

## Turkish Competition Board Fines Major Online Platform Yemeksepeti, Recognizing Price Parity Clauses as a Violation for First Time

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The Turkish Competition Board ("**Board**") has recognized for the first time that a price parity clause could violate competition laws. The Board recently issued an administrative monetary fine to Yemeksepeti, a major online platform for food orders, for violating Article 6 of the Law on Protection of Competition No. 4054. The Board held that the exclusionary effects of Yemeksepeti's Most Favoured Customer Clauses meant the platform abused its dominant market position. These clauses discourage restaurants from offering lower prices in any other online food ordering medium.

The Yemeksepeti decision is a milestone in Turkish competition law since it is the first time the Board has recognized the exclusionary effects of Most Favoured Customer Clauses. Such clauses are effectively price protection mechanisms within supply contracts. Their overall effect is that the seller cannot offer a lower price to other customers, without also offering the same lower price to the contracting customer.

Yemeksepeti is an online platform, enabling customers to make takeaway food orders from restaurants. The Board concluded that Yemeksepeti has a dominant position in this market.

The Board's full reasoned decision has not yet been published. The Board's decision is based on Article 6 of the Law (abuse of dominance). Generally, issues around Most Favoured Customer Clauses would arise from their inclusion in an agreement. Arguably, this would mean that Article 4 of the Law would also be relevant (competition restricting agreements). The Board's full reasoning will become clear on publication of the long-form decision.

In the decision, the Board issued an administrative monetary fine of 427,977 TL, as well as ordered Yemeksepeti to revise its agreements with restaurants and terminate implementation of any Most Favoured Customer Clauses.

The Board is also currently investigating Booking.com regarding similar issues, but has not yet reached a decision ([more](#)).

The full text of the Board's short-form decision is available at this [link](#) (only available in Turkish).

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