

**Pronouncement of the Decision about the Investigation concerning Medsantek
Laboratuar Malzemeleri San. ve Tic. Ltd. Şti. and Genomed Sağlık Hizmetleri A.Ş.**

According to Article 49 of the Act no. 4054

As a result of the investigation whether Medsantek Laboratuar Malzemeleri San. ve Tic. Ltd. Şti. and Genomed Sağlık Hizmetleri A.Ş, which are authorized distributors of ThermoScientific's DNA sequence analysis devices, abused their dominant position in the market for the said devices' sales and maintenance in the market for kits used in those devices and violated the Act No. 4054, 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 decision numbered 19-13/182-80 in the meeting dated 28.03.2019. Accordingly, it was decided

1. Unanimously that Medsantek Laboratuar Malzemeleri San. ve Tic. Ltd. Şti. holds a dominant position with respect to the devices it sells at the stage of providing licenses for the devices in the market for sanger sequence analysis device produced by Thermo,
2. Medsantek Laboratuar Malzemeleri San. ve Tic. Ltd. Şti. abused its dominant position, within the scope of article 6 of the Act no. 4054, in the market for sanger sequence analysis devices produced by Thermo by means of not providing the relevant licenses to its competitors in the kit market,
3. Unanimously that according to third paragraph of Article 16 of the Act and Article 5(1)(b) and 5(2) 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, Medsantek Laboratuar Malzemeleri San. ve Tic. Ltd. Şti. shall be imposed TL 504,534.02 administrative fines.
4. Unanimously that Genomed Sağlık Hizmetleri A.Ş. did not violate article the Act no. 4054; therefore it was not necessary to impose administrative fines.

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