

Pronouncement of the Final Decision Regarding the Investigation about Türk Philips Ticaret A.Ş. According to Article 49 of the Act no 4054 on the Protection of Competition

As a result of the investigation conducted in response to the claim that Türk Philips Ticaret A.Ş. violated the Act no 4054 on the Protection of Competition by means of not providing the password and activation necessary for the repair and maintenance of the medical imaging devices to the applicant, considering all the evidence, information and documents collected, the report prepared, written pleas and the explanations made during the hearing, the following final decision numbered 21-40/589-286 was taken in the meeting of the Competition Board dated 26.08.2021:

- A) Türk Philips Ticaret A.Ş. did not abuse its dominant position within the framework of article 6 of the Act no 4054 on the Protection of Competition; therefore, it is not necessary to impose administrative fines to Türk Philips Ticaret A.Ş. according to article 16(3) of the said Act,
- B) In addition, the Presidency shall be assigned to send an opinion stating the following points:

By the undertakings operating in medical imaging and diagnosis market

1. In case customers who have bought the medical devices make a written request or technical services who receive such requests from customers make a written application after medical devices' warranty periods expire, passwords related to the devices or any internal systems corresponding to passwords shall be given free of charge within 24 hours, on workdays, except force majeure,
2. Equipment/devices that are installed externally and that enable technical maintenance to the device in question, shall be delivered to the customer within three days at the most as of the request in case customers make a written request or the technical service who receive such request from the customer make a written application,
3. Passwords or any internal system corresponding to passwords or equipment/devices that enable technical maintenance shall be provided in a way to be accessible at least within 30 (thirty) days,
4. Rents for those equipment shall be determined in a non-discriminatory way in proportion to the cost of the equipment,
5. The customer shall be informed about the aforementioned issues in written form during the first sale stage,
6. Based on the sales data of medical devices for the last three years, the lists of current prices pertaining to the 100 most used spare parts shall be posted on the internet in a publicly available way,
7. Price requests for spare parts from customers and competing service providers shall be answered within three workdays at the latest,
8. In the sale of spare parts, there should not be practices that are discriminatory and not based on objective criteria against competing service providers and their customers

Otherwise a transaction concerning them shall be initiated according to the Act no 4054.

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