

**Pronouncement of the Final Decision Regarding the Investigation concerning
Certain Private Healthcare Institutions and Associations of Undertakings
According to Article 49 of the Act no 4054 on the Protection of Competition**

According to the Report prepared and the Additional Opinion, evidence collected, written pleas, the explanations made during the oral hearing and the scope of the file examined about the investigation conducted per the Board decisions dated 07.01.2021 and no 21-01/20- M and dated 15.10.2020 and no 20-46/624-M, upon the claim that certain private healthcare institutions and associations of undertakings violated article 4 of the Act no 4054 on the Protection of Competition (the Act no 4054) in order to determine whether certain private healthcare institutions and associations of undertakings violated article 4 of the Act no 4054 on the Protection of Competition it was decided UNANIMOUSLY that

1- A.1.) In Samsun

- Derebahçe Özel Sağlık Hizm. San. ve Tic. A.Ş.,
- Hospitalpark Sağlık Hizm. A.Ş.,
- Medicana Samsun Özel Sağlık Hizm. A.Ş.,
- Samsun Medikal Grup Özel Sağlık Hizmetleri A.Ş.

violated article 4 of the Act no 4054 by means of determining prices together

2) Thus, according to third paragraph of Article 16 of the Act and Article 5(1)(a), 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 (Fines Regulation),

- on the basis of their gross revenues in 2020, by discretion, 491.058,31 TL administrative fines shall be imposed to Derebahçe Özel Sağlık Hizm. San. ve Tic. A.Ş.
- on the basis of their gross revenues in 2020, by discretion, 1.118.162,78 TL administrative fines shall be imposed to Hospitalpark Sağlık Hizm. A.Ş.
- and according to article 5(3)(a) of the aforementioned Regulation, on the basis of their gross revenues in 2020, by discretion, 3.239.899,36 TL administrative fines shall be imposed to Medicana Samsun Özel Sağlık Hizm. A.Ş.
- and according to article 5(3)(a) of the aforementioned Regulation, on the basis of their gross revenues in 2020, by discretion, 6.459.786,78 TL administrative fines shall be imposed to Samsun Medikal Grup Özel Sağlık Hizmetleri A.Ş.

B.1.) In Samsun

- Medicana Samsun Özel Sağlık Hizm. A.Ş.
- Samsun Medikal Grup Özel Sağlık Hizmetleri A.Ş.

violated article 4 of the Act no 4054 by means of restricting competition in the labor markets

2.) Therefore according to the third paragraph of article 16 of the Act, and Article 5(1)(a), 5(2) and 7(1) of the Fines Regulation, on the basis of their gross revenues in 2020, by discretion,

- 2.159.932,91 TL administrative fines shall be imposed to Medicana Samsun Özel Sağlık Hizm. A.Ş.
- 4.306.524,52 TL administrative fines shall be imposed to Samsun Medikal Grup Özel Sağlık Hizmetleri A.Ş.

2- A.1.) In Bursa

- ASG Özel Sağlık Hizmetleri ve Sağlık Malz. San. ve Tic. A.Ş.,
- Hayat Sağlık Tesisleri A.Ş.

violated article 4 of the Act no 4054 by means of determining prices together

2.) Therefore, according to third paragraph of Article 16 of the Act no 4054 and 5(1)(a), 5(2) and 7(1) of the Fines Regulation, on the basis of their gross revenues in 2020, by discretion,

- ASG Özel Sağlık Hizmetleri ve Sağlık Malz. San. ve Tic. A.Ş., shall be imposed 1.022.647,28 TL administrative fines
- 1.043.057,34 TL administrative fines shall be imposed to Hayat Sağlık Tesisleri A.Ş.

B.1.) In Bursa

- ASG Özel Sağlık Hizmetleri ve Sağlık Malz. San. ve Tic. A.Ş.,
- Atek Özel Sağlık Hizmetleri A.Ş.,
- Burfiz Özel Sağlık Hizmetleri A.Ş.,
- C.Y.L. Turizm Gıda Sağlık Hizmetleri İnşaat San. ve Tic. A.Ş.,
- Göz Nurunu Koruma Vakfı (The Foundation of Protecting Eye) Bayrampaşa Eye Hospital Economic Enterprise Bursa Branch,
- Hayat Sağlık Tesisleri A.Ş.,
- Medika-Bil Özel Sağlık Hiz. Tur. Yat. Gıda İnş. San. ve Tic. Ltd. Şti.,
- Medicana Hastane İşletmeciliği A.Ş. Bursa Şubesi,
- MLP Sağlık Hizmetleri A.Ş. Bursa Şubesi,
- Pedmer Özel Çocuk Sağlığı Merkezi Tic. Ltd. Şti.,
- Pembemavi Tedavi Hiz. San. ve Tic. A.Ş.,
- Remzi Avcı Özel Sağlık Hizmetleri A.Ş.,
- Sina Özel Sağlık Hizmetleri A.Ş.
- Uludağ Özel Sağlık Hizmetleri San. ve Tic. A.Ş.

violated article 4 of the Act no 4054 by means of restricting competition in the labor markets

2.) Therefore according to the third paragraph of article 16 of the Act, and Article 5(1)(a), 5(2) and 7(1) of the Fines Regulation, on the basis of their gross revenues in 2020, by discretion, the following administrative fines shall be imposed:

- 1.022.647,28 TL to ASG Özel Sağlık Hizmetleri ve Sağlık Malz. San. ve Tic. A.Ş.,
- 1.127.351,35 TL to Atek Özel Sağlık Hizmetleri A.Ş.
- 308.202,90 TL to Burfiz Özel Sağlık Hizmetleri A.Ş.
- 893.838,89 TL to C.Y.L. Turizm Gıda Sağlık Hizmetleri İnşaat San. ve Tic. A.Ş.
- 351.501,08 TL to Göz Nurunu Koruma Vakfı (The Foundation of Protecting Eyes) Bayrampaşa Eye Hospital Economic Enterprise Bursa Branch,
- 1.043.057,34 TL to Hayat Sağlık Tesisleri A.Ş.

- 798.042,72 TL to Medika-Bil Özel Sağlık Hiz. Tur. Yat. Gıda İnş. San. ve Tic. Ltd. Şti.
- 11.032.645,84 TL to Medicana Hastane İşletmeciliği A.Ş.
- 18.706.921,25 TL MLP Sağlık Hizmetleri A.Ş.
- 72.138,53 TL to Pedmer Özel Çocuk Sağlığı Merkezi Tic. Ltd. Şti.
- 140.953,88 TL to Pembemavi Tedavi Hiz. San. ve Tic. A.Ş.
- 216.279,40 TL to Remzi Avcı Özel Sağlık Hizmetleri A.Ş.
- 745.516,15 TL to Sina Özel Sağlık Hizmetleri A.Ş.
- 232.924,03 TL to Uludağ Özel Sağlık Hizmetleri San. ve Tic. A.Ş.

3.1) In Bursa

- ASG Özel Sağlık Hizmetleri ve Sağlık Malz. San. ve Tic. A.Ş.,
- Atek Özel Sağlık Hizmetleri A.Ş.,
- C.Y.L. Turizm Gıda Sağlık Hizmetleri İnşaat San. ve Tic. A.Ş.,
- Hayat Sağlık Tesisleri A.Ş.,
- Medika-Bil Özel Sağlık Hiz. Tur. Yat. Gıda İnş. San. ve Tic. Ltd. Şti.,
- Pedmer Özel Çocuk Sağlığı Merkezi Tic. Ltd. Şti.,
- Sina Özel Sağlık Hizmetleri A.Ş.
- Bursa Özel Sağlık Kuruluşları Derneği (Association of Private Healthcare Institutions)

violated article 4 of the Act no 4054 by means of exchanging competitively sensitive information

3.2) Therefore, according to third paragraph of Article 16 of the Act no 4054 and 5(1)(b), 5(2) and 7(1) of the Fines Regulation, on the basis of their gross revenues in 2020, by discretion, the following administrative fines shall be imposed:

- 255.661,82 TL to ASG Özel Sağlık Hizmetleri ve Sağlık Malz. San. ve Tic. A.Ş.,
- 281.837,84 TL to Atek Özel Sağlık Hizmetleri A.Ş.
- 223.459,72 TL to C.Y.L. Turizm Gıda Sağlık Hizmetleri İnşaat San. ve Tic. A.Ş.
- 260.764,34 TL to Hayat Sağlık Tesisleri A.Ş.
- 199.510,68 TL to Medika-Bil Özel Sağlık Hiz. Tur. Yat. Gıda İnş. San. ve Tic. Ltd. Şti.
- 18.034,63 TL to Pedmer Özel Çocuk Sağlığı Merkezi Tic. Ltd. Şti.
- 186.379,04 TL to Sina Özel Sağlık Hizmetleri A.Ş.
- 97,20 TL to Bursa Özel Sağlık Kuruluşları Derneği (Association of Private

Healthcare Institutions)

4) Within the scope of the file, no information or document showing that

- Acıbadem Sağlık Hizmetleri ve Tic. A.Ş. Bursa Şubesi,
- Medi Bafra Özel Sağlık Hizm. San. ve Tic. A.Ş.,
- Özel Ack Ürotaş Üroloji Tıp Merkezi Sağlık Hizm. San. ve Tic. Ltd. Şti.,
- Özel Ana Teşhis Tedavi ve Sağlık Hizm. A.Ş.,
- Realist Özel Sağlık Hizm. Tıbbi Cihaz İnş. Tur. Tic. ve San A.Ş.,

- Romatem Fizik Tedavi ve Özel Sađlık Hizmetleri Ticaret A.Ş.,
- Rom-Mer Özel Sađlık Hizmetleri Sanayi ve Ticaret Limited Őirketi ve
- Özel Hastaneler Platformu Derneđi (Association of Private Hospitals Platform)

violated the Act no 4054 could be found; therefore, it was not necessary to impose administrative fines to the abovementioned within the framework of Article 16 of the Act no 4054.

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