

Pronouncement of the Final Decision Concerning the Investigation about Certain Undertakings due to Gentlemen's Agreements in the Labor Market according to Article 49 of the Act no 4054 on the Protection of Competition

According to the Report prepared and the Additional Opinion, evidence collected, written pleas, the explanations made during the hearing and the scope of the file examined regarding the investigation conducted as per the Competition Board decisions dated 21.04.2022 and numbered 22-18/301-M, dated 23.11.2022 and numbered 22-52/791-M, dated 02.03.2023 and numbered 23-12/203-M(1), it has been decided UNANIMOUSLY with different reasons of the Board Members Hasan Hüseyin ÜNLÜ and Berat UZUN that

I- Of the undertakings party to the investigation,

- Egem Bilgi İletişim Ticaret AŞ
- Ericsson Telekomünikasyon AŞ
- Etiya Bilgi Teknolojileri Yazılım Sanayi ve Ticaret AŞ
- Innova Bilişim Çözümleri AŞ
- i2i Bilişim Danışmanlık Teknoloji Hiz. ve Paz. Tic. AŞ
- Netaş Telekomünikasyon AŞ
- Pia Bilişim Hizmetleri AŞ
- Turkcell İletişim Hizmetleri AŞ

have violated Article 4 of the Act no 4054 by participating in anticompetitive agreements and the actions in question cannot benefit from individual exemption under article 5 of the Act no 4054 on the Protection of Competition,

II- Therefore, according to Article 16(3) of the Act no 4054 and Article 5(1)(a), 5(2) and 5(3)(a) of the Regulation on Fines to Apply in cases of Agreements, Concerted Practices and Decisions Limiting Competition, and Abuse of Dominant Position, on the basis of the annual gross income which generated at the end of the financial year 2022 and which was determined by the Board, by discretion,

- Egem Bilgi İletişim Ticaret AŞ shall be imposed 724.877,82-TL
- Etiya Bilgi Teknolojileri Yazılım Sanayi ve Ticaret AŞ shall be imposed 4.115.386,43-TL;
- Innova Bilişim Çözümleri AŞ shall be imposed 11.428.409,23-TL
- i2i Bilişim Danışmanlık Teknoloji Hiz. ve Paz. Tic. AŞ shall be imposed 3.824.079,86-TL
- Pia Bilişim Hizmetleri AŞ shall be imposed 1.619.663,42-TL;

III- Therefore, according to Article 16(3) of the Act no 4054 and Article 5(1)(a) and 5(2) of the "Regulation on Fines to Apply in cases of Agreements, Concerted Practices and Decisions Limiting Competition, and Abuse of Dominant Position", on the basis of the annual gross income which generated at the end of the financial year 2022 and was determined by the Board, by discretion

- Ericsson Telekomünikasyon AŞ shall be imposed 7.441.079,06-TL
- Netaş Telekomünikasyon AŞ shall be imposed 5.243.243,58-TL
- Turkcell İletişim Hizmetleri AŞ shall be imposed 57.300.961,97-TL

IV-

1. Akgün Yazılım Pazarlama ve Tic. Ltd. Şti.
2. Amdocs Yazılım Hizmetleri AŞ
3. Argela Yazılım ve Bilişim Teknolojileri San. ve Tic. AŞ
4. Comodo Yazılım Sanayi ve Ticaret AŞ
5. Fonet Bilgi Teknolojileri AŞ
6. Inspirit Bilgi Teknolojileri Yazılım Danışmanlık Tic. Ltd. Şti.
7. Kale Yazılım San. ve Tic. AŞ
8. Kalitte Profesyonel Bilgi Teknolojileri Basım ve Yayıncılık Ltd. Şti.
9. Magis Teknoloji AŞ
10. Netrd Bilgi Teknolojileri ve Telekomünikasyon AŞ
11. Vitelco Bilişim Hizmetleri Danışmanlık Ltd. Şti.
12. 4S Bilgi Teknolojileri AŞ

could not be found to have violated article 4 of the act no 4054 on the Protection of Competition within the framework of the claims that are the subject of the file; therefore; it is not necessary to impose administrative fines according to Article 16(3) of the Act no 4054 on the Protection of Competition,

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