

**The Pronouncement of the Final Decision Regarding the  
Investigation on EssilorLuxottica S.A. 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 statements made during the hearing and the scope of the file examined regarding the investigation conducted per the Board decision dated 21.10.2021 and numbered 21-51/709-M, it has been UNANIMOUSLY decided that

- a) EssilorLuxottica S.A. acted in violation of the commitments that were made binding with the decision dated 01.10.2018 and numbered 18-36/585-286,
- b) Therefore, under Article 17.1(a) of the Act, the undertaking should be imposed administrative fines over its gross revenue generated at the end of the fiscal year of 2022 as determined by the Board, for each day from 01.10.2018 to 01.10.2021,
- c) EssilorLuxottica S.A.'s agreements offering ophthalmic lenses and ophthalmic machinery simultaneously and its other practices in the market created de facto exclusivity and were exclusionary, and these practices were in violation of Article 6 of the Act no 4054,
- d) Therefore, administrative fines should be imposed under Article 16.3 of the Act no 4054; however, since administrative fines were already imposed in the sub-paragraphs (a) and (b) of the decision herein, it would not be appropriate under the general law principle of "*ne bis in idem*" to rule a new administrative fine under sub-paragraph (c),

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