

**Pronouncement of the Final Decision Regarding the Investigation about
Danone Tikveşli Gıda ve İçecek San. ve Tic. AŞ and Nestle Türkiye Gıda
Sanayi AŞ According to Article 49 of the Act no 4054 on the Protection
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 Board decision dated 15.12.2022 and numbered 22-55/849-M , it has been decided UNANIMOUSLY that

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- i) Nestle Türkiye Gıda Sanayi AŞ violated article 4 of the Act no 4054 on the Protection of Competition,
- ii) The conducts of Nestle Türkiye Gıda Sanayi AŞ, which are considered as a violation, cannot fulfill the exemption conditions listed in article 5 of the Act no 4054,
- iii) Therefore, according to article 16(3) of the same Act and Article 5(1)(b), 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, at a certain rate of the annual gross revenues in 2022, by discretion, Nestle Türkiye Gıda Sanayi AŞ shall be imposed 260.183.629,08- TL administrative fines,

2- No evidence could be found showing that Danone Tikveşli Gıda ve İçecek San. ve Tic. AŞ, which was party to the investigation, violated the Act no 4054; thus it is not necessary to impose administrative fines to the said undertaking,

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