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The Turkish Competition Authority finds that an online food delivery platform does not hold a dominant position in the market and clears it following an in-depth assessment (*Yemek Sepeti*)

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This article aims to offer insight on the Turkish Competition Board's ("**Board**") *Yemek Sepeti* decision,<sup>1</sup> in which the Board examined whether *Yemek Sepeti Elektronik İletişim Perakende Gıda A.Ş* ("**Yemek Sepeti**"), an online food delivery platform, has violated Articles 4 and 6 of Law No. 4054 on the Protection of Competition ("**Law No. 4054**") by forcing member restaurants to use its own courier services and complicating the operational activities of its member businesses. Following an in-depth abuse of dominance assessment and an analysis of market dynamics, the Board concluded that *Yemek Sepeti* does not hold a dominant position in the relevant market. Consequently, the Board ruled that the investigated conduct did not result in or an infringement of Articles 4 and 6 of Law No. 4054.

## Background

In 2023 and 2024, the Competition Authority ("**Authority**") received a series of complaints alleging that *Yemek Sepeti* required member restaurants to use its own delivery service, "*Yemek Sepeti Express*," as a condition for platform access, thereby restricting their ability to rely on independent courier services. It was further claimed that this practice was applied more strictly to newly joined or transferred businesses, creating discriminatory conditions. In response, the Board initiated a preliminary investigation, which was subsequently followed by a full-fledged investigation.

Before turning to the Board's substantive assessment, it is useful to briefly recall the four previous decisions concerning *Yemek Sepeti*, in which the Board generally accepted that the undertaking held a dominant position. In its 2004 decision,<sup>2</sup> the Board examined exclusivity clauses and found no evidence of market foreclosure, while noting potential concerns under the block exemption regime. In 2016,<sup>3</sup> however, the Board found that *Yemek Sepeti* was

dominant and that its most-favoured-customer clauses had exclusionary effects. In the subsequent 2020 investigation,<sup>4</sup> the Board identified various potentially restrictive practices, including narrow MFC clauses and certain platform practices, and accepted commitments offered by *Yemek Sepeti* to address these concerns. Finally, in its 2022 decision,<sup>5</sup> the Board examined allegations of de facto exclusivity and discriminatory practices but ultimately found no infringement due to lack of sufficient evidence.

## Relevant Product Market

Before setting out its approach on the relevant market, the Board provided a general overview on the online food delivery and courier services for online food delivery market. The Board characterized online food delivery platforms as multi-sided markets that facilitate transactions between consumers and restaurants, noting that these platforms have evolved into a critical competitive interface. It highlighted that, following the introduction of these services in Türkiye by *Yemek Sepeti* in 2001, the sector has transitioned into a more competitive landscape with the market entry of major players such as *Getir Yemek*, *Trendyol Yemek*, and *Migros Yemek*. The Board emphasized that the market dynamics have shifted significantly, making a robust courier network and fast, high-quality delivery services essential parameters for platform competitiveness.

Further to this, to provide a relevant product market definition for the case, the Board maintained its long-standing approach, noting that neither consumer habits nor the competitive dynamics of the sector have undergone a structural shift that would necessitate a redefinition of the relevant product market. Consequently, by aligning with its established precedents, the Board defined the

1. The Board's decision dated 22.05.2025 and numbered 25-20/488-228

2. The Board's *Yemek Sepeti I* decision dated 25.03.2004 and numbered 04-22/231-48.

3. The Board's *Yemek Sepeti II* decision dated 09.06.2016 and numbered 16-20/347-156.

4. The Board's *Yemek Sepeti III* decision dated 04.06.2020 and numbered 20-27/336-M.

5. The Board's *Yemek Sepeti IV* decision dated 18.05.2022 and numbered 22-23/366-155.

relevant product market as “*online food ordering and delivery platform services*”, distinguishing these intermediation services from traditional ordering methods such as telephone orders or direct orders via a restaurant’s own website. Building on this, consistent with its previous decisions, notably the “Yemeksepeti-3” decision, the Board further determined that online food ordering platform services and courier services constitute separate relevant product markets as these services satisfy different needs for both restaurants and consumers. Thus, the Board further acknowledged that Yemek Sepeti does not directly provide courier services, it ultimately determined that a definitive, narrow market definition for courier services was not strictly required for this specific case.

## Dominance Assessment

Since the first step in assessing a potential violation under Article 6 of Law No. 4054 is to determine whether an undertaking holds a dominant position, the Board examined whether Yemek Sepeti held a dominant position in the “online food ordering and delivery platform services” market.

The Board’s assessment was comprehensive, moving beyond mere market share figures to evaluate the broader competitive dynamics. In terms of the market share, the Board observed that its market share has faced a consistent downward trend since the entry of strong competitors like Trendyol Yemek and Getir Yemek.

Although Yemek Sepeti initially benefited from “first-mover advantage,” the Board concluded that this no longer constitutes a structural barrier to entry. The market is now characterized by the presence of large, well-funded ecosystems (such as Trendyol and Getir) and major retailers like Migros, which possess the financial strength, technological infrastructure, and brand recognition to exert significant competitive pressure.

A critical factor in the Board’s analysis was the existence of significant buyer power among member restaurants. The investigation revealed that the vast majority of restaurants utilize a “multi-homing” strategy, which means that they operate on multiple platforms simultaneously. Since restaurants are not

locked into a single platform and can divert orders to competitors if commission rates or conditions become unfavourable, they exert a disciplinary influence on Yemek Sepeti’s market power.

Ultimately, the Board concluded that the market structure has undergone a fundamental shift toward a more competitive environment. Given the loss of market share, the absence of entry barriers, and the buyer power of member restaurants, the Board determined that Yemek Sepeti did not hold a dominant position in the relevant market during the investigation period.

## Assessment Under Article 4 of Law No.4054

In assessing whether the conduct constituted an unlawful tying arrangement under Article 4 of Law No. 4054, the Board examined whether there was an agreement or concerted practice between Yemek Sepeti and the restaurants. Based on the on-site inspection findings, the Board concluded that the mandatory use of courier services was a unilateral business policy imposed by Yemek Sepeti, rather than the result of mutual agreement. Accordingly, the conduct was found to fall outside the scope of Article 4 and was instead assessed under Article 6 concerning potential abuse of dominance.

## Assessment Under Article 6 of Law No.4054

Despite concluding that Yemek Sepeti does not hold a dominant position, the Board nevertheless proceeded with its assessment under Article 6 of Law No. 4054 on the assumption of dominance. Under this assumption, the Board evaluated whether the practice produced exploitative or exclusionary effects in both the platform services and delivery services markets.

The Board first assessed whether the mandatory integration of “Yemek Sepeti Express” constituted

unlawful tying. It noted that some restaurants continued to operate under the restaurant-delivery model or were able to switch away from the platform-delivery system. Moreover, the absence of foreclosure effects was evidenced by the continued growth of competitors such as Trendyol Yemek, Getir Yemek, and Migros Yemek. Accordingly, the Board concluded that the conduct did not restrict competition or exclude competitors.

The Board then assessed whether the practices amounted to unfair commercial conditions. While acknowledging Yemek Sepeti's leading position, it emphasized that increasing competition since 2021 has reduced its market power, with restaurants benefiting from countervailing buyer power and the ability to multi-home across platforms. In this context, Yemek Sepeti was not considered an indispensable trading partner.

Finally, the Board found that the shift towards a platform-delivery model was driven by evolving market dynamics and the need to compete with rivals possessing strong delivery infrastructures. On this basis, it concluded that Yemek Sepeti's practices do not constitute an abuse of dominance under Article 6 of Law No. 4054.

## Conclusion

Upon concluding an in-depth analysis of the factual market developments, the Board determined that the shift toward an integrated delivery model was a proactive competitive response to market dynamics, noting that competitors have continued to grow and restaurants maintain significant buyer power through multi-homing. Consequently, the Board ruled that the platform's commercial practices did not result in anticompetitive foreclosure or consumer harm, and thus, no administrative fine was imposed. This decision is particularly noteworthy as it reflects a departure from the Board's earlier approach, where Yemek Sepeti had been considered in dominant position, and instead places greater emphasis on evolving market dynamics, the presence of strong competitors, and the countervailing buyer power of restaurants. In doing so, the Board signals a more dynamic and effects-based assessment of platform markets, setting an important precedent for the evaluation of integrated platform business models under Turkish competition law.

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