

5 Years of Best Practice in Competition - Türkiye

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We are pleased to release Moroğlu Arseven's 5 Years of best practice in competition law. This publication aims to offer a comprehensive overview on competition law trends of Türkiye and landmark decisions as there were important developments between the years 2018-2022. Topics covered include: (i) information on the Turkish Competition Authority's increased information gathering powers and jurisdiction in light of its recent decisional practice, (ii) developments regarding recently introduced commitment and settlement procedures, (iii) the headline figures from 2018-2022, (iv) significant decisions of the Competition Board, and (v) information on current as well as upcoming legislative developments.

Overall, the last 5 years were busy and harbored significant developments in competition law, and further new developments are on the way. Indications suggest that the Competition Board's investigation-focused workload will continue through 2023, and cartel cases will remain one of the targets in 2023. Additionally, the latest decision of the Turkish Constitutional Court is important as it stipulates for the first time the necessity of the Turkish Competition Authority to conduct on-the-spot inspections through a court decision as workplaces are evaluated as private property. Although there are not any amendments made in the Law No. 4054 on the Protection of Competition, 2023 is also expected to be a significant year in terms of on-the-spot inspections.

Among other things, current and upcoming legislative developments indicate that the Competition Board will also keep digital markets and players under scrutiny. With the amendment to Communiqué No. 2010/4, the Competition Authority revised the turnover thresholds for notification requirements and has, *inter alia*, introduced a definition of "technology undertaking" into the merger control legislation to catch technology-related transactions as well as "killer acquisitions". As is the case anywhere around the world, the adaptation of competition legislation to the assessment of digital markets and online gatekeepers is a much anticipated and significant topic for the Competition Authority. In this regard, we expect similar legislative amendments to the Turkish legislation as have been made in European Union with the introduction of Digital Markets Act and Digital Services Act.

We trust this publication will be useful and informative for the reader. Moroğlu Arseven will come with an update with Competition Round Up 2023 at the end of this year, accordingly you will be able to keep up with the developments through our annual publications. If any aspects are of particular interest or importance, please do not hesitate to contact us for further discussion.

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