

Announcement of the Final Decision regarding the Investigation about Baymak Makina San. ve Tic. A.Ş According to Article 49 of the Act no 4054 on the Protection of Competition

As a result of the investigation conducted to determine whether Baymak Makina San. ve Tic. A.Ş violated article 4 of the Act no 4054 by means of vertical agreements with its dealers and other practices, considering all the evidence, information and documents collected, the Report prepared, the Additional Opinion, written defense and the explanations made during the oral hearing, the Competition Board took the following final decision numbered 20-16/232-113 in the meeting dated 26.03.2020. It was decided UNANIMOUSLY that

- 1) Baymak Makina San. ve Tic. A.Ş violated article 4 of the Act no 4054;
- 2) UNANIMOUSLY that according to third paragraph of Article 16 of the Act and Article 5(1)(b), 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, depending on its annual gross income accrued at the end of the financial year 2019 and determined by the Board
 - 26.813.704,10 TL administrative fines shall be imposed to Baymak Makina San. ve Tic. A.Ş.
- 3) UNANIMOUSLY that the provisions in the dealer agreements that could enable resale price maintenance, the period of non-compete obligation as well as the provisions in “Baymak A.Ş. Distributor Dealer Agreement” and “Baymak A.Ş. Orange Store Main Dealership Agreement” that “...shall not sell products to customers, which BAYMAK stated that they cannot be sold products” shall be amended to comply with the Block Exemption Communiqué no 2002/2 on Vertical Agreements, besides, practices contrary to the article 4 of the Act no 4054 shall be terminated, the abovementioned amendments shall be documented to the Competition Authority within 90 days as of the notification of the reasoned decision.

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