
Turkish Competition Authority Terminated its Investigation Against Leading e-Scooter Rental Firm with Commitments

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New markets are under the intense scrutiny of the Turkish Competition Authority (“TCA”) due to new competitive concerns arising from the disruption that has emerged with the technological changes in the markets. Recently, the TCA has shifted its focus to emerging markets while monitoring the traditional markets constantly. In this framework, in July, the TCA initiated a full-fledged investigation against Martı İleri Teknoloji A.Ş. (“**Martı**”), the leading e-scooter rental firm, which is offering micromobility/microtransit service. Approximately one and half months later, in September, the TCA announced that the investigation against Martı is terminated with commitments.

In the TCA’s announcement regarding the initiation of the investigation, it has been stated that the subject of the investigation is the alleged violation of Article 4 and Article 6 of Law No. 4054 on the Protection of Competition (“**Competition Law**”), which are akin to Article 101 and 102 of the Treaty on the Functioning of the European Union. The announcement did not contain the details of the conduct subject to the investigation. That said, in the TCA’s announcement concerning the termination of the investigation, it has been pointed out that the case had launched regarding the claim that Martı is abusing its dominant position in the relevant market by exclusionary practices against its competitors. The attention-grabbing point of this is that the case was about the alleged abusive practices although only four years have passed since Martı started its operations. There are no details regarding both competitive concerns and commitments in the announcements, yet the details will be revealed in the reasoned decision.

Martı, founded in 2018, is the first scaled mobility company in Turkey operating in public transportation through short-term e-scooter rental via its application, with its own fleet. It is seen that various undertakings have started to operate in this market, with some of these undertakings already operating globally where they extended their operations to Turkey, while some undertakings started to operate locally in Turkey.

This latest commitment decision comes as the final installment of the series of commitment decisions of the TCA we witness especially on dominance cases after the procedure has been enacted in the Competition Law back in 2020. The remarkable point is how the commitment mechanism is applied to this investigation of an emerging and developing market, in a short time. Prior to this investigation, as far as we observe, an undertaking that engaged in e-scooter rental

activities was not examined by any competition authority. The potential competitive concerns that will be highlighted in the reasoned decision of the TCA may have the potential to create a contagion effect for similar investigations in other jurisdictions. Upon this commitment decision, the TCA may closely monitor the market and set the rules for the competitive landscape along with the regulation on e-scooters which mostly covers the safety and environmental aspects of the market.