

Changes as to Law on the Protection of Competition Entered Into Force

5 Jul 2024

The Law Amending the Turkish Commercial Code and Certain Laws ("**The Amendment Law**") has been published in the Official Gazette dated 9 May 2024 and numbered 32541 and entered into force as of its publication.

The Amendment Law, among other amendments, significantly amends (i) Law No. 4054 on the Protection of Competition ("**Law No. 4054**") and (ii) Law No. 6585 on the Regulation of Retail Trade ("**Law No. 6585**") as follows:

(i) Amendments to Law No. 4054

- Article 43(2) of Law No. 4054 has been amended to remove the obligation to submit a first written defense following the notification of the Investigation Notice, but the parties may submit a defense if they wish.
- By amending the second paragraph of Article 45 of the Law No. 4054, the obligation of the Investigation Board to prepare an Additional Opinion in each Investigation has been abolished. It is regulated that if the opinion of the Investigation Board in the Investigation Report changes after the second written defense, the Additional Opinion will be prepared and notified to the parties. On the other hand, the right of the parties to submit a third written defense in response to the Additional Opinion is also regulated as optional.

(ii) Amendments to Law No. 6585

Under Law No. 6585, the amounts of administrative fines to be imposed in case of violation of the additional article 1 titled "Excessive price increase, stockpiling and Unfair Price Evaluation Board" have been increased as follows:

- For those who violate the law by increasing the sales price excessively, instead of an administrative fine from TRY 10,000 to TRY 100,000 for each violation, a fine from TRY 100,000 to TRY 1,000,000 is anticipated.
- Instead of an administrative fine of TRY 100,000 to TRY 2,000,000 for each violation, those who violate due to stockpiling will be fined from TRY 1,000,000 to TRY 12,000,000 for each violation.
- At the same time, the workplaces of those who violate the second paragraph of Additional Article 1 at least 3 times within 1 calendar year are subject to a closure penalty of up to 6 days by the Ministry of Trade.
- In addition, the upper limits of the total amount of administrative fines determined in the same article of the Law for a calendar year have also been updated. For large-scale enterprises, the total amount of administrative fines that can be imposed in one year has been increased from TRY 250,000,000 to TRY 1,000,000,000.

The full text of the Amendment Law can be reached through this [link](#). (Only available in Turkish)

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