

**The Pronouncement of the Final Decision Regarding the Investigation on Undertakings
Operating in the Production and Distribution of Fresh Yeast according to Article 49 of the Act
no 4054 on the Protection of Competition**

Decision: According to the Report prepared and the Additional Opinion, evidence collected, written pleas, the statements made during the hearing and the scope of the file examined regarding the investigation conducted per the Board decision dated 20.06.2019 and numbered 21-57/795-M, it has been UNANIMOUSLY decided that

I.

- a) Of the fresh yeast producers under investigation, Mauri Maya San. AŞ violated Article 4 of the Act no 4054 on the Protection of Competition by ensuring the enforcement, coordination, maintenance and control of the price fixing and/or customer/region allocation agreements between the undertakings operating in the field of fresh yeast distribution,
- b) Therefore, in accordance with provisions of Article 16.3 of the Act no 4054 as well as of Articles 5.1(a), 5.2, 5.3(a) and 6.1(a) of the “Regulation on Fines to Apply In Cases of Agreements, Concerted Practices and Decisions Limiting Competition, and Abuse of Dominant Position,” an administrative fine based on its annual gross revenues generated by the end of the fiscal year of 2022 as determined by the Board should be imposed on the undertaking concerned,
- c) The other fresh yeast producer Pak Gıda Üretim ve Pazarlama AŞ should not be imposed administrative fines since there are no findings to show that the Act no 4054 was violated by the undertaking concerned,

II.

- a) Of the fresh yeast producers under investigation, Mauri Maya San. AŞ also violated Article 4 of the Act no 4054 by fixing the resale prices of undertakings operating in the downstream market,
- b) Therefore, in accordance with the provisions of Article 16.3 of the Act no 4054 as well as Articles 5.1(b), 5.2, 5.3(a) and 6.1(a) of the “Regulation on Fines to Apply In Cases of Agreements, Concerted Practices and Decisions Limiting Competition, and Abuse of Dominant Position,” an administrative fine based on its annual gross revenues generated by the end of the fiscal year of 2022 as determined by the Board should be imposed on the undertaking concerned,

III. As a result, Mauri Maya San. AŞ should be imposed an administrative fine of 25,227,732.77-TL,

IV.

A) Of the parties to the investigation operating in the distribution of fresh yeast, the undertakings titled

1. Adatepeler Maya Gıda San. Tic. Ltd. Şti.,
2. Barut Gıda/ Fahrettin BARUT,
3. Batuğ Endüstriyel Gıda San ve Tic. Ltd. Şti.,

- 4 .Çınar Mayacılık Gıda Tarım Meşrubat Sanayi ve Ticaret Ltd. Şti.,
- 5 Delice Turka Mak. Gıda San. ve Tic. Ltd. Şti.,
- 6 Güldemirler Ticaret/Dilek GÜLDEMİR,
- 7 Hamra Pazarlama Ahmet Şen,
- 8 Haskat Gıda Pazarlama Sanayi ve Ticaret Ltd. Şti.,
- 9 Kılınçoğlu Maya ve Gıda Pazarlama Tic. San. Ltd. Şti.,
- 10 Mag&Pa Gıda Maya Fırın Mlz. Paz. İml. San. ve Dış Tic. AŞ,
- 11 Motus Gıda Pazarlama Sanayi ve Ticaret Ltd. Şti.,
- 12 Muratlar Fırıncılık Çözümleri Maya Gıda San. ve Dış Ticaret Ltd. Şti.,
- 13 Öztürk Maya Gıda Toptan Paz. Ltd. Şti. ve
- 14 Shk Gıda Tarım Temizlik ve Petrol Ürün. San. Tic. Ltd. Şti.

violated Article 4 of the Act no 4054 by price fixing, customer/region allocation and/or restriction of supply,

- b) Thus, administrative fines must be imposed in accordance with the provisions of Article 6.3 of the Act no 4054, and in accordance with “Regulation on Fines to Apply In Cases of Agreements, Concerted Practices and Decisions Limiting Competition, and Abuse of Dominant Position,” Article 5.1(a), 5.2,
- i. and 7.1, based on the gross revenues of the following undertakings generated by the end of the fiscal year of 2022 as determined by the Board
 - 58,656.22-TL on Hamra Pazarlama Ahmet Şen,
 - 295,777.64-TL on Kılınçoğlu Maya ve Gıda Pazarlama Tic. San. Ltd. Şti.,
 - 492,354.43TL on Shk Gıda Tarım Temizlik ve Petrol Ürün. San. Tic. Ltd. Şti.,
 - ii. 5.3(a) and 7.1, based on the gross revenues of the following undertakings generated by the end of the fiscal year of 2022 as determined by the Board,
 - 773,436.84-TL on Adatepeler Maya Gıda San. Tic. Ltd. Şti.,
 - 12,519.54-TL on Barut Gıda/ Fahrettin BARUT,
 - 118,661.83-TL on Batuğ Endüstriyel Gıda San ve Tic. Ltd. Şti.,
 - 1,512,317.15-TL on Çınar Mayacılık Gıda Tarım Meşrubat Sanayi ve Ticaret Ltd. Şti.,
 - 458,468.10-TL on Delice Turka Mak. Gıda San. ve Tic. Ltd. Şti.,
 - 382,722.13-TL on Güldemirler Ticaret/Dilek GÜLDEMİR,
 - 1,092,418.29-TL on Haskat Gıda Pazarlama Sanayi ve Ticaret Ltd. Şti.,

- 1,095,605.75-TL on Mag&Pa Gıda Maya Fırın Mlz. Paz. İml. San. ve Dış Tic. AŞ,
- 2,757,169.77-TL on Motus Gıda Pazarlama Sanayi ve Ticaret Ltd. Şti.,
- 689,922.73-TL on Muratlar Fırıncılık Çözümleri Maya Gıda San. ve Dış Ticaret Ltd. Şti.,
- 478,772.09-TL on Öztürk Maya Gıda Toptan Paz. Ltd. Şti.'ye 478.772,09-TL,

c) Of the parties to the investigation operating in the distribution of fresh yeast, the undertakings titled

- Çize Gıda Pazarlama Ltd. Şti.,
- Güçbir Gıda Tekstil Turizm İnşaat Sanati ve Nak. AŞ,
- Oluşum Gıda Paz. Ltd. Şti.,
- Orkide Altın Dünyası Kuy. Gıda İnş. Tur. Mob. Day. Tük. Mal. Ltd. Şti.,
- Özpak Gıda Paz. San. ve Tic. Ltd. Şti.,
- Özpak Gıda San. ve Tic. AŞ ve
- Uludüz Gıda Paz. San. Tic. Ltd. Şti.

should not be imposed administrative fines, since there are no findings to show that the Act no 4054 was violated by the undertakings concerned,

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