

Concurrences

e-COMPETITIONS | ANTITRUST CASE LAWS e-BULLETIN

The Turkish Competition Authority declines to open a full investigation into alleged discriminatory practices by an online marketplace (*Trendyol*)

December 2025 - II | e-Competitions News Issue

Gönenç Gürkaynak

gonenc.gurkaynak@elig.com
Founding Partner
ELIG Gürkaynak Attorneys-at-Law (Istanbul)

Kemal Korhan Yıldırım

korhan.yildirim@elig.com
Partner
ELIG Gürkaynak Attorneys-at-Law (Istanbul)

Görkem Yardım

gorkem.yardim@elig.com
Counsel
ELIG Gürkaynak Attorneys-at-Law (Istanbul)

Aydeniz Baytaş

aydeniz.baytas@elig.com
Associate
ELIG Gürkaynak Attorneys-at-Law (Istanbul)

Ayşenur Gökalg

ayşenur.gokalp@elig.com
Associate
ELIG Gürkaynak Attorneys-at-Law (Istanbul)

This case summary provides an analysis of the Turkish Competition Board’s (“**Board**”) decision ¹ concerning Trendyol, in which the Board decided not to initiate a full-fledged investigation against Trendyol, a leading multi-category online marketplace in Türkiye. During the preliminary investigation, which was triggered by six confidential and nine disclosed complaints, the Board assessed allegations that Trendyol discriminated among sellers on its platform through (i) the determination of product originality and the application of sanctions, (ii) the granting of the “Good Price” label, and (iii) the granting of the “Advantageous Product” label. The Board also examined whether Trendyol engaged in abusive practices by hindering sellers’ activities through unfair interference with consumer reviews. The Board assessed these allegations under Articles 4 and 6 of Law No. 4054 on the Protection of Competition (“**Law No. 4054**”). It concluded that Trendyol’s practices did not constitute a violation, and that there was no need to initiate a full-fledged investigation.

Relevant Product Market and Assessment of Dominance

In determining the relevant product market, the Board assessed the substitution relationship between (i) the physical and the online sales channel, (ii) the sales operation through the online marketplace and the merchants’ sales via its website and social media and (iii) multi-category online marketplaces and marketplaces offering services only in one category. The Board decided that these are not substitutable with each other and therefore defined the relevant product market as “the market for multi-category online marketplace.”

The Board then found that Trendyol is dominant in the relevant product market based on the grounds that (i) Trendyol is the market leader in terms of

its market shares since 2020, (ii) there are barriers to growth for the existing competitors and to entry in terms of new entrants considering the advantages that Trendyol holds as an incumbent player and (iii) there is no bargaining power either in terms of the merchants in Trendyol considering the sales values.

Assessment of Discriminatory Practices as a Theory of Harm Under Article 4 and Article 6

The Board grouped the allegations in the case file into four main categories, namely claims that Trendyol discriminated among sellers on its platform by (i) determining the originality of products and applying sanctions, (ii) granting the “Good Price” label, and (iii) granting the “Advantageous Product” label to products sold on the platform, and that (iv) Trendyol hindered the activities of its sellers by unfairly interfering with consumer reviews. The Board found that these allegations primarily concerned discriminatory practices and assessed them from the perspective of both anti-competitive agreements under Article 4, which is akin to Article 101 of the Treaty on the Functioning of the European Union (“TFEU”), and unilateral conduct under Article 6, which is akin to Article 102 of the TFEU. Before turning to the substance of the claims, the Board first set out the theoretical framework on discrimination in competition law.

As per Article 4 analysis, the Board indicated that the discriminatory practices should be, without doubt, conducted either through agreements/concerted practices or as a result of the decisions of associations of undertakings to be constituted as Article 4 violation. Thus, a mutual declaration and alignment of intent of two or more undertakings aim to discriminate a third party are sought to establish Article 4 violation. The Board emphasized that if the discrimination allegation cannot be proven clearly

1. The Board’s decision of 03.07.2025 (25-24/594-376).

and beyond any doubt that this practice is based on an agreement and/or concerted practice, it is not possible to evaluate a discrimination allegation under Article 4. On the other hand, in a case where there is a unilateral will, discrimination allegation will only be evaluated within the scope of abuse of dominance under Article 6, regardless of the intent or purpose.

The Board set out the criteria for abuse of dominance violation via discriminatory practices under Article 6 as (i) whether the buyers are in the same condition, (ii) whether the undertaking in question imposes different conditions on buyers for the same and equivalent rights, obligations, and actions, (iii) whether the buyer subjected to discrimination has been placed at a competitive disadvantage, (iv) whether the conduct has the capacity to distort the competitive environment in the market and (v) a legitimate justification exists. The Board also decided that allegations subject to the pre-investigation should be assessed as secondary-line discrimination because these allegations are related to commercial parties that do not have a competitive relationship with Trendyol (i.e. sellers).

The Board then examined each allegation in light of the theoretical framework explained above. For the allegations that Trendyol discriminated between sellers in granting the “Good Price” and “Advantageous Product” label to the products sold on Trendyol’s platform, the Board held that there is no discrimination under Article 6. The Board first decided that the complainant sellers and the sellers subject to the allegations are in the same condition since (i) their commercial relationship with Trendyol is the same, (ii) they are active in the same side in the market and (iii) they are subject to the same algorithm. The Board then concluded that (i) the rule set determined for the “Good Price” label is implemented for all sellers equally and Trendyol allocates the relevant label automatically through a system and (ii) Trendyol does not impose different conditions on sellers which are in the same condition by distributing the “Advantageous Product” label.

For the allegation that Trendyol discriminates between sellers on its platform in the determination of originality of the products sold on Trendyol’s platform and in the application of sanctions, the Board assessed Trendyol’s originality tracking system and sanctions in the determination of originality. The Board held that there is no discriminatory practice under Article 6 based on the

grounds that metrics related to reviews within the scope of the originality tracking system are transparent, foreseeable and based on objective grounds. The Board did not find evidence that there was an agreement between Trendyol brand owners and other sellers operating in the same category to discriminate sellers and thus, did not find Article 4 violation.

For the allegation that Trendyol hinders the activities of its sellers by unfairly interfering with the consumer reviews, the Board reviewed Trendyol’s Publication Criteria and found that these criteria were related to metrics such as “compliance with laws, public morals and public order,” “not violating intellectual property rights,” and “not containing insult, cursing, threats, harassment and/or obscenity”. Another issue the Board examined within this allegation was that Trendyol did not provide an explanation to the sellers on the non-published reviews. For this issue, the Board found that (i) compliance with the publication rules regarding product and seller reviews is directly aimed at customers, which protects the customers’ right to information and the principle of transparency and (ii) providing such an explanation to the sellers is neither a legal obligation nor practically feasible because the sellers do not have any authority to interfere with the contents of the reviews. The Board concluded that Trendyol’s conduct did not constitute a violation under Article 6 of Law No. 4054.

After separately assessing the allegations within the case file, the Board also emphasized that as an online marketplace, it is not possible for Trendyol to have an incentive to discriminate between sellers to hinder the activities of some of these sellers (as a secondary-line discrimination) because such a behavior would not benefit Trendyol based on the fact that a critical amount of Trendyol’s revenues comes from commission income which is increased through sellers’ sale on the platform.

Conclusion

The Board concluded the pre-investigation with no finding of a violation and decided to not launch an investigation against Trendyol. The decision is significant as it clearly draws the line between discriminatory unilateral practices and agreements within the scope of Article 4 and Article 6 of Law

No. 4054. The decision also sets out a precedent in the market for online marketplaces, highlighting the Board's approach that commercial incentives are

also significant in the assessment of secondary-line discrimination.

> **Concurrences +** *Quote upon request*

Unlimited access to the entire database

- 12 issues of the Concurrences Review with 15,000 archives
- 45 issues of the e-Competitions Bulletin with 30,000 archives
- 75+ eBooks and printed versions of books published during your subscription
- 650+ conference materials: summaries, transcripts, audio files, PPT presentations

Premium services

- Access to the ConcurrencesAi tool to facilitate your legal research
- Option to download PDF versions of all articles and documents
- Named user access and access via IP addresses

> **Concurrences Select** *Quote upon request*

- 12 issues of the Concurrences Review with 15,000 archives
- 45 issues of the e-Competitions Bulletin with 30,000 archives
- 650+ conference materials: summaries, transcripts, audio files, PPT presentations
- Named user access and access via IP addresses

> **Concurrences Basic** *Quote upon request*

- 12 issues of the Concurrences Review with 15,000 archives
- 45 issues of the e-Competitions Bulletin with 30,000 archives
- Named user access

For any additional information or to request a customized quote, please contact us at **subscriptions@concurrences.com**. A member of our sales team will be delighted to respond within 24 hours.

You can also reach us directly by phone at **+33 6 95 25 93 33**.

To enjoy a free trial, please **[click on this link](#)**.