

The Turkish Competition Authority's Sector Inquiries: Past and Current Sector Inquiries Reviewed

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ABSTRACT

The increasing use of sector inquiries by competition agencies, including the Turkish Competition Authority, is a result of the fact that sector inquiries reveal the competitive dynamics of a given sector much better than the traditional competition law enforcement means. Pursuant to its competition advocacy policy, the Turkish Competition Authority has so far conducted eight sector inquiries ranging from automotive to natural gas sectors, and four more inquiries are underway. While doing so, the Turkish Competition Authority observes the market research practices of its counterparts. However, conducting sector inquiries raises a number of problems such as costs and procedural transparency. This article reviews the competition law sector inquiries and provides a set of suggestions to improve sector inquiry procedures used in Turkey.

I. INTRODUCTION

Over the past two decades, competition authorities around the world have been engaging in sector inquiries at an increasing speed. It appears that the Turkish Competition Authority (Authority) is determined not to fall behind this trend.¹ To show commitment, the Authority has conducted eight inquiries to inspect the competitive forces at work and has four additional inquiries underway. This article aims to provide an overview of the Authority's reasons for conducting sector inquiries, the inquiry procedures as well as the outcomes, and puts certain suggestions on the table for future sector inquiries.

II. EUROPEAN SECTOR INQUIRIES: CLUES FOR THE AUTHORITY

The initial question one would ask is the following: "What exactly is a sector inquiry

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1 'OECD Directorate for Financial and Enterprise Affairs Competition Committee, Policy Roundtables: Market Studies', *Competition Law & Policy OECD* (2008) (OECD Report) announces that nearly every competition agency conducts market studies, including competition authorities across Europe as well as those of Mexico, Chile, Russia and Indonesia. <<http://www.oecd.org/regreform/sectors/41721965.pdf>>.

and why would any authority carry out one?" In its most basic form, a sector inquiry conducted by a competition authority attempts to uncover whether a particular sector, such as cement or automotive, has a properly functioning competitive environment. Various consequences may emanate from the sector inquiries, from regulatory changes² to specific investigations launched against private undertakings.³

The Authority, in scope of its competition advocacy activity, has been carrying out inquiries since the year 2006.⁴ It models its inquiries after its European counterparts.⁵ The European Commission (Commission) and the Member State authorities have carried out inquiries in the same or similar markets as the Authority. Even at times, the Turkish Competition Board (Board) refers to the European inquiries.⁶ Competition experts Akkaya and Erdoğan have published an article⁷ which compares the practices of various European authorities, such as the French *Autorité de la Concurrence* and British *Office of Fair Trading* (OFT) and *Competition Commission* (CC).⁸ This demonstrates that the Authority's experts indeed keep abreast of their European colleagues' workings in terms of sectorial inquiries, and underline that conducting inquiries is just another form of competition law enforcement.

Unlike the Commission and the OFT, however, the Authority has not issued any guidelines that set forth procedural rules. The lack of established procedural rules regarding (i) the timeline, (ii) potential remedies and outcomes, (iii) persons that the Authority may contact and (iv) persons/undertakings that can submit information regarding the sectors that are queried, arguably leads to uncertainty. Adding to this uncertainty is the fact that the Authority seems less active in taking measures in comparison to its European counterparts. While the sector reports include well-drafted *suggestions* for the sector players as well as the Turkish government and the law-maker, the Authority has not yet followed-up on its previous inquiries to determine whether its suggestions have borne any fruits in the relevant sectors. Turning once again to the European example, the Commission imposes legislative measures on the Member States when there is lack of sufficient competition in a given market - such as the energy market

2 See footnote 17 *infra*.

3 Following its pharmaceutical sector inquiry in 2008, the European Commission sent investigation notices to major pharmaceutical companies, including AstraZeneca, GlaxoSmithKline and Lundbeck.

4 The Board initiated the first sector inquiry – fuel sector inquiry – with its decision dated 6 July 2006 and numbered 06-47/650-M. The Fuel Sector Inquiry Report was published on 02 June 2008.

5 The Authority acknowledges taking the footsteps of the European examples, discussing in particular the Commission's inquiries. See e.g. the Motor Vehicles Sector Report as well as the Natural Gas Sector Report.

6 See e.g. Board's *Konya Şeker/Limak/IC İttaş* decision dated 7 March 2013 and numbered 13-12/177-93, *Çelikler/Eti Bakır/Aksa* decision dated 24 January 2013 and numbered 13-07/69-38. The Board also refers to other European competition authorities' inquiries at times, for example in its *TLPGD* decision dated 4 July 2012 and numbered 12-36/1042-330 concerning the LPG sector, the Board referred to *Bundeskartellamt's* -Germany's Federal Cartel Office- fuel sector inquiry report.

7 M. Bağış Akkaya & T. Erdoğan, 'Rekabet Politikası Aracı Olarak Sektör İncelemeleri', <<http://www.rekabet.gov.tr/default.aspx?nswp=AxbJYZ6yZkHCz8M7SYyJQ==H7deC+LxBI8>>, 2011.

8 OFT and CC closed on 1 April 2014 and their responsibilities passed to a number of different organizations including the Competition and Markets Authority and the Financial Conduct Authority.

in Europe - and conducts follow-up inquiries. It may also pursue undertakings on a case-by-case basis and impose administrative monetary fines as necessary. The UK is a most interesting example when it comes to conducting sector inquiries, as the OFT and the CC have focused on enhancing competition through structural and behavioral remedies in the relevant market rather than imposing monetary fines on undertakings.⁹

III. PAST AND PRESENT SECTOR INQUIRIES OF THE AUTHORITY

a) Motor Vehicles Sector Inquiry¹⁰

Prior to announcing the Motor Vehicles Sector Inquiry Report to the public while in Bursa, a town that seats the Turkish automotive industry, Prof. Dr. Nurettin Kaldırımçı, President of the Authority, underlined the sector's significance to the Turkish economy along with its strong ties with other industries.¹¹ Indeed, motor vehicles and spare parts come first in terms of exports conducted by Turkey¹² and motor vehicles are the second highest expense for most consumers.¹³ This is why this sector is not 'left to its own devices', as President Kaldırımçı noted.¹⁴

Block Exemption Communiqué No. 2005/4 on Vertical Agreements and Concerted Practices in the Motor Vehicles Sector (Communiqué No. 2005/4) was introduced in 2006 with an aim to enhance efficiencies and competition in this sector. Communiqué No. 2005/4 provides *safe harbors* to certain kinds of anti-competitive vertical agreements that are presumed to have pro-competitive effects. The motor vehicles sector is the only sector subject to special rules under Turkish competition law. The Authority launched the sector inquiry following the footsteps of the Commission to evaluate the effects of these safe harbors.¹⁵

The report divides the market into two main segments: sales of new motor vehicles and after-sales market. Regarding the sales of new vehicles, the Authority observes that the multi-brand strategy introduced by Communiqué No. 2005/4 has been successful in increasing inter-brand and intra-brand competition, and the market is growing and dynamic.

9 Akkaya & Erdoğan, 'Rekabet Politikası Aracı Olarak Sektör İncelemeleri', 1.

10 Initiated on 26 May 2011 with Board's decision numbered 11-32/674-MŞ report published on 7 May 2014; available in Turkish at <<http://www.rekabet.gov.tr/File?path=ROOT%2fDocuments%2fSekt%C3%B6r-Raporu%2fmotorlutasiyeni.pdf>>.

11 Automotive Distributers Association, 'Motor Vehicles Sector Inquiry Report Sheds Light into the Automotive Sector', translated by the author, available in Turkish at <http://www.odd.org.tr/web_2837_1/entitalfocus.aspx?primary_id=924&target=categorial1&type=33&detail=single>, 2014.

12 For 2013 figures, see 'Turkish Exporters Assembly 2013 Evaluation Report', available in Turkish at <http://www.tim.org.tr/files/downloads/sunumlar/20140123_2013_degerlendirme_sunumu.pdf>, 23 January 2014.

13 Communiqué No. 2005/4, Preamble, 1.

14 Automotive Distributers Association, 'Motor Vehicles Sector Inquiry Report Sheds Light'.

15 See Commission, 'Impact Assessment Report of the Future Competition Law Framework applicable to the motor vehicle sector', SEC(2009) 1052, (Brussels, 22 July 2009), available at <http://ec.europa.eu/competition/sectors/motor_vehicles/documents/impact_assessment_report.pdf>.

As for the after-sales market, the report concludes that the after-sales market (i.e. sales of spare parts and maintenance and repair services) for motor vehicles remains a cause for competitive concerns partially due to considerable information asymmetry –or ‘the lack of perfect information’¹⁶ – despite the entry into force of Communiqué No. 2005/4.

These conclusions are quite similar to the Commission’s 2009 impact assessment of the motor vehicles sector, following which the Commission had changed the exemption system, introduced a new regulation and vowed to continue monitoring the sector.¹⁷ Vertical agreements relating to the sale of new vehicles are now subject to the general rules for block exemption in the EU.¹⁸ The Commission appears to aim at gradually including the sector in the general block exemption regulation for vertical agreements. It is still early to predict whether the Authority will adopt an approach similar to the one taken by the Commission.

b) Natural Gas Sector Inquiry¹⁹

The liberalization of the natural gas market has been a grueling process in both market mechanisms and the transition to a competitive market. The Authority conducted the inquiry to determine the structural and behavioral problems within the natural gas market as well as to form competition law solutions to enable a healthy liberalization process.

The report acknowledges that it is unrealistic to expect the market to become competitive at high speed during the liberalization process, and the utilization of a couple of competition law instruments would certainly not suffice to construct a competitive market. This is because, despite the liberalization, the government intervention is extensive in this market and also the investments are usually long-term.

The report proposes a three-step legal procedure which includes regulative proposals, such as reforming the legal status of BOTAS²⁰ from a public body to a private commercial entity, increasing the number of market players and finalizing infrastructure investments. The report aims for a real competitive market by 2023.²¹

16 S. Ardiyok, ‘Aftermarket Theories in Competition Law and An Empirical Analysis of Regulation on Motor Vehicles’, <http://www.actecon.com/PDF/Ardiyok_S_Aftermarket%20Theories%20in%20Competition%20Law%20and%20Regulation%20on%20Motor%20Vehicles_SSRN.pdf?abstract_id=1245022>, 36.

17 Commission Regulation (EU) No 461/2010 of 27 May 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices in the motor vehicle sector.

18 Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices.

19 Initiated with the Board’s decision dated 11 February 2010 and numbered 10-16/189-73; report published on 30 July 2012; available in Turkish at <<http://www.rekabet.gov.tr/File/?path=ROOT%2fDocuments%2fSekt%25c3%25b6r%2bRaporu%2fsektorrapor8.pdf>>.

20 Petroleum Pipeline Corporation, the state-owned natural gas and crude oil company which exercised legal monopoly over gas import and distribution until 2001.

21 There is currently a Draft Law that amends Natural Gas Law No. 4646. The Authority has submitted an initial opinion on the draft on 7 May 2012, and following the completion of the inquiry submitted a follow-up opinion on 1 October 2013.

c) Pharmaceuticals Sector Inquiry²²

The market for drugs for human use has been among the first sectors to be scrutinized by the Board. The focus on this sector is partly influenced by the attention the Commission gives to the pharmaceutical industry. To date, the Authority has finalized nine investigations in the *drugs for human use* market.²³ Previous studies by the Authority targeted the distribution agreements concerning the wholesale and retail distribution of drugs. The inquiry, on the other hand, puts the drug suppliers under the microscope.

During the course of the inquiry, the Authority cooperated with the Ministry of Health and trade associations and conducted surveys with market players. The report discusses the Commission's pharmaceutical sector inquiry²⁴, and points to similarities and differences between the Turkish and the European pharmaceutical markets. The report finds that the supply side of the sector is defined by extensive focus on research and development (R&D) and publicity operations, which are considered market entry barriers mainly due to costs associated.

Another subject that the report widely discusses is generic drugs. Drug manufacturers have traditionally been divided into the manufacturers of original drugs²⁵ and the manufacturers of generic drugs.²⁶ As both the Authority and the Commission accept, generic drugs without doubt enhance competition in the market and lower the drug prices.

The Authority suggests that to improve price competition among producers, it is necessary to cater to the problems at the demand side. At the retail level, doctors and pharmacists should be motivated to prescribe the cheapest drug. On the supply side, the introduction of generic drugs into the market should be promoted. Original drugs that could lower treatment costs should also be endorsed.

It is interesting that, despite extensive reference to the Commission's inquiry, unlike its European counterpart, the Authority has not taken steps similar to those taken by the Commission, which for instance quickly followed up on structural deficits within the sector, especially focusing on *reverse payment settlements*.²⁷

22 This inquiry was commissioned on 20 January 2009 by way of Board's decision numbered 09-03/57-M. The report was published on 19 April 2013, available in Turkish at <<http://www.rekabet.gov.tr/File/?path=ROOT%2fDocuments%2fSekt%C3%B6r-Raporu%2filacrapor.pdf>>.

23 See Pharmaceutical Report, 2. The authors note that the Authority conducted no other investigations – open to public – since the publication of the report.

24 Information on Commission's pharmaceutical sector inquiry is available at <<http://ec.europa.eu/competition/sectors/pharmaceuticals/inquiry/index.html>>.

25 Association of Research-Based Pharmaceutical Companies defines original drugs as 'a new drug that has been proven to have a positive effect on a particular disease after extensive research and clinical studies, which are based on a patented molecule and which previously had no other similar drug'.

26 Generic drugs, which enter into the market after expiration of the original drugs' patent, are drugs that use the same active ingredient as the relevant original drug and thus are considered to be the substitutes of the original drugs once the patents held by the manufacturers of the original drug expire.

27 Also explained on pages 21-24 of the Authority's report. See e.g. Commission's *Perindopril (Servier)* decision, dated 9 July 2014 with case number 39612, in which one original drug manufacturer and five generic manufacturers were fined in total EUR 427,696,508. More information available at <<http://europa.eu/rapid/>>

d) Fast Moving Consumer Goods (FMCG) Retail Sector Inquiry²⁸

Unlike the other sector inquiries, FMCG retail sector inquiry consisted of two sections: a preliminary phase including a report, which analyzed the structure of the retail sector, legislation and enforcement policies of not only Turkey but many other countries (e.g. England, France, Italy, Portugal, Germany, Scandinavian countries, and Australia) and a second and final review. The main purpose was to determine the competitive problems of the Turkish sector in comparison with the foreign sectors and to stipulate mechanisms responding to each of the detected problems.

While the preliminary report proposed a Code of Conduct and an ombudsman system for the sector, the final report concluded that the sector in Turkey enjoys the efficiencies of a free market, therefore Code of Conduct and ombudsman institutions would decrease these efficiencies rather than remedying the issues in the market. The report found that the new Commercial Code²⁹ and Code of Obligations³⁰ provide for a sufficient level of protective regulations for the retailer-supplier relationships, especially for payment terms and against unfair competition.

The Authority proposed an action plan which includes the active and effective control of mergers and acquisitions in the sector and the creation of databases regarding the structure of the sector and the market players.

So far, there is no publicly available information on whether the Authority created the two suggested databases. Nonetheless, the Board has the mergers and acquisitions in the sector under close scrutiny.³¹

e) Red Meat Sector Inquiry³²

Due to the steady increase in red meat prices beginning in 2009, the Authority initiated an inquiry into the red meat sector to better understand the competition level in this market, taking also into consideration the importance of agriculture policy for the Turkish economy.

In a nutshell, the report agreed with relying on imports as an initial short term solution for the swift increase in red meat prices. However, as medium and long term solutions, the report suggested the implementation of agriculture policies and the introduction of incentives in accordance with the targeted agricultural structure which would also lead to improvements in the livestock sector.

press-release_IP-14-799_en.htm>.

²⁸ This inquiry was initiated on 9 July 2010 via the Board's decision numbered 09-42/1065-M. The preliminary report was announced to public on 11 March 2011, final report was published on 24 May 2012, available in Turkish at <<http://www.rekabet.gov.tr/File/?path=ROOT%2fDocuments%2fSekt%25c3%25b6%2b Raporu%2fsektorrapor7.pdf>>.

²⁹ Turkish Commercial Code numbered 6102, entered into force on 1 July 2012.

³⁰ Turkish Code of Obligations numbered 6098, entered into force on 1 July 2012.

³¹ See e.g. Board's *Yıldız/Şok* decision dated 13 August 2013 and numbered 13-47/635-274; *Yıldız Holding* decision dated 17 August 2011 and numbered 11-45/1044-357.

³² The report was published on 3 January 2011.

Although one cannot know for sure whether the Turkish government took up on these suggestions, the Board observed in its *EBK* decision³³ that the government promoted red meat imports throughout 2010 and changed the tax regime for red meat imports to increase the number of imported livestock.

f) Motor Vehicles Driving Schools Sector Inquiry³⁴

Next to cement manufacturing/sale, motor vehicles driving schools sector remains to be one of the most investigated sectors. Despite the significant number of investigations being carried out in this sector, the complaints concerning the motor vehicle driver courses have not ceased, which is why the Board decided to launch an inquiry into this sector.

The Authority found that the motor vehicle driver schools sector has an excess supply and the only option for those undertakings that are not able to operate in these market conditions is to enter into *price agreements*, such as horizontal price fixing. The report, among other proposals, suggests using monitoring devices to ensure that the trainees fulfill the projected lesson period, as used in some European countries.

The Board submitted its opinion on the Draft Regulation on Private Motor Vehicle Driver Courses, also annexing to its opinion the sector inquiry report. The said regulation recently entered into force³⁵ and indeed embodies a monitoring system for driving schools. While it is early to predict the outcome of this regulation, the Board continues to launch investigation after investigation against driving schools.³⁶

g) Financial Sector Inquiry within the Scope of Honor-All-Cards Rule

The honor-all-cards rule, which imposes that “if a retailer says it accepts Visa or MasterCard, then it must accept all cards with the Visa or MasterCard brand”³⁷, drew the Board’s attention in an individual exemption case.³⁸ The Board then decided to see for itself whether the rule could have anticompetitive effects in the financial sector and launched an inquiry.

After explaining the application of the rule by different banks in different countries, the report examined the honor-all-cards rule from an abuse of dominance standpoint and in particular abuse by *tying*. The latter concept is a particular type of abuse of dominance prohibited by Article 6 of Law No. 4054 on the Protection of Competition (the Competition Law). However, considering the market power of each of the banks concerned, the Authority did not find any of the banks to be in a dominant position, thus eliminating the possibility of abuse of dominance.

³³ Board’s decision dated 16 June 2011 and numbered 11-37/785-248.

³⁴ The report was published on 19 February 2010.

³⁵ This regulation was published in the Official Gazette numbered 28931 and entered into force on 4 March 2014.

³⁶ See e.g. Board’s decisions dated 12 February 2014 and numbered 14-06/127-56; dated 18 June 2013 and numbered 13-38/489-213; dated 13 June 2013 and numbered 13-36/482-212.

³⁷ ‘Give credit to card rules’, *National Post*, 20 February 2013, 1, <http://www.cba.ca/contents/files/cba-in-the-news/int_20130220_national_post_give_credit_to_card_rules.pdf>.

³⁸ See Board’s decision dated 13 March 2008 and numbered 08-24/249-82.

The report then examined whether the rule could give way to anticompetitive agreements as per Article 4 of the Competition Law which has been modeled after Article 101 of the Treaty on the Functioning of the EU. While the report found that the rule could result in anticompetitive agreements, it could also create certain efficiencies for the consumers, such as allowing the consumers to pay with their credit cards globally as well as carry one card rather than multiple cards.

The report concluded that there was no need to prohibit the rule under competition law policy, although in consideration of its potential anti-competitive effects under Article 4, the Board submitted a letter to several institutions including Visa and Mastercard and all the banks operating in Turkey to diminish the anti-competitive concerns arising from the honor-all-cards rule.

h) Fuel Sector Inquiry

The very first sector inquiry launched by the Board aimed at discussing the competitive issues and understanding the structure of the fuel sector as well as the relationships between the undertakings in order to be able to offer solutions. The report, among other conclusions, found that although there are 47 distribution companies holding a distribution license, only 5 undertakings made up for approximately 90% of the market, which created an *oligopolistic market structure*. According to the report, this was a major problem in the fuel sector, which needed to change to establish a permanent competitive environment in the sector.

i) Ongoing Sector Inquiries

1. Electricity sector: initiated on 23 May 2013 into the sectors of wholesale and retail sale of electricity and aims to protect the consumers' interest as well as present competition policies for the progress of these sectors during the difficult process of privatization of the distribution of electricity.
2. Media: initiated on 29 November 2013, the scope of this inquiry is limited to the digital publishing and visual media.
3. Cement sector: initiated on 8 May 2014, this inquiry is of particular importance for Turkish competition law, considering the significance of construction to the Turkish economy.
4. *Motion pictures*³⁹: in 2011 the Board cleared⁴⁰ the merger of two movie theater chains with significant market shares in motion picture services. The inquiry aims to observe the outcome of this merger and remedies, and potential competitive problems that may arise due to the digitalization process⁴¹ in the sector.

IV. SUGGESTIONS

It is clear that the Authority has been proactive in working to identify competitive

³⁹ This sector inquiry was announced on 26 February 2014.

⁴⁰ See Board's decision dated 17 November 2011 and numbered 11-57/1473-539. Council of State annulled this decision on 17 June 2014, E. 2012/2013, K. 2014/2507, although the decision of the Council of State is not yet finalized.

⁴¹ See e.g. Board's decision dated 27 September 2013 and numbered 13-55/760-319.

deficits in the Turkish markets. It is praiseworthy that the Authority does so not only within the scope of its enforcement activity through investigations and fines, but also by conducting sector inquiries that paint a broader picture of the relevant market. These inquiries constitute valuable know-how, as evident from the Board's cross reference to its sector inquiry reports in its decisions, especially when discussing the dynamics of a given sector.⁴²

One question that still remains unanswered is whether it is enough to merely conduct an inquiry. First and foremost, market inquiries raise a number of issues, such as costs⁴³, legal uncertainty regarding the tools used, how the information obtained through market inquiries could be used⁴⁴ and how to take effective action once the inquiries are completed.⁴⁵ One way could be to follow a set of guidelines that set out the framework for these inquiries. Aside from guidelines issued by national competition authorities, ICN also published a Market Studies Good Practice Handbook (Handbook).⁴⁶ In terms of guidelines, it would be useful to set out the exact powers of the Authority during and after the inquiries, in particular to determine the precise remedies that could be implemented by the Authority against market failures.⁴⁷ The UK is also a good example, where the competition authorities published and regularly update the guidelines for market investigations.⁴⁸ By following that approach, the sector inquiries in Turkey would improve greatly with respect to their procedural transparency⁴⁹ - which would also ensure the protection of confidential commercial information, provided that the guideline sets out clearly what to disclose and what not to disclose - with an open inquiry procedure that sets a definite timeline as well as clearly established remedies and steps to be taken post inquiries.

Needless to say, merely spelling out the framework and powers of the Authority would not suffice: the Authority would also be called to fully use these powers and implement effective structural or behavioral remedies along with regulatory and

42 See e.g. Board's *Aytemiz Petrol* decision dated 2 February 2012 and numbered 12-04/147-41; *Banks* decision dated 14 March 2012 and numbered 12-11/374-109; *Yıldız Holding* decision dated 17 August 2011 and numbered 11-45/1044-357.

43 ICN, 'Market Studies Project Report, 2009' (ICN Report), 10, <<http://www.internationalcompetitionnetwork.org/uploads/library/doc363.pdf>>.

44 e.g. ICN Report, 58. Also see T. Indig & M. Gal, 'New Powers - New vulnerabilities? A critical analysis of Market Inquiries Performed by Competition Authorities' (2013), 5.

45 Indig & Gal, 'New Powers - New vulnerabilities,' 5-6.

46 Available at <<http://www.internationalcompetitionnetwork.org/uploads/library/doc907.pdf>>.

47 Indig & Gal, 'New Powers - New vulnerabilities,' 4-6.

48 Available at <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/284390/cc3_revised.pdf>.

49 The OECD Report demonstrates that transparency is an important ingredient of *sound market studies* (p.9), a priority for many competition authorities such as Canada's Competition Bureau, Spain's Competition Authority (p.108) and Czech Republic's Office for the Protection of Competition (p.26). We add that clear rules about transparency would also ensure the protection of trade secrets and confidential commercial information.

legislative reforms.⁵⁰ Another tool that would help ensure the success of the sector inquiries is to have follow-up studies in the sectors, as set out in the Handbook. This way, the Authority could see the results of its remedies and take further action if the relevant sector is not headed toward improved competition despite the remedies applied and actions taken.

Furthermore, as currently the general public, including associations, academics, law firms and most importantly the consumers, are not necessarily included in the sector inquiry process in Turkey, providing in each sector inquiry the opportunity for these diverse entities to participate would enable the Authority to take a broader picture of the sectors investigated.

Finally, considering the amount of foreign players in the Turkish markets, conclusive summaries of sector inquiry reports should be published on the Authority's website in English. Market players would then have a greater insight into the Turkish markets and this would help achieve higher rate of compliance, especially in competitively problematic sectors.

⁵⁰ OECD Report, see footnote 1 *supra*, 45.