



## Turkey

12 December 2022



Several global firms have established a foothold in Turkey, but their local rivals lead the pack in competing for business before an active enforcer that has shown it is ready to tackle cutting-edge antitrust issues related to digital platforms and labour markets.

### Elite

Gönenç Gürkaynak continues to head up Turkey's best and largest competition practice at **ELİG GÜRKAYNAK**. The team counts four other partners, six counsel and a legion of 40 associates. All of the firm's recent public work relates to merger control, including helping GrandVision secure conditional clearance from the Turkish enforcer in June 2021 for its sale to EssilorLuxottica. Meanwhile, ELİG advised both the buyer and target in Discovery's acquisition of AT&T's WarnerMedia business. The firm also advised Willis Towers Watson on its €26 billion sale to Aon, which secured conditional merger clearance after a Phase II review in Turkey, before being abandoned in July 2021 following opposition in the US. Other notable deal work includes advising Veolia Environnement on its takeover of rival waste management company Suez, which the TCA cleared without remedies. All of the firm's impressive behavioural work is confidential, but Gönenç Gürkaynak previously led the team that defended Google in all four of the Turkish enforcer's behavioural probes.

### Highly recommended

Bahadır Balki and Fevzi Toksoy co-head the competition team at **ACTECON**, which counts 22 associates. Counsel Erdem Aktekin and Ertuğrul Can Canbolat were both promoted in January 2022. The firm represents Meta in an investigation by the Turkish Competition Authority (TCA), which is scrutinising whether WhatsApp's privacy policy update constituted an abuse of dominance by forcing users to share their data throughout the company's broader ecosystem. ACTECON also represented Volkswagen and Audi in the TCA's *Circle of Five* probe, which investigated alleged collusion not to improve emissions technology, before ultimately declining not to fine either company. In another major case, the firm advised Coca-Cola Satış ve Dağıtım in an abuse of dominance probe, which the authority closed in September 2021 after the distributor agreed to separate its beverage contracts by drink type and limit agreements with retailers to two years. On the merger front, the team secured conditional approval in June 2021 for EssilorLuxottica on its €7.1 billion acquisition of GrandVision.

Şahin Ardiyok and Bora İnkiler steer the competition practice at Dentons partner firm **BALCIOĞLU SELÇUK ARDIYOK KEKI** – known as Baseak. The team helped long-time client Henkel successfully challenge a TCA resale price maintenance decision, convincing the Council of State – Turkey's highest court in the judicial review process – to overturn hefty administrative fines

after ruling in a landmark decision that the company did not breach domestic competition rules. Baseak also successfully acted for Henkel, Johnson & Johnson and Metro in the TCA's first pandemic-related investigation, which scrutinised whether the companies jointly increased prices for food, cleaning and hygiene products. Elsewhere, the firm advised beIN SPORTS Turkey in an investigation related to its pricing policies and distribution system. The authority found in January 2021 that beIN SPORTS abused its dominance by prohibiting dealers during the 2018-2019 and 2019-2020 football seasons from making passive sales outside their exclusive regions – although the enforcer dropped discrimination, excessive pricing and resale price maintenance allegations.

Hakan Özgökçen and senior associate Sinan Diniz co-head the competition practice at **ESIN ATTORNEY PARTNERSHIP**, which is a member of Baker McKenzie's global network. Fellow partner Zümürüt Esin, of counsel Hüseyin Coşgun, who joined in November 2021 from the TCA, and eight other associates round out the team. The firm advised Swiss construction chemicals group Sika on its acquisition of MBCC Group, which the TCA cleared in March 2022. Meanwhile, biotechnology company CSL tapped Esin to steer its acquisition of Vifor Pharma, a speciality pharmaceutical company. Confidential work includes advising major global companies on several high-level behavioural matters and investigations.

**WHITE & CASE** continues to pack a punch despite not having any competition partners in Turkey. Counsel Sezin Elçin Cengiz leads the all-female team, which includes a pair of associates – one of whom joined from ELİG in February 2022. The firm obtained quick unconditional clearance from the TCA for SIBUR on its acquisition of TAIF, a merger that created a petrochemicals giant valued at €27.7 billion. White & Case also represented Nestlé Turkey in two TCA investigations into 29 companies operating in the fast-moving consumer goods sector followings price increases during the pandemic. The enforcer concluded the first investigation in October 2021 and cleared Nestlé Turkey, although a second probe against producers and suppliers was ongoing at the time of writing.

## Recommended

Mert Karamustafaoğlu – a former case-handler at the Turkish authority – and Ercüment Erdem co-lead the competition practice at **ERDEM & ERDEM** in Istanbul and Izmir. The team, which includes seven associates, is advising Red Bull in an investigation examining whether it breached domestic rules prohibiting anticompetitive agreements. Erdem & Erdem is also acting for McDonald's in the TCA's sprawling no-poach probe, launched in April 2021. Further work is confidential, but it includes a docket of impressive matters, including a resale price maintenance probe and a pair of preliminary investigations.

Counsel Bulut Girgin leads the antitrust group at Kinstellar-associated **GEN & TEMIZER | ÖZER**, assisted by five associates. The team advises Votorantim Cimentos and its Turkish subsidiary on a TCA investigation into a possible conspiracy between cement companies to allocate territories and customers. Vivense Teknoloji Hizmetleri ve Ticaret, a company that operates in the furniture sector, tapped the firm to advise on the TCA's sprawling wage-fixing and no-poach investigation, which involves companies in various markets.

Kayra Üçer leads the antitrust team at **HERGÜNER BILGEN ÖZEKE**, assisted by counsel Hazar Başar – who joined in June 2022 from Dentons – and a pair of associates. The firm is working on some impressive confidential matters, although public work is less high profile. The team advised ArcelorMittal on the sale of a stake in its AM InvestCo Italy subsidiary to Invitalia, which required filing before the TCA.

E Seyfi Moroğlu, Benan Arseven and Burcu Tuzcu Ersin co-chair the competition team at Allen & Overy member firm **MOROĞLU ARSEVEN**, assisted by a team of 20 associates. All of the firm's work is confidential, but it includes advising a host of clients on investigations and sector inquiries, as well as advice on complex merger reviews.

Togan Turan chairs the antitrust practice at **PAKSOY**, assisted by one counsel and 10 associates. The firm advised Aon on its €26 billion acquisition of Willis Towers Watson, which the TCA conditionally cleared after a Phase II review prior to the deal's collapse in the face of opposition in the US. Paksoy secured unconditional clearance for Korean petrochemical company DL Chemical on its acquisition of Kraton, which produces specialty polymers and high-value performance products derived from renewable resources. The firm also advised Paper Excellence on its €3 billion acquisition of Domtar.

Firm	Head(s) of competition	Size	No. WWL nominees	Clients
Elite				

ELİG Gürkaynak Attorneys-at-Law	Gönenç Gürkaynak	5 partners, 6 counsel, 40 associates	1	Google, Mercedes-Benz Türk, QTerminals, Turkish Airlines, Associated British Foods, L'Oréal Turkey, Twitter, Warner Bros, Thermo Fisher Scientific, Mutlu Akü ve Malzemeleri Sanayii Anonim Şirketi, Tawreed Investments, Caisse de dépôt et placement du Québec, Discovery, WarnerMedia, Willis Towers Watson, General Electric, ByteDance, Veolia Environnement
<b>Highly Recommended</b>				
Actecon	Fevzi Toksoy, Bahadır Balki	2 partners, 2 counsel, 22 associates	1	Meta Platforms, Volkswagen, Audi, EssilorLuxottica, Astorg Asset Management, Lone Star Funds, Baker Hughes, Saudi Arabian Industrial Investments Company, Coca-Cola, Mondelēz, Goodyear, AKKİM
Balcioğlu Selçuk Ardiyok Keki	Şahin Ardiyok, Bora İkiler	2 partners, 7 counsel, 14 associates	1	Türk Henkel Kimya Sanayi ve Ticaret, Johnson and Johnson Sıhhi Malzeme Sanayi ve Ticaret, Metro Grosmarket Bakırköy Alışveriş Hizmetleri, Toyota Türkiye Pazarlama ve Satış, Cargill Tarım ve Gıda Sanayi Tic, Panasonic Life Solutions Elektrik, JTI Tütün Ürünleri Pazarlama, L'Oréal Türkiye, Krea İçerik Hizmetleri ve Prodüksiyon (BelN Turkey), Siemens Sanayi ve Ticaret
Esin Attorney Partnership (a member of Baker McKenzie's global network)	Hakan Özgökçen, Sinan Diniz	2 partners, 1 counsel, 9 associates	0	Sika, Silver Lake Group, CSL, Cigna, Platinum Equity Group
White & Case	Sezin Elçin Cengiz	1 counsel, 2 associates	0	Sibur, Synthos, A15, Cobepa, Huron/Ardian France, IFM Investors, Nestlé Türkiye, Nordic Capital Epsilon, Zynga, EQT IX Collect EUR SCSp, EQT IX Collect USD SCSp
<b>Recommended</b>				

Erdem & Erdem	Mert Karamustafaoğlu, Ercüment Erdem	2 partners, 7 associates	0	Türkiye Şişe ve Cam Fabrikaları, Anadolu, Red Bull Gıda Dağıtım ve Pazarlama Ticaret, Sagard, TEB Arval Araç Filo Kiralama, Arvato Lojistik Dış Ticaret ve E Ticaret Hizmetleri, CarrefourSA Carrefour Sabancı Ticaret Merkezi, Yıldırım, Mercedes-Benz Finansman Türk, Türkiye İş Bankası
Gen & Temizer   Özer (Kinstellar)	Bulut Girgin	1 partner, 5 associates	0	Vivense Teknoloji Hizmetleri ve Ticaret, Votorantim Cimentos, BP Petrolleri, Eren Perakende ve Tekstil, Ravago Chemicals, Castrol Madeni Yağlar Ticaret, PiA Bilişim Hizmetleri, South32, RMA, Clippings, PTT Global Chemical
Hergüner Bilgen Özeke	Kayra Üçer	1 partner, 1 counsel, 2 associates	0	Adel Kalemcilik Ticaret ve Sanayi Anonim Şirketi, Gerflor Mipolam, ArcelorMittal, NGK Spark Plug, International Paper, Akkök, Değer Merkezi Hizmetler ve Yönetim Danışmanlığı, SeAH Changwon Integrated Special Steel, Alfa Laval Corporate, HOYA
Moroğlu Arseven (an Allen & Overy member firm)	E Seyfi Moroğlu, Benan Arseven, Burcu Tuzcu Ersin	3 partners, 20 associates	0	Confidential
Paksoy	Togan Turan	1 partner, 1 counsel, 10 associates	1	Aon, Chubb, Concord - Niche, DL Chemicals, Groupe Bruxelles Lambert, KKR - GIP, Landis+Gyr, Paper Excellence, Permira Advisers, Platinum Equity, Siemens Healthineers, SK Capital, Tenneco, The Carlyle Group, TPG/CD&R