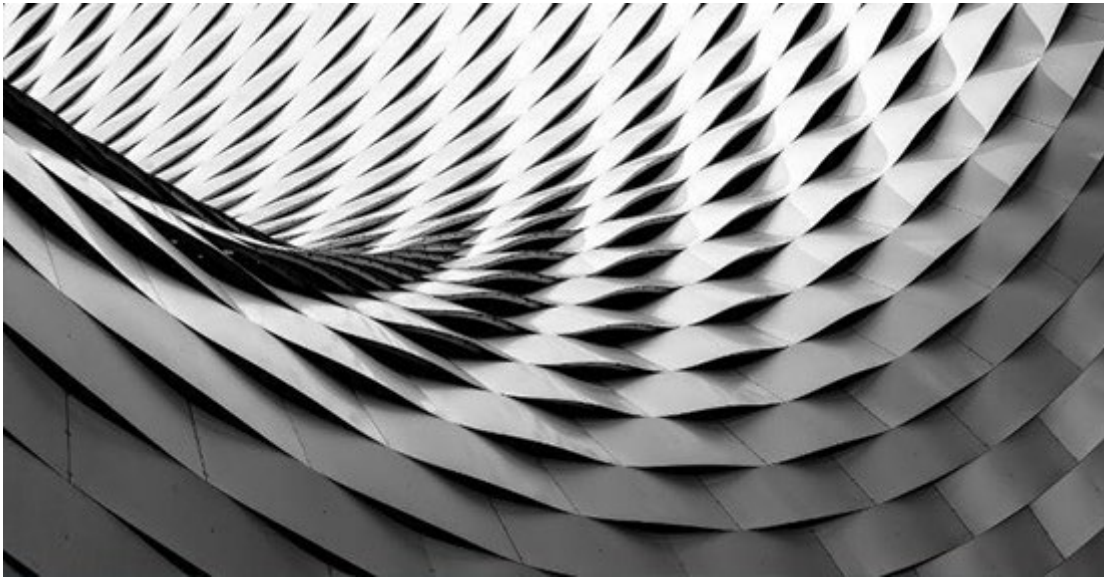


# Regulation on the Settlement Procedure has been published in the Official Gazette and has entered into force

*July 2021*



Dear Clients, Colleagues and Friends,

The Regulation on the Settlement Procedure for the Investigations Regarding the Agreements, Concerted Practices and Decisions Restricting Competition and Abuse of Dominant Position ("**Settlement Regulation**") issued by the Turkish Competition Authority ("**Authority**") has been published in the Official Gazette dated 15 July 2021 and numbered 31542.

The Settlement Regulation aims to regulate the procedures and principles regarding the settlement process that can be applied to the undertakings or associations of undertakings

against whom an investigation has been initiated regarding the prohibited behaviours within the scope of Article 4 and Article 6 of the Law No. 4054 on the Protection of Competition, by undertakings who admit the existence and scope of such violation. Accordingly, the settlement procedure would only apply to undertakings that admit the existence and scope of the violation.

Main points addressed by the Settlement Regulation are provided below:

### **Timing of the Settlement Process**

Following the initiation of an investigation, the Turkish Competition Board (“**Board**”) may commence the settlement procedure *upon the request of the parties to the investigation or ex officio*.

As for the timing, the Board may reach a settlement with the investigated parties, who admit the existence and scope of the violation until the *investigation report is legally served*.

### **Outcome of the Settlement Process**

The Settlement Regulation highlight that settlement negotiations do not necessarily mean that the parties have already admitted the alleged violation. Accordingly, the parties to the settlement process have a right to withdraw from such process until the settlement report will be submitted to the Authority.

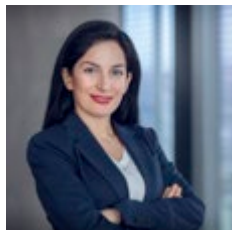
At the end of the settlement process, a reduction of 10% to 25% in administrative fines may be applied to the parties of the settlement. Nevertheless, in case the parties would reach a settlement, the administrative fine and other issues within the settlement report cannot be subject to a lawsuit by the settled parties.

Finally, the Settlement Regulation provides that the investigation will be terminated in terms of the relevant parties with a final decision of the Board, which includes the declaration of the violation and the administrative fine, within fifteen (15) days after the settlement report has entered to the Authority’s records.

The Settlement Regulation (in Turkish) can be accessed [here](#).

Please do not hesitate to contact us for any further information on this briefing.

Kind regards,



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