

The Pronouncement of the Final Decision Regarding the Investigation on D Elektronik Şans Oyunları ve Yayıncılık AŞ (Nesine.com) 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 statements made during the hearing and the scope of the file examined regarding the investigation conducted per the Board decision dated 07.07.2022 and numbered 22-32/500-M, it is UNANIMOUSLY decided that

1. D Elektronik Şans Oyunları ve Yayıncılık AŞ held dominant position in *“the market for fixed odds betting by virtual dealers,”*
2. D Elektronik Şans Oyunları ve Yayıncılık AŞ abused its dominant position and thus violated Article 6 of the Act no 4054 by signing exclusive agreements for advertisement, promotion and sponsorship with sports clubs, signing exclusive agreements with undertakings for stadium advertisements, and by signing exclusive agreements with Mackolik İnternet Hizmetleri Ticaret AŞ to procure ad services,
3. Thus, administrative fines should be imposed on D Elektronik Şans Oyunları ve Yayıncılık AŞ, in accordance with Article 16 of the Act no 4054 and the provisions of the “Regulation on Fines to Apply In Cases of Agreements, Concerted Practices and Decisions Limiting Competition, and Abuse of Dominant Position”,
4. Accordingly, D Elektronik Şans Oyunları ve Yayıncılık AŞ should be imposed an administrative fine of 77,708,195.55 TL by discretion of the Board at a set proportion of its annual gross revenue generated at the end of the fiscal year of 2022 as determined by the Board under Article 16.3 of the Act no 4054 and Articles 5.1(b), 5.2 and 5.2(a) of the Fines to Apply In Cases of Agreements, Concerted Practices and Decisions Limiting Competition, And Abuse of Dominant Position,
5. In accordance with Article 9.1 of the Act no 4054, D Elektronik Şans Oyunları ve Yayıncılık AŞ should be placed under obligations to
 - Remove all provisions that could lead to direct or indirect exclusivity from agreements signed with sports clubs for advertisement, promotion or sponsorship purposes that are in effect as of the date of the Board Decision herein, with the exception of those involving the kits (back, chest, shorts, arm, socks, etc) themselves, and document the amendments to the Authority within 60 days following the notification of the reasoned decision,
 - Avoid the inclusion of provisions that could lead to direct or indirect exclusivity in agreements signed with sports clubs for advertisement, promotion or sponsorship purposes to be signed with sports clubs, with the exception of those involving the kits (back, chest, shorts, arm, socks, etc),
 - Remove all provisions that could lead to direct or indirect exclusivity from agreements signed with undertakings concerning stadium advertisements of sports clubs which are in effect as of the date of the Board Decision herein, and document the amendments to the Authority within 60 days following the notification of the reasoned decision,
 - Avoid the inclusion of provisions that could lead to direct or indirect exclusivity in agreements signed with undertakings concerning stadium advertisements of sports clubs,
 - Avoid the inclusion of provisions that could lead to direct or indirect exclusivity

in agreements to be signed with Mackolik İnternet Hizmetleri Ticaret AŞ
concerning the procurement of ads and services,

with the decision subject to appeal before Ankara Administrative Courts within 60 days
following the notification of the reasoned decision.