

**Pronouncement of the Decision about the Investigation concerning İsttelkom
İstanbul Elektronik Haberleşme ve Altyapı Hizmetleri San. ve Tic. A.Ş.**

According to Article 49 of the Act no. 4054

As a result of the investigation whether İsttelkom İstanbul Elektronik Haberleşme ve Altyapı Hizmetleri San. ve Tic. A.Ş. violated the Act no. 4054 by means of complicating its competitors' activities, considering all the evidence, information and documents collected, the report prepared as well as the written defense and the explanations made during the oral hearing, the Competition Board took the decision numbered 19-15/214-94 in the meeting dated 11.04.2019. Accordingly, it was decided

- 1) UNANIMOUSLY that İsttelkom İstanbul Elektronik Haberleşme ve Altyapı Hizmetleri San. ve Tic. A.Ş. is dominant in the market for installing electronic communication infrastructure in Istanbul province,
- 2) UNANIMOUSLY that Facility Sharing Protocol, which İsttelkom İstanbul Elektronik Haberleşme ve Altyapı Hizmetleri San. ve Tic. A.Ş. signed with operators, violated article 6 of the Act no. 4054,
- 3) UNANIMOUSLY that according to third paragraph of Article 16 of the Act and Article 5(1)(b), 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, on the basis of the annual gross income accrued at the end of the financial year 2018 and determined by the Board, İsttelkom İstanbul Elektronik Haberleşme ve Altyapı Hizmetleri San. ve Tic. Shall be imposed TL 91,942,343.31 administrative fines,
- 4) UNANIMOUSLY that the infringement shall be terminated and in order to ensure competition in the market İsttelkom İstanbul Elektronik Haberleşme ve Altyapı Hizmetleri San. ve Tic. A.Ş. shall remove From Facility Allocation Protocol contractual provisions that directly or indirectly would indicate or result in the following conditions:
 - a) The ownership of the infrastructure whose installment cost is born by the operators belongs to İsttelkom İstanbul Elektronik Haberleşme ve Altyapı Hizmetleri San. ve Tic. A.Ş.,
 - b) The operators cannot provide, rent or transfer partly or wholly the infrastructure whose cost they bear to third persons or institutions,
- 5) UNANIMOUSLY that the amendments to be made within the framework of the obligations listed shall be made and certificated to the Competition Authority within three months 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.