Türkiye Newsletter No.31 | Competition market overview

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This competition law newsletter provides an overview of the latest developments in relation to the Turkish competition market and the implementation of Law No 4054 on the Protection of Competition (the "Law") in light of recent announcements and publications by the Competition Authority (the "Authority") and as well as decisions issued by the Competition Board (the "Board") during August 2026.

ANNOUNCEMENTS

Recently Initiated Investigations

- **Pharmaceuticals Sector:** The Board has launched an investigation into the economic unit comprising Teva İlaçları San. ve Tic. AŞ, Teva Pharmaceuticals Europe B.V. and Teva Pharmaceutical Industries Ltd. to determine whether Teva violated Article 6 of the Law by restricting generic competition through the strategic use of divisional patent procedures and related withdrawal practices. The investigation will examine, in particular, whether Teva's divisional patent applications concerning manufacturing processes and dosage regimens, filed after the expiry of the basic molecule patent, may have made market entry more difficult for equivalent medicines, and whether Teva sought to create a misleading impression before health authorities regarding the effectiveness and safety of competing products. The Board considered the allegations serious and sufficient and decided to initiate a full investigation with its decision numbered 26-28/804-M.
- **Plant Protection and Plant Nutrition Products Sector:** The Board has launched an investigation into 18 undertakings active in the plant protection and plant nutrition products markets to determine whether they violated Article 4 of the Law by exchanging competitively sensitive information. The investigation concerns the exchange of product-level prices and sales volumes, sales targets, payment terms and discount rates, which may have reduced strategic uncertainty between competitors and facilitated coordination in the relevant markets. The Board considered the allegations serious and sufficient and decided to initiate a full investigation under decision no. 26-28/802-M.

Completed Investigations

- **Pharmaceuticals Sector:** The Board concluded its investigation into the economic unit comprising Avixa İlaç San. ve Tic. AŞ and Avigem İlaç San. ve Tic. Ltd. Şti. ("AVIXA") through settlement and commitment procedures. The investigation concerned allegations that, under a joint marketing arrangement for two nasal sprays with the same active ingredients and formulation, AVIXA kept one product off the market, thereby restricting competitors' access to the market for combination nasal sprays and causing potential public harm. The Board found that AVIXA had engaged in exclusionary and exploitative conduct by keeping the relevant product's market share below 1%, despite the product benefiting from a higher reimbursement discount under the Social Security Institution's reimbursement scheme.

The Board imposed an administrative fine of TRY 23,813,011.31 on AVIXA for infringing Article 6 of the Law. It also accepted and made binding AVIXA's commitments concerning the suspension and cancellation of the product's marketing authorization and its removal from the reimbursement scheme.

Here is a summary of concluded investigations that resulted in administrative fines, specifying the nature of the violation and the administrative fines imposed:

No	Name of the Undertaking	Type of Violation	Administrative Fine (TRY)
1	The economic entity consisting of Avixa İlaç San. ve Tic. AŞ and Avigem İlaç San. ve Tic. Ltd. Şti. (AVIXA)	Preventing Competitors from Entering the Market and Causing Public Harm	23,813,011.31

SUMMARY OF KEY DECISIONS

VF Vize, Gateway and Camelot Decisions[1]

The Board accepted commitments submitted by VF Vize Danışmanlık Hizmetleri Tic. Ltd. Şti. ("VF VİZE"), Gateway Management Lojistik AŞ ("GATEWAY") and Camelot Air Travel Tur. ve Tic. AŞ ("CAMELOT") to address competition concerns in the visa application and visa consultancy services markets. The concerns arose from allegations that CAMELOT had been granted preferential access to visa appointments through the allocation of special appointment quotas, the creation of appointments for CAMELOT's customers and the prioritization of such customers at VF VİZE's visa application centres, potentially placing competing travel agencies at a disadvantage.

Under its commitments, VF VİZE undertook not to grant preferential or discriminatory treatment to any travel agency in the allocation of visa appointments, to ensure that appointment quotas are managed exclusively by authorized VF VİZE personnel and to restrict GATEWAY's administrative access to the appointment system. VF VİZE also committed to strengthen the security of the appointment system through additional technical measures aimed at preventing abusive access by bots and similar automated tools. In parallel, CAMELOT undertook to terminate its visa consultancy activities and remove all related content from its physical and digital communication channels, while GATEWAY undertook not to engage in discriminatory practices in favor of any travel agency or provide visa consultancy services through its economic unit. The commitments were made binding, and the Board decided not to open full investigations by its decisions dated 26 February 2026 and numbered 26-07/216-77 and 26-07/217-78.

Şişecam Çevre Sistemleri and Karacalar Decision[2]

The Board concluded its investigation into Şişecam Çevre Sistemleri AŞ ("ÇEVRE SİSTEMLERİ") and Karacalar Nak. Oto. Geri Dönüşüm San. ve Tic. Ltd. Şti. ("KARACALAR") concerning their activities in the waste glass and furnace-ready cullet markets. The investigation examined whether the parties had infringed Article 4 of the Law by coordinating the prices for waste glass purchases, allocating regions and/or suppliers, and developing a joint strategy towards other glass recycling undertakings. Based on the evidence obtained during on-site inspections, the Board found that the parties had coordinated the regions and suppliers from which KARACALAR would purchase waste glass, influenced its purchasing strategy and agreed on purchasing price levels between 3 August 2022 and 15 November 2023.

The Board therefore concluded that both undertakings had infringed Article 4 of the Law through price fixing and customer/territorial sharing. While an administrative fine was imposed on KARACALAR in the amount of TRY 1,947,469.47, no separate fine was imposed on ÇEVRE

SİSTEMLERİ in accordance with the *ne bis in idem* principle, as a periodic administrative fine had already been imposed on the Şişecam Economic Unit in a related proceeding concerning the same conduct and protected legal interest. The Board adopted its decision dated 16 October 2025 and numbered 25-39/928-543.

Şişecam Economic Unit Decision[3]

The Board concluded its investigation into Türkiye Şişe ve Cam Fabrikaları AŞ and Şişecam Çevre Sistemleri AŞ (together, the "ŞİŞECAM Economic Unit") regarding compliance with the commitments made binding by the Board's decisions dated 21 October 2021, 7 July 2022 and 23 February 2023. The investigation examined, among other matters, whether the Şişecam Economic Unit had circumvented the commitments limiting its procurement of waste glass and whether its commercial relationship with KARACALAR had rendered the commitments ineffective.

The Board found that the Şişecam Economic Unit and KARACALAR had an economic interest alignment under which KARACALAR entered and operated in the glass recycling market in coordination with the Şişecam Economic Unit. In particular, the Board concluded that the Şişecam Economic Unit influenced the regions and products from which KARACALAR sourced waste glass and used KARACALAR to maintain and expand its access to waste glass, thereby undermining the effectiveness of the commitments. The Board also found that the Şişecam Economic Unit exceeded the 15,000-ton annual limit applicable to the procurement of unprocessed flat glass products used in the production of furnace-ready cullet.

Acquisition of sole control over Polisan Holding by CoreX Ports and Terminals Dilovası Liman İşletmeleri[4]

The Board reviewed the acquisition of 77.73% of the shares and sole control of Polisan Holding AŞ by Yüksel Yıldırım through CoreX Ports and Terminals Dilovası Liman İşletmeleri AŞ. The Board concluded that the transaction could significantly impede effective competition in the markets for port operation services for hazardous liquid chemicals and port operation services for petroleum and petroleum products.

To address these concerns, a comprehensive commitment package was submitted, primarily aimed at preserving the operational and commercial independence of Poliport, Polisan's port operating subsidiary, and Solventaş, a port operator within Yıldırım Holding. In particular, the commitments provide for the separation of their management and commercial activities and safeguards against the exchange of commercially sensitive information. Poliport is also required to provide its services on transparent, objective and non-discriminatory terms, without granting preferential treatment to group companies in capacity allocation or vessel berthing priority. The commitments further include certain restrictions on CoreX's activities in the relevant markets and monitoring mechanisms to ensure compliance. On this basis, the Board cleared the transaction subject to the commitments.

Meta / WhatsApp Interim Measure Decision[5]

The Board initiated an investigation into Meta Platforms Inc., Meta Platforms Ireland Limited, WhatsApp LLC and Meta Platforms İstanbul Bilişim Hizmetleri Ltd. Şti. (together "META") following the amendments to WhatsApp's Business Solution Terms that restricted third-party general-purpose generative AI chatbots and assistants from offering their AI services as their primary functionality through WhatsApp, while Meta AI remained integrated into the platform. The Board assessed whether these practices could constitute an abuse of dominance under Article 6 of the Law.

The Board found that META held a dominant position in the consumer communications services market through WhatsApp, taking into account its extensive user base, network effects, data advantages, switching costs and barriers to entry. It considered that restricting third-party AI providers' access to WhatsApp, while maintaining Meta AI's integration and visibility, could make it significantly more difficult for competitors to enter or expand in the developing generative AI market and could lead to user lock-in.

Accordingly, the Board imposed an interim measure requiring META to establish conditions allowing third-party general-purpose generative AI chatbots and assistants to provide their AI services as their primary functionality through WhatsApp without facing factual or economic obstacles. META must comply within one month of receiving the reasoned decision; failure to do so may result in an administrative fine under Article 17 of the Law. The interim measure was adopted by the Board's decision dated 14 May 2026 numbered 26-18/536-193.

GLOBAL ANTI-TRUST LAW UPDATES

European Commission Sends Statement of Objections Concerning Proposed

UPM–Sappi Joint Venture

On 26 August 2026, the European Commission informed UPM-Kymmene Corporation ("UPM") and Sappi Limited ("Sappi") of its preliminary view that their proposed joint venture may significantly impede competition in certain markets for graphic paper in the European Economic Area, the United Kingdom and Switzerland.

The proposed joint venture would combine UPM's graphic paper operations in Europe and the United States with Sappi's graphic paper operations in Europe, together with certain related activities. The Commission is concerned that the transaction could create a market leader and give the joint venture the ability and incentive to increase prices and reduce product quality, particularly in relation to coated wood-containing paper, including certain types of magazine paper, and coated wood-free paper.

The Commission also indicated that it was not, at this stage, satisfied that the efficiencies claimed by the parties, including cost savings and environmental and resilience-related benefits, would be sufficient to offset the potential harm to competition. The issuance of a Statement of Objections is a preliminary procedural step and does not prejudge the outcome of the Commission's investigation. UPM and Sappi may respond to the Commission's objections, access the Commission's file and request an oral hearing.

General Court Upholds, at the Interim Stage, the Commission's Power to Request Documents Located Outside the EU

On 3 August 2026, the President of the General Court issued an order in Broadcom Inc. and VMware International Unlimited Company v European Commission (Case T-280/26 R), concerning the European Commission's investigation into the licensing of VMware products and services in the European Economic Area.

The case arose from a Commission decision adopted under Article 18(3) of Regulation No. 1/2003, which required Broadcom and VMware International to provide information and documents relevant to the Commission's investigation. The applicants challenged the request insofar as it required the production of documents located outside the European Union and documents relating to legal advice protected under the laws of non-EU jurisdictions, including the United States.

The General Court found that the Commission may, in principle, require undertakings established outside the European Union to produce documents located abroad where the conduct under investigation may have a substantial effect on the internal market. The Court also held, at the interim stage, that legal professional privilege under EU competition law does not extend to communications involving in-house lawyers, including in-house lawyers qualified to practice in third countries. The assessment of privilege is governed by EU law, rather than by the law of the third country in which the lawyer is qualified or the document is located.

Following an amending decision by which the Commission agreed to exclude communications containing legal advice exchanged with independent external lawyers, including those qualified in non-EU countries, the Court held that there was no longer any need to adjudicate on the application for suspension in that respect. However, it dismissed the application for interim measures as regards communications involving non-EU in-house lawyers. The Court considered that the applicants had not established a prima facie case or demonstrated that producing those documents would result in a waiver of privilege under US law. It also held that the Commission's interest in ensuring the effective enforcement of EU competition law outweighed the applicants' interest in suspending the information request.

The order is significant because it confirms, at the interim stage and without prejudging the merits of the main action, the broad territorial reach of the Commission's investigative powers and the limited protection afforded under EU competition law to communications involving in-house counsel.

[1] Decisions of the Board dated 26.02.2026 and numbered 26-07/217-78.
[2] Decision of the Board dated 16.10.2025 and numbered 25-39/928-543.
[3] Decision of the Board dated 16.10.2025 and numbered 25-39/927-542.
[4] Decision of the Board dated 03.04.2026 and numbered 26-12/357-137.
[5] Decision of the Board dated 14.05.2026 and numbered 26-18/536-193.