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The Turkish Competition Authority fines 2 TV series production companies for exchanging competitively sensitive information on employee wages via WhatsApp messages and grants the maximum 25% settlement discount, in a landmark labour market enforcement decision (*Med Yapım / Ay Yapım*)

Preview | e-Competitions News Issue

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This article provides a summary of the Turkish Competition Board's ("**Board**") decision ¹ on Med Yapım Televizyon ve Filmcilik Anonim Şirketi ("**MED YAPIM**") and Ay Sanat Prodüksiyon ve Yapım Anonim Şirketi ("**AY YAPIM**") in connection with the Turkish Competition Authority's ("**TCA**") investigation into the alleged violations of Law No. 4054 on the Protection of Competition ("**Law No. 4054**") through exchange of competitively sensitive information regarding employee wages.

During on-site inspections, the TCA obtained evidence indicating that MED YAPIM and AY YAPIM had exchanged competitively sensitive information regarding employee wages. Both parties subsequently applied to initiate the settlement procedure and, having acknowledged that the conduct attributed to them constituted a violation of Article 4 of Law No. 4054, were each subject to an administrative monetary fine incorporating a 25% reduction, representing the maximum reduction available under the Regulation on the Settlement Procedure Applicable in Investigations on Agreements, Concerted Practices and Decisions Restricting Competition and Abuses of Dominant Position ("**Settlement Regulation**").

In the context of the settlement procedure, the Board found that even a brief exchange spanning merely 19 days and consisting of three WhatsApp messages between two senior executives was sufficient to establish a violation of Article 4 of Law No. 4054, given that the exchanged information was current and strategic in nature, directly bearing on competition parameters such as the rate of wage increases to be applied to employees.

The Decision is notable on two counts: The decision serves as an important precedent for the TCA's enforcement reach into labour markets and the Board's parallel application of both the former and current Regulation on Administrative Fines to Apply in Cases of Agreements, Concerted Practices and Decisions Limiting Competition and Abuses of Dominant Position ("**Regulation on Fines**"), which

yielded identical fine rates, and the granting of the maximum 25% settlement reduction to both parties.

• **The Board's Assessment of the Relevant Market**

Regarding product market definition in labor markets, the Board held that the analytical starting point is the contribution of the specific labor to a good's production or a service's provision. Depending on the activity concerned, this contribution may give rise to distinct labor markets. Accordingly, the Board noted that the relevant market should be defined by identifying both the sector in which the labor operates and the characteristics distinguishing it from other labor inputs.

In the TV series production sector where the investigated undertakings operate, numerous diverse actors, such as producers, broadcasting media, screenwriters, directors, actors, and technical crews contribute to the production process in distinct capacities. Each job description and position involved in this process requires distinct expertise and, the non-substitutable nature of each role means that, in principle, a separate market definition could be constructed for each individual position.

Since the finding obtained did not relate to any specific personnel group, the Board considered that the relevant product market could be defined, in the broadest sense, as the labour market for employees in the TV series production sector. The Board concluded that a definitive market definition was not required, as the identified competitive concerns would have anticompetitive effects under any alternative market scenario.

On geographic market definition, the Board noted that the primary question in labour markets is the limits of employee mobility, encompassing both material and intangible costs, and informed by factors such as workers' willingness to relocate or commute, as well as personal circumstances including age, family situation, and health. Considering its prior decisions in labour market cases ² the Board

1. The Decision dated 20.11.2025 and numbered 25-43/1044-596.

2. Including TV Producers (28.07.2005, 05-49/710-195); Private Schools

considered that the geographic market could be defined as Türkiye, consistent with the approach taken in TV Producers³, where the parties were companies established in Türkiye producing content for Turkish broadcasters. The Board concluded that a definitive geographic market definition was not required, parallel to its analysis with respect to the relevant product market.

• The Board's Assessment of the Finding

WhatsApp messages exchanged on July 19, July 29, and August 6, 2024, between the Deputy General Manager of Strategy and Business Development at AY YAPIM and the CEO of MED YAPIM were obtained during on-site inspections and identified as evidencing the exchange of competitively sensitive information in the labour market. The Decision records no further findings in relation to competitively sensitive information exchange beyond these three messages. The relevant finding included the following:

- In the July 19, 2024 message, the AY YAPIM executive asked the MED YAPIM CEO about the wage increase rate to be applied in July. In response, the MED YAPIM CEO sent a voice message indicating that the company was working on whether to apply an inflation-linked increase and that further information would follow.
- In the July 29, 2024 message, the MED YAPIM executive shared with the AY YAPIM executive the wage increase rate planned for permanent staff.
- In the August 6, 2024 message, the AY YAPIM executive made a statement indicating an intention to align employee wages with those of MED YAPIM, stating: *'What are you giving [the Finance Officer], let's give the same.'*

The Board concluded that the findings demonstrated exchange of current and strategically sensitive information between two competitors. The Board noted that employee costs constitute a key input affecting firms' competitive position and pricing policies, particularly in labour-intensive sectors, exchange of salary increase rates eliminates the parties' independent decision-making on labour

costs, more specifically, employee wages, thereby paving the way for market coordination and reduces competition among employers. In this regard, the information exchange in question between the parties is considered as a violation of Article 4 of Law No. 4054.

• The Board's Assessment on Administrative Fines

The entry into force of the current Regulation on Fines on December 27, 2024, which repealed the former Regulation on Fines, required the Board to assess both frameworks and apply the more favourable rules. Because the investigation was initiated under the former Regulation on Fines but the current Regulation on Fines became effective prior to the final decision, the Board evaluated the case under both.

In its assessment under the former Regulation on Fines, the Board classified the exchange of competitively sensitive labour information as an "other violation", thereby placing it outside the strict definition of a cartel. Under this regime, the base fine for non-cartel violations ranges from 0.5% to 3% of the undertaking's annual gross revenue. Since the duration of the infringement was established as merely 19 days, no duration-based aggravating factor was applied.

Applying the current Regulation on Fines, the Board utilised a methodology that abandons the rigid base-rate classification of "cartels" versus "other violations". Under this framework, the initial fine rate is determined dynamically, focusing primarily on the nature of the violation, its negative market impacts, and the gravity of the potential or actual harm caused. Similarly, the Board did not apply aggravating increase based on duration. In this context, the Board noted that the penalty rates calculated within the scope of the file yielded the same result under both the Repealed and the New Penal Regulation.

Upon the undertakings' requests for settlement in October 2025, the Board decided to initiate settlement process stating that the Parties' settlement texts met the requirements of the first paragraph of Article 8 of the Settlement Regulation. The settlement process was officially concluded after the parties submitted their respective settlement texts to the TCA on November 11, 2025, accepting the existence and scope of the violation. Consequently,

(03.03.2011, 11-12/226-76); İzmir Container (02.01.2020, 20-01/3-2); KASTDER (24.03.2020, 20-43/588-262; 04.03.2021, 21-11/148-61); Private Hospitals (24.02.2022, 22-10/152-62)

3. TV Producers (28.07.2005, 05-49/710-195)

the Board granted both parties the maximum settlement discount of 25%.

- **Conclusion**

The Board found that AY YAPIM and MED YAPIM violated Article 4 of Law No. 4054 by exchanging up-to-date and competitively sensitive information regarding employee wages. Following the application of settlement discounts, the final administrative fines imposed were TL 75,790,035.98

(AY YAPIM) and TL 47,811,989.24 (MED YAPIM), respectively.

The Decision demonstrates that TCA continue to closely scrutinize labour markets. It also confirms that even a single, brief exchange of commercially sensitive information between competitors, absent any broader wage-fixing agreement, can constitute a standalone infringement under Article 4 of Law No. 4054.

See also:

The Turkish Competition Authority fines 2 television series production companies for exchanging wage information in the labour market for series production employees (*Med Yapım / Ay Yapım*) – 1 June 2026, Art. 135921

The Turkish Competition Authority fines 2 TV series production companies for exchanging competitively sensitive wage information in the labour market (*Med Yapım / Ay Yapım*) – 20 November 2025, Art. 135702

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