



Concurrences

ANTITRUST PUBLICATIONS & EVENTS

Competition Inspections in 21 Jurisdictions

A Practitioner's Guide

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Foreword by Paul Nihoul

TURKEY

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Introduction

1. The Turkish competition law legislation is enforced by the Turkish Competition Authority (“Authority” or “TCA”) with administrative and financial autonomy, which consists of the Turkish Competition Board (“Board”), the presidency and service departments. The Board is the competent decision-making body of the TCA and is responsible for, among others, taking decisions to initiate preliminary investigations, full-fledged investigations, and reviewing and resolving merger and acquisition notifications. The Board consists of seven members and is located in Ankara.
2. Turkish competition law is a 27-year-old doctrine, which has been growing and expanding since Law No. 4054 on the Protection of Competition (“Law No. 4054”) was introduced in 1994. Rooted in the Turkish Constitution, the protection of consumer welfare in the face of anti-competitive mergers and market behaviour has been the focal point of Turkish competition law through its sentinel, the TCA and the Board. The Board’s practice and the legislative framework have been shaped similar to, if not the same as, the European Union’s (“EU”) competition law framework, moving forwards as the relationship between Turkey and the EU continues to make progress.
3. Turkey’s primary piece of competition legislation is Law No. 4054, which governs, among others, (i) agreements and concerted practices restricting competition (Article 4); (ii) individual exemption to agreements and concerted practices (Article 5); (iii) abuse of dominance (Article 6); and (iv) merger control (Article 7). As such, Law No. 4054 scopes every major aspect of the competition legislation of Turkey.
4. The Authority may initiate an investigation *ex officio* or upon a complaint. The first step is a pre-investigation. At this preliminary stage, the undertakings concerned are not notified that they are under investigation unless there is a “dawn raid” (i.e. an unannounced on-site inspection).
5. Article 15 of Law No. 4054 authorises the Board to conduct dawn raids. The firm, individuals and outside counsel are obliged to cooperate with the Board during the dawn raid, with refusal to grant the case handlers access to business premises potentially leading to an administrative fine.
6. Although the number of dawn raids may have decreased in mid-2020 due to the Covid-19 pandemic, the number of dawn raids quickly rose by late-2020 to the usual numbers, when the TCA was particularly active in maintaining effective competition in the markets in the face of the pandemic.
7. Dawn raids entail high risks for the undertakings if not managed well, as they may ultimately lead to an infringement decision with high fines.
8. Such risks call for upstream preparedness organisation, training and tools in order to ensure that the highest level of compliance with the company’s rights and obligations is effectively implemented, while the management can effectively

focus on the best course of action to take on the subject matter of the inspection. Important decisions may need to be taken in a very short period of time, particularly if the company is considering applying for leniency, a possibility that may still be open during or right after the inspection.

1. Nature and Scope of Competition Inspections

1.1. Enforcement and Investigation Powers

9. Dawn raids are quite common in the TCA's practice, and more than one dawn raid at the same undertaking's premises within the scope of the same investigation is not unusual. Upon the decision of initiating an investigation (or a preliminary investigation, as the case may be), the Board grants a certificate of authority to the case handlers that are responsible for the concerned investigation. Such a certificate empowers the relevant case handlers to enter the premises of undertakings and associations of undertakings, examine, take or obtain copies of books and records, and have access to any information, either electronic or physical, that is accessible on-site.
10. Article 15(2) of Law No. 4054 authorises the case handlers to raid the investigated undertakings' business premises without the need for a judicial decision. On the other hand, case handlers cannot force themselves into the investigated undertakings' business premises if the undertaking refuses to allow the inspection. In case the undertaking refuses to cooperate or denies entry of the case handlers into its premises, the dawn raid can be performed with the decision of the Criminal Court of Peace.¹ The decision of the Criminal Court of Peace is not frequently used as a precautionary measure but rather applied if the undertaking denies entry of the case handlers into its premises. The case handlers may also request and be granted by the Court that police accompany the dawn raid.² As in any case where a dawn raid is obstructed, regardless of whether the dawn raid is performed with the decision of the Criminal Court of Peace or police accompany the dawn raid, the investigated undertaking would be imposed a monetary fine for obstructing the dawn raid.
11. The TCA may alternatively or separately serve request for information letters in writing to the concerned undertakings.³ The TCA generally serves a written request for information at the end of a dawn raid. This power of investigation is frequently used for market information and explanation, as well as for obtaining evidence for the investigations. Refusal to provide answers to the request for information letters or provision of incorrect, incomplete, misleading information may lead to the imposition of a fixed fine of 0.1% of the Turkish⁴ turnover generated

¹ Article 15 of Law No. 4054.

² See, e.g., The Board's decisions dated 26.05.2006 and numbered 06-36/474-128; dated 03.10.2006 and numbered 06-69/931-268.

³ Article 14 of Law No. 4054.

⁴ Law No. 4054 states explicitly that the fine should be calculated based on the turnover but stays silent as to the scope of such turnover. As such, while Law No. 4054 is silent, the precedent body and the practice of the Board indicate that the relevant undertaking's Turkish turnover should be taken into account.

in the financial year preceding the date of the fining decision. It may also lead to the imposition of a daily monetary fine of 0.05% of the Turkish turnover for each day of the violation.

1.2. Competent Authorities and Agents

12. The TCA is responsible for carrying out the dawn raids upon the decision of the Board.
13. The main service units of the TCA consist of (i) six supervision and enforcement departments; (ii) a decisions department; (iii) an economic analysis and research department; (iv) an information technologies department; (v) an external relations and competition advocacy department; (vi) a strategy development department; and (vii) a cartels and on-site inspections support division. There is a “sectoral” job definition of each supervision and enforcement department.
14. The main duties of the Cartels and On-Site Inspections Support Division are as follows:⁵ (i) coordinating the fight against cartels; (ii) monitoring global developments and trends on the fight against cartels and making recommendations to strengthen the legislation and practice in this field; (iii) developing techniques to realise on-the-spot inspections effectively and making recommendations by monitoring institutional experience and global developments; (iv) receiving and assesses leniency applications and coordinating with the relevant enforcement and supervision departments; (v) coordinating the relevant departments regarding the application of forensic IT skills and developing the institutional capacity of the TCA.
15. Although the number of case handlers authorised to carry out the inspection heavily depends on matters such as the magnitude of the documents expected to be reviewed, the complexity of the case and the number of employees of the investigated undertakings, a typical dawn raid is carried out with five to eight case handlers of the TCA. The inspection team typically includes case team members, document reviewers from other units, and internal IT experts.

1.3. Nature of Inspection Powers

16. Inspection powers are mostly used in individual enforcement cases (preliminary investigation and full-fledged investigation) in order to obtain evidence of potentially restrictive practices. That said, Article 15 of Law No. 4054 draws the scope of the TCA’s powers as “[i]n carrying out the duties assigned to [the Board] by [Law No. 4054], the Board may perform examinations at undertakings and associations of undertakings in cases it deems necessary”. As such, since the Board is entitled to, among others, initiate preliminary investigations and full-fledged investigations, assess the individual exemption requests, review the concentrations, the inspection powers are not limited to be used only in individual enforcement cases and they may be used in carrying out the other duties assigned to the Board by Law No. 4054.

⁵ Turkish Competition Authority, Organization Chart, Cartels and On-Site Inspections Support Division (available at <<https://www.rekabet.gov.tr/en/Sayfa/organizational-structure/cartels-and-on-site-inspections-supp>>).

17. Inspections are organised within business premises of undertakings and associations of undertakings (trade unions). The TCA is not empowered to inspect homes and non-business premises. The conduct of the case handlers is subject to the inspected undertaking's due process right, and the inspected undertaking has the right to receive legal assistance during a dawn raid as the internal and external lawyers are allowed to be present during a dawn raid.
18. General principles were established under Article 15(1)(a) of Law No. 4054 related to the examination of all data and documents of undertakings kept on electronic media and in information systems at the location of the on-site inspection, and/or the copying of these documents and data in order to take them to the TCA headquarters for storage.

1.4. Areas of Competition Enforcement Concerned

19. Most inspections are carried out to uncover potentially restrictive agreements and concerted practices, and in particular hard-core cartels. In addition, as further detailed above, under the "1.3. Nature of Inspection Powers", Article 15 of Law No. 4054 draws the scope of the TCA's powers as "[i]n carrying out the duties assigned to [the Board] by [Law No. 4054], the Board may perform examinations at undertakings and associations of undertakings in cases it deems necessary".
20. The Board is entitled to, among others, (i) initiate preliminary investigations and full-fledged investigations stemming from, inter alia, agreements and concerted practices and abuse of dominant position; (ii) assess the individual exemption requests; and (iii) review the concentration. Therefore, the inspection powers are not limited to be used only in individual enforcement cases and they may be used in carrying out the other duties assigned to the Board by Law No. 4054.
21. Agreements and concerted practices restricting competition fall under Article 4, and abuse of dominance issues are governed under Article 6 of Law No. 4054. In addition, the matter of individual exemption falls under Article 5, whereas merger control is regulated under Article 7 of Law No. 4054.

2. The Legal Basis for the Inspection

22. Article 15(2) of Law No. 4054 authorises the case handlers to raid the investigated undertakings' business premises without the need for a judicial decision. The Board's investigative powers under Law No. 4054 are, however, limited to the business premises. On the other hand, the case handlers cannot force their way into the business premises of the undertaking being investigated if the latter refuses to allow the inspection. The Authority would need a judicial decision in that case, while the investigated undertaking would be imposed a monetary fine for obstructing the dawn raid.
23. In line with this, a refusal to grant the staff of the Authority access to business premises may lead to the imposition of a fixed fine of 0.5% of the Turkish turnover generated in the financial year preceding the date of the fining decision (or, if this is not calculable, the Turkish turnover generated in the financial year nearest to the date of the fining decision will be taken into account) pursuant to Article 16(1)(d)

of Law No. 4054. It may also lead to the imposition of a daily monetary fine of 0.05% of the Turkish turnover for each day of the violation, in accordance with Article 17(1)(b) of Law No. 4054.⁶ The obstruction fines are quite common and effectively enforced by the Board.⁷

24. Before conducting a dawn raid, case handlers must be in possession of a certificate of authority issued by the Board, as described above under “1.1. Enforcement and Investigation Powers”. The certificate of authority must explicitly specify the subject matter and purpose of the investigation. But this document would not necessarily include detailed information on the scope of the investigation or the allegations subject to investigation. Therefore, it is sufficient for a certificate of authority to include a general outline of the subject matter and purpose of the investigation, in order to be valid. The scope of the case handlers’ investigative power during the raid is limited to their authorisation. While the case handlers must not exercise their investigative powers for matters that would exceed the scope specified in the deed of authorisation, the Board may subsequently open a separate inquiry based on evidence obtained during a dawn raid.
25. Certificates of authorisation are typically adopted at the beginning of preliminary and full-fledged investigations.
26. The Authority may initiate an investigation *ex officio* or upon a complaint. If the Board finds the complaint credible, the first step is the preliminary investigation. At this preliminary investigation stage, the undertakings concerned are not notified that they are under investigation unless there is a dawn raid.
27. After completing the pre-investigation in thirty calendar days, the case handlers submit their findings to the Board. The Board will then decide whether or not to launch a full-fledged investigation. If the Board decides to initiate an in-depth investigation, it will notify the undertakings concerned within fifteen days. The investigation must be completed within six months. If deemed necessary, the Board can extend this period once, for up to six months.
28. Starting from the decision of initiating a preliminary investigation up until the end of a full-fledged investigation, the case handlers may carry out one or more dawn raids at the premises of the relevant undertakings. As such, the Board may grant several certificates of authorisation, which would authorise the concerned case handlers to carry out dawn raids during the preliminary investigation or the full-fledged investigation, as the case may be.
29. The certificate of authority is drafted in Turkish, as the official language of Turkey, just like any other decision of the Board.
30. In a certificate of authority, the subject matter and the purpose of the dawn raid should be clearly stated. In addition, the name of the authorised case handler and the effective duration of the certificate of authority should also be included

⁶ See footnote 5, turnover.

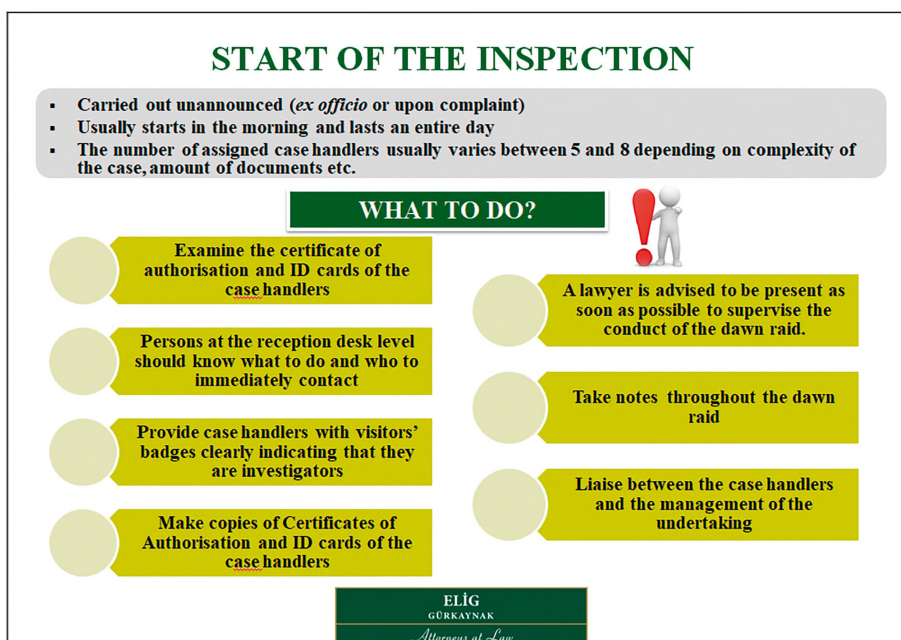
⁷ The Board’s latest decisions where it imposed obstruction fines include the following (in 2021): *Procter & Gamble* (08.07.2021, 21-34/452-227); *Sahibinden.com* (27.05.2021, 21-27/354-174); *Medicana Samsun* (17.06.2021; 21-31/400-202).

in a given certificate of authority. Dawn raids are typically performed during preliminary and full-fledged investigations. As per Article 40 of Law No. 4054, *ex officio* or upon the complaints filed with it, the Board decides to initiate a full-fledged investigation, or to initiate a preliminary investigation in order to determine whether or not it is necessary to initiate a full-fledged investigation. Therefore, a suspicion is sufficient to conduct a dawn raid.

3. The Start of the Inspection

3.1. The Arrival of Inspectors and Notification of the Decision

31. The dawn raids are carried out unannounced and generally begin in the morning, although there are instances where the case handlers arrive at a later hour during the day. A typical dawn raid lasts for an entire day. The dawn raid may start as soon as the certificate of authority and the identity of the relevant case handlers are presented in the undertaking's premises.
32. As the first response measure, the relevant personnel of the undertaking should ask for the presentation of identity papers and the certificate of authorisation to establish the basis of the investigation, the scope of the case handlers' powers and whether there is any inconsistency or deficiency in them (i.e. date of the certificate, premises, names of the officers, etc.). As such, the persons at the reception desk level should have instructions so that they know what they must do and whom they should immediately contact. The relevant personnel should provide investigating officers with visitors' badges clearly indicating that they are investigators.
33. The case handlers may be asked to wait in a separate and dedicated room, and in the meantime, the copies of ID cards and certificates of authorisation should be made, which should then be sent to the external lawyers. A lawyer is advised to be present as soon as possible to supervise the conduct of the dawn raid.
34. The case handlers of the TCA may sometimes agree to wait for a short time for a lawyer to come, provided that certain conditions are fulfilled (e.g. to seal file cabinets and/or disrupt e-mail communications). If the case handlers are not prepared to wait, they should at least speak to a lawyer by telephone to agree on some ground rules.
35. It is advisable to designate a colleague to take notes throughout the dawn raid and another to liaise between the case handlers and undertaking management.
36. The case handlers generally request that a room or several rooms be dedicated to the case handler team, where they will start to inspect the necessary documents of the undertaking, such as the e-mail correspondences, instant messaging texts and written reports. As such, the requested material (such as notebooks, books, agendas) should be brought to those dedicated rooms by the relevant personnel of the undertaking. Alternatively or in addition, the case handlers may inspect employee offices or undertaking records.



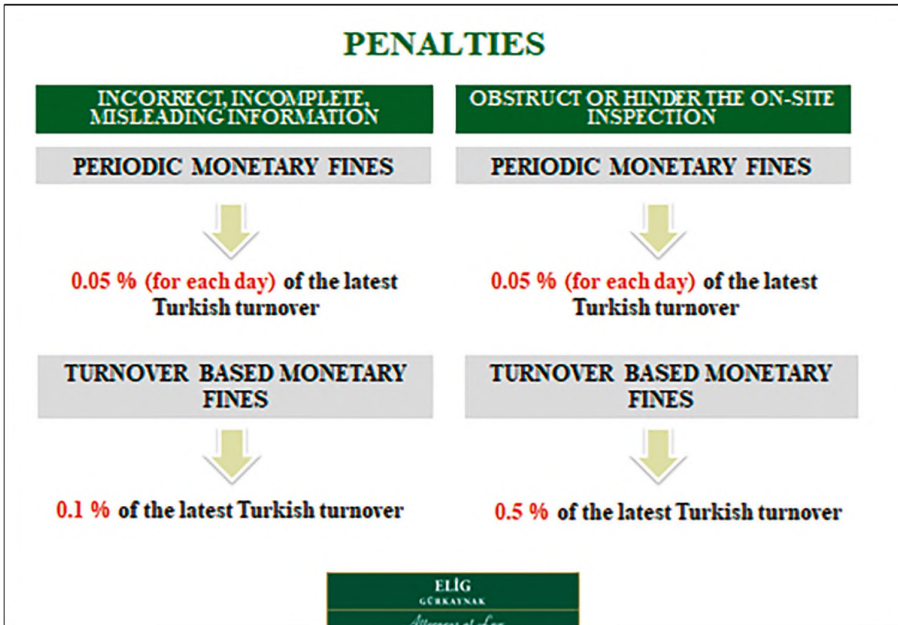
3.2. Obligations Imposed on the Inspected Undertaking and Penalties Incurred for Obstruction or Lack of Cooperation

37. Under the Turkish competition law, investigated undertakings have the duty not to hinder or complicate the dawn raids. This duty typically goes beyond giving access to their premises, and undertakings notably have to make any information relating to the subject matter of the investigation available to the case handlers insofar as this is requested of them. This includes producing the specific documents required.
38. The case handlers may request that certain IT equipment be brought to the premises and remote accesses be granted for the inspection of the notebooks of the personnel that are not present at the undertaking at the time of the dawn raid.
39. That said, the communications with external lawyers in connection with competition law matters may not be reviewed by the case handlers. As such, the case handlers may be asked not to review those. If the case handlers do not consider that the concerned communications fall under client-attorney communication privilege, these communications may be asked to be put in a sealed envelope. In that case, the sealed envelope is taken by the case handlers and presented to the Board for review. If the Board decides that the concerned documents should not be reviewed by the case handlers, then they are not allowed to review them.

40. If the undertaking refuses to cooperate with the case handlers, it may be subject to the following administrative monetary fines stated under Articles 16 and 17 of Law No. 4054:⁸

Administrative Monetary Fines for Incorrect/Incomplete/Misleading Information and Obstruction of On-Site Inspection

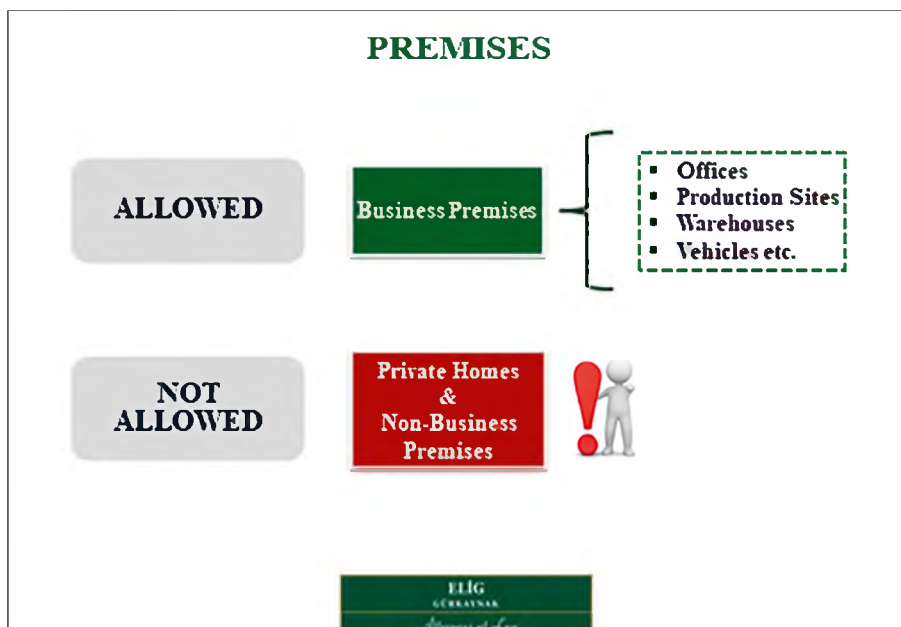
	Periodic Monetary Fines	Turnover-Based Monetary Fines
Provision of incorrect, incomplete, misleading information	0.05% (for each day) of the undertaking's latest Turkish turnover generated in the financial year preceding the date of the fining decision	0.1% of the undertaking's latest Turkish turnover generated in the financial year preceding the date of the fining decision
Obstruct or hinder on-site inspections	0.05% (for each day) of the undertaking's latest Turkish turnover generated in the financial year preceding the date of the fining decision	0.5% of the undertaking's latest Turkish turnover generated in the financial year preceding the date of the fining decision



⁸ See footnote 5, turnover.

3.3. The Premises Subject to the Inspection

41. The case handlers have access to the business premises of undertakings and associations of undertakings referred to in the certificate of authority, including offices, production sites, warehouses and vehicles of the undertakings.
42. The case handlers are not allowed to carry out dawn raids at the executives' private homes.



4. The Search, Review and Copy of Relevant Information

4.1. Searches and Copies of Documents and Data

43. The case handlers may visit offices and review documents and/or request access to specific documents. The case handlers may also ask to review IT equipment, as well as any storage media found. The TCA has access to professional devices (laptops, phones, etc.) and personal devices or e-mail accounts as long as they are also used for professional reasons. If not on site, the case handlers may ask that the undertaking organise for them to be brought back to the office. Documents created or modified during the inspection are frequently caught. While reviewing the documents, correspondences, etc., during a dawn raid, the case handlers can come across other potential competition law violations, separate from the inspection's initial scope, and seize such evidence. If the case handlers come across such other documents, the Board initiate a separate investigation for these other matters.
44. In October 2020, the Board adopted the "Guidelines on the Examination of Digital Data during On-Site Inspections" ("Guidelines on the Examination

of Digital Data”). As per these guidelines, the case handlers authorised by the Board with the certificate of authorisation may inspect information systems such as servers, desktops/laptops and portable devices, as well as storage devices such as CDs, DVDs, USBs, external hard disks, backup records and cloud services, owned by the investigated undertaking. The authorised case handlers may make use of the keyword search tools installed on the systems owned by the undertaking or of forensic IT software and hardware that allow complex and detailed searches through digital data. These forensic IT tools allow the case handlers to search through digital data, copy them or retrieve previously deleted digital data during the inspection, while maintaining the originality and integrity of the data and systems owned by the undertaking.

45. Portable communication devices that are found to contain data belonging to the undertaking are analysed through forensic IT tools. Data that is considered to have an evidential value within the framework of the file is extracted, and all other data that are not seen as evidence are permanently deleted in a way that cannot be recovered.
46. The forensic copy of the data is transferred to the computer allocated by the TCA to the authorised case handlers, which has forensic IT software installed. The data copied is indexed and inspected by the authorised case handlers. Data found to have an evidential nature is extracted and a copy is brought to the TCA headquarters.
47. That said, the inspection is aimed to be completed at the premises of the undertaking, as specifically stated under the Guidelines on the Examination of Digital Data. However, if deemed necessary, the inspection may be continued in the forensic IT laboratory of the TCA. The inspection of mobile phones is always completed at the premises of the investigated undertakings.
48. Although the Guidelines on the Examination of Digital Data are quite new and the practice of the Board is expected to be well established in time, the Guidelines draw the borders of the rules regarding the inspection to be carried out at the TCA. As such, the digital data to be inspected at the Authority headquarters are transferred to three separate data stores after their hash values are calculated and compared as cloned copies. One of the copies is left at the undertaking, and the other two copies are put in an envelope and sealed by authorised case handlers in order to ensure their physical security. The undertaking concerned is invited in writing by the Authority to have a representative available at the time of opening of the sealed envelope and during the inspection that will continue at the Authority’s forensic IT laboratory. If deemed necessary by the Board, a decision may be taken to return the sealed envelope to the undertaking concerned without opening it.
49. Data copied during on-site inspections are protected under the principle of professional privilege. Accordingly, any correspondence between a client and an independent lawyer with no employee-employer relationship with the client is covered by the attorney-client privilege.

DOCUMENTS AND DATA

WHAT CAN BE INSPECTED?

Case handlers are allowed to inspect:

- Documents
- Desktops/Laptops & Portable Devices
- Mobile Phones
- IT Equipment
- Servers
- Storage Media (CDs, DVDs, USBs, External Hard Disks)
- Backup Records
- Cloud Services

The inspection of mobile phones is always completed at the premises of the investigated undertakings



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4.2. Questions and Interviews

50. Pursuant to Article 15 of Law No. 4054, the case handlers can request verbal explanations during the on-site inspections. Accordingly, case handlers can interview the employees of the undertakings. Article 44 of Law No. 4054 provides that the case handlers can request “all kinds of information” during the interview. That said, in practice, if the requested information cannot be provided during the interview, the case handlers may grant additional time to respond to the said questions through a written submission.
51. Further, as the case handlers have to respect the constitutional privilege against self-incrimination while exercising their investigative powers, interviewees are not compelled to make a statement that would incriminate them.
52. As such, the case handlers can only ask questions of fact, which relate to the location or to the explanation of documents (for example, explanation of initials or abbreviations in a particular document or of a department structure referred to in a document). In case the case handlers ask a substantive or business-related question, the answers should be kept short. If in doubt, the employees can always consult with the lawyers before answering a question.
53. If a question is self-incriminating or requires the respondent to confess to a violation, then the respondent must not answer such a question, state that the question is inappropriate within the scope of the respondent’s right to not incriminate himself/herself, inform their lawyers and ask that such question be answered in written form at a later date.

54. If the answers are not known or in doubt, the respondent should offer to provide an answer later in writing.

QUESTIONS

Case handlers can request verbal explanations during the dawn raid or grant additional time to respond in writing.

Case handlers can only ask questions of fact.

WHAT TO DO?

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In the event of a substantive or business-related question, the answers should be kept short.

!

The respondent can always consult the lawyers before answering.

!

In case the answer is unknown or of doubt, an offer to respond in writing should be made.

!

The respondent must not respond if the question is self-incriminating or implies a violation.

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Attorneys at Law

4.3. Seals

55. The case handlers do not seal business premises, books or records. That said, the case handlers may request that certain rooms be kept locked or certain records, including electronic records, remain untouched until otherwise stated by the case handler.
56. If these instructions are not followed, the undertaking may face administrative fines, as described above under “3.2. Obligations Imposed on the Inspected Undertaking and Penalties Incurred for Obstruction or Lack of Cooperation”.

4.4. Minutes

57. Ending operations typically lasts for an hour, where the case handler team organises the electronic and physical evidence obtained during a dawn raid. Two copies of the finalised data sets (the evidence obtained) and minutes should be prepared, including one for the investigated undertaking. Minutes typically include (i) when the dawn raid started and ended; (ii) a brief of the dawn raid; (iii) the list of persons whose records are inspected; (iv) the number of pages of physical evidence obtained; (v) the hash code of the electronic storage containing the electronic evidence obtained; (vi) the questions and answers, if any, reverted during the dawn raid; (vii) a request that the undertaking send a trade secret declaration identifying the trade secrets in the evidence obtained; and (viii) any reservations the company may have.
58. Minutes must be carefully reviewed before being signed and should be signed only if any significant issue has been resolved, knowing that it is advised to sign the minutes with reservations than reject them outright.

59. After the dawn raid has ended, the undertaking should organise a full debrief to cover, *inter alia*, (i) the finalisation of the company's own minutes for the investigation; (ii) the first review of the elements taken and a first corresponding risk assessment; (iii) the identification of documents still to be provided or the need to complement or correct answers to oral questions if any; (iv) the relevance of additional reservations, considering whether the undertaking's competitive behaviour needs to be modified, considering applying for leniency and/or other actions to be implemented internally.

4.5. Continued Inspections

60. The continued inspections are allowed as per the Guidelines on the Examination of Digital Data. As such, if deemed necessary, the inspection may be continued in the forensic IT laboratory of the TCA. As noted above, the inspection of mobile phones is always completed at the premises of the investigated undertakings.

5. Judicial Review

61. The legality of a dawn raid can only be challenged for annulment along with the final reasoned decision of the Board.
62. Law No. 4054 divides the Board's decisions into two main categories – namely, final decisions and interim decisions.⁹ Final decisions of the Board are subject to judicial review, which means that interim decisions cannot, in principle, be directly challenged before the Board renders its final decision on the substance of the matter.¹⁰
63. Article 48 of Law No. 4054, entitled “Final Decision”, provides that the final decision shall be rendered after the oral hearing or at the end of the investigation phase. In other words, the relevant provision only addresses the final decisions rendered as part of the full-fledged investigations.
64. As such, the dawn raid itself (or the certificate of authority) is not considered a “final decision” and, therefore, cannot be challenged for annulment before the Board renders its final decision regarding the preliminary or full-fledged investigation.
65. Action for annulment is a type of lawsuit aiming at the annulment of an administrative act – i.e. retroactive removal of an administrative act's provisions and consequences – by the administrative courts. It also aims to disprove the presumption of legality of the administrative act.
66. After the administrative courts render their decision as courts of first instance, regional administrative courts have appellate jurisdiction as intermediate courts of appeal, and they are authorised to carry out the second step of the judicial review process.

⁹ Article 51 of Law No. 4054 differentiates between the “final decisions” and “decisions except the final decision” when setting the meeting and decision quorums.

¹⁰ There is, however, a specific type of interim decision – i.e. interim measure decision – which Law No. 4054 allows to be brought to judicial review without having to wait for the Board's final decision as the relevant interim decision involves an administrative sanction. Indeed, a Board decision that imposes an interim measure may be directly subject to an action for annulment.

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This is the third volume in this series. The first volume addresses inspections in France, and the second volume addresses the European Union.

Nathalie Jalabert-Doury brings together distinguished practitioners from around the world to provide an in-depth analysis of the legal and practical aspects of competition inspections across 21 major jurisdictions. Each country chapter comprises a series of questions and answers outlining the legal basis and scope of powers under relevant local legislation, the key stages of a dawn raid, the rights and obligations of a company subject to an inspection, and the prospects of judicial review. Illuminated by the expertise of the authors, the chapters outline steps which should be taken to ensure that a company facing an inspection may respond in an efficient manner while minimising legal risk.

The book is a necessary and essential guide for both in-house and outside counsel to ensure that an effective internal response strategy is put in place before being confronted with an inspection.

The jurisdictions covered include Austria, Brazil, Canada, China, the Czech Republic, the European Union, France, Germany, Hong Kong, India, Japan, Korea, the Netherlands, Russia, Singapore, Spain, Switzerland, Turkey, Ukraine, the United Kingdom, and the United States.

Admitted to the Paris Bar, **Nathalie Jalabert Doury** is head of the Mayer Brown Antitrust & Competition practice in France and is a co-leader of the Firm's European Antitrust Practice.

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