question for three years as of the notification of the Board decision. It was concluded that the commitment text, which covers behavioral remedies, is able to resolve competitive problems to be created by the transaction; thus, the transaction may be cleared within the framework of the commitments submitted by Kariyernet.

Petrol Ofisi-BP Acquisition Decision (Board Decision dated 12.09.2024 and numbered 24-37/885-379)



The notified transaction is related to clearing the acquisition by Petrol Ofisi Anonim Şirketi (PO) of all of the shares of BP Petrolleri Anonim Şirketi and BP Turkey Refining Limited Şirketi (together BP).

Under the scope of the notified transaction, the relevant product markets are defined as follows: "fuel supply", "LPG supply", "biodiesel sale", "LPG storage services", "diesel distribution", "gasoline distribution", "fuel-oil distribution", "gas oil distribution", "autogas LPG distribution", "B2B gasoline retail sale", "B2C gasoline retail sale", "B2B diesel retail sale", "B2C diesel retail sale", and "autogas LPG retail sale". Geographical markets are defined as follows: "Mediterranean Region" for fuel storage services and "Türkiye" for fuel supply, LPG supply, biodiesel sale, diesel distribution, gasoline distribution, autogas LPG distribution, fuel-oil distribution, B2B gasoline retail sale and B2B diesel retail sale. No exact market definition was made for LPG storage services.

It was concluded that the relevant geographic market has local elements in terms of gasoline, diesel and autogas LPG products B2C retail sale. Within this framework, the geographical market was addressed in a narrower scope by determining catchment areas to show local competition issues more clearly. A radius of 5 km for *center* category and a radius of 20 km for *rural* category were considered as catchment area by taking into account Commission's case law, previous Board decisions, shareholders' opinion and the consumer survey made under the scope of the Fuel Sector Inquiry Report 2024 of the Competition Authority. Catchment areas were formed by positioning BP stations to be acquired in the center. The analysis made addressed central districts and the central district in cities that are not municipalities under "*center category*" and other districts under "*rural category*".

Horizontal and/or vertical effects were discussed in the markets specified. It was concluded that the transaction would not result in significant lessening of efficient competition under the scope of

article 7 of the Act no 4054 in “fuel supply”, “LPG supply”, “biodiesel sale”, “gasoline distribution”, “fuel-oil distribution”, “autogas LPG distribution”, “B2B gasoline retail sale”, “B2B diesel retail sale”; however, it would result in significant lessening of efficient competition in “diesel distribution” and “gas oil distribution” markets as well as in 61 catchment areas identified for “B2C gasoline retail sale”, “B2C diesel retail sale” and “autogas LPG sale” markets under the scope of article 7 of the Act no 4054.

It was stated that PO’s acquisition of BP shares in ATAŞ Anadolu Tasfiyehanesi Anonim Şirketi (ATAŞ) and Çekisan Depolama Hizmetleri Limited Şirketi (ÇEKİSAN) is not under the scope of article 7 of the Act no 4054 since those undertakings cannot be considered full functioning; thus, the said transactions shall be addressed under the scope of articles 4 and 5 of the Act no 4054. The said transactions are considered to meet the definition of agreements between undertakings that have the likely effect of preventing, distorting and restricting competition; therefore, they should be taken under individual exemption assessment according to article 5 of the Act no 4054. The transactions in question were granted individual exemption as they fulfill all of the conditions listed in Article 5 of the Act No 4054.

Concerning the competitive problems detected under the scope of the file, PO offered structural commitments being divestiture of dealers or not renewing/quitting agreements and behavioral commitments, being not exceeding a certain storage capacity in ATAŞ and ÇEKİSAN facilities and not exceeding a certain distribution amount in gas oil distribution market. It is stated in the commitment text that the outcomes of commitments will be reported to the Board in semiannual periods starting from the Board’s authorization of the transaction. It was concluded that the commitments submitted by PO are proportional to the competition problems detected, able to solve those, quickly realizable and efficiently applicable; consequently, the transaction was authorized subject to conditions within the framework of the commitments submitted.

TP-ALPET Acquisition Decision (Board Decision dated 07.11.2024 and numbered 24-45/1063-453)



The file is related to the acquisition of TP Petrol Dağıtım Anonim Şirketi’s (TP) shares by Altınbaş Petrol ve Ticaret Anonim Şirketi.

Under the scope of the notified transaction, the relevant product markets are defined as “fuel storage services”, “LPG storage services”, “gasoline distribution”, “diesel distribution”, “fuel-oil distribution”, “autogas LPG distribution”, “automotive mineral oil sale”, “industrial mineral oil sale”, “B2B gasoline retail sale”, “B2B diesel retail sale”, “B2C gasoline retail sale”, “B2C diesel retail sale” and “autogas LPG retail sale”.

The relevant geographical market was defined as “Mediterranean Region”, “Central Anatolia Region” and “Marmara Region” for fuel storage services. No exact market definition was made for LPG storage services. Except for “B2C gasoline retail sale”, “B2C diesel retail sale” and “autogas LPG retail

sale”, the relevant geographical market was defined as “Türkiye” for all other relevant product markets.

It was concluded that the relevant geographic market has local elements in terms of gasoline, diesel and autogas LPG products B2C retail sale; in line with this, the geographical market was addressed in a narrower scope by determining catchment areas to show local competition issues more clearly. A radius of 5 km for *center* category and a radius of 20 km for *rural* category were considered as catchment area by taking into account European Commission’s case law, previous Board decisions and the consumer survey made under the scope of the Fuel Sector Inquiry Report 2024 of the Competition Authority. The said analysis addressed central districts and the central district in cities that are not municipalities under “*center category*” and other districts under “*rural category*”.

In the catchment areas which are formed by placing the stations to be acquired in the center, the merged undertaking exceeding 40% market share in at least two product groups in diesel, gasoline and autogas LPG products retail sale or exceeding 50% market share in at least one product group was set as a threshold.

As a result of the analysis, it was found that the thresholds were exceeded only in seven of 810 catchment areas that are determined by considering TP stations as the center. It was concluded that the notified transaction would not create competitive concerns in general in B2C gasoline retail sale, B2C diesel retail sale and autogas LPG retail sale because the number of catchment areas where the thresholds are exceeded is very few compared to the total number of stations to be transferred and the merged undertaking’s position is limited in the distribution markets that are directly related to retail markets.

Consequently, the Board decided that the transaction would not lead to competitive concerns and cleared the transaction.

Fresenius-Daviva Acquisition Decision (Board Decision dated 07.03.2024 and numbered 24-12/225-94)



The notified transaction is related to the acquisition of 100% shares of IDC Uluslararası Diyaliz Merkezleri Ltd. Şti., Fresenius Sağlık Hizmetleri AŞ and Fresenius Nefroloji Hizmetleri AŞ, which are controlled by Fresenius Medikal Hizmetleri AŞ, by Daviva Renal Yönetim Hizmetleri AŞ (Daviva).

The analysis concerning relevant markets showed that there is a horizontal overlap between the parties’ activities in the provision of dialysis services. The analysis looked into whether peritoneum dialysis and hemodialysis are substitutes within the framework of the information provided. The said markets were considered separate markets in line with the past Board decisions and European Commission decisions and the relevant product market was defined as “*hemodialysis services market*”. It was considered that the dialysis service regions determined by the Ministry of Health can be used in

defining the relevant geographic market. It was found that the transaction parties operate in eight dialysis service regions together - İstanbul 1st Region, İstanbul 4th Region, İstanbul 6th Region, Ankara 1st Region, Antalya 1st Region, Bursa 1st Region, İzmir 1st Region and Samsun 1st Region and those regions constituted the geographic markets. Whether the dialysis regions determined by the Ministry comply with the real life facts was found by comparing those regions with the data requested from the transaction parties about whether the patients prefer the dialysis region where they live.

It was emphasized that as a result of the increase in concentration after the transaction, except Ankara 1st Region, it is expected that the transaction might create negative effects on competition in seven geographical markets; however, high Herfindahl-Hirschman Index (HHI) levels or high HHI changes does not mean that competition will definitely decrease. It was also found that the amount to be paid for each hemodialysis is regulated by the state, the costs of offerings and transportation, which are common in the sector, are not met by the Social Security Institution (SSI); it is not possible that the payments by SSI in markets where there will be concentrations will increase. In addition, in a market where the prices are unlikely to rise, it would not be reasonable for the undertaking to decrease the amount of output (hemodialysis treatment session), in case the amount of output falls, patients can change their dialysis center choice without the need to make additional device investments for other centers. The Ministry sets the standards in hemodialysis services and there are not considerable differences between dialysis service centers. Taking into account those issues, it is not likely that Daviva's service quality might decrease in case the transaction is allowed.

With the conclusion that there would not be coordinated effects between the undertakings since the market is regulated and that the transaction would not result in any competitive concerns in the hemodialysis services market, the transaction was authorized.

BLS-iDATA Acquisition Decision (Board Decision dated 12.06.2024 and numbered 24-26/629-262)



A request was made for the authorization of the acquisition by BLS International FZE, UAE (BLS FZE), which is a subsidiary of BLS International Services Ltd. (BLS), of iDATA Danışmanlık ve Hizmet Dış Ticaret AŞ's (iDATA) all shares.

Since visa processing market has the features of a tender market, the tenders which parties participated in were examined. It was found that they are not close competitors.

Depending on the examination of the market shares related to visa processing market for the period between 2015 and 2023, it was concluded that BLS's market share was very low, İDATA's market share had a general tendency to decrease and according to 2023 market data, VF Vize Danışmanlık Hizmetleri Ticaret Ltd. Şti was the market leader. The total market shares did not exceed 40% in any of the examined year.

In addition, HHI calculations indicated that the transaction would not result in a change restricting competition significantly.

It is also seen that country missions' buyer power and their decisive influence on the competitive parameters in the market create an important buyer power to counterbalance the transaction's impact on competition.

Consequently, the Board decided that the transaction would not significantly restrict efficient competition in the relevant market under the scope of article 7 of the Act no 4054.

Param-Kartek Acquisition

(Board Decision dated 27.12.2024 and numbered 24-56/1241-531)

PARAM

The acquisition of Kartek Holding AŞ (Kartek), which belongs to MTS Teknoloji Yatırımları AŞ (MTS) and Kandilli Teknoloji Yatırımları ve Ticaret AŞ (Kandilli), by Param Holdings International Coöperatief U. A. (Param) was examined.

When considered in a comprehensive manner, the relevant market can be defined as the provision of product and service supply for POS and ATM whereas in a narrower sense, the relevant market can be regarded as card issuing data, POS terminal field installment and integration, ATM field operation, switch, authorization, fraud monitoring, chargeback, clearance and settlement services market. However, the relevant product market was not defined.

It was found that the activities of Paycore Ödeme Hizmetleri Takas ve Mutabakat Sistemleri AŞ (Paycore), which is under the umbrella of Kartek, and the activities of Turk Finansal Teknoloji AŞ (TFT), which is owned by Yılmaz Family who has the final control of Param, overlap horizontally in the market for the supply of infrastructure related to payment services. Besides, since Turk Elektronik Para AŞ (Turkpara) owned by Yılmaz Family operates in payment systems sector, it overlaps vertically with Paycore, which is under Kartek's umbrella.

The analysis made found that Kartek's subsidiary Paycore has a significant market share in authorization for card payment systems, switch and card printing data services market; however it was concluded that the transaction would not lead to horizontal concerns since TFT has low market share in the said markets and in-group sales are high.

In terms of vertical overlap, the ability and incentive to restrict input and market foreclosure issues were examined. Assessments were made about Kartek's position in the market for infrastructure supply for payment services, the difficulties in switching between outsourcing suppliers and the security of strategic data of payment service providers, whom Paycore provides services to, and who are Turkpara's competitors. The opinions of sector players were taken. Then, the commitment text was shaped.

Param submitted the commitments that companies under Kartek and Param group will operate under different legal personalities to protect customers' strategic information and that boards of directors of those companies will be separated. In addition commitments that require technical capabilities for ensuring that only certain workers can access to strategic positions in Paycore and preventing information leakage were offered. Moreover, as a reflection of input restriction, commitments regarding making agreements with existing and potential customers under certain conditions and paying regard to agreements' continuity were offered. The said commitments were deemed sufficient to solve the competition problems and the transaction was authorized within the framework of the commitments.

Liderform – Doğan Portal Acquisition

(Board Decision dated 27.06.2024 and numbered 24-27/652-271)



The file is related to the acquisition by Doğan Portal ve Elektronik Ticaret Anonim Şirketi (Doğan Portal) of 51% shares and thus the control of Liderform At Yarışları Enformasyon Anonim Şirketi (Liderform) by means of capital increase.

It was observed in the assessment of the relevant markets that the bulletins about horse races are different from bulletins about other sports games due to specific sector dynamics and the need for a specific expertise and know-how. The relevant product market was defined as *"the market for online bulletin services concerning horse race statistical data"*. On the other hand, it was also thought that the other product market where transaction parties operate can be defined as *"the market for digital integration of horse race statistical data"*. Lastly, it was concluded that online horse race betting games are not substitutes for horse race betting games played through the traditional channel. Although it was possible to define the relevant product market in its narrowest sense as *"horse race betting games operated by online betting platforms"*, no exact market definition was made due to sector dynamics and the uncertainties in legal legislation. The relevant geographical market was defined as *"Türkiye"*.

It was found that the vertical integration to occur within the scope of the notified merger might raise a competitive concern that the merged entity would foreclose the market by restricting input. In addition, the merged entity might cause market foreclosure by means of exclusionary conduct under the scope of multi-market mergers. All the assessments made indicated that the merged undertakings' activities in the affected markets might significantly decrease efficient competition through excluding existing and potential competitors after the transaction.

The commitments offered by the parties to resolve the concerns related to the continuity of the data integration service provided or to be provided by Liderform to online platforms, who are Doğan Portal's competitors and related to the provision of ad channels provided by Liderform to online platforms who are Doğan Portal's competitors were considered sufficient to eliminate the competition problems and the transaction was authorized subject to conditions.

Obilet – Biletall Final Examination Decision

(Board Decision dated 15.08.2024 and numbered 24-33/815-345)



The acquisition of Biletal İç ve Dış Ticaret AŞ by Obilet Bilişim Sistemleri AŞ (Obilet) was annulled by Ankara 7th Administrative Court with the decision dated 14.04.2023 and numbered 2021/2600 E. 2023/758 K. Thus, it was decided to take the acquisition in question under final examination with the decision dated 07.06.2023.

The affected markets under the scope of the file were defined as follows: *ticketing software service (IMS) for bus transport, distribution services for bus service data (B2B), the services for the sale of bus tickets via platforms (B2C), B2B distribution of flight data, the services for the sale of flight tickets via platforms (B2C), the services for the sale of ferry tickets via platforms (B2C), the services for the sale of hotel reservations via platforms (B2C) and the services for the sale of car rental services via platforms (B2C).*

It was concluded that the activities of the parties overlap horizontally in the following markets: *ticketing software service (IMS) for bus transport, distribution services for bus service data (B2B), the services for the sale of bus tickets via platforms (B2C), the services for the sale of flight tickets via platforms (B2C).* With respect to bus tickets, *ticketing software service (IMS) for bus transport, distribution services for bus service data (B2B), the services for the sale of bus tickets via platforms (B2C),* and with respect to flight tickets, *B2B distribution of flight data and the services for the sale of flight tickets via platforms (B2C)* are vertically overlapping markets.

Since bus, flight, ferry, car rental and hotel ticket/booking sale services, which are sold through the same platform and used for transport or accommodation purposes within the framework of travel planning, are interrelated, the markets for *the services for the sale of bus tickets via platforms (B2C), the services for the sale of flight tickets via platforms (B2C), the services for the sale of ferry tickets via platforms (B2C), the services for the sale of hotel reservations via platforms (B2C) and the services for the sale of car rental services via platforms (B2C)* are conglomerate affected markets. Unilateral effects of the transaction were examined in terms of vertically and horizontally overlapping markets.

As a result of the analysis made, the following conclusions were drawn:

- Under the scope of the notified transaction, the acquirer Obilet restricts efficient competition significantly by becoming dominant or strengthening its dominant position according to article 7 of the Act no 4054 within the framework of horizontal unilateral effects in three markets.
- With respect to vertical effects of the notified transaction, the unilateral effects that are created by the vertical overlap occurring as a result of the downstream-upstream market relations between bus tickets IMS, B2B and B2C services markets through input restriction,

customer restriction and access to commercially sensitive information will significantly restrict efficient competition according to article 7 of the Act no 4054.

- The transaction will not result in significant lessening of competition in the markets for *B2B distribution of flight data, the services for the sale of flight tickets via platforms (B2C), the services for the sale of ferry tickets via platforms (B2C), the services for the sale of hotel reservations via platforms (B2C) and the services for the sale of car rental services via platforms (B2C)* according to article 7 of the Act.

The parties to the transaction submitted a comprehensive commitment text on 09.08.2024. The Board considered the commitments sufficient and decided to authorize the transaction subject to conditions.

Fenerbahçe Kalamış Marina Privatization

(Board Decision dated 22.08.2024 and numbered 24-34/821-348)



The tender for the privatization of 40-year operating rights of Fenerbahçe Kalamış Marina (Kalamış Marina) located in Kadıköy district of İstanbul was evaluated in line with the offers of Vahit Karaarslan Sole Proprietorship, Tek-Art Kalamış ve Fenerbahçe Marmara Turizm Tesisleri AŞ and Can Kültür Sanat Eğitim Kurumları AŞ.

The relevant markets were defined as mooring services, land services and renting services under the scope of the privatization. Mooring services were defined as “the market for mooring services in marinas and boat parking areas”, land services were considered as “the market for boat yard services” and renting services were determined as “the market for area renting services”. As a result of the assessments made about the product markets, it was observed that mooring, land and renting services within the scope of marina operation are not substitutable. The geographical market was defined as follows: “the provinces closer than 40 km to Kadıköy province in İstanbul, where Kalamış Yat Limanı is located in terms of mooring services, “cities bordering to Marmara Sea (İstanbul, Kocaeli, Yalova, Tekirdağ, Bursa, Balıkesir, Çanakkale)” in terms of land services and “İstanbul Anatolian side” in terms of area renting services.

The notified privatization was addressed according to the Communiqué no 2013/3 on the Procedures And Principles To Be Pursued In Pre-Notifications And Authorization Applications To Be Filed With The Competition Authority In Order For Acquisitions Via Privatization To Become Legally Valid. The market structure and possible impact on competition were examined. The impact of the privatization specific to the market as well as the regional and local position of Kalamış Marina with regard to mooring services were taken into account. Similar marinas to provide services and competitive environment were geographically analyzed. Consequently, it was decided that the acquisition of Kalamış Marina’s operating rights by the potential buyers would not produce effects that restrict competition significantly and the acquisition was authorized.

Sectors with the Highest Administrative Fines Imposed (2023-2024)



3.4. Statistical Data for the Last Five years

Table 2: Finalized Files

Year	Competition Infringements	Exemption/ Negative Clearance	Mergers/ Acquisitions/ Joint Venture/ Privatization	TOTAL
2020	65	34	220	319
2021	74	22	309	405
2022	78	19	245	342
2023	145	8	217	370
2024	166	10	311	487

A look at the last five years of the Board's work between 2020 and 2024 shows that the lowest number of finalized decisions taken in 2020 with 319 files, and the highest number was in 2024, with 487 files. The total number of files finalized in 2024 increased by around 32% compared to the previous year, reaching 487. In parallel, the total number of finalized files in the relevant period of time may be said to vary by year.

The distribution of the files finalized in the 2020-2024 period according to their types show that the majority of files in each year were merger and acquisition cases. These are followed by files on infringements of competition. The lowest share in the total number of decisions are exemption/negative clearance files. In fact, of the 487 finalized decisions in 2024, 311 were mergers and acquisitions, 166 were infringements of competition and 10 were exemption/negative clearance files. In other words, out of the decisions finalized in the relevant year, around 64% involved mergers and acquisitions, 34% involved infringements of competition, and 2% were exemption/negative clearance cases.

When compared to the previous year in terms of the types of the files finalized, 2024 saw an increase in infringements of competition decisions from 145 in 2023 to 166. On the other hand, the number of merger and acquisitions decisions rose from 217 to 311, and of exemption/negative clearance decisions, from 8 to 10. As a result, the highest proportional change compared to the previous year was in the number of finalized decisions concerning mergers and acquisitions.

Table 3: Files Concluded under Articles 4 and 6 of the Act

Year	Article 4	Article 6	Mixed (4 and 6)	TOTAL
2020	36	22	7	65
2021	40	23	11	74
2022	58	14	6	78
2023	121	18	6	145
2024	148	13	5	166

The total number of decisions taken by the Board on whether Article 4 and/or Article 6 were violated in the five-year period concerned were 65, 74, 78, 145 and 166, respectively. In 2024, there was an increase of around 14% in the number of finalized decisions as compared to 2023. Of the 166 decisions taken in 2024 concerning claims of infringements of competition, 148 examined violations of Article 4, 13 examined violations of Article 6, and five examined violations of both Article 4 and Article 6. In that framework, and similar to the previous years, the majority of the decisions taken by the Board in relation to claims of competition infringements in 2024 also involved claims of Article 4 violations.

As shown in Table 4, a look at the types of agreements addressed in the 153 decisions examining claims of Article 4 violations in 2024 reveals that 90 of these decisions concerned horizontal agreements between undertakings and 55 concerned vertical agreements between undertakings. Eight decisions involved agreements with both vertical and horizontal dimensions.

Table 4: Vertical and Horizontal Agreements under Article 4 of the Act¹⁰

Year	Horizontal	Vertical	Mixed (H/V)	TOTAL
2020	31	10	2	43
2021	30	19	2	51
2022	38	25	1	64
2023	55	69	3	127
2024	90	55	8	153

Table 5: Negative Clearance Files Finalized

Year	Granted Negative Clearance	Granted Negative Clearance Subject to Conditions	Denied Negative Clearance	TOTAL
2020	3			3
2021	5			5
2022	4			4
2023	2			2
2024	3			3

Competition Board took 3 negative clearance decisions in 2024.

¹⁰ This Table covers the files included in the first and third columns of Table 3.

Table 6: Finalized Exemption Files

Year	2020	2021	2022	2023	2024
Granted Individual Exemption	15	9	5	4	5
Files under Block Exemption	1		3	1	1
Granted Individual Exemption Subject to Conditions	7	2	4	1	1
Files under Block Exemption Subject to Conditions		3			
Denied Exemption	7	3			
Exemption Withdrawn			1		
Individual and Block Exemption Assessed Together	1		2		
Other					
TOTAL	31	17	15	6	7

As shown in Table 6, the number of exemption applications finalized in 2024 was 7. An examination of the distribution of exemption decisions taken by the Competition Board in 2024 according to outcome shows that 5 of these decisions granted individual exemption to the relevant agreements without conditions, 1 granted individual exemption subject to conditions, and 1 fell under the scope of block exemption.

Table 7: Merger, Acquisition, Joint Venture and Privatization Files Finalized

Year	Merger	Acquisitions	Joint Venture	Privatization	TOTAL
2020	8	150	62		220
2021	5	214	83	7	309
2022	2	160	76	7	245
2023	2	139	73	3	217
2024	2	198	105	6	311

In 2024, 311 merger/acquisition/joint venture/privatization transactions were finalized. Compared to the previous year, the number of finalized merger/acquisition/joint venture/privatization transactions saw an increase of around 43%. Similar to the 2020-2023 period, most of these were comprised of merger decisions in 2024 as well. Around 64% of the transactions finalized under Article 7 of the Act in 2024 were acquisitions, with a total of 198 files. Establishment of joint venture transactions had a share of about 34%, with 105 files. In 2024, two mergers and six privatization transactions were finalized.

As shown in Table 8, the distribution of the decisions taken in 2024 under Article 7 of the Act according to their outcomes reveals that 29 of the 311 applications received were out of scope/ below threshold. There were 282 applications that did fall under the scope of the act and were subject to authorization, 274 of which were authorized without conditions, and 8 on a conditional basis. No applications related to merger/acquisition/joint venture/privatization transactions were denied authorization in 2024. In this five-year period, one merger/acquisition/joint venture/ privatization transaction was prohibited in 2020, and 17 transactions were authorized subject to

conditions. In that framework, out of the merger and acquisition transactions that were notified in the relevant five year period and found to be subject to the authorization of the Competition Board, around 99% were authorized without conditions.

Table 8: Outcomes of the Concluded Merger, Acquisition and Privatization Files

Year	Authorized	Authorized Subject to Conditions	Denied	Out of Scope-Below Threshold
2020	190	1	1	28
2021	277	3		29
2022	209	2		34
2023	184	3		30
2024	275	8		29



Article 40 of the Act no 4054 grants the Board the power to launch an investigation or conduct a preliminary inquiry to decide whether an investigation is necessary, either on its own initiative or in response to the applications submitted. In that framework, the Board examined 88 files on its own initiative in 2024. The distribution of the 88 files examined on the Board's own initiative according to their types shows that 84 of them concerned claims of Article 4 violations, and 4 concerned claims of Article 6 violations. Thus, similar to the first four years of the relevant five-year period, it may be said that a majority of the files examined on the Board's initiative in 2024 were comprised of files related to the violations of Article 4.

Table 9: Distribution of the Files Examined Ex Officio

Year	Article 4	Article 5	Article 6	Mixed (4 and 6)	Article 7	Exemption/ Negative Clearance	TOTAL
2020	8						8
2021	13		2				15
2022	16	1	1				18
2023	16		1		1		70
2024	84		4				88

Table 10: Administrative Fines (TL)*

	Year	Infringements	Mergers / Acquisitions	Exemptions / Negative Clearances	TOTAL
Substantive Fines	2020	1.964.045.143			1.964.045.143
	2021	4.229.946.505			4.229.946.505
	2022	1.731.940.315			1.731.940.315
	2023	1.900.675.663			1.900.675.663
	2024	5.946.683.069			5.946.683.069
False or Misleading Information/Documents in Applications (Art. 16/1-a)	2020		838.656		
	2021				
	2022				
	2023				
	2024				
Failure to Notify the Merger or Acquisition Transaction within the Prescribed Period (Art. 16/1-b)	2020		21.001.468		21.001.468
	2021		1.242.897		1.242.897
	2022				
	2023		476.804		476.804
	2024		1.379.315		1.379.315
Providing missing, false or misleading information/ documents under requests for information and/or on-site inspections (Art. 16/1-c)	2020	61.468.770			61.468.770
	2021				
	2022	153.622	3.364.785		3.518.407
	2023	3.445.013			3.445.013
	2024				
Preventing or Obstructing On-Site Inspections (Art. 16/1-d)	2020	2.550.980			2.550.980
	2021	121.038.512			121.038.512
	2022	115.268.236			115.268.236
	2023	267.887.916			267.887.916
	2024	191.602.046	289.537		191.891.583
Relative Administrative Fines (Art. 17)	2020	151.407.833			151.407.833
	2021	3.392.292			3.392.292
	2022				
	2023	492.203.349			492.203.349
	2024	1.376.550.667			1.376.550.667

* Excluding administrative fines imposed in files which were re-evaluated in response to court decisions and taking into account Articles as amended with the Act no 5728 dated 23.01.2008.

Table 11: Administrative Fines Imposed under Articles 4 and 6 of the Act (TL)*

	Year	Files Examined under Article 4	Files Examined under Article 6	Files Examined under Articles 4 and 6	TOTAL
Substantive Fines	2020	1.656.837.739	307.207.404		1.964.045.143
	2021	3.453.040.530	296.084.900	480.821.076	4.229.946.505
	2022	1.379.322.246	352.618.069		1.731.940.315
	2023	1.799.182.282	101.493.381		1.900.675.663
	2024	3.130.521.386	2.816.161.683		5.946.683.069
Providing missing, false or misleading information/ documents under requests for information and/or on-site inspections (Art. 16/1-c)	2020	61.468.770			61.468.770
	2021				
	2022		153.622		153.622
	2023	2.106.662	1.338.351		3.445.013
	2024				
Preventing or Complicating On-Site Inspections (Art. 16/1-d)	2020	2.550.970			2.550.970
	2021	117.247.394		3.791.119	121.038.512
	2022	115.207.748	60.488		115.268.236
	2023	267.887.916			267.887.916
	2024	191.150.461	451.585		191.602.046
Relative Administrative Fines (Art. 17)	2020	75.934.394	75.473.439		151.407.833
	2021	3.392.292			3.392.292
	2022				
	2023	492.203.349			492.203.349
	2024		1.369.687.630		1.369.687.630

* Excluding administrative fines imposed in relation to the files re-evaluated in response to court decisions.

Table 12: Administrative Fines Imposed in Files Examining Horizontal and Vertical Agreements (TL)*

	Year	Horizontal	Vertical	Mixed
Substantive Fines	2020	60.030.330	1.596.807.409	1.656.837.739
	2021	687.288.455	557.861.439	2.688.711.711
	2022	375.997.540	124.674.058	878.650.648
	2023	580.008.006	1.192.885.578	26.288.698
	2024	2.138.216.979	762.669.620	229.634.787
Providing missing, false or misleading information/documents under requests for information and/or on-site inspections (Art. 16/1-c)	2020	61.468.770		
	2021		7.133.811	
	2022			
	2023	105.688	2.000.974	
	2024			
Preventing or Complicating On-Site Inspections (Art. 16/1-d)	2020		2.550.970	
	2021	110.113.582	10.924.930	
	2022	102.279.456	12.928.292	
	2023			
	2024	118.168.137	56.541.172	16.441.152
Relative Administrative Fines (Art. 17)	2020	75.934.394		
	2021	3.392.292		
	2022			
	2023	173.192.597	94.695.320	
	2024		1.369.687.630	

* Excluding administrative fines imposed in relation to the files re-evaluated in response to court decisions.



A cooperation protocol was signed between the Competition Authority and Boğaziçi University Center for Innovation and Competition Based Development Studies on 02.01.2024, within the framework of the Recent Developments in Competition Law Symposium.

Within the framework of Thursday Conferences, Prof. Orhan ÇELİK, Acting Vice-Rector of Ankara University and Dean of the Faculty of Political Science, made a presentation titled "100 Years from Dârülfünun to University" on January 18, 2024.



Under the coordination of the General Secretariat of the Organization of Turkic States, the first meeting of the Turkic States Competition Council was hosted by the Competition Authority on January 23, 2024 in Istanbul, attended by high-level representatives from the competition authorities of Azerbaijan, Kazakhstan, Kirgizstan, Turkish Republic of Northern Cyprus, Hungary and Uzbekistan.



Applied Competition Law Training Program for the members of 2nd Ankara Bar Association was organized from January 22 to 26, 2024, and the Certificate Ceremony for the training program concerned was held on January 26, 2024.



Competition and Markets Authority (CMA) hosted a study visit to London on January 24-25, 2024, where the two agencies exchanged experiences by delivering reciprocal presentations on "Data Science and Digital Forensics".

Within the framework of the Applied Competition Law Training Program, a training was held for the Law Faculty students of Ankara Social Sciences University between January 29 and February 02, 2024.



TCA attended the "Advocacy in Digital Markets Workshop," jointly organized by the Kenya Competition Authority and US Federal Trade Commission on February 21, 2024 in Nairobi.

Within the framework of the Career Days Job Presentations, hosted by the Recep Tayyip Erdoğan University Department of Health, Culture and Sports on February 22, 2024, Authority President Mr. Birol KÜLE shared information on the duties and work of the TCA.



Within the framework of the Career Fair Activities conducted by the Human Resources Office of the Presidency of the Republic, information was shared concerning the field of activity and work of the TCA in ten provinces.



Authority President Mr. Birol KÜLE shared information on TCA's sphere of activity in the conference titled "Turkish Competition Policy in the Century of Türkiye," organized by the Social Sciences University of Ankara Application and Research Center for Competition and Regulation on March 5, 2024.





Within the framework of the Applied Competition Law Training Program, a training was held for the Law Faculty students of Ankara University on March 11-15, 2024.

“Competition in the Islam Civilization Workshop” was held in cooperation by the TCA and the Application and Research Center for Competition and Regulation of Social Sciences University of Ankara on March 28, 2024. Board Member Mr. Cengiz ÇOLAK presented a paper titled “Markets from Yesrib to Madinah.”



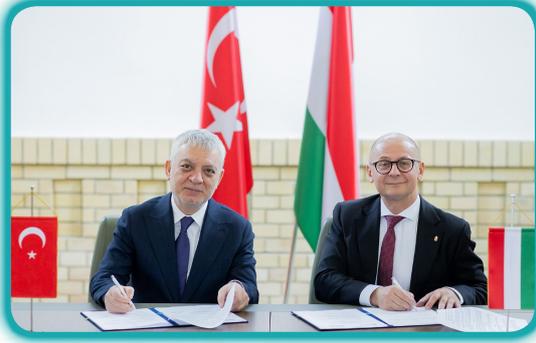
The TCA was represented at the “ICN Technologist Forum,” hosted by the US Federal Trade Commission and the International Competition Network (ICN) on March 25-26, 2024, in Washington DC.



Vice President Mr. Ferhat TOPKAYA attended the conference titled “Competition Authority and Introduction to Competition Law,” organized by the Turkish-German University Faculty of Law on April 17, 2024, and delivered a speech.



Within the framework of the promotion of the Competition Authority and competition law, students from Ankara Hacı Bayram Veli University Faculty of Law visited the Authority on April 24, 2024. During the meeting with the students, information was shared on the fundamental concepts of competition law as well as on the career of competition experts.



In response to the invitation extended by the President of the Hungarian Competition Authority, Mr. Csaba Balázs Rigó, to the President of the TCA, Mr. Birol Küle, an official visit was held to Budapest on April 25-26, 2024, and during which a Cooperation Protocol was signed between the TCA and the Hungarian Competition Authority on April 26, 2024 in Budapest.

In collaboration with Boğaziçi University, a symposium entitled "Competition in Labor Markets" was held on May 7, 2024, at Boğaziçi University. The opening remarks were delivered by our Vice President, Assoc. Prof. Dr. Hakan BİLİR, and the Director of the Boğaziçi University Innovation Center, Assoc. Prof. Dr. Aslı HELVACIOĞLU. The event, comprising three panels, brought together academics, industry representatives, and experts from our Institution to assess competition in labor markets from diverse perspectives.



President of the TCA Mr. Birol KÜLE paid a visit to Sarajevo/Bosnia Herzegovina on May 12-14, 2024, to engage in bilateral discussions within the scope of the "Balkan Initiative".



The Competition Authority was among the 2024 winners of the Competition Advocacy Contest, organized annually by the International Competition Network and the World Bank. TCA entered the contest under the theme “Embedding competition in industrial policies through advocacy” and was awarded for its work on the interventions related to the competitive issues that the earthquakes of February 2023 could cause in the markets.

Within the framework of the Applied Competition Law Training Program, a training was held for the Law Faculty students of Ankara University on May 13-17, 2024.



In response to the invitation of Mr. Mammad ABBASBEYLİ, Head of the State Service for Antimonopoly and Consumer Market Control under the Ministry of Economy of the Republic of Azerbaijan, President of the Turkish Competition Authority Mr. Birol KÜLE paid a visit to Azerbaijan in order to hold bilateral discussions and attend the “Sustainable Growth through Coopetition: Directions and Challenges” panel within the scope of the “6th International Scientific Conference of Economic Researchers” (ISCEMR), organized on May 23-26, 2024, in Baku.

Gazi University Rector Prof. Musa YILDIZ visited Mr. Birol KÜLE, President of the Competition Authority, on June 12, 2024. During the visit, a cooperation protocol was signed between the TCA and Gazi University in the field of post-graduate education.



A visit was paid to the TCA by representatives from the Competition Promotion and Consumer Protection Committee of the Republic of Uzbekistan on June 27, 2024, in order to conduct discussions concerning the implementation of the activities specified in the Memorandum of Understanding concerning mutual cooperation in the field of competition law.

As part of the Applied Competition Law Training Program, a training course was organized for the students of Çanakkale Onsekiz Mart University Faculty of Political Science and Faculty of Economic and Administrative Sciences on July 16-19, 2024.



Under the framework of the visit paid by the President of the Arab Republic of Egypt, Abdel Fattah el-Sisi, to Türkiye on Wednesday, September 4, 2024, in response to the invitation by President Mr. Recep Tayyip ERDOĞAN, a Bilateral Cooperation Protocol was signed between the TCA and the Competition Authority of the Arab Republic of Egypt.



A Memorandum of Understanding was signed as a result of the visit paid to the TCA by the Competition Commission of Malaysia on September 10, 2024, on the invitation of the President of the Turkish Competition Authority, Mr. Birol KÜLE.

On September 11, 2024, Rector of the Çanakkale Onsekiz Mart University Prof. Cüneyt ERENOĞLU, Biga District Governor Mr. Ercan KAYABAŞI and Biga Chamber of Commerce and Industry President Mr. Şadan DOĞAN paid a courtesy visit to the Competition Authority, in response to the training course provided to the students of Çanakkale Onsekiz Mart University Faculty of Political Science and Faculty of Economic and Administrative Sciences in July as part of the Applied Competition Law Training Program.



Within the framework of Thursday Conferences, Member of the Central Bank General Assembly and poet Prof. Nurullah GENÇ made a presentation titled "Success Requires A Price".

Within the framework of the Applied Competition Law Training Program, a training was held for the Law Faculty students of Galatasaray University on September 16-20, 2024.



On September 26, 2024, Assoc. Prof. Bekir GÖKPINAR, Faculty Member of the Bandırma Onyedi Eylül University, made a presentation titled "Communication in Your Career Journey," within the framework of Thursday Conferences.



Bilateral Cooperation Protocols were signed with Montenegro and Greece during the bilateral meetings conducted as part of the "Balkan Competition Platform" event, which was hosted by the Turkish Competition Authority on September 30, 2024 in İstanbul, and attended by high level representatives from the Competition Authorities of Albania, Bosnia-Herzegovina, Bulgaria, Montenegro, Kosovo, North Macedonia, Romania, Greece and Hungary, with the opening remarks delivered by the Minister of Trade Prof. Ömer BOLAT and President of the Competition Authority, Mr. Birol KÜLE.



21st Term Assistant Competition Experts who took office at the Turkish Competition Authority started their twelve-week fundamental and preparatory training program.



On October 9, 2024, an official visit headed by the TCA President Mr. Birol KÜLE was paid to Baku/Azerbaijan, during which a Cooperation Protocol was signed between the TCA and Azerbaijan State University of Economics (UNEC) to conduct training programs in the field of competition.





With the signing of a new protocol between the Public Procurement Authority and the Competition Authority on November 5, 2024, aimed at improving and protecting the competitive environment in public tenders, the existing cooperation protocol was expanded to improve collaboration between the two institutions to involve the development of AI tools for detecting of competitive risks and potential infringements in public tenders and conducting joint statistical modeling and analysis.

Within the framework of Thursday Conferences, Dr. Savaş Şafak BARKÇİN made a presentation titled "Our Civilization" on November 12, 2024.



The updated and expanded version of the existing cooperation protocol between the TCA and the Competition Board of the Turkish Republic of Northern Cyprus (TRNC) was signed on November 25, 2024 in Nicosia, as part of the official visit paid to the TRNC on November 24-26, 2024 in response to the invitation extended by the Chairman of the TRNC Competition Board Mr. Mustafa ÜSTÜNEL to the President of the TCA, Mr. Birol KÜLE.

Competition Board Member Ms. Ayşe ERGEZEN attended the 16th Competition Congress on the theme of "Competition, Education and Technology," organized by the Federation of Industrial Associations on November 28, 2024 in İstanbul.



Within the framework of the cooperation protocol signed between the TCA and the Competition Board of the Turkish Republic of Northern Cyprus (TRNC), a committee consisting of TRNC Board Members and led by the Chairman of the TRNC Competition Board Mr. Mustafa ÜSTÜNEL paid a study visit to the TCA on December 6, 2024.



An "Institutional Cooperation Protocol" was signed between the TCA and Kocaeli University in a ceremony conducted at the Rectorate of Kocaeli University on December 11, 2024. The Protocol signed establishes the principles of the cooperation between the TCA and Kocaeli University for the training, education, joint studies, research and publications to be offered in collaboration.

On 11.12.2024, as part of the "Lecture Hall Talks" event organized by the Kocaeli University Faculty of Law Ombudsman Club, President of the Competition Authority Mr. Birol Küle met students and made a presentation on the TCA and its work.



On December 18, 2024, the TCA and Galatasaray University Faculty of Law organized a panel in cooperation at Galatasaray University, examining the provisions of the Guidelines on Competition Infringements in Labor Markets from legal and economic perspectives. The panel started with opening remarks by the President of the Competition Authority, Mr. Birol KÜLE, and Competition Authority Vice President Assoc. Prof. Hakan BİLİR presented a general assessment on the Guidelines.

3.5. Training and Internship Activities

Turkish Competition Authority has attached significant importance to its training and internship activities since its establishment. In that framework, the Authority has continued its training activities both within and outside the organization for 27 years, and has been providing internship opportunities since 2003.

On that note, in 2024, in addition to the basic and preparatory training for the 21st Term Assistant Experts who took office at the Authority, training programs were conducted to ensure further professional development of the remaining professional staff. In addition and in line with the requests received, training programs were organized for personnel from other public institutions and organizations.

The Applied Competition Law Training Internship, conducted by the Authority since 2003 to increase interest in competition law and practice among college students, goes beyond the definition of simple internship to create an intensive training program in terms of content, and provides students with information on competition law legislation enriched with Competition Board decisions, while giving them opportunities for engaging in real/hypothetical case studies together with professional staff. Under the internship, 3,312 undergraduate and graduate students took part in the program at the Authority to date, 2,627 of which completed their training and received their certificates.

On the other hand, the Authority organizes a certification program aimed at bar associations, academics and non-governmental organizations in order to contribute to the information exchange with external shareholders on the subject of competition law and practice. Provided by professional staff from the Competition Authority, this program includes a competition law legislation training where Competition Board decisions are examined. Applied Competition Law Training Certification Programs were held within the framework of the aforementioned applied competition law training program for the lawyers of the 2nd Ankara Bar Association on January 22-26, 2024, for Ankara Social Sciences University Faculty of Law Students on January 29 - February 2, 2024, for Ankara University Faculty of Law students between March 11-15, 2024 and May 13-17, 2024, for Çanakkale Onsekiz Mart University Faculty of Political Science and Faculty of Economic and Administrative Sciences students on July 16-19, 2024, and for Galatasaray University Faculty of Law students on September 16-20, 2024. In that context, a total of 35 lawyers and 165 university students received Applied Competition Law Training Program Certificates in 2024.

At the same time, under the "National Internship Program," conducted by the Human Resources Office of the Presidency of the Republic (Cumhurbaşkanlığı İnsan Kaynakları Ofisi – CBİKO), which includes the Competition Authority among the stakeholders, five university students found the opportunity to intern at the TCA on different dates. Of the candidates who applied to the "National Internship Program," two students from the Political Science and International Relations Department and Political Science and Public Administration Department completed their internship at the of External Relations and Competition Advocacy Department, and three students from the Political Science and International Relations Department and Computer Engineering Department at the Information Technologies Department, during the summer and autumn terms. In addition, four students from Computer Programming, Software Engineering and IT Systems Engineering departments as well as three students from the Industrial Engineering and Law Departments found the opportunity to intern at the Information Technologies Department and Strategy Development Department, respectively. Information on the training and internship activities are included in Table 13.

Table 13: Training and Internship Activities

Date	Subject of the Training	Providing Person/Institution/ Organization
December 2023- March 2024	Stata Applied Basic Econometrics	Prof. Hakkı Ozan ERUYGUR
January-June 2024	Adult Learning Training for Professional Development	Ankara Yıldırım Beyazıt University
January 05, 2024	Training on Commitments	Competition Authority
January 12, 2024	Training on the Osem, Şişecam, Arçelik and BSH Decisions	Competition Authority
January 19, 2024	Training on the Şişecam, Obilet Decisions	Competition Authority
January 22-26, 2024	2nd Ankara Bar Association, Applied Competition Law Training Certification Program	Competition Authority
February 29- January 2, 2024	ASBÜ Faculty of Law, Applied Competition Law Training Certification Program	Competition Authority
February 02, 2024	Training on the Mey İçki, Coca Cola Decisions	Competition Authority
February 9, 2024	Training on the Storytel Decision	Competition Authority
February 29- March 1, 2024	Training on Act no 4054 on the Protection of Competition and Secondary Legislation for Türkiye Şişe ve Cam Fabrikaları AŞ Employees	Competition Authority
March-December 2024	Risk Assessment with AI Algorithms	Datart Veri Analizi Yapay Zekâ Araştırma Geliştirme ve Danışmanlık Sanayi ve Ticaret Limited Şirketi
March 7, 2024	Workshop on Enforcement Challenges in Digital Markets	OECD
March 11-15 2024	AÜ Faculty of Law, Applied Competition Law Training Certification Program	Competition Authority
April 16, 2024	Ensuring Competition In The AI Value Chain Workshop with EU	OECD
April 18, 2024	Competition in Our Civilization Training	Competition Authority
April 26- May 31, 2024	Microeconomics Training	Prof. Özlem ÖZDEMİR
April 29, 2024	Introduction of the Competition Authority and Competition Law Training for CMB Assistant Professional Staff	Competition Authority
May 2, 2024	Philosophy of Science Training	Prof. Suavi AYDIN
May 9, 2024	History of Civilization Training	Prof. Emre TOROS
May 13-17, 2024	AÜ Faculty of Law, Applied Competition Law Training Certification Program	Competition Authority
May 14, 2024	Qualitative Methods for Competition Analysis	Barcelona School of Economics
May 24, 2024	Ministry of Trade Candidate Assistant Trade Specialist Training Program, Competition Law Training	Competition Authority
May 30, 2024	History of Antitrust Training	Competition Authority
June-August 2024	Artificial Intelligence and Machine Learning	E.D.Y. AR-GE Hizmetleri Yazılım Donanım Tasarım Mühendislik Bilişim Projelendirme Danışmanlık Eğitim Yayıncılık Dağıtım İç ve Dış Ticaret Limited Şirketi

Date	Subject of the Training	Providing Person/Institution/ Organization
June 7, 2024	Communication Skills Training	Assoc. Prof. Seçil TOROS
June 14, 2024	Negotiation Techniques Training	Assoc. Prof. Seçil TOROS
July 4, 2024	Public Administration Seminar	Presidency Directorate of Administrative Affairs
July 4, 2024	General Provisions of Administrative Law and Its Relationship with the Competition Act	Ankara Administrative Court Judge Ahmet ASYA
July 4, 2024	Lawsuits Arising from Competition Law and Their Outcomes	Ankara Administrative Court Judge Ahmet ASYA
July 5, 2024	General Provisions of Criminal Law and Theory of Crime	Member of Supreme Court Judge Mustafa YİĞİT SOY
July 11, 2024	General Provisions of Corporate Law	2nd Ankara Commercial Court Judge Alperen Sefa ÇAKIRBAY
July 11, 2024	Types of Companies	2nd Ankara Commercial Court Judge Alperen Sefa ÇAKIRBAY
July 12, 2024	Law Interpretation Techniques	Judge Yasin ÇEVİK
July 12, 2024	Law on Misdemeanors	2nd Ankara West Criminal Court of Peace Judge Ahmet DİŞBUDAK
July 16-19, 2024	Çanakkale Onsekiz Mart University Faculty of Political Science and Faculty of Economic Administrative Sciences, Applied Competition Law Training Certification Program	Competition Authority
July-November, 2024	Basic Training, Preparatory Training and Internship Training for Candidate Civil Servants	Competition Authority
August -October 2024	Data Organization in Python Training	Competition Authority
September- November 2024	Analyses of Recent Merger&Acquisition Decisions Taken Abroad	Competition Authority
September 16-20, 2024	Galatasaray University Faculty of Law, Applied Competition Law Training Certification Program	Competition Authority
October- November 2024	Linux Training	Profelis Bilişim ve Danışmanlık Tic. ve San. Ltd. Şti.
October- November 2024	Basic Training, Preparatory Training and Internship Training for 21st Term Assistant Experts	Competition Authority
December 2-19, 2024	Training Concerning Examination of Concepts Related to Competition Law and Policy	Ankara Yıldırım Beyazıt University
December 6, 2024	Training on the Facebook (Meta), Threads (Meta) Decisions	Competition Authority
December 10, 2024	Logicube Falcone Neo and MediaClone SuperWiper Training	MergenPro Siber Güvenlik ve Bilişim Teknolojileri AŞ
December 13, 2024	Guidelines on Competition Infringements in Labor Markets in Light of Board Decisions Training	Competition Authority
December 20, 2024	Training on the Yeast Decision	Competition Authority
Year-round	Excel Pivot Table Trainings	Competition Authority
Year-round	Foreign Language Trainings	Various Private Classes/ Universities

3.6. Activities of the Legal Advisor's Office

In accordance with Article 55.1 of the Act no 4054, actions for annulment concerning the final decisions of the Board, administrative measures and administrative fines were brought before the Council of State as the court of first instance until 2012. The 13th Chamber of the Council of State was charged with handling the aforementioned actions, but an amendment made in 2012 appointed Ankara Administrative Courts as the court of first instance. An examination of the actions brought against the Board decisions show that most of these were concerning the final decisions taken as a result of investigations.

Table 14: List of Actions Brought For and Against the Authority between 1997 and 2024¹¹

Nature of the Board Decision	Ongoing	Concluded	General Total
Investigation	209	1231	1440
Preliminary Inquiry	36	290	326
First Examination	3	86	89
On-site Inspection (Appeal of Fine)	50	74	124
Mergers/Acquisitions	6	55	61
Privatization		33	33
Exemption	6	58	64
Interim Measure	6	14	20
Periodic Fine	7	16	23
Request of Information and Documents		28	28
Annulment of Tacit Rejection	3	11	14
Missing Documents during On-the-Spot Inspections	3	10	13
Against Notification		7	7
Joint Venture		8	8
Negative Clearance	2	7	9
Withdrawal of the Exemption		2	2
Article 42/ 2	24	76	100
Article 5/ 4	12	18	30
Filing Lawsuit	1	1	2
Other Technical Lawsuits	9	16	25
Interim Measure Periodic Fine		1	1
Appeal of Board Decisions	15	21	36
Right to Access the File	23	18	41
Nullity*		1	1
Intervening Party*		1	1
Debt Enforcement*	79	427	506
Lawsuits Related to Other Administrative Acts*	43	350	393
Nullity Suits*	46	288	334
Lawsuits Related to Other Criminal Acts*	1	13	14
TOTAL	584	3161	3745

* These actions are not directly related to professional subjects but are continuations of actions concerning professional decisions or other actions.

¹¹ Decisions annulled by the Council of State and taken as a result of a re-evaluation of the files by the Board were not included in the tables in order to prevent duplication.

Table 15: List of Actions Brought Against Board Decisions in 2024

Nature of the Board Decision	Ongoing	Concluded	General Total
Investigation	38	2	40
Preliminary Inquiries	7		7
Interim Measure	4		4
Right to Access the File	7		7
Article 42/ 2	8		8
Periodic Fine	1		1
Wrong and Misleading Information	3		3
Appeal of Board Decisions	7		7
Acquisitions	1		1
Nullity Suits*	11	2	13
On-site Inspection	16		16
Other Technical	5		5
Lawsuits Related to Other Administrative Acts*	14		14
Debt Enforcement	5	11	16
Total	127	15	142

* These actions are not directly related to professional subjects but are continuations of actions concerning professional decisions or other actions.

Table 16: Distribution of Actions Finalized between 2020 and 2024 According to Outcome

Court Decision Outcome	2020	2021	2022	2023	2024
Against the Authority	24	8	16	10	31
For the Authority	124	40	111	56	77
Other*	7	6	12	7	11
Total	155	54	139	73	119

*The "Other" entry includes those cases where the action was considered unfiled, the petition was rejected as well as dismissals for non-jurisdiction, partial acceptance and partial dismissals, and cases where a decision was not taken due to waiver of claims or other reasons.

Table 16 includes information on how the actions related to professional matters were concluded in the 2019-2024 period. Accordingly, among the actions related to professional matters finalized in that year, 80% in 2020, 74% in 2021, 80% in 2022, and 77% in 2023 resulted in the Authority's favor. This ratio was 65% in 2024, with 77 out of a total of 119 cases having been finalized in favor of the Authority.

3.7. Regulatory Activities

3.7.1. Amendments to the Act no 4054

"The Act Amending the Code of Commerce no 7511 and Certain Other Statutes," which was published in the Official Gazette on May 29, 2024, amended Articles 34, 43 and 45 of the Act no 4054. Accordingly, the new procedural regulations aim to ensure a more rapid and efficient conclusion of the Authority's examinations conducted within the framework of competition infringements.

Under the amendments to the Act:

- Article 34.3 of the Act no 4054 concerning the personnel structure of the Authority was reworked.
- In Article 43 of the Act no 4054, titled "Initiating an Investigation, Commitments and Settlements," second paragraph was amended to "*The Board notifies the parties concerned of the investigations initiated by it, within 15 days as of issuing the decision for the initiation of investigation. The Board sends to the parties concerned this notification letter, accompanied by adequate information as to the type and nature of the claims.*" The phrase concerning requesting a "first written plea" was removed from the relevant paragraph.
- Article 45 of the Act no 4054, titled "Notice and Reply," is amended to state: "*Parties are notified that they should submit their written pleas to the Board within 30 days as of the notification of the investigation report. In case justifiable grounds are provided, this period may be extended only once and by one fold at the most. Those charged with conducting the investigation shall notify their written opinion to all members of the Board and the parties concerned within 15 days in case there is a change in their opinions in the investigation report as a result of the written pleas sent. The parties may reply to such opinion within 30 days. The pleas of the parties not submitted within due period shall not be taken into account.*" In this framework, Additional Written Opinions will only be prepared in case of a change in the previous opinions of the Authority/rapporteurs. Moreover, the amendments to this Article remove the additional extension that could be granted to undertakings for responding to the Additional Written Opinion.

3.7.2. Amendment to the Regulation on Administrative Fines

Changes that occasionally occur in consumer choices and in the business models of undertakings have transformed the markets in which competition law is applied, differentiating them from conventional markets. In response to these changing conditions, the Board identified a need to change its fining policies as well. In that framework, the "Regulation on Administrative Fines to Apply In Cases of Agreements, Concerted Practices and Decisions Limiting Competition, and Abuses of Dominant Position," (the Regulation), which remained in force for around 15 years, was revised, and the New Regulation, which was prepared to ensure a more effective punishment of competition infringements that harm consumer welfare and to deter any future competition infringements, was put into force after its publication in the Official Gazette dated December 27, 2024 and numbered 32765.

The Regulation dispenses with the approach of setting the basic rate of fine depending only on the types of infringements, classified as “cartels” and “other violations,” and instead adopts a new method which takes into account the nature of the infringement and its negative effects on competition, in particular. In parallel, the minimum and maximum limits in the determination of fines based on the “cartel” and “other violations” classification is eliminated.

Moreover, the time periods to be taken into account when increasing the fine depending on the duration of the infringement are shortened, which ensures a fair reflection of the objective conditions of the infringement in the fine itself. Aggravating and mitigating factors concerning the adoption of the fine to the subjective circumstances of the undertakings are revised, and the minimum limit for the increase rate of aggravating factors as well as the minimum and maximum limits for the discount rates of mitigating factors are removed.

3.7.3. Labor Guidelines

In recent years, competition infringements in labor market have been an agenda item for many competition agencies, including the TCA, and the assessment of the infringements in these infringements have been focusing on the developing case law as well as secondary legislation. In that framework, Draft Guidelines on Competition Infringements in Labor Markets were prepared within the scope of the Act no 4054 in order to ensure legal certainty and predictability, and the Draft in question was opened to public consultation as per the Board decision dated 12.09.2024 and numbered 24-37/888-M.

The Draft Guidelines were given their final shape after the evaluation of the opinions submitted by universities, non-governmental organizations, undertakings, associations of undertakings, law firms, lawyers and independent business owners, and were discussed in the Board meeting of 21.11.2024. As a result, the Guidelines on Competition Infringements in Labor Markets were adopted with the Board decision numbered 24-49/1087-RM(4).

3.7.4. Other Regulations Issued

- Communiqué Concerning the Increase of the Minimum Administrative Fines Specified in Paragraph 1 of Article 16 of the Act No 4054, to Be Valid Until 31.12.2024 (Communiqué No: 2024/1)
- Communiqué Amending the Communiqué (No: 2017/4) on the Payments to Be Made By Joint-Stock and Limited Companies Pursuant to the Act No 4054 (Communiqué No: 2024/2)
- Regulation on the Organization of the Competition Authority (Board Decision dated 05.12.2024 and numbered 24-52/1162-RM(7)).
- Regulation on the Organization of the Competition Authority (Board Decision dated 05.12.2024 and numbered 24-44/1037-RM(3)).

3.7.5. Ongoing Legislative Work

- Directive on the Procedures and Principles for On-site Inspections
- Communiqué on the Regulation of the Right of Access to the File and Protection of Trade Secrets

- Guidelines on the General Principles of Exemption
- Communiqué on the Procedures and Principles to be Pursued in Pre-Notifications and Authorization Applications to be Filed with the Competition Authority in order for Acquisitions via Privatization to Become Legally Valid
- Guidelines on Vertical Agreements
- Block Exemption Communiqué on Vertical Agreements
- Block Exemption Communiqué on Specialization Agreements
- Guidelines on Horizontal Cooperation Agreements
- On-site Inspections Directive and Guidelines on On-site Inspections
- Regulation on Active Cooperation for Detecting Cartels
- Guidelines on the Assessment of Exclusionary Abusive Conduct by Dominant Undertakings
- Communiqué Concerning the Mergers and Acquisitions Calling for the Authorization of the Competition Board
- Guidelines on Undertakings Concerned, Turnover and Ancillary Restraints in Mergers and Acquisitions
- Regulation on Procedures and Principles of Operation

3.8. Activities of the Economic Analysis and Research Department

3.8.1. Activities Related to Examinations

In 2024, many numerical/economic analyses were conducted by the Authority in various sectors within the framework of investigations, merger and acquisition examinations and sector examinations, taking advantage of the most recent techniques used in competition economics literature. Numerical methods including difference statistical significance tests, regression analyses, proportion analyses, and time series econometrics as well as machine learning techniques such as isolation forest, ridge regression and K-means method were used in the assessments aimed at establishing whether Articles 4 and 6 of the Act were violated. In that framework, sectors where numerical analyses were utilized in the examinations include important industries such as construction chemicals, platform services, port services and energy. In addition to preparing economic opinions on files, the department personnel also took part as rapporteurs in various cases, including the acquisition of BP Petrolleri Anonim Şirketi and BP Turkey Refining LTD by Petrol Ofisi AŞ, the investigation conducted on Ferrero Fındık İthalat İhracat ve Ticaret AŞ, the investigation conducted on private schools operating in Ankara and İstanbul provinces, and the investigation conducted in the white meat sector. Moreover, qualitative and quantitative analysis support were provided for the legislative work conducted by the TCA.

3.8.2. Impact Analysis Report

Measuring the monetary effects of the decisions taken by competition authorities on the consumer help monitor institutional performance under the principles of transparency and accountability, and it also serves an importance purpose in that it clearly shows the role competition law plays in protecting the national economy and consumer welfare. To that end, the Authority started to publish impact analysis reports in 2017, and these reports are still being updated and released to the public at regular intervals. In fact, this study was most recently renewed with an aim to estimate the impact of the decisions taken by the Competition Board in 2023-2024 on consumer welfare. In the Impact analysis report, prepared in consideration of the OECD recommendations as well as the similar studies by various competition authorities around the world, the benefit of the Authority activities to consumers for the relevant period was estimated to be at an average of 38.71 billion TL (1.227 billion USD) annually under a conservative approach, and at 106.11 billion TL (3.355 billion USD) according to the OECD methodology, all with December 2024 prices. In light of the calculations above, the benefit provided to the economy is 37.59 times the average annual budgetary expenses of the Authority in the relevant period according to the conservative calculation, and it is around 103.02 times the budgetary expenses according to the calculation based on the OECD methodology.

Constituting a significant activity of competition advocacy before the stakeholders, it is planned that the impact analysis studies will continue biennially.

3.8.3. 2024 Mergers and Acquisitions Overview Report

The 2024 Mergers and Acquisitions Overview Report addresses the merger/acquisition and privatization transactions examined and concluded in 2024 among those notified to the Authority, and aims to summarize the developments with relation to mergers and acquisitions in the relevant year. The Report is intended as one of the significant data sets in terms of the investment climate in Türkiye. The report in question makes the following main observations concerning mergers and acquisitions.

In 2024, a total of 311 merger, acquisition and privatization transactions were notified to the Authority. In 131 of these transactions, the target companies were based in Türkiye. The total notified transaction value was around 191 billion 917 million TL for mergers and acquisitions where the target company was based in Türkiye. When privatizations are included, the total transaction value adds up to 223 billion 280 million TL.

The total transaction value of the mergers and acquisitions where all of the parties are companies based in Türkiye was around 69 billion 665 million TL. Foreign investors made investments in Turkish companies in 47 separate transactions. In 2024, investors based in the Netherlands were at the top of the rankings in transactions involving target companies based in Türkiye with seven transactions, while the second place went to France based investors with six transactions. Total projected foreign investment involving mergers and privatizations where the Turkish companies were being transferred was 99 billion TL. In 2024, the highest number of transactions as well as the highest notified transaction value in Türkiye in mergers and acquisitions were both in the field of "Retail trade not in stores, counters or markets".

Two transactions were taken under final examination in 2024. In the same year, the Competition Authority decided on the merger and acquisition transactions notified within an average of 12 days after the date of notification.

3.8.4. Training for the Professional Staff

The training programs aimed at the professional staff of the Economic Analysis and Research Department continued in 2024 in order to strengthen organizational capacity. In this context, department personnel participated in in-house and overseas academic programs for competition economics, basic econometrics, panel data econometrics, advanced times series econometrics, causal impact analysis, machine learning, deep learning and artificial intelligence applications, utilizing their experience in these fields both in the files they were charged with and in academic studies.

3.8.5. Artificial Intelligence Projects Conducted under the Economic Analysis and Research Department

As part of its work aimed at increasing its efficiency in the application of the Act, the Authority closely follows the developments in artificial intelligence, which has been becoming more popular, widespread and capable in the recent years, and develops projects to utilize these tools in the best way possible. Currently conducted under the Economic Analysis and Research Department, the first of these projects intends to identify sectoral leading indicators through aggregated data collected from various institutions, apply machine learning algorithms on those leading indicators to detect potential price and similar market anomalies in advance and conduct retroactive anomaly scanning.

On the other hand, concerns and risks articulated in the international arena involving the use of algorithms by undertakings to lead to anti-competitive outcomes have been increasing in the recent years. Another project conducted in this context aims to probe the legal and economic aspects, outcomes and application methods of algorithmic agreements in light of international practice and recent literature, while creating and increasing the organizational capacity required for the effective use of AI tools in identifying such potential anti-competitive behavior.

Lastly, under the recently updated cooperation protocol between the Public Procurement Authority (PPA) and Competition Authority, the two agencies agreed to develop artificial intelligence tools to identify competitive risks and potential infringements in public tenders and to conduct joint statistical modelling and analyses. The increased cooperation between the agencies and the study initiated demonstrate a determination to protect competition in public procurements, to utilize public resources efficiently, and to ensure sustainable fair competition conditions in tender markets. The project is intended to conduct research into the methods suggested in the recent literature as well as into the artificial intelligence tools used by other competition authorities in order to establish a similar structure. It is believed that the close cooperation between the TCA and PPA, and the project which is a direct product of that cooperation, will help Türkiye achieve a strong place among global economies with a competitive and transparent procurement system.

3.9. Activities in the Field of Information Technologies

3.9.1. E-Government Application Portal

Work continued on improving the services offered through the E-Government Application Portal. In this context, the following table includes numerical information on the online applications made in 2024.

Table 17: E-Government Application Portal Statistics

TYPE OF REQUEST	TOTAL NUMBER OF APPLICATIONS PROCESSED (2024)
Third Party Objections or Applications to Provide Information in Merger/Acquisition Applications	41
Merger & Acquisition Applications	329
Responses of the Parties or Third Parties to the Requests for Information in All Types of Files or Studies	2539
Request for the Re-evaluation of the Board Decision under Article 11 of the Administrative Judicial Procedure Law.	15
Negative Clearance/Exemption Applications	17
Leniency Applications	9
Competition Infringement Applications	1050
Request for Attending the Hearing before the Competition Authority	43
Applications to Access the File Submitted to the Competition Authority	53
Requests for Additional Time for Written Pleas in Investigations	86
Submission of First, Second and Third Written Pleas by the Parties in Investigations	237
Commitment Applications (Communiqué no 2021/2)	68
Settlement Applications	159
TOTAL	4,646

3.9.2. IT Security

- The Authority successfully completed the interim audit carried out by the Turkish Standards Institute to renew the certification for the TSE/ISO 27001 Information Security Management System, which is a certified management system for managing, monitoring and protecting institutional data that is based on risk management approach, documented, and guarantees operability and continuity, and for which the Authority had received certification for a period of three years in 2020.
- Work was started on compliance with the Information and Communication Security Guidelines issued by the Digital Transformation Office of the Presidency of the Republic of Türkiye on July 27, 2020. The third audit for the relevant compliance process has been completed and the report prepared at the conclusion of the audit has been uploaded to the BİGDES platform. Work on the compliance process for the Information and Communication Security Guidelines is ongoing.

- Necessary actions were taken to ensure the physical and cyber security of the information systems. In that context, the IT department ensured active usage, management and any necessary reconfiguration of various products installed with an aim to prevent harmful activities and effects from the internet, secure the Authority's website and the outward-facing applications, identify and prevent harmful activity attempts throughout the intranet, prevent harmful software from accessing the servers and clients, prevent access to harmful websites, prevent unauthorized computers and mobile devices from accessing the intranet, scan the source codes of software for security vulnerabilities, scan server operating systems for security vulnerabilities and make any required updates, and the necessary logs were monitored and evaluated.
- Data collected from various sources (deep/dark web, social media, blogs, forums, etc.) were analyzed to identify the activities of possible cyber threat actors against the Authority, to forestall cyberattacks before they occur and to take preventive measures, and necessary action was taken through the use of Cyber Threat Intelligence software to prevent loss of reputation by the Authority due to potential attacks.
- In order to make sure that necessary services are not interrupted in case the Authority's information infrastructure becomes unusable or in case data is lost for various reasons, the Disaster Recovery Center that was established at a remote data center continued operating.
- The Systems Room which houses a significant portion of the information infrastructure was made physically secure, with the required air-conditioning and active protection against fire hazards ensured.
- A number of phishing attack drills were conducted, using the software procured to increase the awareness of the personnel about these types of attacks which trap users by fake but convincing e-mails. The results of these drills were evaluated to provide online training to the personnel concerned.
- A professional IT security company was hired to offer their infiltration testing services, and the results of the testing were assessed to implement actions that would maximize the level of cyber-security.
- The Authority's website and other services that are accessible from outside were constantly scanned and controlled over the internet so as to maximize their cyber-security.
- An e-mail security application was configured and launched to ensure e-mail security and prevent dangers such as harmful applications, links, etc. that could reach the end user via e-mail. The software that removes malicious elements from documents attached to emails and reconstructs them in a clean and secure format remained in use.

- Necessary steps were taken to identify any activity that could pose cyber-security threats for Authority computers and servers, to collect the relevant data and prepare a response. The necessary arrangements were made to ensure that threat-evaluation reports are produced by monitoring and collectively assessing these data over a long period of time.
- The relevant scanning procedures were regularly conducted to reveal any potential cyber security flaws in the software and operating systems used in the information infrastructure, and any flaws identified were fixed.
- Systems used to provide cyber-security were periodically tested.
- Institutional data were backed-up regularly.

3.9.3. Activities for Providing IT Infrastructure to Authority Events

Infrastructure and application support were provided to the Board meetings, online international organizations, online internship programs, online training programs, and Authority events.

3.10. International Relations Activities

3.10.1. European Union (EU)

As a candidate country for the European Union, Türkiye both benefits from the Instrument for Pre-Accession Assistance (IPA), which includes financial assistance for candidate countries, and participates in the Union Programs and Agencies implemented to encourage cooperation between candidates and member states on EU policies. In accordance with the Presidential Circular no. 2019/20, the EU Programs Council held on February 4, 2020 under the coordination of the Directorate for EU Affairs decided that Working Groups should be established for each EU Program that concern the public institutions during the period of 2021-2027. Within that framework, the TCA is part of the "Single Market Working Group".

Since Türkiye is an EU candidate country, the Competition Authority contributes to the 8th Chapter on Competition Policy of the Türkiye Progress Report, prepared annually by the EU Commission. In that context, the section related to Competition Policy under Chapter 8 of the 2024 Türkiye Report has been prepared and shared with the Ministry.

Moreover, the Authority also contributes to the meetings of the Sub-Committee no. 2 on Internal Market and Competition, which was established with the Association Council Decision no 3/2000 in order to monitor the developments related to the priorities of the accession partnership and alignment of the legislation. In this framework, Authority shared recent developments in the field of competition law and legislation by attending the preparatory meeting of the Sub-Committee no. 2 on Internal Market and Competition on April 22, 2024, as well as the Sub-Committee no. 2 on Internal Market and Competition meeting on June 6, 2024.

On the other hand, the Authority takes part in the Customs Union Joint Committee (CUJC) meetings, which addresses the issues related to the functioning of the Customs Union established with the Türkiye-EU Association Council's Decision no 1/95. Accordingly, representatives from the Authority were present at the preparatory meeting of November 18, 2024, as well as the online CUJC 40th Term Meeting, which was held on December 4, 2024, where they presented information on the recent developments in competition law and policy.

3.10.2. Organization for Economic Co-operation and Development (OECD)

The TCA has been participating in OECD meetings since 1998 and submitting the activity report it prepares every year to the Competition Committee operating under the OECD. In addition to making written contributions, the TCA has also been endeavoring to remain an active participant of the Competition Committee Meetings by issuing opinions for the reports and recommendations prepared by the Competition Committee.

Each year OECD holds meetings to address matters related to competition legislation in December and June in Paris, which are organized by the Competition Committee, Working Party No. 2 on Competition and Regulation, and Working Party No. 3 on Cooperation and Enforcement under the Committee. The TCA regularly attends the meetings in question and shares its knowledge and experience on the topics under discussion.

In that framework, the TCA

- Participated in the meetings held on June 10-14, 2024 in Paris, organized by the "Competition Committee" and the connected "Working Party No. 2 on Competition and Regulation" and "Working Party No. 3 on Cooperation and Enforcement".
- Participated in the meetings of the "OECD Competition Committee" and the connected "Working Party No. 2 on Competition and Regulation" and "Working Party No. 3 on Cooperation and Enforcement", held on December 4-6, 2024 in Paris, as well as in the "23rd OECD Global Competition Forum," which was organized on December 2-3, 2024, before the aforementioned meetings.
- Made written contributions within the framework of country case studies to the preparation of the "In-Depth Evaluation of the Competition Committee Report 2024" on how much OECD Competition Committee competition-related activities contributed to important studies, policy area and developments in 2024, and OECD personnel conducted online interviews with the Authority staff.
- Attended the 20th Coordination Meeting for Agencies Connected with the OECD, held on May 7, 2024.
- Attended as a speaker to the "Tackling Bid Rigging in Public Procurement" training, which was held on May 14-16, 2024 in Budapest within the framework of the existing cooperation

between the TCA and the OECD Hungary Regional Competition Center, which is a joint venture by OECD and the Hungarian Competition Authority as one of the three regional centers set up to develop the capacities of competition agencies.

- Attended the pre-assessment meeting for the preparatory work for OECD EDRC Türkiye Examination Report on June 14, 2024, and the OECD EDRC Türkiye Examination Report meeting held at the Ministry of Treasury and Finance on June 24, 2024.

3.10.3. United Nations Conference on Trade and Development (UNCTAD)

The Authority attended the “22nd Intergovernmental Group of Experts on Competition Law and Policy” meeting, held by the United Nations Conference on Trade and Development on July 3-5, 2024 in Geneva.

3.10.4. International Competition Network (ICN)

ICN is the non-official network consisting of national or multinational competition agencies established in 2001 to address competition related issues by focusing on increasing cooperation and alignment between existing and newly established competition authorities on procedural and substantive matters in the field of antitrust. The main goals of ICN include proliferating antitrust experience and best practices for the application of competition rules, and strengthening competition authorities’ advocacy role as well as international cooperation. ICN’s work is conducted through project-focused methods, and following the projects, implementation of the recommendations or best practices adopted unanimously are fully left to the discretion of the member competition agencies. The Competition Authority is a member of the ICN since 2002.

The TCA has also been serving as the co-chair of the “Unilateral Conduct Working Group” since October 2023, currently with Spain, Brazil and Sweden.

In that framework, within the ICN in 2024, the Competition Authority

- Attended the “Competition Advocacy Workshop” organized by ICN on February 22-23, 2024 in Nairobi/Kenya.
- Attended as an online speaker to the web seminar titled “*Interim Measures in Unilateral Conduct Proceedings*,” which was held by the ICN Unilateral Conduct Working Group with the coordination of the Brazilian Competition Authority on February 28, 2024.
- Attended the “ICN Technologist Forum,” hosted by Lina M. Khan, Chair of the US Federal Trade Commission and Vice Chair for Digital of the International Competition Network (ICN), on March 25-26, 2024, in Washington DC.
- Attended the “2024 ICN Annual Conference,” hosted by the Brazilian Competition Authority (CADE) in cooperation with ICN in Sauipe, a district of Brazil’s Bahia state, between May 14 and 17, 2024.

- Was one of the 2024 winners of the “Competition Advocacy Contest,” jointly organized by ICN and the World Bank annually, which highlights the significant role played by competition authorities, sector regulators and non-governmental organizations in promoting competition and lets them share their success stories related to competition advocacy. The TCA entered the contest under the theme “Embedding competition in industrial policies through advocacy,” which was one of the headings for 2024, and was awarded for its work on the interventions related to the competitive issues in the markets resulting from the earthquakes that happened in February 2023. The award was presented to the Authority representatives in the ceremony held during the 2024 ICN Annual Conference on May 16, 2024, in Brazil.
- Attended the online conferences and seminars organized by ICN Working Groups throughout the year, and responded to the surveys and requests for information submitted by the OCN Working Groups.

3.10.5. Turkic States Competition Council

The Turkish Competition Authority believes that ensuring a functioning free market economy and competitive system is the best way for the Turkic World to enhance its commercial vitality, industrial mobility, economic integration, all of which are among the goals of the Organization of Turkic States (OTS) which counts Türkiye among its members.

Accordingly, under the leadership of the Authority and with coordination from the Secretariat of the OTS, work has been started to set the ground for cooperation among the competition authorities of the Turkic World with an aim to closely follow the activities of competition authorities from the Turkic states in the field of competition law and policy, and to exchange knowledge and experience in this area. Based on the idea that institutionalizing the aforementioned cooperation with a common platform would be important for sustainability, the formation of a “Turkic States Competition Council” under the OTS was planned.

The goal is to utilize the Turkic States Competition Council to strengthen the ties of common history, language and cultural heritage between the members on the one hand, and to understand and solve current issues in competition law through the organization of joint studies, visits and training activities, development of projects, exchange of knowledge and experience, propagation of competition culture in the region and improvement of regional cooperation on the other.

To that end, under the coordination of the General Secretariat of the OTS, the first meeting of the Turkic States Competition Council was hosted by the Competition Authority on January 23, 2024 in Istanbul, attended by high-level representatives from the competition authorities of Azerbaijan, Kazakhstan, Kyrgyzstan, Turkish Republic of Northern Cyprus, Hungary and Uzbekistan.

3.10.6. Balkan Competition Platform

With an aim to strengthen the existing relationships between Türkiye and the Balkan countries based on our common historical heritage, cultural ties and geography while understanding and solving current issues in competition law and spreading competition culture in the region, the Balkan Initiative was formed through the initiative of the Turkish Competition Authority and the participation of Albania, Bosnia-Herzegovina, Bulgaria, Montenegro, Kosovo, North Macedonia, Serbia, Greece and Romania competition authorities, and an online meeting was held on November 9, 2021, titled "Recent Trends in Competition Law Enforcement in the Balkans".

Starting from the second half of 2024, the Turkish Competition Authority put forward the idea of creating the "Balkan Competition Platform" in order to revitalize the Balkan Initiative through various activities while strengthening and institutionalizing the cooperation between the countries in the region. The first meeting of the Platform was hosted by the Turkish Competition Authority on September 30, 2024 in Istanbul, with the participation of high-level representatives from the competition Authorities of Albania, Bosnia-Herzegovina, Bulgaria, Montenegro, Kosovo, North Macedonia, Romania, Greece and Hungary (guest of honor).

The Balkan Competition Platform aims to ensure the stable operation of markets in the Balkan region, which has a strategic location connecting the east-west and north-south trade corridors, in accordance with the principles of a free market economy, and to contribute to their development. The Balkan Competition Platform is intended to facilitate sharing of information and experience among the authorities responsible for the implementation of competition law and policy in the Balkan countries, and thus improve regional cooperation.

3.10.7. Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC)

As part of the activities of the Statistical, Economic and Social Research and Training Centre for Islamic Countries, which is a subsidiary organ of the Organization of Islamic Cooperation (OIC), the TCA organized an online training seminar on "Empowering Competition Authorities for Fair Market Competition" between April 2 and 3, 2023, within the framework of the capacity building program for OIC member states. Fifty-seven experts and executives from 20 OIC competition authorities attended the training in question, where professional staff from the TCA made presentations.

3.10.8. International Training Seminars

The TCA attended the training program "Quantitative Methods for Competition Analysis" held by the Barcelona School of Economics on May 14-17, 2024, in Barcelona, to increase organizational capacity in economic analyses, as well as the "Competition and State Aids Training," which was held by the European Commission's Directorate General for Competition on October 7-8, 2024, in Brussels.

3.10.9. Other International Meetings

- TCA attended the "Advocacy in Digital Markets Workshop," jointly organized by the Kenya Competition Authority and US Federal Trade Commission on February 21, 2024 in Nairobi.
- Professional staff from the Authority participated online in the conference titled "International Roundtable on the Antimonopoly Regulation in the Digital Economy," organized by the Federal Antimonopoly Service of Russia on April 9-11, 2024, in Kazan.
- Representatives from the authority attended the "American Bar Association (ABA) 72nd Annual Antitrust Law Spring Meeting," hosted by ABA in Washington from April 10 to 12, 2024.
- The TCA attended the "Central Asia Competition Forum," organized by the Competition Authority of the Kazakhstan Republic (KRO) on April 25-26, 2024 in Almaty, where a presentation was made by the Authority representatives in the "Central Asia Competition Roundtables" within the Forum.
- The Authority attended the meeting held at the Ministry of Treasury and Finance on June 6, 2024, within the framework of IMF Article IV Visits.

3.10.10. Bilateral Relations

- In response to the invitation extended by the President of the Hungarian Competition Authority (*Gazdasági Versenyhivatal, GVH*), Mr. Csaba Balázs Rigó, to the President of the TCA, Mr. Birol Küle, an official visit was held to Budapest on April 25-26, 2024, during which a Cooperation Protocol was signed between the TCA and the Hungarian Competition Authority on April 26, 2024 in Budapest.
- Under the framework of the visit paid by the President of the Arab Republic of Egypt, Abdel Fattah el-Sisi, to Türkiye on September 4, 2024, in response to the invitation by President Mr. Recep Tayyip ERDOĞAN, a Cooperation Protocol was signed between the TCA and the Competition Authority of the Arab Republic of Egypt.
- Within the scope of the work Malaysia Competition Commission (MyCC) started to reinforce the Malaysian competition law, a committee headed by the Malaysian Minister of Domestic Trade and Cost of Living, Datuk Armizan Bin Mohd Ali, paid a visit to the Competition Authority on September 10-11, 2024, in order to benefit from the experience of the TCA from in the field of competition law and practice, and during the visit a Cooperation Protocol was signed between the TCA and MyCC on September 10, 2024.
- Bilateral Cooperation Protocols were signed with Montenegro and Greece during the bilateral meetings conducted as part of the "Balkan Competition Platform" event, which was hosted by the Turkish Competition Authority on September 30, 2024 in İstanbul, and

attended by high level representatives from the Competition Authorities of Albania, Bosnia-Herzegovina, Bulgaria, Montenegro, Kosovo, North Macedonia, Romania, Greece and Hungary.

- The updated and expanded version of the existing cooperation protocol between the TCA and the Competition Board of the Turkish Republic of Northern Cyprus (TRNC) was signed on November 25, 2024 in Nicosia, as part of the official visit paid to the TRNC on November 24-26, 2024 in response to the invitation extended by the Chairman of the TRNC Competition Board Mr. Mustafa ÜSTÜNEL to the President of the TCA, Mr. Birol KÜLE.
- Regarding the signing of Cooperation Protocols with other countries, correspondence with Mongolia and Oman is ongoing.
- Competition and Markets Authority (CMA) hosted a study visit to London on January 24-25, 2024, where the two agencies exchanged experiences by delivering presentations on "Data Science and Digital Forensics".
- Under the scope of the "Balkan Competition Platform," which was established through the initiative of the TCA to demonstrate the determination of 9 Balkan countries, including Türkiye, to engage in cooperation, study visits were paid to Sarajevo/Bosnia-Herzegovina, Tirana/Albania, Pristina/Kosovo, Skopje/North Macedonia and Athens/Greece in May 2024 in order to discuss the agenda of the meeting to be held in İstanbul on September 30, 2024.
- President of the Authority, Mr. Birol Küle, paid a visit to Baku/Azerbaijan from May 23 to May 26, 2024, and attended as a speaker to the "VI International Scientific Conference of Economics and Management Researchers," held at the Haydar Aliyev Center.
- A technical committee from Uzbekistan paid a visit to the TCA on June 27, 2024 in order to conduct discussions related to the implementation of the activities laid out in the Memorandum of Understanding signed between the TCA and the Competition Promotion and Consumer Protection Committee of the Republic of Uzbekistan on November 26, 2023, concerning mutual cooperation in the field of competition policy. During the visit, studies were conducted to prepare a "Road Map" for the implementation of the Memorandum of Understanding.
- On October 9, 2024, an official visit headed by the TCA President Mr. Birol KÜLE was paid to Baku/Azerbaijan, during which a Cooperation Protocol was signed between the TCA and Azerbaijan State University of Economics (UNEC) to conduct training programs in the field of competition.
- Within the framework of the cooperation protocol signed between the TCA and the Competition Board of the Turkish Republic of Northern Cyprus (TRNC), a committee consisting of TRNC Board Members and led by the Chairman of the TRNC Competition Board Mr. Mustafa ÜSTÜNEL paid a study visit to the TCA on December 6, 2024.

3.10.11. Activities within the Scope of Foreign Media Outlets

- The interview given by the President of the TCA, Mr. Birol Küle, to the media outlet Concurrences was published in May for the second issue of Concurrences Review in 2024.
- A total of 15 news items concerning important recent decisions of the Board were shared with the international media platform MLex, which were published on the platform.
- The Authority participated in the “2025 Antitrust Writing Awards” contest organized by the media outlet Concurrences with the “Guidelines on Competition Infringements in Labor Markets,” in the “Best Soft Laws & Studies” category.

3.11. Activities within the Framework of Competition Advocacy and Institutional Relations

- Boğaziçi University and the TCA jointly organized a symposium on the subject of “Competition in Labor Markets” at the Boğaziçi University on May 7, 2024. The opening remarks of the symposium were given by Assoc. Prof. Hakan BİLİR, Vice President of the Competition Authority, and experts from the Authority attended the symposium as panelists.
- In the “International Balkan Agriculture Congress,” coordinated by Trakya Association of Universities, hosted by Onsekiz Mart University from on October 16-19, 2024, the opening remarks were delivered by the President of the TCA, Mr. Birol KÜLE, and Vice President Assoc. Prof. Hakan BİLİR moderated the panel titled “Competition Structure of the Agricultural Sector,” with Department Heads from the Authority attending the event as panelists.
- An “Institutional Cooperation Protocol” was signed between the TCA and Kocaeli University in a ceremony conducted at the Rectorate of Kocaeli University on December 11, 2024. The Protocol signed establishes the principles of the cooperation between the TCA and Kocaeli University for the training, education, joint studies, research and publications to be offered in collaboration.
- On December 18, 2024, the TCA and Galatasaray University Faculty of Law organized a panel in cooperation at Galatasaray University, examining the provisions of the Guidelines on Competition Infringements in Labor Markets, which was adopted with the Competition Board decision dated 21.11.2024 and numbered 24-49/1087-RM(4) from legal and economic perspectives. The symposium started with opening remarks by the President of the Competition Authority, Mr. Birol KÜLE, and experts from the Authority attended as panelists.
- In 2024, a total of 18 written questions from the Grand National Assembly were received through the Related Ministry and were answered either directly or in coordination with the relevant department.

- Opinion requests received from the Permanent Turkish Representation at the OECD, various ministries, other public institutions and from the Office of the Legal Adviser were answered either directly or in coordination with the relevant departments.
- Translation/Interpretation needs of the departments were met within the bounds of possibility.
- Some recent important Competition Board decisions were translated into English and published on the Authority's website.
- Responses were sent to the surveys, information, document and interview requests from international associations and/or publications.
- Letters were sent to 25 Islam countries with active competition agencies to celebrate their holy month of Ramadan.

3.11.1. Sector Inquiries

Besides the power of supervising markets granted to the Competition Board by the Act no 4054, among the most important functions of the TCA in terms of competition advocacy are the studies known as sector examinations, aimed at identifying and solving structural and/or behavioral competition issues related to a part or whole of a specific sector or market. In that framework, 5 sector inquiries were completed in the last 5 years, and as of the end of 2024, there are 8 more sector inquiries ongoing.

Completed Sector Inquiries	
Electricity Market	2021
Fresh Fruits and Vegetables Market	2022
Online Marketplace	2022
Retail Sector	2022
Fuel Market	2024

Ongoing Sector Inquiries in 2024	
Online Advertising Sector	
Container Transportation via Liners and Container Port Services Market	
Mobile Ecosystems Sector	
Red Meat Sector	
Automotive Sector	
FMCG Hand Terminals Sector	
Earthquake Region	
Pharmaceuticals Sector	

Table 18: Sector Inquiries Launched/Ongoing in 2024

Sector under Inquiry	Reason for the Inquiry	Planned Date of Completion
Online Advertising Sector	The Online Advertising Sector Inquiry was launched in order to closely monitor the national and international current developments in the online advertising field, which gathered significant momentum in the recent years as a result of rapid improvements in IT technologies and the widespread use of the internet, so as to determine any behavioral and/or structural competition problems in the sector and develop solutions and policy suggestions aimed at dealing with these problems.	February 2025
Container Transportation via Liners and Container Port Services Market	Marine transportation sector can become the subject of competition law due to the relationships between liners, ports and other service providers. Particularly in the recent period, the disarray that emerged in the liner transportation fees and its relation to the problems in the global market brought to the forefront by the COVID-19 pandemic required a detailed examination of the structure and functioning of the sector. Consequently, the sector inquiry aims to provide a better understanding of the dynamics of liner transportation as well as its integrated supplementary market of port services.	March 2025
Mobile Ecosystems Sector	Nowadays, smart mobile devices, which are the first to come to mind in internet access, play a fundamental role in daily life by providing quick and easy access to a wide range of products, content and services. As a result, functioning of the mobile ecosystem where smart mobile devices comprise the main element may have direct effects on consumer welfare. When the sector is examined from a competition law perspective with this point in mind, it may be seen that each component of the mobile ecosystem having a close relation with each other can lead to anti-competitive concerns. The fact that players with market power stemming from big data advantage and network effects can be active in many downstream markets simultaneously exacerbates the concerns in the sector. This type of functioning not only risks exclusionary effects on competing products/ services, but can negatively affect consumer choice and innovation competition as well. In that context, a sector inquiry has been launched in mobile ecosystems to better understand the (potential) competitive and anti-competitive effects of mobile ecosystems and to create effective policies based on them, as well as to ensure the formation of a competitive market in digital economy.	March 2025
Red Meat Sector	A sector inquiry into the red meat market is launched to identify the structural problems encountered by the players operating in the market in detail, introduce potential solutions to the problems in question and to develop competition policy suggestions intended to improve the current competitive conditions.	April 2025
Automotive Sector	The motor vehicle sector inquiry was launched with an aim to identify the factors affecting competitive market structure in the automotive sector and the structural problems therein, and to provide suggestions for their solution. The goal is to address the supply and provision problems of the sector, taxation and pricing policies for the vehicles, distribution channels and after-sales services in the sector, and digitalization/electric vehicles in light of recent technological developments.	October 2025
FMCG Hand Terminals Sector	Hand terminals see intensive use by undertakings active in the sectors that work with inventory, such as fast moving consumer goods (FMCG), in addition to other sectors and therefore comprise one of the most important elements of stock tracking and warehouse management systems. Hand terminals have been referenced in many Board decisions, which include assessments concerning whether they lead to any competitive concerns and whether they have a function that "facilitates tracking". Accordingly, it is planned that the sector inquiry will first establish the general structure and operation of the hand terminals sector, after which it will investigate the goals and tools of hand terminal use in the sector and assess whether these devices will have a positive and/or negative effect on the competitive outlook in various sectors.	May 2025

<p>Earthquake Region</p>	<p>A sector inquiry was launched in order to address the commercial issues stemming from the destructive effect of the Kahramanmaraş based earthquake on the 11 affected provinces from a competition law perspective, establishing and protecting the competitive structure in the production and supply of the materials required for the reconstruction of the earthquake region in particular. Moreover, it is intended to prevent undertakings from engaging in conduct restricting/distorting competition to turn this period into an opportunity. The sector inquiry process initiated aims to ensure that potential competitive problems in the earthquake region which could delay the social or economic recovery process are rapidly identified, and any proactive steps are taken, in coordination with the other public institutions and organizations when necessary. Thus, it intends to prevent some undertakings from engaging in conduct restricting/distorting competition to turn this period into an opportunity on the one hand, while providing the guidance required to design cooperation between undertakings during the redevelopment and reconstruction of the region in a competitive manner.</p>	<p>February 2026</p>
<p>Pharmaceuticals Sector</p>	<p>The sector report generally addresses the structure of the pharmaceuticals sector, competition infringements in the sector, as well as issues concerning the licensing, pricing and distribution of pharmaceuticals. The study focuses on a competitive assessment of the competition between reference and generic drugs, competition failures during distribution of drugs and information exchange in the pharmaceuticals sector. The ongoing work aims to scrutinize the structure and functioning of the sector in order to identify the factors affecting competition in the sector, and to suggest solutions for dealing with competition problems in the sector.</p>	<p>December 2025</p>

3.12. Publications

3.12.1. Competition Journal



Beginning publication in 2000, the Competition Journal is a refereed periodical published semiannually by the Turkish Competition Authority. The Competition Journal includes original articles in Turkish or English in the fields of competition law, policy and industrial economics, and it was published in May 2024 with three articles.

Articles submitted to the e-mail address rekabetdergisi@rekabet.gov.tr for publication in the Competition Journal are first assessed for article writing rules and then forwarded to two expert referees for evaluation. For each article published in the Competition Journal, a royalty payment is made and 10 journals are sent to the author, free of charge.

3.12.2. Academic Studies Published with Support from the TCA

The doctoral thesis titled "Rekabetten Yaratıcı Yıkıma Pazar Yoğunlaşması ve İnovasyon Arasındaki İlişkinin G-20 Ülkelerinde Test Edilmesi" ("Testing the Relationship between Market Concentration from Competition to Creative Distruction and Innovation") was published in June 2024.

3.13. Strategic Plan Performance Monitoring and Assessment Activities

Strategic Plan performance monitoring and assessment activities are carried out under the Act no 5018.

The Strategic Plan for 2024-2028 determines the goals and targets of the Authority based on a total of four axes. Respectively, these are the application of the competition law, competition advocacy, policy development, and institutional capacity. Within those four axes, the improvements to be made during the duration of the Plan and the goals and targets which would realize those improvements are identified (see Section 2.1. Goals and Targets).

The monitoring and assessment process aims to provide institutional learning, and thereby ensure constant optimization in the activities. It is of vital importance for the success of the Plan to periodically monitor and assess the degree of achievement of the institutional goals and targets set out in the Strategic Plan. Strategic plans serve as a roadmap for public institutions to find better and more rational solutions to their problems within the dynamic ecosystem in which they exist, and they must be reviewed in light of the information acquired as a result of the monitoring and assessment activities. Monitoring and assessing a strategic plan is an indispensable element for both the successful implementation of the said plan, and in terms of compliance with the principle of accountability.

Monitoring is an iterative process in which qualitative and quantitative data is gathered and analyzed constantly and systematically, both before and during the implementation, in order to keep track of the progress made in comparison to the goals and targets. Outcomes of the goals and targets are frequently monitored via performance indicators and periodically reported for the evaluation of the administrators. Carefully carried out by the Competition Authority as well, the monitoring process allows the Authority to evaluate whether the route set out in the Strategic Plan is being followed. The assessment, on the other hand, is a detailed examination conducted to see to what extent ongoing or completed activities helped in reaching the goals and targets and to what extent they contributed to the decision-making process. To that end, strategic plans which are monitored periodically may be revised after the evaluation, if necessary.

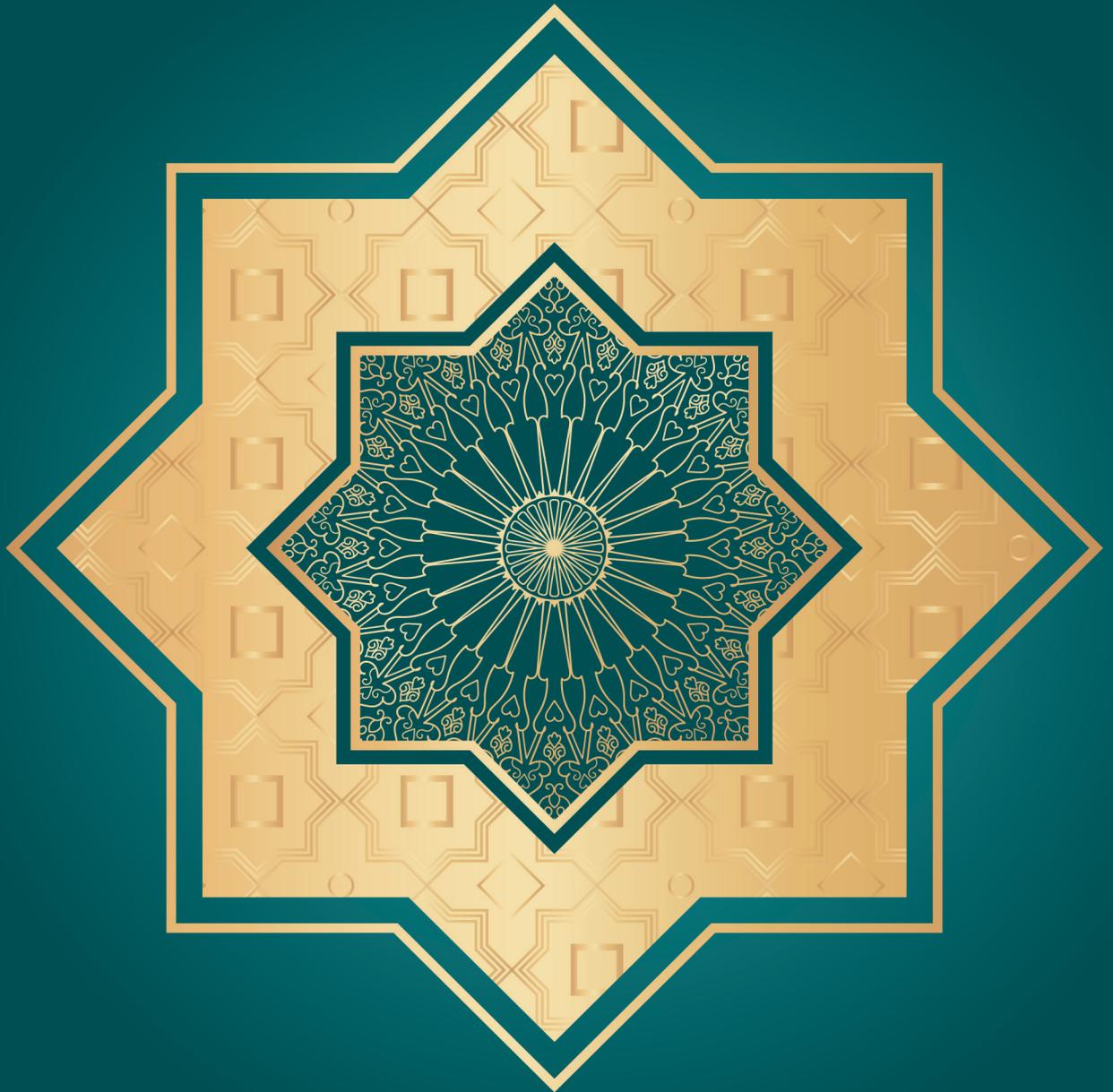
In that context, the Competition Authority conducted an integrated assessment of the activities carried out in 2024 within the framework of the 2024-2028 Strategic Plan, based on the goals and targets determined in line with the strategic axes. During the 2024 monitoring and assessment period, the performance score of the Competition Authority has been 100% for every goal and target under each axis of the Strategic Plan.

3.14. Thursday Conferences

Table 19 lists the "Thursday Conferences" organized by the TCA in 2024.

Table 19: Thursday Conferences

Date/Venue	Relevant Institution/Person	Event Subject / Participant
January 18, 2024	Competition Authority	"100 Years from Darülfünün to University," Dean of the Ankara University Faculty of Political Science and Acting Vice-Rector Prof. Orhan ÇELİK
September 12, 2024	Competition Authority	"Success Requires A Price," Member of the Central Bank General Assembly and Poet Prof. Nurullah GENÇ.
September 26, 2024	Competition Authority	"Communication in Your Career Journey," Faculty Member of the Bandırma Onyedli Eylül University Assoc. Prof. Bekir GÖKPINAR.
November 12, 2024	Competition Authority	"Our Civilization," Academic, Poet and Author Dr. Savaş Şafak BARKÇIN.



GENERAL ASSESSMENT



4. GENERAL ASSESSMENT

An examination of the activities of the TCA in 2024 shows that a total of 487 file was finalized in the relevant year. Looking at the subject distribution of the 487 files concluded by the Board in 2024, 166 of these files were about competition infringements, 10 were about exemption/negative clearance applications, and 311 were about merger/acquisition/joint venture/privatization transactions. This distribution can be compared to that of 2023, revealing an increase in the number of competition infringement cases from 145 to 166, in the number merger/acquisition/joint venture/exemption files from 217 to 311, and in the number of negative clearance/exemption files from 8 to 10.

In 2024, the number of files finalized as a result of preliminary inquiry and investigation processes conducted in response to claims of Article 4 and/or 6 infringements was 166. Food industry, culture-arts-entertainment-recreation-sports-games of chance-education, construction, chemistry and mining, and automotive are the sectors that became the subject of the largest number of competition infringement examinations in 2024. These five sectors have a share of around 75% within the competition infringements cases finalized by the Board in 2024.

Of the 166 files finalized concerning claims of Article 4 and/or 6 infringement, 88 were examined *ex officio* by the Competition Board in 2024. In other words, around 53% of the finalized competition infringement cases in 2024 consist of *ex officio* examinations. Of the competition infringement cases examined *ex officio*, 84 concerned claims of Article 4, while 4 concerned claims of article 6 infringements. Examining the share of *ex officio* competition infringement files launched in 2024 within all competition infringement files shows that the Board has been able maintain its proactive approach, similar to the previous year.

A look at the distribution of the competition infringement cases concluded in 2024 according to the related Article of the Act shows that 148 of them concerned claims of Article 4 infringement, 13 concerned claims of Article 6 infringement, and 5 concerned claims of Article 4 and 6 infringement. Within that framework, the share of the files claiming Article 4 infringement within the total number of competition infringement cases was higher that of the files claiming Article 6 infringement in 2024, similar to the previous five-year period. Of a total of 153 files claiming Article 4 infringement, 90 concerned horizontal agreements while 55 concerned vertical agreements. Eight files concerned both vertical and horizontal agreements.

Of the 166 Board decisions concerning competition infringements cases, 27 were taken as a result of preliminary inquiries, and 139 as a result of investigations. In 20 out of the 139 investigation files, the regular investigation process resulted in the imposition of administrative fines on undertakings, while in 90 of them the investigation process was concluded with the settlement procedure and the undertakings were imposed administrative fines. In 23 decisions, commitments offered by the undertakings were accepted and the investigation was finalized without administrative fines. There are 6 decisions where no infringement was found as a result of the regular investigation process.

These data show that the settlement process was applied effectively in investigations, in particular. Taking into account the number of files that were examined *ex officio* where an infringement was established, it may be said that the Board has been monitoring the markets closely, efficiently identifying and prioritizing those sectors that cause suspicion of infringement.

Out of the 10 exemption/negative clearance applications finalized by the Competition Board in 2024, only 3 were concluded with a negative clearance decision. At the same time, 5 out of the 7 exemption applications finalized in the same year were concluded with the Board deciding that the agreement in the application could benefit from individual exemption. One application was concluded with an exemption subject to conditions and one file was finalized with the grant of a block exemption. An overview of the exemption/negative clearance files according to sectors shows banking, capital market, finance and insurance services ranking at the top.

In 2024, 311 merger and acquisition applications were finalized, which shows an increase of around 43% in the number of finalized decisions in comparison to 2023. Of the aforementioned 311 applications, around 64% concerned acquisitions, and around 34% concerned the establishment of joint ventures. In addition, 2 mergers and 6 privatization transactions were finalized in 2024. In that framework, it is possible to say that, in the last five years, there has not been a significant change in the distribution of the merger and acquisition transactions with relation to their nature. A look at the sectoral distribution of the applications concerned reveals that information technologies and platform services, infrastructure services, chemistry and mining, healthcare services, automotive and vehicles sectors saw the largest number of M&A transactions, with these five sectors having a share of around 58% in total applications. Looking at the outcomes of the Board decisions, it can be seen that 274 transactions were authorized without conditions, and 8 were authorized subject to conditions. Twenty-nine transactions were found to be out-of-scope or below the threshold.

Within the context of the files finalized in 2024, undertakings were imposed a total of 7,516,504,633 TL in administrative fines for violating the Act no 4054. Of the administrative fines imposed, 1,376,550,667 TL consist of proportional administrative fines under Article 17 of the Act, 191,891,583 TL consist of fines imposed for preventing/obstructing on-site inspections, 1,379,315 TL consist of mergers and acquisitions that were implemented without authorization, and 5,946,683,069 TL consist of substantive administrative fines imposed in accordance with Article 16.3 of the Act. Out of the substantive fines imposed on the undertakings, 3,130,521,386 TL was for Article 4 infringements and 2,816,161,683 TL was for Article 6 infringements.

An examination of the sectoral distribution of the fines imposed under the Act no 4054 in 2024 shows that the sector with the highest administrative fine imposed was the information technologies and platform services sector, with 3,977,719,909 TL. This is followed by the food industry with 1,809,313,776 TL in administrative fines, and the construction sector with

603,913,869 TL.¹² Administrative fines imposed on these three sectors combined comprise around 85% of the total fines imposed for competition infringements in 2024.

In 2024, a total of 119 of the lawsuits filed against the Board decisions on professional matters were concluded. Of these lawsuits, 77, i.e. 65% were concluded in favor of the Authority. Within the framework of competition advocacy activities, sector inquiries into the “online advertising sector,” “container transportation via liners and container port services market,” “mobile ecosystems sector,” “red meat sector,” “automotive sector,” “fmcg hand terminals sector,” “earthquake region,” and “pharmaceuticals sector” are ongoing as of the end of 2024. The relevant inquiries are deemed to be very important for identifying the competition issues in the related fields and for finding proactive solutions to establish competitive functioning of the relevant industries.

Another pillar of competition advocacy activities are comprised of events aimed at promoting competition law and the functions of Authority. Within this framework, in 2024 the TCA supported in-service training programs of various public agencies, and took part in various training programs and meetings with the cooperation of other public institutions, non-governmental organizations and universities. Another activity carried out within the framework of competition advocacy is rendering opinions to public institutions and organizations. Essentially, these opinions serve to examine a planned legislation, or a planned practice by the relevant agency or organization from a competitive perspective and, to the extent possible, to ensure that a competitive perspective is included in the relevant legislation text or practice.

In 2024, within the scope of the economic analysis and research activities, the 2024 Mergers and Acquisitions Overview Report and the Impact Analysis Report were prepared, with the latter intended to determine the effect of the Competition Authority activities on consumer welfare. According to the 2024 Mergers and Acquisitions Overview Report, the Competition Authority examined 311 transactions in 2024, in 131 of which the target company was founded in accordance with the laws of the Republic of Türkiye. The notified transaction value was around 191 billion 917 million TL for mergers and acquisitions where the target company was based in Türkiye. When privatizations are included, the total transaction value adds up to around 223 billion 280 million TL. The total transaction value of the mergers and acquisitions implemented under All Transactions where all of the parties were based in Türkiye was 81 billion 924 million TL. Foreign investors made investments in Turkish companies in 47 separate transactions. In 2024, investors based in the Netherlands were at the top of the rankings in transactions involving target companies based in Türkiye with seven transactions, while the second place went to France based investors with six transactions. Total projected foreign investment involving mergers and privatizations where the Turkish companies were being transferred was 99 billion TL. In 2024, the highest number of transactions as well as the highest notified transaction value in Türkiye in mergers and acquisitions were both in the field of “Retail trade not in stores, counters or markets”. Two transactions were

¹² Of the fines imposed in the information technologies and platform services sector, 2,608,032,279 TL was under Article 16 of the Act and 1,369,687,630 TL was under Article 17; of the fines imposed in the food industry, 1,802,450,739 TL was under Article 16 of the Act and 6,863,037 TL was under Article 17; and all of the fines imposed in the construction sector was under Article 16 of the Act.

taken under final examination in 2024. In the same year, the Competition Authority decided on the merger and acquisition transactions notified within an average of 12 days after the date of notification.

The TCA achieved significant success in terms of developing international relations in 2024. This year, the Authority took action to create institutional platforms with an aim to strengthen the relationships between the Turkic States as well as between Balkan countries based on common historical heritage, cultural ties and geography while understanding and analyzing today's competition law issues and spreading competition culture in the region, and the first meetings within the Turkic States Competition Council and Balkan Competition Forum were held in Istanbul. Moreover, in 2024, many reciprocal visits were conducted to develop bilateral cooperation with the competition agencies of other countries, and bilateral cooperation protocols were signed as part of these visits. In addition, representatives participated in various multilateral meetings, international conferences and international training seminars, including those organized by the European Union, Organization for Economic Co-operation and Development, United Nations Conference on Trade and Development, and International Competition Network (ICN). On the other hand, as part of our competition advocacy activities, the Authority worked with Turkish and foreign media outlets to announce the Authority's important decisions in national and international channels, and organized symposiums in the field of competition law in cooperation with academic institutions in Türkiye.

In terms of the training activities, the Authority continued its work on the training programs aimed at the assistant experts who took office as well as for other professional staff. Another part of the training activities was the "Internship Rally" program coordinated by the Human Resources Office of the Presidency of the Republic and conducted through the participation of Ministries, connected, related and associated and coordinated institutions/organizations, as well as volunteering employers from the private sector, which was attended by 12 university students. Similarly, a total of 200 university students qualified for a certificate within 2024 under the scope of the "Competition Law Internship Program with Participation Certificate," which is being offered for university students by the Authority since 2003.

As a result, in 2024, the Competition Authority continued to carry out all of its functions in terms of its primary duty of applying the competition law rules, continued its competition advocacy activities, and had a quite busy and productive year under the aforementioned conditions. Improving the institutional capacity continued to be a priority target in 2024, with special attention placed on conducting an institutional self-evaluation based on past experiences, in order to ensure better outcomes in the future. As in the previous years, the TCA monitored the developments in the national and international markets, the relevant literature and country practices in 2024. Within the framework of the know-how acquired as a result of such studies and the Strategic Plan for 2024-2028, the Turkish Competition Authority will continue with its operations in the forthcoming period, with an aim to carry out its mission and achieve its vision.

5. EVALUATION OF ORGANIZATIONAL CAPABILITY AND CAPACITY:

Internal and External Analysis

The TCA endeavors to carry out the functions and responsibilities it has been charged with by law, working with external factors such as the political and economic environment it experiences, and with the internal factors including the organizational structure, human resources and institutional culture. The strengths and the improvable aspects of the internal organizational environment and the current opportunities and challenges of the external environment are listed below.

5.1. Strengths

- Having the structures and processes for rapid and efficient decision making
- The ability to follow international standards and developments, and to adapt legislation accordingly
- The fact that the Authority's reports and decisions are reasoned, based on objective assessments and open to the public
- Competence of the professional staff
- Improvements in the methods for acquiring evidence during on-site inspections

5.2. Improvable Aspects

- Reasoned decisions taking a long time to publish
- Improving decision search feature on the Authority's website
- Failure to adequately meet the Authority employees' expectations related to career/ personal development, salaries and financial rights
- Number of conferences, symposiums and seminars organized by the Authority
- Failure to act in a sufficiently proactive manner
- Improving the Competition Journal

5.3. Opportunities

- Increase in the information and awareness for the indispensability of competition
- Increase in the number of competition authorities and the proliferation of competition law practices around the world
- The Authority improving in recognizability

5.4. Challenges

- Competition infringements getting easier to hide
- Misinformation concerning the mission of the Authority
- Competition environment being distorted by inflationist price increases
- Anti-competitive regulations
- Small number of applications for the leniency program



6. RECOMMENDATIONS AND PRECAUTIONS

The Strategic Plan for the 2024-2028 period, published in 2024 by the TCA, aims to re-establish the mission and vision of the Competition Authority under the guiding light of the previous institutional experience, assessments on the developments in the international arena, and the awareness of the changes emerging in the markets as well as in the ways of doing business caused by developing technology and increasing digitalization.

New goals and targets have been set towards implementing the mission and vision determined under the three main pillars of competition law enforcement, competition advocacy and policy development. Another pillar is determined to be the institutional capacity which will allow the TCA to reach these goals and targets, and it has been made the subject of various other goals and targets to complement the aforementioned pillars.

In that context, the Authority will continue to work its hardest to implement the amendments made to the Act no 4054, together with the relevant secondary regulations. The full implementation of these amendments will improve the evidence-gathering capabilities of the Authority, facilitate alignment with international developments and allow timely and proper intervention in changing markets, and thus will increase the efficiency of competition law enforcement.

Ensuring that the Competition Authority and competition law are recognized and embraced at the level of individuals, agencies and sectors and that this recognition is reflected in the behavior of the shareholders will ultimately contribute to the development of competitive markets in Türkiye. At this juncture, it is important for the TCA to continue its competition advocacy activities in a manner that is as inclusive as possible.

Another area that will constitute an important portion of the TCA's efforts in the future is the development of policies to properly direct the resources of the Authority. To that end, it is particularly important to determine distorted markets and/or markets with a high potential of competition infringements. Therefore, the Authority has already put into its agenda the actions it will take in order to identify these areas in the forthcoming period.

Lastly, the TCA is well aware of the fact that it will achieve its goals and reach its targets at a satisfactory level only if it has sufficient institutional capacity and continuously develops that capacity to meet the novel requirements it will face. To that end, the Authority will continue to organize studies and activities to improve its human resources in terms of knowledge, ability and capacity through domestic and overseas training programs, seminars and conferences.

As an agency which has earned the trust of all concerned shareholders before the public by its correct decisions, its transparent and inclusive sense of work, and its qualified human resources, the Turkish Competition Authority will put the utmost effort into maintaining its status in the future and develop competition law practices in Türkiye.

