

**Pronouncement Of The Final Decision Regarding The Investigation About
Supermarket Chains Dealing With Retail Trade Of Food And Cleaning Products,
Their Suppliers At Producer And Wholesaler Level And An Association
According To Article 49 Of The Act No 4054 On The Protection Of Competition**

As a result of the investigation conducted about the pricing behavior of supermarket chains dealing with retail trade of food and cleaning products and their suppliers at producer and wholesaler level during COVID-19 outbreak, 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 21-53/747-360 was taken in the meeting of the Competition Board dated 28.10.2021. It was decided that

- I a) Yeni Mağazacılık A.Ş., BİM Birleşik Mağazalar A.Ş., CarrefourSA Carrefour Sabancı Ticaret Merkezi A.Ş., Migros Ticaret A.Ş. and Şok Marketler Ticaret A.Ş. coordinated prices and the changes in prices directly or indirectly by means of common suppliers, shared competitively sensitive information such as future prices, dates of price changes, seasonal activities and campaigns directly or by means of common suppliers, by intervening in the prices of undertakings that made discounts or that did not increase the prices in the period when the prices rose throughout the market through suppliers, the prices in question were increased to the disadvantage of consumers, the compliance with the collusion among the undertakings was continuously followed by means of punishment strategies such as discounts made quickly on the basis of products and/or regions and/or making a return invoice for the supplier in case competitors' prices did not rise; consequently, the undertakings in question violated article 4 of the Act no 4054 by means of agreements, or concerted practices which aimed to fix retail prices of many products they sell and also had the nature of hub and spoke cartels.
- b) In addition to the aforementioned undertakings, Savola, which is a supplier among the parties to the investigation, violated article 4 of the Act no 4054 by means of agreements or concerted practices made in the form of hub and spoke cartels, aiming to fix retail prices, by mediating for enabling and maintaining the collusion/coordination made between the aforementioned undertakings for shelf prices and price changes with respect to its own products and in this framework for sharing competitively sensitive information such as retailers' future prices and price changes, and is equally and jointly responsible with the retailers for the violation.
- c) Within this framework, according to the third paragraph of Article 16 of the Act no 4054 and Article 5(1)(a), 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, on the basis of the annual gross revenues which generated at the end of the fiscal year 2020 and which is determined by the Board, the following administrative fines shall be imposed:
1. 958.129.194,39 TL to BİM Birleşik Mağazalar A.Ş.,
 2. 142.469.772,07 TL to CarrefourSA Carrefour Sabancı Ticaret Merkezi A.Ş.,
 3. 517.672.762,75 TL to Migros Ticaret A.Ş.
 4. 22.210.998,63 TL to Savola Gıda ve San. Tic. A.Ş.
 5. 384.369.037,15 TL to Şok Marketler Ticaret A.Ş
 6. 646.582.329,39 TL to Yeni Mağazacılık A.Ş.
- II. a) Savola Gıda ve San. Tic. A.Ş., which is a supplier/provider, also violated

article 4 of the Act no 4054 by means of determining resale prices of undertakings operating at retail level,

- b) Therefore the said undertaking shall be imposed 11.105.499,32-TL administrative fines according to the 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, on the basis of the annual gross revenues which generated at the end of the fiscal year 2020 and which is determined by the Board.

III. a) No findings that

1. Çağrı Gıda Temizlik Maddeleri İnşaat Sanayi ve Ticaret A.Ş.
2. Metro Grosmarket Bakırköy Alışveriş Hizmetleri Tic. Ltd. Şti.
3. Yeni Çağdaş İhtiyaç ve Gıda Maddeleri İnş. Tic. Ltd. Şti.
4. Yunus Market İşletmeleri Ticaret A.Ş.
5. Gratis İç ve Dış Tic. A.Ş.
6. A.S. Watson Güzellik ve Bakım Ürünleri Tic. A.Ş.
7. Karizma Beşler Et Gıda Sanayi ve Tic. A.Ş.
8. Türk Henkel Kimya San. ve Tic. A.Ş.
9. Banvit Bandırma Vitaminli Yem San. A.Ş.
10. Söke Değirmencilik San. ve Tic. A.Ş.
11. Katmer Un İrmik San. ve Tic. A.Ş.
12. Evpaş Evyap Paz. ve Tic. A.Ş.
13. Colgate-Palmolive Temizlik Ürün. San. ve Tic. A.Ş.
14. Beypi Beypazarı Tar. Ür. Paz. San. Tic. A.Ş.
15. Küçükbay Yağ ve Deterjan Sanayi A.Ş.
16. Johnson and Johnson Sıhhi Malzeme San. ve Tic. Ltd. Şti.
17. Unilever Sanayi ve Ticaret Türk A.Ş.
18. Nivea Beiersdorf Kozmetik San. ve Tic. A.Ş.
19. Dentavit Sağlık Ürünleri Tic. Ltd. Şti.
20. Eczacıbaşı Tüketim Ürün. San. ve Tic. A.Ş.
21. Dalan Kimya End. A.Ş.
22. Nestle Türkiye Gıda Sanayi A.Ş.
23. Procter&Gamble Tüketim Malları San. A.Ş.

and the Food Retailers Association violated the Act no 4054 were obtained, therefore it is not necessary to impose administrative fines on the said undertakings.

- b) In addition, the Presidency shall be empowered to ensure that a letter of opinion is sent to the parties of the investigation about the issues which all suppliers and retailers that are the parties of the investigation should take into account in exchanging competitively sensitive information either concerning their competitors in their own markets or concerning the competitors of the parties in a vertical relationship.

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