

**Pronouncement of the Final Decision regarding the Investigation about Five Undertakings dealing with Ro-Ro Transport between Ambarlı Port and Bandırma Port Line and Cabotage Line Ro-Ro and Ferryboat Operators Association according to Article 49 of the Act no. 4054 on the Protection of Competition**

As a result of the investigation whether undertakings dealing with ro-ro transport between Ambarlı - Bandırma and Ambarlı - Topçular lines violated article 4 of the Act No. 4054 by fixing the prices charged from transporters; considering all the evidence, information and documents collected, the report prepared, written defense and the explanations made during the oral hearing, the Competition Board took the final decision numbered 19-16/229-101 in the meeting dated 18.04.2019.

- 1) It was decided by majority of votes that Tramola Gemi İşletmeciliği ve Ticaret A.Ş., Kale Nakliyat Seyahat ve Turizm A.Ş. and İstanbullines Denizcilik Yatırım A.Ş. violated article 4 of the Act no. 4054 by fixing the prices for lines at Ambarlı - Bandırma ro-ro transport line together,
- 2) It was decided unanimously that İstanbul Deniz Nakliyat Gıda İnşaat Sanayi Ticaret Ltd. Şti. and İstanbul Deniz Otobüsleri Sanayi ve Ticaret A.Ş. violated article 4 of the Act no. 4054 by fixing the prices for lines at Ambarlı - Bandırma ro-ro transport line together,
- 3) It was decided unanimously and with different reasons stated by the Chairman Prof. Dr. Ömer TORLAK and Board member Ahmet ALGAN that, due to the competition infringement at Ambarlı - Bandırma ro-ro transport line,
  - a) İstanbullines Denizcilik Yatırım A.Ş. shall be imposed administrative fines, which amount to, by discretion, 4% of the annual gross revenues, which generated at the end of the financial year 2017 and which is determined by the Board by taking into account also the revenues obtained by Bostan Denizcilik Ltd. Şti. and Hidiv Denizcilik Ltd. Şti., according to Article 16 (3) of the Act no. 4054 and Article 5(1)(a), 5(2) and 5(3)(b) of the Regulation on Fines to Apply in cases of Agreements, Concerted Practices and Decisions Limiting Competition, and Abuse of Dominant Position,
  - b) Tramola Gemi İşletmeciliği ve Ticaret A.Ş. shall be imposed administrative fines, which amount to, by discretion, 4% of the annual gross revenues which generated at the end of the financial year 2018 and which is determined by the Board, according to article 5(3)(b) of the abovementioned regulation
  - c)
    - i. Kale Nakliyat Seyahat ve Turizm A.Ş. shall be imposed administrative fines, which amounts to 1,6% of the annual gross revenues, which generated at the end of the financial year 2018 and which is determined by the Board, according to the third paragraph of Article 16 of the Act and Article 5(1)(a), 5(2), 5(3)(b) and article 7(1) of the Regulation on Fines to Apply in cases of Agreements, Concerted Practices and Decisions Limiting Competition, and Abuse of Dominant Position,

ii. Moreover, taking into account the Board decision numbered 18-09/169-MP regarding the application to benefit from the Leniency Regulation by Kale Nakliyat Seyahat ve Turizm A.Ş., the administrative fines to be imposed to the said undertaking shall be reduced by half according to article 5(1)(a) of the Leniency Regulation, within this framework the undertaking in question shall be imposed administrative fines which amounts to, by discretion, 0.8% of the annual gross revenues which generated at the end of the financial year 2018 and which is determined by the Board.

4) It was decided unanimously that İstanbul Deniz Nakliyat Gıda İnşaat Sanayi Ticaret Ltd. Şti. and İstanbul Deniz Otobüsleri Sanayi ve Ticaret A.Ş. shall be imposed administrative fines, which amounts to, by discretion, 0.8% of the annual gross revenues which generated at the end of the financial year 2018 and which is determined by the Board, according to third paragraph of Article 16 of the Act and Article 5(1)(a), 5(2) and 7(1) of the Regulation on Fines to Apply in cases of Agreements, Concerted Practices and Decisions Limiting Competition, and Abuse of Dominant Position,

(The total amount of administrative fines imposed to all undertakings is 7,404,850.77)

5) It was decided unanimously and with different reasons stated by the Chairman Prof. Dr. Ömer TORLAK and Board member Ahmet ALGAN, that İstanbullines Denizcilik Yatırım A.Ş. shall be imposed administrative fines which amounts to 0.1% of the annual gross revenues, which generated at the end of the financial year 2017 and which is determined by the Board by taking into account also the revenues obtained by Bostan Denizcilik Ltd. Şti. and Hidiv Denizcilik Ltd. Şti., according to article 16(1)(c) of the Act no. 4054 as the undertaking in question sent incomplete information within the scope of the investigation,

6) It was decided unanimously that Cabotage Line Ro-Ro and Ferryboat Operators Association did not violate article 4 of the act no 4054; therefore it was not necessary to impose administrative fines on the association of undertakings in question.

Judicial review for the decision before Ankara Administrative Courts shall be possible within 60 days as of the notification of the reasoned decision.