

## Competition - Turkey

Competition Board closes investigations in vehicle and banking sectors

Contributed by [ELIG](#)

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The Competition Board recently concluded its investigations in the Turkish motor vehicles and banking sectors. The board imposed record fines against the undertakings in both investigations.

In September 2009 the Competition Authority commenced its investigation against 23 undertakings active in the passenger car and light commercial vehicle sectors, in order to determine whether the undertakings had violated the Competition Law by way of an agreement or concerted practices. It was alleged that the investigated undertakings discussed future pricing policies, stock data, sales targets and sales strategies. The board decided that the investigated undertakings violated Article 4 of the Competition Law (similar to Article 101 of the Treaty on the Functioning of the European Union) and imposed fines on 15 of the investigated undertakings. The fines totalled approximately TRY277 million. This is by far the largest fine that has ever been imposed by the board. Once the reasoned decision is published, it is expected to have a groundbreaking impact on the principles of information exchange and the proof standards concerning restrictive agreements, together with allegations of systematic exchange of sensitive competitive data.

The board's investigation into the Turkish banking sector, which commenced in the summer of 2009, concerned a 'gentlemen's agreement' between eight Turkish banks in the salary promotion sector. Following the conclusion of its investigation, the board decided that the banks had violated the Competition Law by way of an agreement and imposed fines totalling approximately TRY72 million. Although the reasoned decision has not yet been published, it is understood that the board based its fine on the portion of turnover of the investigated banks that was generated in the relevant market. In a majority of previous decisions, the board based its fines on the total Turkish turnover of the investigated undertaking. The reasons for the board's divergence from this path will be revealed once the reasoned decision is published. Once the reasoned decision has been issued, it is expected to form a significant tool for the interpretation of the interface between the unfair trade practices (unfair competition rules) of the Commercial Law and the provisions of Turkish competition law (ie, Law 4054 on the Protection of Competition).

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