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COMPETITION COMMITTEE

Annual Report on Competition Policy Developments in Turkey

-- 2020 --

This report is submitted by Turkey to the Competition Committee FOR INFORMATION.

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Turkey

Executive Summary

1. Overall examination of the Turkish Competition Authority's (TCA) activities shows that in 2020, a total of 319 cases were finalized. Among these, 65 cases concerning competition infringements were finalized following preliminary examinations, preliminary inquiries and investigations conducted under the provisions of Articles 4 and 6 of the Act No 4054 on the Protection of Competition (the Competition Act), 34 cases were negative clearance/exemption decisions based on Article 5 and 8 of the Competition Act, and 220 cases were merger/acquisition/privatization/joint venture decisions based on Article 7 of the Competition Act.

2. The number of final decisions for 2017, 2018 and 2019 were 296, 355 and 312 respectively. Like in previous years, the number of finalized decisions regarding merger/acquisition/privatization/joint ventures is the greatest portion of the total number of finalized decisions. The corresponding numbers for 2017, 2018 and 2019 in this enforcement area were 184, 223 and 208 respectively. The number of finalized decisions for infringements of competition¹ in 2017, 2018 and 2019 were 80, 88 and 69 respectively. Finally, the number of exemption/negative clearance final decisions was 35 in 2019, 44 in 2018 and 32 in 2017.

3. Concerning the sectorial distribution of final decisions on merger/acquisition/privatization notifications; chemicals and mining (39), automobiles and vehicles (28), machine industry (22) and banking, capital markets, finance and insurance services (21) were prominent ones in terms of total number of notifications. In 2020, 6 final examinations were launched and 3 final examinations were finalized. Among those three, one was blocked, the other one was approved with conditions and the last one was retracted by the parties.

4. The completed investigations regarding infringements of competition rules concern chemistry and mining (5), machinery (4), health and medical equipment (3), logistics, storage and mail (3) and information technologies and platform services (2) sectors. A significant part of the exemption/negative clearance decisions finalized in 2020 stemmed from applications related to banking, capital markets, finance and insurance services (11), which constituted almost one third of all exemption/negative clearance decisions. The other sectors that the Board gave most exemption/negative clearance decisions were health care (5), automobiles and vehicles (3) and construction (3) sectors.

5. 2020 was also a very active year for investigations. In 2020, TCA initiated 24 investigations and concluded 29 investigations. As of end of 2020, 44 investigations were going on, promising an even more active year of 2021. The total amount of administrative fines for these infringements of competition cases amounted to approximately 1.9 Billion Turkish liras (approximately 271 Million U.S. Dollars / 236 Million Euros)

6. Even though no sector inquiry was concluded in 2020, 4 new sector inquiries in "Online Market Places", "Fresh Vegetables and Fruits", "Fuel" ve "Financial Technologies" sectors were launched. Additionally, inquiry regarding "Fast Consumer Markets Retail Sector" from previous year continued. We think that these inquiries will

¹ Infringements of competition cases are anti-competitive agreements prohibited by Article 4 of the Competition Act and abuse of dominance cases prohibited by Article 6

reveal the competitive conditions and problems in the aforementioned sectors and help us to develop proactive methods to deal with these problems.

7. Due to Covid 19 pandemic, TCA could not hold as many conferences as it did in 2019. In 2020, TCA organized 1 Conference (Istanbul Competition Forum Annual Webinar - ICF) with the help of UNCTAD, 2 Workshops for ICF and 1 Training Program for the Tunisian Competition Council, with the help of SESRIC.

8. In 2020, TCA continued its activities in the international arena. TCA attended many online international meetings both as a participant and speaker, including those organized by the Organization for Economic Co-operation and Development (OECD), United Nations Conference on Trade and Development (UNCTAD) and the International Competition Network (ICN).

9. TCA continued its efforts to provide internship opportunities for university students. As a result, 4 students were given the opportunity to work with us as part of the Presidency of the Republic of Turkey Human Resources Office “*Internship Mobilization Programme*”. Moreover, 74 university students attended our “*Competition Law and Policy – 2020 Internship Programme*”, which lasted for 2 weeks.

10. Lastly, it must be emphasized that TCA is very aware of the importance of human resources in order to achieve the goals it has set for itself. Consequently, 20 new assistant competition experts were hired and received adequate training in competition law and policy in 2020. It should also be noted that 5 of the newly hired assistant competition experts were IT specialists. This clearly shows that TCA is taking essential steps in improving its expertise in the digital field.

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

1.1. Summary of the new legislations

11. In 2020, there were two major new legislations introduced to the Turkish Competition Legislation. The first change to competition law in 2020 was the amendments to Law No. 4054 on the Protection of Competition (“Law No. 4054”). These amendments were approved by the Turkish parliament on 16 June 2020 with the Act No. 7246. The main changes included de-minimis principle, settlement and commitments mechanisms. The complete changes to the Law No. 4054 is as follows:

- The Board may not launch investigations concerning certain agreements, concerted practices and decisions and practices of associations of undertakings that do not significantly restrict competition in the market provided that it establishes criteria such as market shares and turnover thresholds (excluding hard-core cartels such as price-fixing or market sharing). (Amending the Art.41 – *De Minimis*)
- After the initiation of an investigation at the request of either the TCA or by one or more of the parties, a settlement procedure may begin. The Board may come to a settlement with undertakings or associations of undertakings subject to investigation, who acknowledge the existence of the violation until the investigation report is submitted. The administrative monetary fines to be imposed will be decreased by 25% for undertakings that settle with the TCA (Amending the Art. 43 - *Settlement*).
- During a preliminary inquiry or an investigation, in case undertakings or associations of undertakings concerned make commitments for eliminating

competition concerns occurred within the scope of Article 4 or 6 and those commitments are accepted by the Board, an investigation may not be initiated about those undertakings or associations of undertakings, or the ongoing investigation may be terminated. Hard-core restrictions (e.g. price-fixing, market sharing) are excluded from the commitment mechanism (Amending the Art. 43 - *Commitments*).

12. The other amendments to the Law No. 4054 can be summarized as follows:

- Amending the Art. 5 -Self assessment of exemption by the undertakings are prioritized.
- Amending the Art. 7 - In merger control SIEC test was introduced instead of dominance test
- Amending the Art. 9- The TCA may impose behavioural and structural remedies if it finds a competition law infringement. Structural remedies will be implemented if behavioral remedies are not sufficient to tackle the competition law concerns.
- Amending the Art. 15 – The aim of this amendment is to make it explicit and clear that the TCA's entitlement extends to the digital assets of undertakings under investigation.
- Amending the Art. 45 – After sending the Statement of Objections, case handlers' additional opinion time is extended from 15 days to 1 month - (In the past, case handlers submitted additional opinion within 15 days of receiving the second written defence).

13. The second new legislation was the adoption of “*Guideline on the Examination of Digital Data in Dawn Raids*” (8.10.2020). Its purpose is to explain the considerations regarding the examination of digital data in dawn raids conducted by case-handlers answering the questions outlined below:

- Who can conduct examinations and what can be seized?
- Can TCA examine personal phones, tablets, etc?
- Is it possible to examine the devices outside the premises of the undertaking?

1.2. Summary of the changes made to the existing legislations

14. The TCA did not make any significant amendment to its existing legislation in 2020.

2. Enforcement of competition law and policies

2.1. Action against anti-competitive practices, including agreements and abuses of dominant positions.

2.1.1. Summary of significant cases- Examples from the decisions on anti-competitive agreements

Chemotherapy Medication Preparation Systems Investigation [decision date: 02.01.2020, decision number: 20-01/14-06]

15. The investigation comprising the subject matter of the decision was launched in response to the claim that undertakings operating in the market for chemotherapy medication preparation system tenders colluded not to compete in tenders, implemented high prices by allocating tenders and engaged in bid rigging, thereby violating the Act no 4054.

- Relevant Market (product; geographic): *not defined; not defined.*
- Findings: Within the framework of the file, the claims of violation were examined, on-site inspections were conducted at the premises of the undertakings, and relevant public institutions and hospitals were interviewed. Competition in the market for chemotherapy medication preparation systems mainly occurs through the tenders and procurements initiated by the hospitals in order to meet their needs for a certain period of time. Documents acquired during on-site inspections conducted under the file showed that certain undertakings operating in the market for chemotherapy medication preparation systems colluded in different tenders, both during the preparation process and during the tender itself, in order to manipulate the process to their advantage and to allocate tenders.
- Among the parties to the investigation, Korulu and Onkofar was found to have manipulated the administration in the Samsun hospital tender during the approximate cost calculation process, which is one of the competitive parameters of the tender, by acting collusively not to submit an approximate cost offer with an aim to manipulate the administration's choice of systems to their own advantage and to the exclusion of their competitors. Similarly, in the Namık Kemal tender and in the Adana Başkent procurement, it was found that undertakings under investigation, namely Korulu, Meditera and Oncosem/Santek, colluded to act in concert and allocated these markets among themselves.
- Conclusion: Since collusive bidding in tenders is a hardcore infringement, it did not benefit from Article 5 of the Act no 4054. There were two tenders examined under the investigation and therefore two separate infringements were found, with administrative fines imposed on Korulu, Meditera, Oncosem, Santek and Onkofar.
- Within the framework of the investigation, since the agreement Eraser Medikal signed with its dealers included a prohibition on passive sales, it was decided that an opinion should be sent to eliminate the relevant provision from the contracts. In addition, it was also decided that another opinion should be sent to Oncosem and Korulu to limit the non-compete obligation in their dealership contracts to at most five years.

Fuel Investigation [decision date: 12.03.2020, decision number: 20-14/192-98]

16. The investigation comprising the subject matter of the decision was launched in response to the claim that 5 undertakings selling fuel, namely BP, Shell, Opet, Petrol Ofisi and Total Oil, intervened in the pump sale prices of their dealers, forcing them to sell fuel at the maximum price and prevented their dealers' freedom to put prices lower than the maximum on the price displays.

- **Relevant Market (product; geographic):** “gas distribution”, “diesel distribution”, “autogas LPG distribution”; “Turkey”.
- **Findings:** The investigation looked at whether the undertakings' practices in relation to their dealers infringed Article 4 of the Act no 4054. Extensive on-site inspections were conducted at the premises of the undertakings. Economic analyses were also conducted, comparing the maximum prices notified by the undertakings to their dealers and the minimum pump prices implemented by the dealers.
- The decision examined the documents acquired during on-site inspections. In addition, it included an analysis comparing the daily recommended (maximum) sales prices notified to the dealers by the distribution companies with the minimum pump sales prices implemented each day for each specific product.
- The assessment of the documents showed that the undertakings prevented dealers from implementing discounts and asked the prices to be increased. The economic analyses conducted also revealed that the dealer prices were largely in line with the recommended prices.
- **Conclusion:** It was concluded that BP, Petrol Ofisi, Shell and Opet violated Article 4 of the Act no 4054 by fixing the sales prices for their dealers and that administrative fines should be imposed on the aforementioned undertakings, while Total Oil did not violate Article 4 of the Act no 4054.

Mail/Cargo Investigation [decision date: 16.01.2020, decision number: 20-04/47-25]

17. The claim that 36 undertakings operating in the mail/cargo transport market violated the Act no 4054 on the Protection of Competition by sharing customers was evaluated in the decision.

18. The decision was taken after the investigation into the claim that undertakings dealing with ro-ro transport on Ambarlı-Bandırma and Ambarlı-Topçular lines violated article 4 of the Act no 4054 by means of colluding to fix the prices charged from transporters.

- Relevant Market (product; geographic): *not defined; not defined.*
- Findings: Undertakings, party to the investigation, operate in many different fields with different working models according to the structure and type of the distribution network, such as transportation, national and local mail/ cargo transportation, service providing in the field of international mail/ cargo transportation or the resale of services.
- The violation concerns against the undertakings party to the investigation were concentrated in three fields of activity. These fields were domestic mail/cargo transportation, international express mail/cargo transportation and air cargo transportation. The relevant product market was defined as the "*mail/ cargo transport market*", as it included the three fields of activity mentioned. However, a

specific market definition was not made as it was thought that it would not affect the evaluations within the scope of the file.

- Undertakings referred as service providers within the scope of the file provide services to consumers both directly through their own distribution channels and through resellers. In resale working model, undertakings which do not have an adequate distribution network in domestic or international transport resell to their customers by means of service procurement in areas where their activities are insufficient.
- Within this structure, both service providers and resellers operate at the retail level. However, it was concluded in the decision that the parties with a competitive relationship in the downstream market were not competitors with each other at the production level since resellers lack the ability to produce the service they purchase. Therefore, within the framework of the exemption applied to bilateral distribution agreements with the Block Exemption Communiqué no 2002/2 on Vertical Agreements, it was stated that the relationship between the parties was vertical and if the conditions were provided, it could benefit from block exemption. The restrictions imposed on resellers by service providers within the framework of vertical relations were not based on exclusive customer groups determined according to objective criteria and it was understood from the communication evidence obtained that in addition to active sales, passive sales to the said customers were prohibited and as such, the restriction constitutes a severe violation that could not be subject to exemption.
- Conclusion: Considering that the service providers (DHL, TNT, UPS and Yurtiçi Kargo) imposed the violation involving customer restriction to the resellers within the scope of the vertical relationship, it was concluded that these service provider undertakings violated Article 4 of the Act no 4054 and were imposed administrative fines

2.1.2. Summary of significant cases- Examples from the decisions on abuse of dominance

Google Shopping Investigation [decision date: 13.02.2020, decision number: 20-10/119-69]

19. The scope of the investigation was whether Alphabet Inc., Google Reklamcılık ve Pazarlama Ltd. Şti., Google International LLC, Google LLC and Google Ireland Limited (all referred to as Google) complicated competitors' activities in online comparison shopping services market by means of abusing their dominant position in the general search services market.

- **Relevant Market (product; geographic):** "General Search Services Market" and "Online Comparison Shopping Services Market"; "Turkey".
- **Findings:** This investigation was initiated by an application with a confidentiality request. In the decision, comprehensive market analyses were made and whether there were services that could constitute an alternative was considered. It was found that content search services, specialized search services and social media websites are not substitutes for general search services; Google's Shopping service is an online comparison shopping service and constitutes a different market than other specialized search services, marketplace platforms, online retailing and online search advertising. Therefore, the relevant product markets were defined as "general search services" and "online comparison shopping services".

- In dominant position analyses made for both “general search services market” and “online comparison shopping services market”, it was found that Google had considerably higher market shares compared to its competitors in both markets, there was not a significant buyer power in the markets, the factors such as high network effects created by multi-sided market structure, Google’s vertically integrated company structure and financial power, etc. created significant entry barriers and Google was dominant in both markets.
- In summary, the decision concluded that Google put its competitors’ comparison shopping services at a disadvantageous position compared to its own relevant services in general search results page and the fact that Google offered comparison shopping services in an area where it did not allow the competitors to enter under equal conditions and created ambiguity about its advertisement content featured its vertical services by using its power in general search services. As a result, competitors trying to compete with Google’s that service were put in a disadvantageous position with respect to competition, the said service created anticompetitive foreclosure effects in comparison shopping services in Turkey, in case Google had continued its activities in this field, more serious effect might have occurred. Moreover, even if the query submitted clearly included the brand or website name of the competing comparison shopping services websites, Google displayed Shopping Unit preferentially, which strengthened the effects of the practices analyzed.
- **Conclusion:** It was found that Google complicated its competitors’ activities by discriminating in favor of its comparison shopping service and distorted competition in comparison shopping services market. It was decided that Google violated article 6 of the Act no 4054 and administrative fines were imposed.
- Moreover, in the decision, the following obligations to be fulfilled within three months were imposed for terminating the infringement and ensuring effective competition in the market:
 1. To provide the conditions which would allow competing comparison shopping services to be at a no less advantageous position than its own services on the general search results page,
 2. To remove clickable title feature of Shopping Unit in other channels in line with the mobile channel,
 3. To eliminate reasonably the uncertainty concerning the advertisement content of the Shopping Unit in its title and labeling,
 4. To cease preferential positioning of Shopping Unit in case the query submitted to Google clearly includes the product name and the brand or website name of its competitors offering comparison shopping services,
 5. To submit a report once a year periodically to the Authority for five years following the implementation of the first compatibility measure.

2.1.3. Summary of significant cases- Example from the decisions on exemption and negative clearance

Johnson&Johnson Exemption Decision [decision date: 03.09.2020, decision number: 20-40/553-249]

20. An application was filed by Johnson&Johnson asking for an exemption for its agreement with 9 pharmaceutical warehouses. The agreement included provisions which would lead to Johnson&Johnson to work with only nine pharmaceutical warehouses and refuse to work with warehouses other than those identified for the distribution of certain drugs to the independent pharmacy channel

- **Relevant Market (product; geographic):** ATC-3 level for the 5 different active materials; Turkey
- **Findings:** The file concerns Johnson&Johnson's practice of working with only nine pharmaceutical warehouses and refusing to work with warehouses other than those specified for the distribution of Darzalex, Imbruvica, Stelara and Zytiga. Johnson&Johnson stated that they wanted to change the system currently in use for their products and set up a quantitative distribution system with the agreements they signed for the specified products. The reason for selecting these products was that they were expensive since they were used for treating severe illnesses and therefore they were frequently traded via parallel exports.
- It was found that the market share of the relevant products was below the 40% threshold. It was also found that the selective distribution system the practice aims to implement was not necessary for the human medicine market, that this market had numerous products similar to the contract products in terms of the characteristics listed by the applicant, that the criteria for the selection of the distributors within the framework of the practice in question could not be explained by the characteristics of the relevant products. In addition, it was determined that the contract would restrict passive sales as well as active sales.
- Therefore, it was decided that the agreement could not benefit from the block exemption.
- Afterwards, the application was evaluated in terms of the individual exemption provision of Article 5.1 of the Act no 4054. It was decided that the agreement could not be granted an individual exemption on the grounds that the intended system would not lead to any efficiencies, that no consumer benefit would result from the agreement since prohibiting trade relation with the warehouses outside the system would make it harder for consumers to access the drugs, and that the other conditions were not met.
- **Conclusion:** It was decided that the notified agreement did not fulfill all of the conditions listed in Article 5 of the Act no 4054, and could not be granted individual exemption for five years.

2.2. Mergers and Acquisitions

2.2.1. Summary of significant cases – Example from the decisions on merger/acquisitions

Final Examination concerning Marport Port [decision date: 13.08.2020, decision number: 20-37/523-231]

21. The decision is related to the acquisition of 50% shares and the sole control of Marport Liman İşletmeleri Sanayi ve Ticaret A.Ş. (MARPORT) by Terminal Investment Limited Şarlı² The decision is taken after final examination.

- **Relevant Market (product; geographic): (horizontal)** “port management for container handling related to background traffic”; Turkey.
- **Findings:** During the examination process, it was observed that Mediterranean Shipping Company Holding S.A. (MSC), which has the joint control of TIL in local loads, was the most important customer of MARPORT, similarly, Asya Port Liman A.Ş.³ (ASYAPORT) operating in the same related product market served MSC, which has almost the whole of joint control on the basis of the transit/local load.
- As a result of the evaluations, it was concluded in the said decision that
- MARPORT was the leader in the market for port management for container handling within the scope of local cargo in the Northwest Marmara region by 2019, ASYAPORT was the third due to the services it largely provided to MSC; as a result of the notified transaction, MSC would include MARPORT to the container handling activities that it carried out through ASYAPORT, therefore, MSC/TIL group would have a high share in actual and potential terms in the market for port management for container handling in terms of local cargo in the Northwest Marmara region,
- MSC, which is an important line operator on the global scale, would operate a significant part of the container handling capacity of the Northwest Marmara region. When this fact was considered together with its power in line transportation, it might create disadvantage for other line operators using the Northern Marmara region and lead to increase in the costs of these line operators.
- In addition to this, the alliances among container transporters provide advantage to the vertically integrated port operators in the alliance compared to other ports which are not vertically integrated, this narrow oligopolistic structure strengthened by these alliances would be further strengthened if the control of MARPORT was transferred to MSC, an important global line player and an important container service buyer in the region.
- On the other hand, as a result of vertical integration, global line players and alliances would work only with certain ports, which might confine other terminal operators to the demand created by independent line players. Therefore, the transaction would prevent other terminal operators from reaching a profitable scale or complicate their remaining in the market, where the idle capacity amount is big,

² It was concluded that TIL was a joint venture to make sales to MSC and was not full-functioning

³ It was concluded that ASYAPORT was a joint venture to make sales to MSC and was not full-functioning.

fixed costs are high and economies of scale are important, and might affect negatively their incentives to make investments.

- **Conclusion:** It was decided that the transaction would result in significant lessening of competition and would not be authorized according to article 7 of the Act no 4054..

2.3. Opinions

22. TCA has provided various opinions concerning implementation or amendments in legislation in 2020, in accordance with Articles 27(g) and 30(f) of the Competition Act⁴. The total number of opinions sent to government bodies in 2020 was 10. Out of 10 opinion requests, 7 were about draft legislations while others were about other activities of authorities and institutions.

3. Resources of the TCA

3.1. Resources overall

3.1.1. Annual budget (in TRY and USD)

23. 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 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.

24. 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.

25. The spending budget of the TCA in year 2020 was 115,750,000 million TRY, approximately 16.512.125 million USD⁵.

26. 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 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 (as of 31 December 2020)

- Non-administrative competition staff: 184
- All staff combined: 382

⁴ Article 27(g) empowers the Competition Board 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 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.

⁵ The annual average exchange rate (1\$ = 7.01 ₺)for 2020 was used.

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

27. TCA was not structured as to assign staff with respect to competition enforcement activities. Rather, the staff is divided into six 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 competition NAC staff for analysis. NAC Staff is also employed at the Department of External Relations and Competition Advocacy; Economic Analysis and Research Department, the Department of Rulings and Legal Decisions, Cartels and On-Site Inspections Support Division, Information Technologies Department, Strategy Development Department and the Office of the Legal Adviser.

3.3. Period covered by the above information:

- Year of 2020

Annex A. Statistical Information for the Year 2020

Table A A.1. Files Concluded

Year	Anti-competitive Agreements (Art.4) and Abuse of Dominance (Art.6)	Exemption/Negative Clearance	Merger/Acquisition/Joint Venture/Privatization	Total
2018	88	44	223	355
2019	69	35	208	312
2020	65	34	220	319

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

Year	Article 4	Article 6	Mixed (4 and 6)	Mixed (4,6 and 7)	Total
2018	46	23	19	-	88
2019	30	26	13	-	69
2020	36	22	7	-	65

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

Year	Horizontal	Vertical	Together (H/V)	Total
2018	36	28	1	65
2019	23	18	2	43
2020	31	10	2	43

Table A A.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	
2018	9	-	-	18	-	-	3	3	4	-	4	
2019	6	-	2	16	-	5	-	-	1	2	3	
2020	3	-	-	15	-	1	7	-	7	-	1	

Table A A.5. Number of Merger and Acquisition Decisions

Year	Merger	Acquisition	Joint Venture	Privatization	Total
2018	2	152	56	13	223
2019	1	140	66	1	208
2020	8	150	62	0	220

Table A A.6. Results of Merger and Acquisition Notifications

Year	Cleared	Cleared with Conditions	Blocked	Out of scope (not satisfying the thresholds)
2018	201	4	-	18
2019	185	2	-	21
2020	190	1	1	28

Table A A.7. Fines Imposed (TRY)

	Year	Anti-competitive Agreements and Abuse of Dominance	Merger/Acquisition	Exemption/Negative Clearance	Other	Total
Fines related to substance	2018	349,374,235	-	-	-	349,374,235
	2019	237,674,115	-	-	-	237,674,115
	2020	1,964,045,143	-	-	-	1,964,045,143
Fines imposed on executives	2018	-	-	-	-	-
	2019	-	-	-	-	-
	2020	-	-	-	-	-
False or misleading information in an application	2018	-	320,376	-	-	320,376
	2019	-	-	-	-	-
	2020	-	838,656	-	-	838,656
False or misleading information given during on the spot inspections	2018	-	-	-	-	-
	2019	826,106	-	-	-	826,106
	2020	61.468.770	-	-	-	61.468.770
Finalizing a transaction without permission of the Competition Board/Failure to notify within due date	2018	-	-	-	-	-
	2019	-	-	-	-	-
	2020	-	21.001.468	-	-	21.001.468
Hindrance of on the spot inspection	2018	194,082	-	-	-	194,082
	2019	38,116,077	-	-	-	38,116,077
	2020	2.550.980	-	-	-	2.550.980

Table A A.8. Judicial Review⁶ Statistics According to Result

Year	Number of Court Judgments	Number of Favorable Judgments	Number of Unfavorable Judgments	Other ⁷	Unfavorable/Total
2018	97	71	14	12	14%
2019	70	60	6	4	8%
2020	155	124	24	7	15%

⁶ According to Article 55 of the Competition Act “*Suits shall be filed against administrative sanctions before the competent administrative courts. All types of suits filed against Board decisions shall be deemed a priority matter*”. Prior to 2012 the (only) appeal court for Competition Board’s decisions was Court of State, the amendment in 2012 determines administrative courts in Ankara as the first instance court.

⁷ The “Other” heading contains the judgments which were accepted as non-filed, dismissals of petitions, dismissals on the ground of competence, partial acceptance and partial dismissal cases, and the cases where the court did not make a ruling due to abandonment of action or other reasons are collected under the “Other” heading.