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**ANNUAL REPORT ON COMPETITION POLICY DEVELOPMENTS IN TURKEY**

-- 2014 --

16-18 June 2015

*This report is submitted by Turkey to the Competition Committee FOR INFORMATION at its forthcoming meeting to be held on 16-18 June 2015.*

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## TABLE OF CONTENTS

Executive Summary .....	3
1. Changes to competition laws and policies, proposed or adopted .....	5
1.1 Summary of new legal provisions of competition law and related legislation .....	5
2. Enforcement of competition laws and policies .....	5
2.1 Action against anticompetitive practices, including agreements and abuses of dominant positions .....	5
2.2 Mergers and Acquisitions .....	11
2.3 Opinions .....	14
3. Resources of the TCA .....	18
3.1 Resources overall (current numbers and change over previous years).....	18
3.2 Human resources (person-years) applied to: Enforcement against anticompetitive practices, Merger review and enforcement; Advocacy efforts. ....	18
3.3 Period covered by the above information:.....	18
Annex: Statistical information for the year 2014 .....	19

## Executive Summary

1. Overall examination of the Turkish Competition Authority's (TCA) activities shows that in 2014 a total of 437 cases were finalized. Among these cases, 163 cases were finalized following preliminary examinations, preliminary inquiries and investigations conducted under the provisions of Articles 4<sup>1</sup> and 6<sup>2</sup> of the Act No 4054 on the Protection of Competition (The Competition Act or Act No 4054), 59 cases were negative clearance/exemption decisions and 215 cases were merger/acquisition/privatization/joint venture decisions.

2. While the number of total final decisions in 2012 was 656, it decreased to 462 in 2013 and to 437 in 2014. This shows that the the total number of final decisions have fallen almost 33 percent in just two years. Half of decrease is accounted by the decrease in merger and acquisition notifications, which was 303 in 2012 and 215 in 2014. This decrease was the expected result of an amendment that had been made in 2012 in the article 7 of the Communiqué Concerning the Mergers and Acquisitions Calling for the Authorization of the Competition Board No: 2010/4. The aforementioned amendment brought a change in the second set of thresholds which is the one that takes global turnover into account and raised the Turkish turnover threshold of 5 million TL to 30 million TL.

3. The other half of the decrease in total number of cases brought by the decrease in the number of competition violation. When the statistics concerning infringements of competition are taken under examination, it can be observed that the number of finalized decisions between 2012 – 2014 has decreased from 303 to 163. Similar to the merger notifications, this decrease was also expected as the Communiqué on the Application Procedure for Infringements of Competition which was published in 2012 made it possible to disregard directly complaints that are not related to competition legislation or that do not carry required level of information. This way TCA had found the chance to channel its limited resources more effectively between its priorities.

4. Although the number of preliminary inquiries decreased same cannot be said about the number of investigations initiated. In 2014 TCA has opened 7 investigations while concluding 21. At this point, it is also seen that while the number of investigations may change from year to year, the sectors these investigations take place, do not show a similar change in time barring a few exceptions. In this context, when we take a look at the sectorial distribution of the finalized cases, we can see that the sectors of transportation, petroleum-petro chemistry/petroleum products, food products and beverages, telecommunications still found a good share among the examinations conducted. The finance sector looks to be the new addition among the mentioned sectors in which an important number of cases are examined.

5. When we conduct a similar analysis at the sectorial distribution of final decisions on merger/acquisition/privatization notifications, we find that sectors that produced most notifications in the order of their share in the distribution were: food products, transportation services, energy and pharmaceutical products. It could be deducted from past experience that the TCA maintain its tendency to avoid the option of blocking a transaction as long as they do not pose significant competition problems as evident from the fact that not a single merger/acquisition/privatization was blocked between 2012 -2014.

6. When statistics regarding negative clearance/exemption files are taken into account, it can be seen that a large part of the files finalized in 2014 stemmed from applications related to pharmaceuticals and health services and finance, following the trend of 2013, followed by the petroleum, petro chemistry-petroleum products sector.

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<sup>1</sup> Article 4 prohibits anti-competitive agreements, concerted practices and decisions.

<sup>2</sup> Article 6 prohibits abuse of dominant position.

7. As such, and based on the data supplied above, there is a need for the establishment of cooperation mechanisms between the law-maker and the public authorities responsible for the regulation of the aforementioned sectors to discuss the measures need to be taken in relation to those sectors which are constantly the subject of competition violations or complaints, despite the investigations conducted by the TCA and the measures taken as a result of these.

8. 2014 was an important year for the Authority in the area of fighting with cartels. A total of ten decisions has been issued about cartels. The industrial diversity in this year's cartel investigations is an indicator to the diffusion of competition enforcement throughout the economy.

9. In 2014, the Authority put additional effort in developing secondary legislation, building further on last year's comprehensive publications of guidelines. In this respect, Guidelines on the Assessment of Exclusionary Abusive Conduct by Dominant Undertakings was issued. The purpose of this piece is stated as to describe the factors the Competition Board shall take into consideration when assessing exclusionary abusive conduct by dominant undertakings under article 6 of the Act, to increase transparency, and thus to minimize the uncertainties that may arise in the interpretation of the article by the undertakings.

10. Today, in developed economies, another important function competition authorities are charged with is to provide consultancy to governments on legal and administrative regulations during the preparation and/or application stages of these documents, in order to ensure that the market structure established would minimize market failures stemming from the behaviors of undertakings. Within the scope of this function, known as competition advocacy, market structure in the micro scale is shaped in accordance with the suggestions of competition authorities, which helps prevent any potential failure occurring in the future and guarantees economic efficiency. The TCA has taken this subject as one of its main policies and priorities and has provided opinions to other authorities and institutions on various subjects in 2014, as well.

11. Regarding advocacy, the authority sent its sixth Competition Letter to all relevant stakeholders, entitled "The Relationship between Competition Policy and Non-governmental Organizations/Associations of Undertakings" and further improved its website as a facilitator of achieving its advocacy goals. As known, the existence, good management and vision of non-governmental organizations and associations of undertakings are accepted as indicators of a developed country, democracy and quality of life. Based on this "modern fact," the sixth Competition Letter addresses the relationship between competition law and the Competition Authority and foundations, chambers, associations and unions, which are non-governmental organizations. The Letter notes the vital role that has been and will continue to be played by associations of undertakings within the context of efficient implementation and institutionalization of competition law in Turkey, and calls upon the managers of all organizations in this category to emphasize the necessity of cooperation.

12. In addition to these efforts, sector inquiries are regarded as important tools that could be employed in the competition advocacy work. As a matter of fact in 2014, final report of the sector inquiry on "motor vehicles" is welcomed with great enthusiasm and provided the public with the needed ground for further discussions.

13. Moreover, the TCA published its third competition report in 2014 on the topic of "Competition Law and Small Medium Size Enterprises". The report was aimed at both educating and informing the SMEs about the competition law as SMEs are one of the important stakeholders in improving the competition culture in Turkey.

14. In order to follow international developments related to the jurisdiction of the TCA, participation and contribution was provided for a large number of activities in foreign countries in 2014. As in the

previous years, relations with the EU, OECD, ICN, OIC and UNCTAD were maintained at the same level of intensity and oral and written contributions provided in the meetings of the aforementioned organizations allowed the international assessment of the activities of the TCA

15. Of particular importance in terms of multi-lateral relationships, further efforts has been put to the task of identifying the needs of the Organisation of Islamic Cooperation countries in coordination with the relevant counterparts in the OIC organization, especially Statistical, Economic and Social Research and Training Centre for Islamic Countries (SESRIC), in 2014. In this regard, a training seminar have been given by the TCA staff to the members of the competition authorities of the following countries with the help of SESRIC: Gambia, Azerbaijan and Saudi Arabia.

16. Under bilateral relations, various activities were carried out with a large number of competition authorities, especially with those the TCA have signed a cooperation protocol, such as exchanging of information and experience, sharing technical assistance and participating in the events organized by them. Also last year, in addition to the existing thirteen, additional cooperation protocol was signed with the competition authority of Kyrgyzstan.

17. Lastly, some of the activities in the area of education, which are deemed particularly important by the TCA, should be mentioned. In 2014 as with previous years the TCA's investment in its own personnel continued with increased pace. Besides the improvement of the content and the increase in number of internal trainings, the TCA continued to support its case handlers to attend one or two year master programs at the high end universities of the world.

18. The TCA's work in 2014 on improving the legislation and increase the dynamism of institutional operation for the purpose of creation of a competitive environment in the goods and services market also created a foundation and opportunity for more sophisticated activities. It is clear that this work is also in line with the TCA's aim of becoming one of the world's leading competition authorities and public institutions.

## **1. Changes to competition laws and policies, proposed or adopted**

### ***1.1 Summary of new legal provisions of competition law and related legislation***

#### ***1.1.1 Guidelines on the Assessment of Exclusionary Abusive Conduct by Dominant Undertakings***

19. The Guidelines were adopted with the Competition Board decision dated 29.01.2014 and numbered 14-05/97 (RM), and they are intended to be instructive not only for dominant undertakings in a market, but also for other undertakings such as their competitors, customers and suppliers.

## **2. Enforcement of competition laws and policies**

### ***2.1 Action against anticompetitive practices, including agreements and abuses of dominant positions***

#### ***2.1.1 Summary of significant cases – Examples from the decisions on competition infringements***

- Türkiye Petrol Rafinerileri A.Ş. Investigation Decision [decision date 17.1.2014, decision number 14-03/60-24]

The Board examined whether Türkiye Petrol Rafinerileri A.Ş. (TÜPRAŞ) violated article 6 of the Act no 4054 by means of its practices regarding pricing and contracts and whether Türkiye Petrol Rafinerileri A.Ş. and OPET violated article 4 of the same Act through market sharing and other means.

**Market:** Wholesale of unleaded fuel, wholesale of diesel, wholesale of black petroleum products.

**Findings:** Within the scope of the file under investigation, the conduct of TÜPRAŞ related to pricing and its practices concerning contracts were examined. With respect to pricing activities, the fact that the relevant market is subject to regulations by Energy Market Regulatory Authority (EMRA) was evaluated. Accordingly, considering the case law of Council of the State, the powers of the regulatory authority and issues about supervision, it was concluded that competition law was applicable to the case in question. Within the scope of the violation claims concerning pricing, diesel and unleaded fuel, refinery sales prices of TÜPRAŞ were compared with Platts İtalya CIF-MED prices, which were taken as a reference, and export prices and product costs of TÜPRAŞ. As a result, it was found that TÜPRAŞ abused its dominant position between 11.10.2008-1.1.2009 by means of excessive pricing.

During the investigation, the practices of TÜPRAŞ regarding contracts it made with distribution firms operating in the market were analyzed. The evidence found in on-the-spot inspections showed that TÜPRAŞ tied the sale of certain products it produced to the purchase of other products from TÜPRAŞ and continuously warned distribution firms in this regard. Among those, in light of the evidence obtained about OMV Petrol Ofisi A.Ş. (POAŞ) and Altınbaş Petrol ve Ticaret A.Ş. (ALPET), it was concluded that warnings and practices for purchasing similar amounts of black and white products as well as practices such as the restriction of allocation for the products like gasoline, jet fuel and fuel oil if the amount of rural diesel purchased was not increased were not "proportionate" and the need to protect refinery production balance could not be a justifiable reason.

There were not any findings showing violation about the other claim that TÜPRAŞ and OPET violated article 4 of the Act no 4054 through market sharing and other means.

**Conclusion:** As a result of the investigation, it was decided that administrative fines shall be imposed to TÜPRAŞ as it violated article 6 of the Act no 4054 by abusing its dominant position by means of its practices concerning pricing and contracts. Moreover, it was also decided that opinions shall be sent to the authorities concerned that the pricing mechanism regarding refineries should be reorganized in favor of consumers by the relevant competent authorities and to TÜPRAŞ that it should avoid practices that violate the Act or that could produce the same or similar results.

- CLK Preliminary Inquiry Decision [decision date: 22.10.2014, decision number: 14-42/762-338]

The Board examined the claims that CLK Boğaziçi Elektrik Perakende Satış A.Ş. made it difficult for consumers to switch to other suppliers, foreclosed the market by including consumers into its portfolio without notice and by similar practices, tried to force the consumers in Antalya, Burdur and Isparta to sign long term contracts with unfavorable conditions on the grounds that they used electricity without contracts and they may be faced with electricity cut-off.

**Market:** Electricity distribution market and market for the retail sale of electricity.

**Findings:** Although information and evidence supporting the claims was obtained within the scope of the preliminary inquiry, as Energy Market Regulatory Authority (EMRA) was also conducting inquiries about the claims in question, it was decided that the information and documents obtained shall be sent to EMRA to assist its inquiries and a letter shall be sent to the undertakings subject to preliminary inquiry according to article 9 of the Act no 4054 that they should terminate activities that might be considered competition infringements under the Act no 4054 and avoid such practices; otherwise proceedings would be made.

**Conclusion:** Considering the fact that EMRA has legal powers about the practices in question depending on the secondary legislation and it was already conducting a related inquiry, it was decided that an opinion shall be sent to the undertakings subject to preliminary inquiry according to article 9 of the Act no 4054 in order to ensure that any practice preventing liberalization will be terminated urgently; therefore, at this stage the complaint shall be rejected and an investigation would not be initiated.

- Mey İki Investigation Decision [ decision date: 12.06.2014, decision number: 14-21/410-178]

The investigation examined whether Mey İki San. ve Tic. A.Ş. (Mey İki) violated the Act no 4054 by means of practices complicating its competitors' activities such as preventing the sale of competing products through creating pressure on points of sale and practicing exclusivity in favor of its own products.

**Market:** Raki market.

**Findings:** The investigation examined whether Mey İki violated articles 4 and 6 of the Act no 4054 by means of its activities preventing the existence of competing products at points of sale in home-consumption channel and on premise consumption channel. There were claims that Mey İki carried out activities that prevented the sale of competing products and lead to de facto exclusivity, set objectives for points of sale in the traditional channel and on premise consumption channel in a way to exclude competitors and made discounts if those objectives were realized and prevented the visibility of competitors at points of sale.

It was observed from the documents submitted by and the information requested from Mey İki that Mey İki made discounts/campaigns and granted additional discounts under the name of free stands or stand protection fee special to selected points of sale in order to complicate its competitors' activities or prevent them from appearing on points of sale. It was concluded that Mey İki carried out similar practices in various regional directorates; therefore it applied an extensive strategy to exclude competitors out of points of sale.

When the contracts Mey İki made with points of sale were analyzed, it was understood that they were not different from those which were granted negative clearance by the Board decision dated 10.04.2008 and numbered 08-28/320-104 and did not include exclusivity. However, in practice, the objectives were set in contracts so as to cover all previous raki purchases by the point of sale. At this point, as the objectives were realized by points of sale for the most part, it was concluded that the said contracts complicated entry of competitors into points of sale.

It was found that another practice by Mey İki to exclude its competitors was giving concessions such as discounts or free products, through the budgets allocated to regional directorates, to points that it did not make a purchasing agreement. It was established that Mey İki targeted important points with high sales volumes through contracts and concessions given specially, which lead to the foreclosure of an important part of the market to competitors.

On the other hand, the documents obtained showed that Mey İki made arrangements related to shelf order and visibility in a way to cover the place of not only its own products but also competing products on shelves and excluded competing products' stands from points of sale. It was inferred that Mey İki's practices for preventing the visibility of competing products in the closed points of sale in the traditional channel had a potential to complicate the activities of its competitors together with other practices as a part of its strategy to exclude the competitors.

Within the framework of those information, it was stated that Mey İki's practices to restrict the visibility of its competitors at points of sale by means of discounts and cash payments to closed points of sale and on premise points of sale had an object of limiting its competitors' access to a

significant part of raki market and the said practices that lead to the exclusion of its competitors violated article 6 of the Act no 4054.

**Conclusion:** It was decided that with respect to Mey İçki's practices that had object and effect of complicating its competitors' activities in the market, it is not necessary to impose administrative fines within the scope of article 4 of the Act no 4054; on the other hand, Mey İçki is dominant in the raki market and it shall be imposed administrative fines as it violated article 6 of the Act no 4054 by means of abusing its dominant position through its practices that had object and effect of complicating its competitors' activities in the market.

- Yeast Investigation Decision [decision date: 22.10.2014, decision number: 14-42/783-346]

The investigation examined the claim that Dosu Maya Mayacılık A.Ş. (Dosu Maya), Mauri Maya Sanayi A.Ş. (Mauri Maya), Öz Maya Sanayi A.Ş. (Öz Maya), Pak Gıda Üretim ve Pazarlama A.Ş. (Pak Maya) colluded to increase the price of fresh yeast used in the production of bread.

**Market:** Fresh baker's yeast market

**Findings:** Within the scope of the investigation, the following findings were made:

- The four producers of fresh baker's yeast made contacts many times to fix prices, producers followed price changes on-site and to this end high level managers communicated with lower level managers and regional sales representatives and the firms observed not only their dealers but also their competitors,
- A significant part of the documents included the problems faced at the local level in applying the prices,
- There were statements that the practice was successful for a certain period with the participation of all parties,
- There were documents declaring that some of the parties tried price changes but the desired results were not obtained, some e-mails showed that the undertaking that carried out the correspondence was willing and determined in terms of price changes,
- Prices were increased in a way that could not be explained with demand and costs in the period when the contacts among parties to fix prices were frequent.

One of the undertakings under investigation (Mauri Maya) applied for leniency and admitted in the information submitted to the Authority that parties held meetings many times in order to fix fresh baker's yeast prices. Moreover, the undertaking made supporting statements and gave documents. On the basis of those documents, it was understood that an ombudsman was assigned to apply the price agreement effectively. On the other hand, an informing within the scope of the investigation claimed that local meetings were held in some cities in addition to the information given in the leniency application and the party applied for leniency confirmed those claims with some corrections and additions. Therefore, the objective was revealed with respect to the existence of a common will and communication/cooperation made to this end.

In addition, when the data obtained from the parties at the time of the investigation were analyzed, it was understood that price changes in certain periods produced notable effects in the market.

Within the framework of those information, it was concluded that the agreement under investigation was under the scope of article 4 of the Act no 4054 in terms of its object and effect. Moreover, the said agreement was not exempted from the provisions of article 4 of the Act no 4054 considering the fact that a development or improvement within the scope of article 5 was not possible and consumers could not benefit from that.

**Conclusion:** It was decided that the four undertakings under investigation violated article 4 of the Act no 4054 by means of colluding to increase the price of fresh yeast used in the production of bread; the said agreements cannot be granted individual exemption as they do not fulfill the conditions listed in article 5 of the Act no 4054; therefore Dosu Maya, Öz Maya ve Pak Maya shall be imposed administrative fines; however, Mauri Maya shall not be imposed administrative fines because its leniency application was admitted.

- 3M Investigation Decision [decision date: 25.06.2014, decision number: 14-22/461-203]

With its decision numbered 2008/3117 E., 2011/5424 K., 13<sup>th</sup> Chamber of Council of the State annulled the Board Decision dated 04.07.2007 and numbered 07-56/669-232, consequently the claim that 3M Sanayi ve Ticaret A.Ş. (3M) violated articles 4 and 6 of the Act no 4054 was analyzed.

**Market:** Helmet, gas mask, dusk mask, safety glasses, earplug and ear protectors markets

**Findings:** The investigation analyzed whether 3M's practices in question violated article 4 of the Act no 4054. According to the said claims, 3M eliminated intra-brand competition by determining products' final sale prices, imposing territory and customer restrictions on its dealers and discriminating among its dealers.

As a result of the preliminary inquiry made based on the application submitted to the Board on 28.03.2007, the Competition Board took a decision dated 04.07.2007 and numbered 07-56/669-232 that 3M's practices in question may constitute a violation within the scope of article 4 of the Act; therefore an opinion shall be sent according to article 9 of the same Act stating that it should avoid the practices in question otherwise an investigation shall be initiated according to article 41 of the act no 4054. With its decision numbered 2008/3117 E., 2011/5424 K., 13<sup>th</sup> Chamber of Council of the State annulled the Board Decision as a result of an action for nullity.

3M, which is the subject to investigation, sells its products via selective distribution or authorized sales organization it established throughout Turkey. The claims that there are practices that may prevent intra-brand competition in the commercial arrangements between the main distributor (3M) and local firms that are its dealers or authorized dealers in the said marketing and sales activities may be evaluated according to article 4 of the Act no 4054 and the Communiqué no 2002/2 under the titles "determining the resale prices", "imposing territorial or customer restrictions" on dealers and "discrimination among equivalent undertakings". However, there were not sufficient information or documents showing the existence of a violation in the period after the preliminary inquiry and the decision of the Board taken after the preliminary inquiry stating that the Board shall submit an opinion within the scope of article 9(3) of the Act. Therefore, it was concluded that there was not sufficient evidence that 3M violated article 4 of the Act no 4054 by means of determining the retail price for its dealers, discriminating among its dealers or imposing customer or territory restrictions on dealers.

**Conclusion:** It was decided that 3M did not violate article 4 of the Act no 4054 by determining the resale price of dealers in some sales, imposing customer or territory restrictions on dealers and applying discriminative discount rates to certain dealers in a way to create unfavorable competitive conditions; therefore, it is not necessary to impose administrative fines on the said undertaking.

#### 2.1.2 *Summary of significant cases – Examples from the decisions on exemptions and negative clearances*

- ÇAYTAŞ Exemption Decision [decision date: 20.05.2014, decision number: 14-18/339-149]

The Board examined whether it is possible to grant a negative clearance certificate/exemption to the system created by ÇAYTAŞ Gıda Pazarlama ve Reklam Hizmetleri San. ve Tic. A.Ş.

(ÇAYTAŞ) for the coordination of the organization of the distribution and sales of General Directorate of Tea Enterprises' (ÇAYKUR) products.

**Market:** Black tea and green tea markets

**Findings:** ÇAYTAŞ was established under the partnership between the companies founded by ÇAYKUR dealers in nine different dealership regions and ÇAYKUR. ÇAYTAŞ is effective in the decision making mechanism of ÇAYTAŞ since ÇAYSAN, whose biggest shareholder is ÇAYKUR, has preferential shares in ÇAYTAŞ and has two members in the board of directors. Moreover, ÇAYTAŞ enables coordination between ÇAYKUR dealers, which can be considered competitors with respect to intra-brand competition. In fact, the nine firms established by ÇAYKUR dealers to market and promote ÇAYKUR products were evaluated in the decision of the Competition Board dated 18.6.2009 and numbered 09-29/604- 144 and it was decided that although the cooperation between the parties are within the scope of article 4 of the Act no 4054, it also fulfilled the requirements listed in article 5 of the same Act; thus was granted individual exemption.

In the system that is the subject of exemption request, ÇAYTAŞ has a coordinating role in the sale and distribution of ÇAYKUR products in terms of chain stores in addition to marketing and advertisement activities. In this context, the fact that ÇAYTAŞ make coordination among dealers may restrict intra-brand competition between the dealers with respect to sales to chain stores and it falls under the scope of article 4 of the Act. The agreement in question is not under the scope of the Communiqué no. 2002/2. Consequently, the agreement was evaluated for individual exemption. It was decided that it could be exempted from the provisions of article 4 of the Act no 4054 as it fulfills all of the requirements listed in article 5 of the same Act.

**Conclusion:** It was decided that the system that is the subject of the exemption application is within the scope of article 4 of the Act no 4054; however, the said agreement shall be granted individual exemption as it fulfills all of the requirements listed in article 5 of the same Act.

- TOFAŞ Negative Clearance Decision [decision date: 12.11.2014, decision number: 14-45/827-371]

The Board analyzed whether the practice of TOFAŞ Türk Otomobil Fabrikası A.Ş. (TOFAŞ), where it shares certain statistical information periodically with authorized dealers could be granted negative clearance certificate/exemption.

**Market:** The market was not defined.

**Findings:** According to the information in the file, TOFAŞ plans to share, with its authorized dealers, the scores of customer satisfaction surveys done by authorized dealers, the number of sales belonging to the previous month as well as the ratio of achieving the targets on the basis of authorized dealers.

As a result of the evaluation made, it was concluded that the scores of customer satisfaction surveys done by authorized dealers includes information about the relations of authorized dealers with their customers, considering the previous decisions of the Competition Board, the information to be exchanged is related to customer satisfaction and cannot be considered competition sensitive (strategic). In addition, the number of sales on the basis of authorized dealers belonging to the previous month will be shared as total number of passenger car and light commercial vehicle sales without model breakdown. The applicant explained that the aim of sharing the ratio of achieving the targets as well as the number of sales on the basis of authorized dealers is to promote competition among authorized dealers and will be a part of the premium system; monthly targets in the automotive sector are determined according to many factors such as the economic conjuncture, sale trends and the conditions in the market and they are

continuously revised; suppliers set monthly sale targets to increase their sales according to competitive conditions in the market and have more shares beside encouraging authorized dealers with premiums to achieve those targets; therefore monthly sale targets are much more important than annual sale targets in terms of competition and for suppliers to increase their sales as well authorized dealers to earn premiums. Within this framework, while annual sale targets are important for planning production, monthly sale targets are important for competition. If authorized dealers compete to achieve the sales target, this may lead to price reductions and thus efficiency gains.

Therefore, information exchange that is the subject of the application could be granted negative clearance certificate.

**Conclusion:** It was decided that the practice of TOFAŞ where it will share the scores of customer satisfaction surveys done by authorized dealers, the number of sales belonging to the previous month as well as the ratio of achieving the targets on the basis of authorized dealers shall be granted negative clearance certificate.

## 2.2 *Mergers and Acquisitions*

### 2.2.1 *Summary of significant cases*

- Mobil Acquisition Decision [decision date: 16.7.2014, decision number: 14-24/482-213]

The request for the authorization of the acquisition by THY OPET Havaçılık Yakıtları A.Ş. (THY OPET) of Mobil Oil Türk A.Ş.'s (Mobil) 25% of the ownership rights in the assets that are the subject of the Aviation Operation Agreement on Storage and Refueling in Airports in Turkey was analyzed.

**Market:** Aviation fuels market

**Findings:** The transaction is about the acquisition by THY OPET of ownership and rights of use of Mobil's jet fuel filling and storage facilities in İstanbul Atatürk, İzmir, Antalya and Milas-Bodrum airports. The fact that those facilities are strategic elements in the said airports with respect to jet fuel sales together with capacity constraints increases the importance of the acquisition. When the decision is analyzed, the risk of foreclosure of the market and prevention of access for competitors can be seen.

Within the framework of the file, the following commitments were made: Except the participants to Joint Operation Agreement, in case of a request in İzmir Adnan Menderes and Milas Bodrum Airports, which are thought to have security of supply with respect to access to storage capacity, one third of the acquired 25% capacity will be opened to third parties, except the participants to Joint Operation Agreement, depending on whether storage license is hold in all circumstances and/or in case an approval/ authorization is needed according to article 10.2 of the Joint Operation Agreement, such approval/authorization will be obtained. With respect to İstanbul Atatürk and Antalya Airports, in case of a request, one half of the acquired 25% capacity will be opened to third parties, except the participants to Joint Operation Agreement, depending on whether storage license is hold in all circumstances, and/or in case an approval/ authorization is needed according to article 10.2 of the Joint Operation Agreement, such approval/authorization will be obtained and there will not be any discrimination among undertakings wishing to get service. The Board accepted the said commitments and authorized the transaction.

**Conclusion:** It was decided that acquisition by THY OPET of Mobil's 25% of the ownership rights in the assets that are the subject of the "Aviation Operation Agreement on Storage and Refueling in Airports in Turkey" is subject to authorization according to article 7 of the act no

4054 and the Communiqué issued depending on that article, the transaction shall be authorized with the approval of the commitments made by the parties and in case the requirements within the framework of the commitments are not fulfilled within due time the authorization shall be deemed invalid.

- YTPP Acquisition (Privatization) Decision [decision date: 2.7.2014, number: 14-23/479-210]

The request for the authorization of the acquisition of various assets within the framework of the privatization of the Yatağan Thermal Power Plant (YTPP) was evaluated.

**Market:** Market was not defined.

**Findings:** YTPP, which is the subject of the evaluation, was included in the privatization program by the decision of the High Board of Privatization (HBP). Within this framework, it was decided that the following assets should be privatized as a whole: the movables used by YTTS and Güney Ege Linyit İşletmeleri (GELİ), owned by Yeniköy Yatağan Elektrik Üretim ve Ticaret A.Ş., via "Asset Divestiture;" immovable assets used by YTPP, immovable assets over which GELİ is situated and immovable assets used by GELİ, via "Asset Divestiture"; certain licenses and the mine sites covered by those licenses, via "Transfer of Operating Rights."

The examination conducted found that, on the basis of this particular case, potential buyers and the undertaking to be privatized lacked sufficient market power to cause competition problems even under narrower definitions of the relevant market; therefore, the notified transaction and horizontal concentration would not lead to the creation or strengthening of a dominant position in any market, resulting in a significant decrease of competition. As well, those bidder companies operating in the electricity distribution sector were examined in terms of their current market shares among distribution companies and in terms of the market share they would achieve in the electricity generation market following the planned transaction, and it was found that market foreclosure (input foreclosure/customer foreclosure) as a result of vertical integration should not be a concern in the current situation with relation to the file in question.

**Conclusion:** As a result of the discussions conducted, in the matter of the privatization of YTPP and the other assets covered under the relevant transaction, it was decided that acquisition by any of the bidders was subject to authorization under article 7 of the Act no 4054 as well as under the Communiqué no 2013/2 based on that article; that a potential acquisition by any of the bidders in question would not lead to the creation or strengthening of a dominant position in the relevant market as prohibited under the same article of the Act, resulting in a significant decrease of competition; and that, therefore, the notified transaction should be authorized.

- Dosu Maya Acquisition Decision [decision date: 15.12.2014, decision number: 13-40/513-223]

The request for Lesaffre et Compaigne's acquisition of full control over Dosu Maya Mayacılık A.Ş., currently controlled by Yıldız Holding A.Ş., was evaluated.

**Market:** Fresh baker's yeast, dry baker's yeast and bread additives markets.

**Findings:** The subject matter of the decision concerns the acquisition of full control over Dosu Maya by Lesaffre et Compaigne. As a result of the examinations and observations conducted, it was found that the relevant transaction was an acquisition under the Communiqué no 2010/4.

During the preliminary inquiry stage, it was found that Öz Maya (Turkish subsidiary of Lessaffre et Compaigne), Pak Maya, Dosu Maya and Mauri Maya operated in the Turkish fresh yeast market, which showed the characteristics of an oligopolistic structure for a long time and concerns were raised in relation to a potential significant increase of concentration in the market following the acquisition. Due to the structural characteristics of the yeast market, it was

emphasized that the resulting concentration could lead to a dominant position for more than one undertaking, and the transaction was taken under final examination.

During the Final Examination stage, both pre- and post-transaction concentration levels were examined in the fresh yeast market. Within this framework, the merged entity comprised of Öz Maya and Dosu Maya, with its market share in terms of sale amounts and revenues, would get ahead of the current market leader Pak Maya and become the market leader. The merged undertaking and Pak Maya together would have a market share of over 80% in terms of sale amounts and revenues, and would hold 84% of the total established capacity for fresh yeast in the market. Comparing pre- and post-transaction HHI rates points to "potential anti-competitive effects" as well as to a "highly concentrated" market structure.

Following the above confirmation of the concentration, the restrictive effects of the transaction on competition were evaluated under the criteria listed in the "Guidelines on the Assessment of Horizontal Mergers and Acquisitions". The first point to be addressed under this framework was the existence of only four manufacturers in the market, the difficulties related to imports, and the lack of any change in the market structure for a period of over 10 years. On the other hand, it was also found that the fresh yeast market did not see any growth from 2009 to 2014, and that the market actually got a little smaller over the last three years.

However, it was found that distribution and sales networks were an important factor in the yeast market, that there were close relationships between manufacturers/distributors and distributors/bakers, that manufacturers were able to closely monitor the market through the distributors and that downstream communication with the manufacturers would have an important role in any potential coordination.

An examination was conducted in terms of product homogeneity, which is listed in the Guidelines as a facilitating factor for coordination by undertakings, and it was decided that the manufacturing processes for fresh yeast were largely similar and the market structure did not require product differentiation either in production or on the demand-side. At this point, it was observed that, due to product homogeneity, price was the most important means of competition in the market and as a result prices could be closely monitored through the distributors in the downstream markets. Distributor/baker relationships are also quite close. Due to these factors, transparency in the market is high.

The Authority observed that fresh yeast is a perishable product that is frequently ordered at low amounts since the fresher it is, the higher its quality/performance, that a significant part of the market was comprised of small-scale bakers scattered in various geographic regions of the country which made frequent purchases at small amounts, that the price-elasticity of demand was low and hence there was no buyer power, and that the undertakings had engaged in anti-competitive conduct in the past. In light of these facts, it was concluded that the transaction would facilitate communication between the competitors in the market, further opening the market to coordinated action.

In light of the aforementioned observations, it was found that the relevant transaction could lead to restrictive effects on competition in the fresh yeast market, in consideration of the current characteristics of the market and the market structure to be created following the acquisition. However, the transaction was authorized within the framework of certain commitments undertaken by the acquiring party in the fresh yeast market (price limitations, removal of exclusivity clauses from the agreements).

**Conclusion:** It was decided that the relevant transaction was subject to authorization under article 7 of the Act no 4054 as well as under the Communiqué no 2013/2 based on that article, that in terms of dry yeast and bread additives market the transaction should be authorized, while

in terms of the fresh yeast market it should be authorized subject to the commitments undertaken by the transaction party.

### 2.3 *Opinions*

20. This section includes examples from the opinions submitted to various authorities and organizations concerning implementation or amendments in legislation in 2013, in accordance with articles 27(g) and 30(f) of the Competition Act<sup>3</sup>

#### 2.3.1 *Opinion on the Best Agricultural Practices and the Control and Certification of Organic Agricultural Products*

21. A request received by the Authority explained that the Ministry of Food, Agriculture and Livestock (the Ministry) granted authorization in relation to Best Agricultural Practices and the Control and Certification of Organic Agricultural Products as the Control and Certification institution, and that The Turkish Standards Institute (TSE) made an application to receive the authorization in question. The request then asked for the opinion of the Authority on whether competition in the sector would be affected negatively and/or positively as a result of that application; if so, what kind of hard-to-fix difficulties might arise in the sector in case authorization was granted, what might be the potential negative or positive results of such authorization for domestic representatives of international firms, and what would be the administrative and financial implications of the authorization granted in the area of organic agriculture and best agricultural practices. The opinion rendered in response to the request was submitted to the relevant Ministry.

22. First of all, the Authority opinion in question states that in order to study the competitive effects that might arise due to the entry of an undertaking into a market in which it was not active previously would require a comprehensive analysis that would take a long period of time. To evaluate whether there would be negative or positive effects on competition as a result of the entry of TSE, which is a public institution with the status of a legal person, into the market defined as "Control of Organic Agricultural Products and the Certification of Such Products," in which it was not previously active, the Authority utilized the "Competition Neutrality" principle of competition law literature. This principle is related to the subject of competition between state owned enterprises/public businesses with private businesses.

23. According to the competition neutrality principle, and in reference to the 2013 report of the Competition Authority titled "Public Interventions from Competition Policy Perspective"<sup>4</sup>, it is stated that public and private businesses operating in the same market should not be subject to different public regulations or disposals. This principle aims to ensure that public enterprises do not benefit from the advantages provided by the government and that they compete under equal terms with private businesses.

24. The Authority opinion goes on to examine which basic competitive advantages TSE enjoys from among those extended to public businesses, which are listed in the same report and which include the following: a) subsidies from public resources, b) preferential funding and assurance, c) basic rights and incumbent firm advantage, d) fixed ownership structure, e) exemption from rules of bankruptcy and information advantages, and f) other preferential practices by the government. First of all, in order to determine whether a state-owned enterprise is subsidized by government resources, the Authority must

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<sup>3</sup> Article 27(g) empowers the Competition Board to opine, directly or upon the request of the Ministry of Customs and Trade, concerning the amendments to be made to the legislation with regard to the competition law whereas Article 30(f) empowers the Presidency of the TCA to opine about decisions to be taken as to the competition policy, and the relevant legislation.

<sup>4</sup> <http://www.rekabet.gov.tr/File/?path=ROOT/Documents/Rekabet%20Raporu/rapor2013.pdf>

examine whether all or part of its revenues comes from the state or whether the business concerned is able to keep its costs low in a way that is unavailable to private businesses.

25. TSE was established with the Law no 132 in which it is defined as a "Public Institution" with legal entity status, administered in accordance with private law provisions. Article 11 of the same Law enumerates the revenue items for TSE, as a result of which a certain portion of TSE's revenue is generated through direct transfer of public resources, independent of any area of operation. The institution also enjoys certain tax advantages unavailable to private businesses and, as such, unlike private sector enterprises, it is a public business financed through public resources. The report emphasizes that, from this aspect, TSE holds a competitive advantage over the private sector enterprises operating in the same sector. Secondly, the report states that, due to its fixed ownership structure, TSE is in a better position than private sector businesses, since it is not obliged to generate a certain return for its shareholders for their investments. Therefore, it is free of the disciplining effect of capital markets and may be managed inefficiently. Additionally, when various articles of the Law no 132 are examined, it is observed that TSE is able to take advantage of certain public resources which would be unavailable to private sector enterprises under the normal circumstances.

26. Lastly, the Authority opinion points out that, since TSE is a non-profit organization, the government would prevent bankruptcy in case of significant losses, which shows that TSE is in a more advantageous position than private sector enterprises. Many countries over the world have established principles public enterprises are expected to follow when competing with private businesses. For instance, the discussion paper<sup>5</sup> published by the European Union on 28.09.2009 on the subject states that competition neutrality requires a regulator and/or competition enforcer to eliminate any unfair advantages or disadvantages of state owned enterprises caused solely by the fact that they are owned by the state. The reason for this is that public enterprises must compete in equal terms with private sector companies. Some examples from other countries may be found in the OECD study titled "Competition Neutrality – National Practices,"<sup>6</sup> which was published in 2012 and includes examples concerning which countries implemented the competition neutrality principle and how the principle was implemented. OECD recommendations, guidelines and best practices concerning the implementation of the competition neutrality principle, on the other hand, may be found in the study titled "Competitive Neutrality – A Compendium of OECD Recommendations, Guidelines and Best Practices," also published in 2012. Within this context, TSE's presence in the market for "Control of Organic Agricultural Products and the Certification of Such Products" will lead to certain positive outcomes. For instance, once TSE starts its operations in this market, certain international standards that private undertakings failed to bring due to a lack of resources may be introduced through the use of public resources, which may facilitate the sale of domestic producers in international markets. Also, certain international standards which the private undertakings lack but which are held by TSE may encourage private undertakings to act in a more competitive manner.

27. As a result, the Authority opinion states that TSE's entry into the market for "Control of Organic Agricultural Products and the Certification of Such Products" may potentially have negative effects on competition in the relevant market since TSE is a state-owned enterprise which can take advantage of certain public resources that are unavailable to private undertakings. However, the opinion also states that if TSE operates within the framework of the "competition neutrality" principle and if regulations to ensure such behavior are implemented, TSE's entry may lead to an increase in competition in the market as well, depending on the decisions to be taken by TSE.

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<sup>5</sup> <http://ec.europa.eu/competition/international/multilateral/corporategovernance.pdf>

<sup>6</sup> <http://www.oecd.org/daf/ca/50250966.pdf>

2.3.2 *Opinion on the Regulation on the Cylinder and Bulk Distribution of Industrial and Medical Gases*

28. The Authority opinion on the "Draft Regulation on the Cylinder and Bulk Distribution of Industrial and Medical Gases," published by the Ministry of Science, Industry and Technology, was submitted to the relevant Ministry.

29. In the opinion, the Authority first observes that medical gases were excluded from the scope of the regulation. Within this context, the most important factor in terms of the competitive operation of the markets with respect to competition law is to ensure freedom in purchase, sale and distribution of goods and services. Since the industrial gas market is a "highly concentrated" market with a small number of producers and importers, ensuring freedom of trade is particularly important and as much as possible, every stage in the production chain of industrial gases, from their production and importation to their delivery to the final users, must be regulated with an open competition approach. According to the opinion, it is clear that the draft regulation is aimed at guarding the security of life and property of the people as well as at protecting the environment through technical arrangements, by increasing supervision at every stage of the production-consumption chain of industrial gases. However, the same goal may be achieved via methods that are less restrictive of competition instead of utilizing regulations which would have negative effects on competition by creating additional barriers to entry.

30. The Authority opinion goes on to say that the draft's use of "supplier" instead of "independent filling station" serves to prevent confusion with filling stations. This also prevents the phrase "independent filling station" from leading to the misunderstanding that there is a reference to a dealer that does not work with producers or businesses with an agreement. In addition, the opinion states that the current draft predicts significant barriers to entry stemming from the conditions required from producers, suppliers and businesses to operate in the market, and that even more strict conditions are introduced, which would lead to competitive concerns due to an increase in market concentration.

31. The opinion states that the draft regulation includes arrangements which would strengthen the dominant positions of those undertakings in the market with high market shares, and makes suggestions as to the potential amendments to the arrangements in question in order to ensure free competition. Accordingly, the draft apparently requires both producers and suppliers to provide all of the oxygen, nitrogen and carbon dioxide gases. This would constitute a significant barrier to entry, since it would eliminate any chance of producers or suppliers to choose to operate in the sector by supplying only one or two of the relevant gases. Similarly, the requirement placed on producers, suppliers, filling stations and distributors to own a minimum amount of storage capacity and a certain number and size of tankers and transport vehicles would also prevent entry into market or force some undertakings to exit the market, which would mean these requirements have restrictive effects on competition. The draft introduces a minimum size for each equipment as well as a minimum total size, which makes the conditions required within this framework more difficult. Therefore, the opinion suggests that the aforementioned actors should be allowed to operate within a more limited product range and they should be allowed to own the vessels, tankers and transport vehicles at the capacity and number required by their operation, or to rent such vehicles through financial leasing or similar methods.

32. The opinion goes on to state that, in Turkey, certain businesses that are not mainly concerned with the production of industrial gases, iron and steel factories in particular, have a significant gas production capacity. Industrial gases sold on the market by these enterprises, which generate the gas as a by-product of their own production processes, exert competitive pressure on established gas producers. The draft regulation, on the other hand, allows these businesses to only sell the gas produced, with the exception of carbon dioxide, to other contracted producers and suppliers, which prevents them from creating their own sales/marketing strategies and providing gas directly to filling stations as well as

establishing a dealer network. The draft regulation also includes provisions that allow such businesses to operate as producers if they meet the specified requirements and get an authorization from the Ministry. In this case, a business with a producer status may establish a dealer network and this amendment would create competitive pressure on gas producers. The draft expands the supply opportunities available to businesses by regulating that they can purchase the gas they require not only from the producers authorized by the Ministry, but also from suppliers, other businesses or through imports.

33. The Authority opinion on the draft also makes the following observation: the provisions "Filling stations may not sign contracts with more than one producer or supplier," "Signing a dealership contract with the Ministry-authorized producers, supplier or their filling station," "Filling stations may not sign contracts with more than one producer or supplier, and distribution dealers may not sign contracts with more than one producer, supplier or filling station," and "Consumers must purchase the industrial gases they need from a single producer, supplier or their filling stations or distribution dealers" place an exclusive buying obligation on filling stations, on distribution dealers, on filling stations and distribution dealers, and on consumers respectively, to purchase the contract gases from the companies with which they signed exclusive contracts. Article 4 of the Act no 4054 provides that in the markets for goods and services, all agreements, concerted practices and decisions of associations of undertakings restricting competition are illegal and prohibited. The agreements prohibited by this article cover horizontal agreements between two competitors operating in the same market and at the same level, as well as vertical agreements concerning the purchase, sale and resale of certain goods and services, signed between two or more undertakings operating at different levels of the production and distribution chain. Within this framework, Article 4 of the Act no 4054 basically prohibits exclusive dealing and supply agreements signed between a supplier undertaking and its dealers and consumers which prevents competing undertakings from accessing those dealers/consumers, i.e. which prevents those dealers/consumers from purchasing the products of a competing supplier.

34. On the other hand, article 5 of the Act no 4054 grants the Competition Board the power to individually exempt agreements that fulfill certain conditions from the prohibition of Article 4 as well as the power to issue communiqués to grant block exemption from the aforementioned prohibition to certain types of agreements. Within that framework, exclusive vertical agreements may also be granted individual or block exemptions from the application of article 4 of the same Act, provided they meet certain requirements. In light of the hierarchy of norms, legal problems may arise if a type of agreement which is prohibited by an Act and for which exemption conditions from the application of that prohibition are established by the same Act and by the relevant legislation issued based on the rights granted by that Act, is then made obligatory by secondary regulation. Therefore, any phrasing in the draft regulation that introduces exclusivity should be amended to eliminate such exclusivity. Alternative conditions that are less restrictive of competition may be introduced to achieve the intended goal of the draft text, such as prohibiting storage of differently-sourced gas in the same tanks. Besides, in case it is demonstrated that there is sufficient grounds for exclusivity and the provisions of article 5 of the Act are fulfilled, the situation may be evaluated following an application to the Competition Board and an individual exemption may be granted for the vertical agreement in question.

35. Lastly, the Authority opinion addresses the restrictions on cylinder ownership included in the draft regulation. Accordingly, in case the relevant draft is put into effect in its current form, with the exception of cylinders used for carbon dioxide, only producers, suppliers and filling stations would be allowed to own the cylinders and manifold cylinder packs used for storing and transporting industrial gases. This means distributors, businesses and consumers will not be able to own such cylinders, which may potentially lead to certain competition problems. On the other hand, the restriction placed on natural and legal persons in relation to cylinder ownership will limit commercial operations and customer groups of those firms which are primarily active in the storage and transport of industrial gases and thus could subject these firms to various competitive disadvantages. In order to fill up cylinders and manifold cylinder

packs used when offering industrial gases in the market, these cylinders and cylinder packs must be compliant with the current technical regulations and safety standards. However, for the purposes of ensuring health, safety and environment requirements, placing restrictions on natural and legal persons who may own cylinders and cylinder packs may increase the chance of encountering restrictive effects on competition in both the markets for industrial gases and for the production and sales of cylinders and cylinder packs.

### **3. Resources of the TCA**

#### **3.1 Resources overall (current numbers and change over previous years)**

##### **3.1.1 Annual budget (in TL and USD)**

36. Revenues of the TCA are determined by the Competition Act as follows in Article 39. According to this article, revenues of the TCA set up the budget of the TCA, and they are made up of the following items of revenues:

- The subsidy to be allocated in the budget of the Ministry of Customs and Trade,
- Payments to be made by four per ten thousand of the capitals of all partnerships to be newly established with the status of an incorporated and limited company, and that of the remaining portion in case of capital increase,
- Publication and other revenues.

37. Revenues belonging to the TCA are collected in an account to be opened in the Central Bank of the Republic of Turkey or a state bank.

38. The spending budget of the TCA in year 2014 was 57,4 million TL approximately 27 million USD.

39. Moreover, although it is provided for in Article 39 of the Competition Act, there has not been a subsidy in the budget of the Ministry of Customs and Trade and the TCA has not taken any aid from the general budget transfer scheme since its establishment in 1997.

##### **3.1.2 Number of employees**

- Non-administrative competition staff: 145
- All staff combined: 348

#### **3.2 Human resources (person-years) applied to: Enforcement against anticompetitive practices, Merger review and enforcement; Advocacy efforts.**

40. Turkish Competition Authority was not structured as to assign staff with respect to competition enforcement activities. Rather the staff is divided into five main enforcement departments which are assigned sectoral areas. Any merger filings or antitrust infringement complaints regarding a sector are delivered to the head of the department assigned to that sector. Then the department head distributes cases to NAC staff for analysis. There is also NAC Staff employed in External Relations, Training and Competition Advocacy; Strategy Development and Decisions Departments.

#### **3.3 Period covered by the above information:**

- 2014

## ANNEX: STATISTICAL INFORMATION FOR THE YEAR 2014

Table 1. Files Concluded

Year	Infringements of Competition	Exemption/Negative Clearance	Merger/Acquisition/Joint Venture/Privatization	Total
2012	303	50	303	656
2013	191	58	213	462
2014	163	59	215	437

Table 2. Files Concluded Under the Scope of Articles 4 and 6 of the Competition Act

Year	Article 4	Article 6	Both Together (4 and 6)	Total
2012	168	108	27	303
2013	117	57	17	191
2014	91	448	24	163

Table 3. Horizontal and Vertical Agreements Examined under the Scope of Article 4 of the Competition Act

Year	Horizontal	Vertical	Together (H/V)	Total
2012	121	67	6	194
2013	67	63	4	134
2014	65	48	2	115

Table 4. Results of the Applications Regarding Exemption and Negative Clearance

Concluded Negative Clearance Files			Concluded Exemption Files							
Applications that are granted Negative Clearance	Applications that are granted Negative Clearance with Conditions	Applications that are not Granted Negative Clearance	Cases including Agreements that are granted individual exemption	Cases including Agreements that are not Granted Exemption and Required Corrections	Cases including Agreements that are Under The Scope of Block Exemption	Cases including Agreements that are Granted Individual Exemption with Conditions	Cases including Agreements that are under the scope of Block Exemption after conditions	Cases including Agreements that are not granted exemption	Cases including Agreements from which exemption was withdrawn	Cases including Agreements where individual and block exemption were evaluated together
2012	12	-	20	-	3	8	1	5	-	1
2013	10	-	27	-	9	4	-	4	-	3
2014	14	-	30	-	4	7	-	2	-	-

Table 5. Number of Merger and Acquisition Decisions

Year	Merger	Acquisition	Joint Venture	Privatization	Total
2012	1	190	91	21	303
2013	1	125	68	19	213
2014	4	130	63	18	215

Table 6. Results of Merger and Acquisition Notifications

Year	Cleared	Cleared Under Conditions	Blocked	Out of scope (not satisfying the thresholds)
2012	262	-	-	41
2013	162	-	-	51
2014	169	3	-	43

Table 7. Fines Imposed<sup>7</sup> (TL)

	Year	Total	Infringements Merger/Acquisition	Exemption/Negative Clearance
Fines related to substance	2012	60.411.864	60.411.864	
	2013	1.187.220.597	1.187.220.597	
	<b>2014</b>	<b>468.23.986</b>	<b>468233986</b>	
Fines imposed on executives	2012	20.718	20.718	
	2013	-	-	
	<b>2014</b>	-	-	
False or misleading information in an application	2012	-	-	
	2013	352.664		352.664
	<b>2014</b>	-	-	
False or misleading information given during on the spot inspections	2012	76.129	76.129	
	2013	-	-	
	<b>2014</b>	-	-	
Finalizing a transaction without permission of the Competition Board/Failure to notify within due date	2012	119.057		119.057
	2013	242.813		242.813
	<b>2014</b>	<b>30.452</b>		<b>30.452</b>
Incompliance with the decision of the Competition Board related to Article 9	2012	-		
	2013	-		
	<b>2014</b>	-		
Hindrance of on the spot inspection	2012	-		
	2013	15.540.501	15.540.501	
	<b>2014</b>	-		

<sup>7</sup> The table does not reflect new fines in the files annulled by the Council of State, the high administrative court.