

Pronouncement of the Final Decision about the Investigation concerning Duracell Satış ve Dağıtım Limited Şirketi According to Article 49 of the Act no 4054 on the Protection of Competition

The Decision dated 08.02.2024 and numbered 24- 07/117-49

Within the scope of the investigation, which was initiated pursuant to the Board decision dated 07.09.2023 and numbered 23-41/786-M, the final settlement text sent by Duracell Satış ve Dağıtım Ltd. Şti. depending on the interim settlement decision of the Competition Board dated 18.01.2024 and numbered 24-05/64-MUA entered the registry of the Authority on 01.02.2024 with the number 48102 in time. In the settlement text, the undertaking clearly acknowledged the existence and the scope of the violation as well as the rate and amount of the maximum administrative fine provided for in the settlement interim decision; it has been decided UNANIMOUSLY that

1. Duracell Satış ve Dağıtım Ltd. Şti. violated article 4 of the Act no 4054 on the Protection of Competition by means of resale price maintenance,
2. Consequently, per Article 16(3) of the same Act and Article 5(1)(b), 5(2) and 5(3)(b) of the Regulation on Fines to Apply in cases of Agreements, Concerted Practices and Decisions Limiting Competition, and Abuse of Dominant Position, at a certain proportion of the annual gross revenues in 2022, by discretion, the undertaking shall be imposed 11.411.571,53- TL administrative fines,
3. 25% reduction shall be applied to the fines to be imposed to the undertaking as a result of the settlement procedure according to article 43(7) of the Act no 4054 and article 4(4) of the Regulation on the Settlement Procedure Applicable In Investigations On Agreements, Concerted Practices And Decisions Restricting Competition And Abuses Of Dominant Position,
4. Within this framework, as a result of the settlement procedure, at a certain proportion of the annual gross revenues in 2022, by discretion, the undertaking shall be imposed 8.558.678,65-TL administrative fines,
5. Therefore, the investigation conducted per the Competition Board Decision dated 07.09.2023 and numbered 23-41/786-M shall be terminated in terms of Duracell Satış ve Dağıtım Ltd. Şti.'s practices for resale price maintenance with settlement

with the decision subject to appeal before Ankara Administrative Courts within 60 days as of the notification of the reasoned decision.

The Decision dated 04.04.2024 and numbered 24-16/359-139

Within the scope of the investigation conducted pursuant to the Board decision dated 07.09.2023 and numbered 23-41/786-M, it has been decided UNANIMOUSLY that

- The final commitment text, which was submitted by Duracell Satış ve Dağıtım Ltd. Şti. and entered the registry of the Authority on 19.03.2024 with the number 50027, shall be accepted and rendered binding for the undertaking concerned as it is able to resolve the relevant competition problems detected under the scope of the file,

- Within this framework, the investigation conducted according to the Board decision dated 07.09.2023 and numbered 23- 41/786- M shall be terminated in terms of the claims about region and online sales restrictions and non-compete obligation.

with the decision subject to appeal before Ankara Administrative Courts within 60 days as of the notification of the reasoned decision.