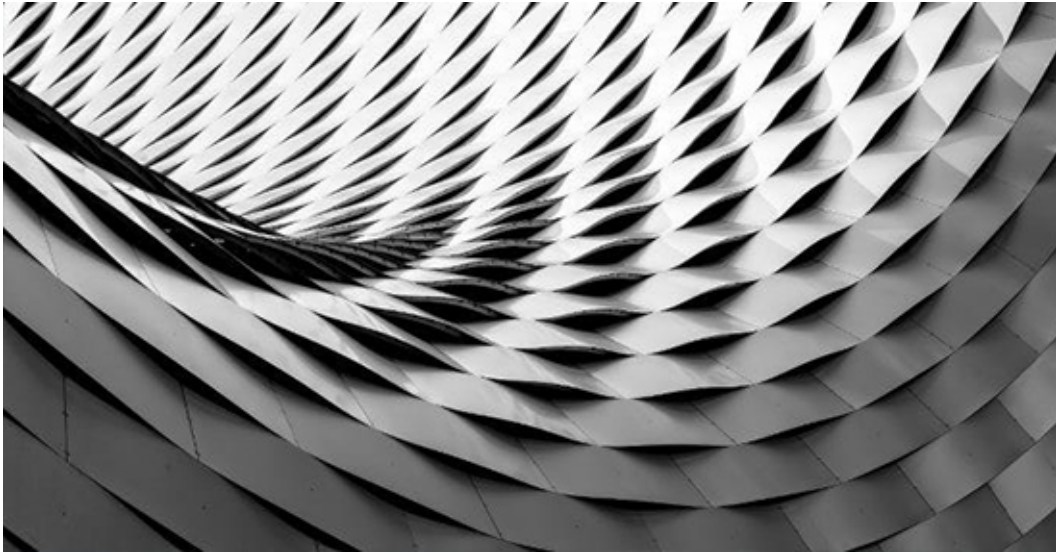


The Communiqué Amending the Block Exemption Communiqué on Vertical Agreements (Communiqué No: 2002/2) has been published in the Official Gazette

November 2021



Dear Clients, Colleagues and Friends,

The Communiqué Amending the Block Exemption Communiqué on Vertical Agreements (“**Communiqué No. 2021/4**”) issued by the Turkish Competition Authority (the “**Authority**”) has been entered into force upon the publication in the Official Gazette dated 5 November 2021 and numbered 31650.

Within the framework of the legislation amendment, the previous 40% market share threshold for vertical agreements to benefit from the block exemption under the Block Exemption Communiqué on Vertical Agreements numbered 2002/2 (“**Communiqué No. 2002/2**”) has been reduced to **30%** in accordance with the European Union legislation. The exemption provided by the Communiqué No. 2002/2 will apply, unless the market share of a given supplier(s) in the relevant market for the supplied goods and services subject to the vertical agreement exceeds 30%. In terms of the vertical agreements that include an obligation for supply to a single purchaser, the exemption will also apply, unless the purchaser’s share in the relevant market for the goods and services subject to the vertical agreement in question exceeds 30%.

Moreover, through the additional provisional Article 3, agreements that have benefitted from block exemption under the Communiqué No. 2002/2, but fall outside its scope, according to the amendment with the Communiqué No. 2021/4, should be adjusted to fully comply with the exemption conditions stipulated in Article 5 of the Law No. 4054 on the Protection of Competition (the “**Law No. 4054**”) within **six months**. During this period, the prohibition stipulated in Article 4 of the Law No. 4054 will not apply to the aforementioned agreements. In light of the following, we strongly advise the relevant undertakings to re-consider their vertical agreements that contain any exclusivity clauses.

On the other hand, pursuant to the amendment on the market share threshold specified in Article 2 of the Communiqué No. 2002/2, second paragraph of Article 6/A of the same Communiqué was accordingly revised to reflect the aforementioned amendment.

Within the framework of the aforementioned legislation amendment, the previous 40% market share threshold for vertical agreements to benefit from the block exemption under the Communiqué No. 2002/2 has been reduced to 30%, and therefore additional review will be needed for the vertical agreements within this scope.

Communiqué No. 2021/4 can be accessed [here](#).

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

Kind regards,



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