

**Pronouncement of the Final Decision Regarding the Investigation about Krea
İçerik Hizmetleri ve Prodüksiyon AŞ According to Article 49 of the Act no 4054 on
the Protection of Competition**

According to the Report prepared and the Additional Opinion, the evidence collected, written pleas, the explanations made during the oral hearing and the scope of the file examined regarding the investigation conducted per the Board decision dated 07.02.2019 and numbered 19-06/45-M, upon the claims that Krea İçerik Hizmetleri ve Prodüksiyon AŞ (Digiturk) through its pricing conduct related to commercial packages including Turkish Super League and First League matches and its dealership system, and undertakings supplying those packages under the name of Digiturk dealers, through pricing and market sharing practices, violated articles 4 and 6 of the Act no 4054, it was decided UNANIMOUSLY that

- 1) Krea İçerik Hizmetleri ve Prodüksiyon AŞ was dominant in the market for paid television broadcasting of Turkish Super League and First League matches during 2018-2019 season and its dominant position lasted also during 2019-2020 season,
- 2) The said undertaking violated article 4 of the Act no 4054 because it prevented during 2018-2019 and 2019-2020 seasons, respectively its 48 and 42 resellers from making active and passive sales out of the areas allocated exclusively to them,
- 3) Thus, according to third paragraph of Article 16 of the Act no 4054 and Article 5(1)(b), 5(2), 5(3)(a) 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, depending on the gross revenues in 2020, which is assessed by the Board, Krea İçerik Hizmetleri ve Prodüksiyon AŞ (Digiturk) shall be imposed 7.068.133,04 TL administrative fines,
- 4) Each of 48 resellers party to the investigation was dominant in their relevant geographic regions during 2018-2019 season but there were not any agreements/concerted practices among them; therefore, it is not necessary to impose administrative fines; however, they did not make active or passive sales to each other's regions within the framework of the resale system designed by Digiturk so intra-brand competition was eliminated,
- 5) Digiturk did not impose any deterrent sanctions to dealers who made discounts to their customers, taking into account that there were not any suggestions to make discounts, there is not a violation involving determining the resale price,
- 6) There are not any findings related to making direct or indirect discrimination between purchasers with equal status by offering different terms for the same and equal rights, obligations and acts, as defined in Article 6(2)(b) of the Act no 4054,
- 7) In order to end the violation and establish efficient competition in the market, Digiturk should include a clear provision in dealership agreements that passive sale is not prohibited, should inform the dealers about the amendment and should certificate the necessary amendments in agreements in one month as of the notification of the reasoned decision to the Competition Authority.

The decision can be appealed before Ankara Administrative Courts within 60 days as of the notification of the reasoned decision.