

**Announcement of the Final Decision Regarding the Investigation about
Concerning Six Undertakings Engaged in Preparing Chemotherapy Drugs
According to Article 49 of the Act no 4054 on the Protection of Competition**

As a result of the investigation whether undertakings engaged in the market for tenders for preparing chemotherapy drugs violated article 4 of the Act no 4054 by means of bid rigging, 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 decision numbered 20-01/14-6 in the meeting dated 02.01.2020. Accordingly, it was decided unanimously that the following undertakings violated article 4 of the Act no 4054:

- 1)
 - Korulu Grup Sağlık Hizmetleri İnş. Taah. Mak. Tem. San. ve Tic. Ltd. Şti.
 - Meditera İthalat ve İhracat A.Ş.
 - Oncosem Onkolojik Sistemler San. ve Tic. A.Ş.
 - Onkofar Sağlık Ürünleri San. ve Tic. A.Ş.
 - Santek Sağlık Turizm Tekstil San. ve Tic. A.Ş.

- 2) By majority of votes that according to third paragraph of Article 16 of the Act and Article 5(1)(b), 5(2) and 7 of the Regulation on Fines to Apply in cases of Agreements, Concerted Practices and Decisions Limiting Competition, and Abuse of Dominant Position, administrative fines, which amount to, by discretion, 0,25% of the annual gross revenue which generated at the end of the fiscal year 2018 and which is determined by the Board shall be given to
 - Korulu Grup Sağlık Hizmetleri İnş. Taah. Mak. Tem. San. ve Tic. Ltd. Şti.
 - Meditera İthalat ve İhracat A.Ş.
 - Oncosem Onkolojik Sistemler San. ve Tic. A.Ş. and Santek Sağlık Turizm Tekstil San. ve Tic. A.Ş. severally
 - Onkofar Sağlık Ürünleri San. ve Tic. A.Ş.

- 3) Unanimously that İnvotek Sağlık Teknolojileri Tic. Ltd. Şti. did not violate article 4 of the act no 4054; therefore it was not necessary to impose administrative fines,

- 4) Unanimously that the agreements made by Eraser Medikal Tıbb. Cih. Sağ. Ür. Paz. San. ve Tic. Ltd. Şti.
 - is under the scope of article 4 of the Act no 4054 because of provisions related to ban on passive sales,
 - They cannot benefit from block exemption communique within the scope of the Communiqué no. 2002/2 as they included a ban on passive sales and they are regulated for an indefinite time,
 - They cannot be granted individual exemption as they do not fulfill the conditions listed in article 5(1) of the Act no 4054,

- Therefore, the Presidency shall be assigned to send an opinion to İnvotek Sağlık Teknolojileri Tic. Ltd. Şti. so that the group company Eraser Medikal Tıb. Cih. Sağ. Ür. Paz. San. ve Tic. Ltd. Şti. shall be informed that it should remove the expression “*or indirectly*” related to passive sales and limit the non-compete condition in the agreements to five years and certify this to the Authority within 60 days as of the notification of the reasoned decision within the scope of article 9(3) of the Act no 4054, otherwise an investigation shall be initiated according to article 41 of the Act no 4054.

5) Unanimously that the General Dealership Protocol between Oncosem Onkolojik Sistemler San. ve Tic. A.Ş. and Korulu Grup Sağlık Hizmetleri İnş. Taah. Mak. Tem. San. ve Tic. Ltd. Şti. and Real Medikal Tıbbi Gereçler İnş. Taah. Gıda. Mob. Tur. San. ve Tic. Ltd. Şti.

- is under the scope of article 4 of the Act no 4054,
- cannot be granted individual exemption as it does not fulfill the conditions listed in article 5(1) of the Act no 4054,
- the Presidency shall be assigned to send an opinion to Oncosem Onkolojik Sistemler San. ve Tic. A.Ş., Korulu Grup Sağlık Hizmetleri İnş. Taah. Mak. Tem. San. ve Tic. Ltd. Şti. ve Real Medikal Tıbbi Gereçler İnş. Taah. Gıda. Mob. Tur. San. ve Tic. Ltd. Şti. that they should limit non-compete condition in the agreements to five years and certify this to the Authority within 60 days as of the notification of the reasoned decision according to article 9(3) of the Act no 4054, otherwise an investigation shall be initiated according to article 41 of the Act no 4054.

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