

# Amendments to Law No. 4054 Entered into Force Upon Publication in the Official Gazette

*May 2024*



Dear Clients, Colleagues, and Associates,

The Law No. 7511 on Amendments to the Turkish Commercial Code and Certain Laws, published in the Official Gazette dated 29 May 2024, No. 32560, has introduced certain procedural changes to the Law No. 4054 on the Protection of Competition (“**Law No. 4054**”) concerning investigations conducted by the Turkish Competition Authority (“**Amendment to Law No. 4054**”).

The regulations under the Amendment to Law No. 4054 are summarized under two headings below:

## **1-The Obligation of Undertakings to Submit a First Written Defence Has Been Abolished**

Prior to the amendment, Article 43, paragraph 2 of Law No. 4054 stated that the Board would notify the relevant undertakings of the initiation of investigations within 15 days from the date of the decision to initiate the investigation, and undertakings were required to submit their first written defence to the Competition Authority within 30 days from the notification of the investigation.

With the Amendment to Law No. 4054, the obligation for undertakings to submit the first written defence has been abolished. The Amendment stipulates that the Competition Board will notify the undertakings, against whom an investigation has been decided to be initiated, within 15 days, but the obligation of the undertakings to submit a first written defence has been abolished at the stage of notification of the investigation, where there is not yet an allegation of a violation regarding the claims subject to the investigation and the investigation report is not concluded, on the grounds that the undertakings can make a more effective defence and the investigation processes will proceed more quickly.

## 2- Regulation on the Additional Written Opinion

The Amendment to Law No. 4054 also stipulates that, for the investigation process to be conducted more quickly and efficiently, if the Case Team responsible for conducting the investigation changes its views in the investigation report as a result of the written defences submitted by the undertakings, it will notify the relevant undertakings of its written opinion within 15 days, and the undertakings will have 30 days to respond to this opinion.

Accordingly, the Case Team can only issue an additional written opinion if there is a change in its opinion in the investigation report following the undertakings' defences. If there is no change in the opinion of the Case Team, no additional written opinion will be drafted, and there will be no obligation for the undertakings to submit a third written defence. On the other hand, if an additional written opinion is in fact issued, the undertakings will be obliged to respond to this opinion within a maximum of 30 days.

The Amendment to Law No. 4054 published in the Official Gazette can be accessed [here](#).

Please do not hesitate to contact us if you have any questions regarding this matter.



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