

Antitrust/Competition

Scrutiny on Digital Advertising: The Turkish Competition Board's Maçkolik Decision

On July 10, 2025, the Turkish Competition Authority ("Authority") published the Competition Board's ("Board") reasoned decision on its investigation concerning Maçkolik İnternet Hizmetleri Ticaret A.Ş. ("Maçkolik"), an undertaking active in the provision of online sports content, including live scores, statistics, and news (February 20, 2025, 25-07/170-84 (published on July 10, 2025)) ("Decision").

The investigation concerned allegations that Maçkolik (i) imposed customer restrictions within the scope of its ads and service sales agreements and (ii) engaged in discriminatory conducts in the market for online display advertising and redirecting services, particularly targeting undertakings operating in the online fixed odds betting sector. The case was rooted in the Nesine Investigation (July 7, 2022, 22-32/500-M) which examined whether the exclusive advertising agreement between D Elektronik Şans Oyunları ve Yayıncılık A.Ş. ("Nesine"), an online betting operator, and Maçkolik constituted an abuse of dominance. At that stage, Nesine was the only betting operator advertising on Maçkolik with high visibility. Considering the potential exclusionary effects, the Board imposed interim measures requiring the removal of exclusivity clauses (June 15, 2023, 23-27/520-176). However, although Maçkolik and Nesine removed the exclusivity requirements from their agreements, the Board found that Nesine's ads are intensively displayed on Maçkolik's websites, which triggered this separate investigation against Maçkolik.

In scope of the Maçkolik investigation, the Board found that while Maçkolik had engaged in negotiations with other betting operators, Nesine's advertisements continued to dominate Maçkolik's platform, and another betting operator (i.e. Oley) remained the sole additional betting operator featured, occupying limited advertising space. Accordingly, the Board decided to impose additional interim measures on Maçkolik, requiring Maçkolik to apply objective, non-discriminatory criteria, implement a rotational ad system, ensure equal access for other betting operators.

As a result of the investigation, the Board found that Maçkolik violated Article 4 of the Law No.4054 on the Protection of Competition by imposing restrictions on advertising space providers preventing them to publish advertisements of other betting companies or other advertisements related to betting. In addition, the Board decided that Maçkolik abused its dominant position by applying discriminatory practices against certain betting platforms. Specifically, the Board found that Maçkolik



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favoured some undertakings through display advertising and redirecting mechanisms while excluding or limiting access for their competitors operating in the online fixed odds betting sector. In this sense, the Board imposed two separate monetary fines on Maçkolik: an administrative fine of TL 7,422,998.17 for violation of Article 4 by way of customer restrictions, and an administrative monetary fine of TL 5,567,248.63 for violation of Article 6 by way of abusing its dominant position through discrimination.

In addition, the Board imposed a set of behavioural obligations on Maçkolik to eliminate the competitive concerns. These obligations require Maçkolik to follow a transparent, nondiscriminatory advertisement policy towards undertakings operating in online fixed odds betting market and arrange rotational displays, ensuring that those undertakings will not have a more favorable position compared to their competitors.



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Practice Area News

Gun Jumping Fine for the Param/Kartek Transaction. The Board reviewed Param Holdings International's acquisition of sole control over Kartek Holding (April 4, 2024, 24-16/390-148). The Board determined that Param exercised control prematurely by intervening in strategic, HR, and commercial decisions. The transaction was deemed notifiable and implemented without prior clearance, amounting to gun-jumping and resulting in an administrative fine under Article 16 of Law No. 4054.

The Board's No-Go Decision against Bottled Water Companies. The Board concluded a preliminary investigation into CEYSU, PINAR, and SIRMA/HAYAT regarding alleged collusion in a 2019 natural spring water tender (March 21, 2024, 24-14/287-118). Certain WhatsApp messages raised suspicions towards coordination, including discouraging rivals from bidding and threats of reciprocal arrangements. However, no concrete evidence of bid-rigging was found. The Board ruled no infringement of Article 4 of Law No. 4054 and did not initiate a full-fledged investigation.

Semi-Clearance to İMDER. The Board assessed the application by the Turkish Construction Equipment Distributors and Manufacturers Association (İMDER) for negative clearance or exemption regarding information-sharing reports (March 13, 2025, 25-10/223-112). The Board ruled that the Monthly Report did not qualify for exemption, while the Quarterly Report met the conditions of Article 5 of Law No. 4054 and was granted individual exemption, allowing limited aggregated data sharing to improve sectoral predictability.

Labor Cartels on the Radar. The Board fined Doğa Koleji (Arı İnovasyon ve Bilim Eğitim Hizmetleri AŞ) for colluding with other private schools in Kocaeli to fix meal prices and restrict competition in labour market (October 3, 2024, 24-40/948-407). WhatsApp group messages and documents revealed coordinated decisions on teacher contracts and uniform meal fee increases, which the Board considers cartel under Article 4 of Law No. 4054.

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