

**Pronouncement of the Final Decision Regarding the Investigation about DSM
Grup Danışmanlık İletişim ve Satış Ticaret AŞ 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 oral hearing and the scope of the file examined regarding the investigation conducted per the Board decision dated 23.09.2021 and numbered 21-44/650-M, it has been decided UNANIMOUSLY with different reasons of the Board Members Hasan Hüseyin ÜNLÜ and Berat UZUN that

1. DSM Grup Danışmanlık İletişim ve Satış Ticaret AŞ is dominant in multi-category e-marketplaces market,
2. DSM Grup Danışmanlık İletişim ve Satış Ticaret AŞ has favored its retail activities unfairly by intervening in the algorithm and using the data of third party sellers who make sales at the marketplace; all these practices have complicated the activities of its rivals and violated article 6 of the Act no 4054 on the Protection of Competition,
3. Therefore, according to article 16(3) of the Act no 4054 and Article 5(1)(b) 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”, based on the annual gross revenues which generated at the end of the fiscal year 2021 and which are determined by the Board, by discretion, DSM Grup Danışmanlık İletişim ve Satış Ticaret AŞ shall be imposed 61.342.847,73-TL administrative fines,
4. According to article 9(1) of the Act, to terminate the violation indicated in article 2 and establish efficient competition in the market, DSM Grup Danışmanlık İletişim ve Satış Ticaret AŞ shall be imposed the following obligations:
 - a) To avoid any interventions made via algorithms and coding, which would grant advantage to its private label (PL) products concerning its retail activities it carries out on its own marketplace (www.trendyol.com) compared to its rivals, including those listed below, and to take the necessary measures:
 - To block the access of data science search team to PL category information as a separate category from the main product table, main order table and category tree,
 - To apply the algorithms it uses, including ranking and scoring, equally, to all sellers within the scope of the relevant algorithm, irrespective of the seller id,
 - In cases where sales are made on behalf of DSM Grup Danışmanlık İletişim ve Satış Ticaret AŞ, to create a seller outlet and activate “Follow Seller” feature and show the number of followers,
 - Not to intervene manually to the algorithm to favor PL products

- compared to its rivals,
- Making an internal policy about self-preferencing and sharing it with employees.
- b) To avoid using all kinds of data obtained and produced/derived from the activities in the marketplace for PL products concerning the retail activities and to take all necessary technical, administrative and organizational measures to ensure this, including those listed below:
- Having different teams managing PL products sold by DSM Grup Danışmanlık İletişim ve Satış Ticaret AŞ in its marketplace,
 - Not sharing the data of third party sellers making sales on the marketplace owned by DSM Grup Danışmanlık İletişim ve Satış Ticaret AŞ with PL team and not using those data to favor PL brands to the detriment of those sellers,
 - Making an internal policy about using data and sharing it with relevant employees.
- c) To keep parametric and structural changes made to all algorithm models used for ranking products and filtering brands within the scope of marketplace activities for at least three years with versions in an undeniable way,
- d) To keep all codes belonging to algorithms used for ranking products and filtering brands within the scope of marketplace activities as well as all codes affecting algorithms used for ranking products and filtering brands for at least three years with versions in an undeniable way,
- e) To keep user access and authorization logs as well as administrator check logs related to all software used for the functioning of business processes within the scope of marketplace activities for three years in an undeniable way,
- f) To fulfill the obligations listed in subparagraphs a, b, c, d and e within three months as of the notification of the reasoned decision to the undertaking, to make an application to the Authority three months before the expiry of the three-year period as to whether the obligations shall be expanded for a further three-year period, at the end of the three-year period,
- g) To submit the Authority the compliance measures it has prepared no later than one month before the time period given has expired,
- h) To submit a report once a year periodically to the Authority for five years following the implementation of the first compatibility measure,

5. In case DSM Grup Danışmanlık İletişim ve Satış Ticaret AŞ fails to fulfill the obligations imposed in article 4 completely in a timely manner, periodic fines shall be imposed according to article 17(1)(a) 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.