



# Data & Antitrust Guide - Second Edition

**Türkiye: data commoditisation  
warrants updated regulatory  
framework**

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In a world where data is 'the new oil', competition authorities are having to tackle fresh issues as data and antitrust converge. The second edition of the GCR *Data & Antitrust Guide* – edited by Miranda Cole, EU and UK antitrust practice lead at Perkins Coie, and Caroline Thomas, head of antitrust and competition at Norton Rose Fulbright in London – offers a wide-ranging view of how key jurisdictions around the world are addressing new regulatory and enforcement questions. The Guide provides practical and timely guidance for those trying to navigate this fast-moving environment, drawing on the wisdom and expertise of distinguished practitioners to deliver unparalleled proficiency in the field.

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# Türkiye: data commoditisation warrants updated regulatory framework

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## Summary

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USE OF DATA IN FINANCIAL SERVICES

Data has become increasingly important for powering the economy and driving innovation and this trend seems likely to persist. The importance of data in competition law is also increasing as the number of sectors using data and the influence of data on competitive dynamics continue to expand.

This chapter addresses (1) current laws and regulations (and expected changes) that govern and affect the relationship between data and competition law in Türkiye and (2) relevant cases addressing data in certain sectors.

## CURRENT LAWS AND REGULATIONS AND EXPECTED CHANGES

Competition law in Türkiye is based on Article 167 of the Turkish Constitution. Law No. 4054 on the Protection of Competition (Turkish Competition Law) was enacted in 1994 and, subsequently, the Turkish Competition Authority (TCA) was established in 1997.

Data protection legislation in Türkiye is relatively new – the Personal Data Protection Law No. 6698, establishing the Turkish Personal Data Protection Authority, was adopted in 2016. Personal data and competition law are regulated separately by different institutions. Nonetheless, owing to the necessities of the digital era, these institutions have a close relationship.<sup>[1]</sup>

Developments in competition law and data protection law in Türkiye closely mirror developments in the European Union. Likewise, the EU Digital Markets Act (DMA)<sup>[2]</sup> and the amendment made to Section 19a of the German Act against Restraints of Competition have greatly influenced a draft amendment to the Turkish Competition Law (the Draft Amendment).<sup>[3]</sup> The primary elements of the Draft Amendment include definitions of regulated services, obligations imposed on regulated undertakings, and the procedures to ensure compliance, along with penalties for violations. The Draft Amendment suggests extending the scope of the Turkish Competition Law to address prohibited behaviour by undertakings holding significant market power in core platform services. In this context, inspired by the definitions of gatekeeper and core platform service in the DMA, the Draft Amendment defines undertakings holding significant market power<sup>[4]</sup> and core platform service.<sup>[5]</sup>

Unlike the DMA, the Draft Amendment does not establish quantitative thresholds for undertakings holding significant market power. It identifies conditions<sup>[6]</sup> that the TCA must consider and sets the thresholds via secondary legislation. Additionally, the aforementioned definition of core platform service is kept broad to encompass a variety of platforms.

The Draft Amendment identifies obligations to be enforced on undertakings holding significant market power. Crucial aspects of these obligations can be summarised as follows:

- **No discrimination:**

- Not discriminating in favour of their own goods and services compared with the goods and services of business users.
- Not using data that is not publicly available while competing with business users.
- Not discriminating between business users.

- **No bundling:**
  - Not making goods and services offered to users dependent on users acquiring other goods or services and not requiring users to subscribe or register for any core platform services as a condition to accessing, logging in or registering for any other core platform services.
  - Allowing users to uninstall software, applications or app stores that have been installed in the operating system of the devices, to switch them and to effectively use third-party applications.
  - Not restricting business users from working with competitors and not restricting them from offering different prices or conditions for a certain good or service while working with competitors or through their own or different channels.
  - Enabling interoperability of core platforms services with other related products or services.
- **Data portability:** Ensuring user access to the data provided by users, or produced by user activity on the relevant platform, and enabling them to transfer their data.
- **Providing access and information:**
  - Providing access to the necessary operating system, hardware or software features of core platform services to provide services competing with core platform services.
  - Providing business users with adequate information about the scope, quality and performance of core platform services, and pricing and conditions of access to these services.
  - Providing information about the commercial terms of advertising and performance measurement tools to advertisers and other parties.

Finally, with the amendments made to Law No. 6563 on the Regulation of Electronic Commerce, various data-related obligations are set forth for specified electronic commerce intermediary service providers. Any such provider with a net transaction volume of more than 15 billion Turkish lira in a calendar year now must comply with the restriction on the use of third-party data, as well as the data portability requirements.

## USE OF DATA IN ONLINE ADVERTISING

The relationship between data and competition law is particularly important in sectors where data is a resource, including online advertising.

The TCA published a preliminary report of the Online Advertising Sector Inquiry<sup>[7]</sup> in April 2023 and held a workshop to evaluate and discuss its findings.<sup>[8]</sup> The Report describes online advertising and identifies its concentration as well as its structural and behavioural problems.<sup>[9]</sup> Although it may change following the final report, the TCA preliminarily determined that the display advertising market is dominated by Meta and the search-based advertising market is dominated by Google.

The TCA's examinations of the online advertising sector have been focused on Google and Meta for several years.

## META

In its 20 October 2022 decision in case 22-48/706-299,<sup>[10]</sup> the TCA imposed an administrative fine of 346,717,193.40 lira on Meta.<sup>[11]</sup> It found that Meta had abused its dominant position through complicating the activities of its competitors operating in the personal social networking services and online display advertising markets, and creating barriers to entry, by combining data collected from Facebook, Instagram and WhatsApp services, which are identified as core services. Further, Meta was required to submit a compliance remedy and implement it within a specified period to bring the infringement to an end and ensure the establishment of effective competition, to be followed by annual compliance reports for five years.

The investigation was initiated in response to competitive concerns raised by WhatsApp's update to its Terms of Service and Privacy Policy, which required users to accept the policy to be able to continue to use the app. WhatsApp users were notified of (1) key updates regarding WhatsApp's data processing as a Meta subsidiary, (2) the use of Meta services to store and manage WhatsApp chats, and (3) WhatsApp's cooperation with Meta to offer integration across its products and services.

The investigation covered relevant markets for personal social networking services, consumer communication services and online display advertising services, and Meta was determined to be in a dominant position in all those markets. The TCA found that Meta was merging and combining the data generated across its different platforms (i.e., Facebook, Instagram and WhatsApp), which strengthened its dominance. Meta created 'super profiles' of users by combining data, which increased the accuracy of Meta's display advertising and increased entry barriers for competitors without access to this data advantage.<sup>[12]</sup>

As part of its 21 December 2023 decision in case 23-60/1162-417,<sup>[13]</sup> the TCA decided to impose a daily administrative fine on Meta<sup>[14]</sup> of 4,796,152.96 lira, starting from 12 December 2023, based on the fact that Meta did not submit a satisfactory compliance remedy as required by the aforementioned decision.<sup>[15]</sup> The TCA later scrutinised Meta again regarding its failure to comply with the necessary measures aimed at addressing the relevant competitive concerns. When Meta submitted the final package, the TCA deemed it adequate to address the relevant competition concerns with its 24 April 2024 decision in case 24-20/467-197. As a result, the daily administrative fine imposed on Meta as of 12 December 2023 was ceased as of 4 April 2024.

On 12 December 2023, the TCA announced<sup>[16]</sup> that it had decided to investigate whether Meta had violated Article 6 of the Turkish Competition Law by tying Instagram and Threads. The TCA subsequently imposed interim measures under Article 9(4) of the Turkish Competition Law, to prevent the combination of data obtained through the Threads app with data obtained from the Instagram app until a final decision is made.<sup>[17]</sup> The decision states that data combining is a barrier to market entry and can have exclusionary effects. Describing data as the currency of digital markets, the decision mentions that Meta continued to combine user data obtained from the Instagram and Threads apps, despite the TCA's October 2022 infringement decision regarding the data combination between Facebook, Instagram and WhatsApp. The fact that the same behaviour was conducted between Threads and Instagram is considered to be a 'serious finding'. The decision refers to various investigations conducted by competition authorities against Meta and the relationship between the launch of the Threads app in the European Union and the DMA. Finally, the

TCA expressed the view that combining data from Instagram and Threads could increase existing entry barriers or lead to the use of data obtained through services with market power in different markets, adversely affecting competition.

Meta announced that it would shut down Threads in Türkiye as of 29 April 2024, effectively withdrawing from the market. Subsequently, the TCA, with its 24 April 2024 decision in case 24-21/482-205, accepted that the relevant remedies offered by Meta were sufficient to address the competitive concerns. Nevertheless, a daily monetary fine was imposed on Meta for 70 days, from 20 February 2024 until 29 April 2024.

## GOOGLE

In December 2018, the TCA launched an investigation into Google<sup>[18]</sup> to determine whether it had violated Article 6 of the Turkish Competition Law by complicating the activities of organic results on Google's general search page in favour of revenue-generating results and Google Adwords advertisements. Through its decision of 12 November 2020 in case 20-49/675-295,<sup>[19]</sup> the TCA imposed an administrative fine of 196,708,054.78 lira on Google, also requiring it to (1) offer text advertisements at a quality, scale and location that will not exclude organic search results, (2) submit compliance remedies to the TCA and (3) submit annual compliance reports for five years as of the implementation of the first remedy.

The TCA found that Google was placing Adwords at the top of its general search results page, disadvantaging organic search results. It also found that algorithmic updates ostensibly intended to increase the benefit for consumers, enabled websites to provide relevant content for users and prevented some websites from manipulating general search results. The TCA also found that the relevant updates created uncertainties about the ranking of undertakings. Google argued that the undertakings were not informed of the update because this would lead to manipulation of search results, which was found to be reasonable by the TCA. The TCA decided that the method of displaying text advertisements led to the display of results that are not detected by any organic search criteria as organic traffic, complicating competition between organic search results.

In its 13 February 2020 decision in case 20-10/119-69,<sup>[20]</sup> the TCA decided that Google<sup>[21]</sup> had violated Article 6 of the Turkish Competition Law by placing its competitors' shopping comparison services in a disadvantaged position in the market for online display advertising services and imposed an administrative fine of 98,354,027.39 lira. The TCA found that Google, which is dominant in the markets for search engine services and online display advertising services, had created a competitive disadvantage for its competitors. The TCA required that (1) the ranking of competing comparison shopping services must be no less favourable than the ranking of its own comparison shopping services in the general search pages, (2) the click feature of the Shopping Unit title be removed in all channels, (3) uncertainty in the title and labelling of the Shopping Unit be eliminated and (4) preferential positioning of the Shopping Unit in searches containing the product name and explicit names or websites of competitors offering shopping comparison services be terminated.

In its 8 April 2021 decision in case 21-20/248-105,<sup>[22]</sup> the TCA decided that Google<sup>[23]</sup> had abused its dominant position by giving preference to its own local search and accommodation price comparison services through more advantageous positions in terms of location and visibility on the general search results page than its competitors' services, and by obstructing rival local search sites' access to the local unit. In the decision, the TCA found that Google had positioned its own local search and accommodation price

comparison services more advantageously on the general search results page than those of its competitors and violated competition by preventing rival local search sites from accessing the local unit. The TCA, imposing a fine of 296,084,899.49 lira, decided that rival local search services and competitor accommodation price comparison services must be positioned on the general search results page without being disadvantaged as compared with Google's own services, and mandated reporting for a period of five years.

As part of its continuing monitoring,<sup>[24]</sup> despite Google's claim that it had fully implemented the new local search design, the TCA's tests revealed only partial compliance. Although Google introduced the Local Search Comparison Chip and improved organic search result visibility for competitors, it failed to remove automatic redirects to Google services, particularly in hotel-related searches, where users were still directed to Google's proprietary services. As a result, the TCA ruled that Google was not complying with the remedies and imposed a daily administrative fine of 0.05 per cent of its 2023 gross revenue starting from 15 April 2024, until full compliance is achieved, requiring Google to confirm its adjustments in writing. Google subsequently implemented the required changes on 21 May 2024, at which point the daily fines were stopped. Ultimately, Google was fined for 37 days of non-compliance.<sup>[25]</sup>

On 11 July 2024, the TCA published an announcement regarding the conclusion of its investigation into Google's general search services.<sup>[26]</sup> To determine whether Google abused its dominant position in the general search market by using certain search features to disadvantage competing websites, the TCA reviewed Google's desktop and mobile search result pages, resulted in demoting rival websites in search rankings and causing a loss of web traffic for competing platforms. Subsequently, the TCA concluded on 4 July 2024, in case 24-28/682-283,<sup>[27]</sup> that Google's search features did not amount to an abuse of dominance, as they did not unfairly distort competition or restrict access to rival websites.

The TCA has also initiated a further investigation into whether Google abuses its dominant position by means of tying and self-preferencing with respect to online display advertising and adtech services.<sup>[28]</sup>

The TCA has also considered the importance of data in merger reviews relating to online advertising.

In its examination of Google's acquisition of Photomath Inc.,<sup>[29]</sup> a provider of online homework and study aid tools, the TCA examined the data Google currently obtains from Photomath and whether the transaction would enable Google to access new data. It found that Google did not acquire data from Photomath pre-transaction, but that it would get access to data described by the TCA as 'non-unique', which many competitors possess in a technical and functional sense as a result of the transaction. Consequently, the TCA found that the vertical relationship between Photomath's products and Google's general search services would remain limited, and the transaction would not foreclose general search competitors.

The TCA approved the acquisition of BreezoMeter Ltd by Google on 8 September 2022 in case 22-41/598-249.<sup>[30]</sup> During the review, it was considered whether there was a competitive concern regarding the possibility that competitors of Google Maps operating as mapping services providers would face a restrictive practice in terms of accessing data provided by BreezoMeter. It found that BreezoMeter uses a combination of public and commercial data to generate environmental information, including government satellite data, commercial satellite data, live traffic information and weather reports, which are usually

offered free of charge by government agencies and are equally accessible to Google's competitors.

### USE OF DATA IN RETAIL SERVICES, SEARCH AND INTERMEDIATION

Along with the use of data in online advertising sector, the use of data in retail services has also been rapidly increasing, leading the TCA to also focus on this area.

The TCA published its Final Report of the E-Marketplace Platforms Sector Inquiry on 14 April 2022,<sup>[31]</sup> in which it explained the competitive dynamics in the sector and identified the behaviour of marketplaces that may raise competition law concerns.

The TCA has taken enforcement actions against e-marketplaces for several years. In 2020, it initiated an investigation to determine whether Nadirkitap<sup>[32]</sup> violated the Turkish Competition Law by not providing the data of sellers who wanted to market their products through competing intermediary service providers, thereby hindering the activities of competitors in the second-hand book sales sector on the intermediary platform services of Nadirkitap. It was alleged that Nadirkitap's rejection of its sellers' requests for access to and portability of the book data they uploaded to Nadirkitap was not justifiable, and that sellers who transferred data on Nadirkitap's platform to competing platforms without Nadirkitap's approval through other means had their Nadirkitap memberships suspended, and their memberships were not reactivated until the data was removed from competitor platforms.

In its decision of 7 April 2022 in case 22-16/273-122,<sup>[33]</sup> the TCA decided that Nadirkitap was in a dominant position and that the data it held could not benefit from copyright protection owing to the lack of originality in its creation, or from *sui generis* right protection owing to the absence of a substantial investment element. It also found that, even if Nadirkitap were entitled to such protections, this would not constitute a basis for the abuse of its dominant position. Describing this practice as 'hindering data portability', the TCA stated that Nadirkitap's actions artificially obstructed sellers from working with competitors and imposed an administrative fine of 346,765.63 lira. Further, to terminate the violation and ensure effective competition in the market, Nadirkitap, must, when requested by its sellers, provide the relevant seller members with book inventory data in a correct, understandable, secure and complete manner, free of charge and in a suitable format.

A few months after the **Nadirkitap** infringement decision, the TCA evaluated whether the obligations imposed were being implemented. In its decision of 29 December 2022,<sup>[34]</sup> the TCA addressed the obligation to provide sellers with book inventory data in a correct, understandable, secure and complete manner, free of charge and in a suitable format on request, considering what information is inventory data and the suitability of the format of the information provided to sellers. It found that 'inventory data' includes information such as category (excluding product code), image, title, author, translator, editor, place of publication, year of publication, language, second language, additional features, price, description, quantity, shipping, publisher, page count, ISBN, book size, binding, condition and shelf code. The TCA investigated how Nadirkitap shared this inventory data following the infringement decision and concluded that Nadirkitap must provide the data in a format that can be used on other platforms or can be converted into such a format. The TCA decided not to impose an administrative fine on Nadirkitap for failing to provide category information, giving Nadirkitap 15 days to comply with this obligation.

In its decision of 17 August 2023 in case 23-39/754-263,<sup>[35]</sup> an investigation into Sahibinden Bilgi Teknolojileri Pazarlama ve Ticaret AŞ (Sahibinden) was concluded with the decision that the undertaking is in a dominant position in the markets for online platform services, and that Sahibinden complicated the use of multiple platforms for its corporate members by obstructing data portability and enforcing *de facto* (contractual) exclusivity through non-compete clauses. In addition, the TCA found that Sahibinden hindered the activities of rival platforms in the online advertisement and sales sector, thereby abusing its dominant position. An administrative fine of 40,150,533.15 lira was imposed on Sahibinden. The decision also imposes obligations to terminate the violation by (1) revising the contracts with its corporate members to exclude the provisions that created the violation, (2) establishing infrastructure that enables corporate members to efficiently transfer their advertisement data to rival platforms and keep this data up to date without any fee, (3) documenting its compliance with the decision to the TCA and (4) submitting a report to the TCA annually for three years following the implementation of the first compliance remedy.

On 16 January 2025, having concluded that Sahibinden's data-combining practices, including combining user data from different markets, could constitute a serious competition breach, the TCA initiated a full investigation.<sup>[36]</sup> Moreover, given the potential for irreparable harm to competition, the TCA imposed interim measures, ordering Sahibinden to (1) ensure that Otobid promotions on its home page do not overshadow the listing function, preventing undue redirection of users toward its auction service, (2) halt any direct guidance or steering of individual users towards Otobid during the vehicle listing process and (3) implement all necessary organisational, operational, administrative and technical safeguards to prevent the use of data collected from its online platform services for corporate and individual vehicle sales in the online second-hand vehicle sales market.

In its decision of 30 September 2021 in case 21-46/669-334,<sup>[37]</sup> the TCA imposed interim measures on Trendyol<sup>[38]</sup> following allegations of algorithm-based violations. In a preliminary investigation, the TCA assessed that Trendyol favoured its own products and discriminated between sellers on its platform using algorithms and third-party data. The TCA found that Trendyol was in a dominant position in the market for multi-category marketplaces, such that its practices might cause serious and irreparable damage. Within the scope of the investigation, the TCA established that Trendyol conducted self-preferencing behaviour through (1) interfering with the algorithms to create unfair competitive advantage for its own products offered in its retailer role, and providing a next-day delivery service for only its own products and (2) creating a marketing strategy that favours its own retail activities using the data of third-party sellers. It also found that Trendyol changed the algorithm to discriminate between sellers. The TCA alleged that Trendyol manipulated data on its platform through (1) increasing the number of followers, deleting low user ratings for its own products and listing its own products at the top, thus misleading sellers and users, and (2) using third-party data to determine profitable products and offering them without bearing the commercial risk.

The TCA found that, as a result of its self-preferencing, Trendyol did not compete on equal terms with its competitors, which may have led to the exclusion of sellers from the market, in violation of Article 6 of the Turkish Competition Law. To prevent potential serious or irreparable damage, the TCA required Trendyol to:

- terminate all types of practices that aimed to create advantages for its own products over its competitors, including any intervention via algorithms;
-

cease sharing and using data collected from its activities in the marketplace to favour its own products;

- terminate all practices that discriminate between sellers on its platform, including intervention via algorithms;
- implement measures to ensure that the interim measures imposed by the TCA can be monitored;
- record all changes made in its algorithms for product search, seller listing, seller rating calculation, etc. for a period of at least eight years;
- record the source code for all software developed for Trendyol's use for a period of at least eight years; and
- store the user access and authorisation records and administrator audit records for all software used by Trendyol in the scope of business processes for a period of at least eight years.

When it was judicially reviewed, the TCA's interim measure decision was partially annulled in a judgment by the Ankara Administrative Court of 25 May 2022.<sup>[39]</sup> The Court concluded that parts of the TCA's decision were excessive and disproportionate, on the grounds that the TCA failed to assess whether the sellers allegedly discriminated against are of equal status, and that the obligation to store changes made in the algorithm, source codes and user logs for eight years was disproportionate since it would exceed the date when the TCA's final decision would be rendered.

According to an announcement published on the TCA's website on 27 July 2023,<sup>[40]</sup> the investigation against Trendyol was concluded with the findings that Trendyol is in a dominant position in the multi-category e-marketplaces market and that it abused its dominant position by favouring its retail activities unfairly by intervening in the algorithm and using third-party seller data. The TCA imposed an administrative fine of 61,342,847.73 lira. It also decided that, to re-establish efficient competition in the market, Trendyol must (1) avoid interventions via algorithms and coding that would give an advantage to its private label products, (2) avoid using data obtained and produced or derived from the activities in the marketplace for private label products, (3) keep parametric and structural changes made to all algorithm models, all code belonging to algorithms, user access and authorisation logs, etc. for at least three years, and (4) submit periodic reports to the TCA.

On 13 June 2022, the TCA announced<sup>[41]</sup> a full investigation into whether Trendyol<sup>[42]</sup> abused its dominant position with exclusionary practices in the market for platform services by providing intermediation for online sales of second-hand products, through sharing consumer data and by preventing the transfer of the data used by the sellers to competing platforms.

The TCA concluded full investigations into Trendyol and Hepsiburada<sup>[43]</sup> regarding automatic pricing mechanisms, with commitments. The TCA concluded its assessment by accepting identical commitments offered, under which both undertakings agreed:

- not to impose the use of the automatic pricing mechanism on sellers or provide incentives leading to the same outcome;
- to remove the Match Buybox Price option, ensuring that the remaining pricing options do not result in equivalent effects;

- to prevent the mechanism from targeting specific sellers;
- to exclude its use as a criterion in Buybox selection; and
- to refrain from sharing other sellers' data.

A similar investigation into Amazon<sup>[44]</sup> is continuing.

## USE OF DATA IN FINANCIAL SERVICES

The TCA's review regarding use of data in competition law also applies to financial services. It published its Final Report on the Financial Technologies in Payment Services,<sup>[45]</sup> in which it explains the competitive dynamics of the sector and identified behavioural problems. The TCA points out that undertakings in the sector may implement exclusionary practices owing to their position and market power, and notes that there are procedural entry barriers and high entry costs.

The TCA considers that each bank and financial institution in Türkiye may be considered to be in a dominant position regarding the ownership of its own customer data. Accordingly, the uniqueness of a customer's account information, being solely obtainable from the bank where the customer's account is held and not from any other bank, results in the banks having exclusive access to account information necessary to provide services to a particular customer.

The TCA also noted in the above-mentioned Final Report that regulatory developments in open banking in Türkiye are reducing the structural problems in the sector by allowing undertakings in the sector to access financial data sets held by competitors. New legislation in 2021 on open banking<sup>[46]</sup> provides that payment services undertakings are obliged to share data sets regarding user account information with other payment services undertakings.

The TCA also found, however, that to reduce financial entry barriers to the market, some information about financial institutions seeking investment may be shared publicly, to help them to receive those investments.

## ENDNOTES

<sup>[1]</sup> The Turkish Competition Authority (TCA) and the Personal Data Protection Authority (PDPA) signed a cooperation protocol in 2023, having signed a similar protocol in 2019. Announcements are available in Turkish at <https://www.rekabet.gov.tr/tr/Haber/rekabet-kurumu-ile-kisisel-verileri-koru-cdcd250e245de91180f400505694b4c6> and <https://www.kvkk.gov.tr/Icerik/7732/Kisisel-Verileri-Koruma-Kurumu-ile-Rekabet-Kurumu-Arasinda-Is-Birligi-ve-Bilgi-Paylasimi-Protokolu-Imzalandi>.

<sup>[2]</sup> Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act).

<sup>[3]</sup> To date, the draft amendment has not been formally introduced into the legislative process and remains in draft form, with no official timeline announced yet for its enactment.

<sup>[4]</sup> In the Draft amendment to the Turkish Competition Law, 'undertaking holding significant market power' is defined as an 'undertaking that has a certain scale in terms of one or more core platform services and operates in a way that has a significant impact on access to end

users or on the activities of business users and that has the power or is foreseen to be able to have the power to maintain this impact in an established and permanent manner’.

<sup>[5]</sup> In the Draft Amendment, ‘core platform service’ is defined as ‘online intermediation services, online search engines, online social networking services, video/sound sharing and broadcasting services, operating systems, independent interpersonal communication services, cloud computing services, web browsers and virtual assistants, and online advertising services provided by the provider of any of the mentioned services’.

<sup>[6]</sup> The criteria in this regard are (1) having a certain scale in terms of one or more core platform services, (2) operating in a way that has a significant effect on access to end users or on the activities of business users, and (3) having the power or being foreseen to be able to obtain the power to maintain this effect in an established and permanent manner.

<sup>[7]</sup> The Online Advertising Sector Inquiry Preliminary Report 7 April 2023) is available in English at <https://www.rekabet.gov.tr /Dosya /online-advertising-sector-inquiry-preliminary-report.pdf>.

<sup>[8]</sup> Under Turkish law, the TCA’s sectoral reports are not binding legislation. They demonstrate the TCA’s approach to a specific sector and provide guidance for enterprises in that sector.

<sup>[9]</sup> The PDPA also indirectly regulates the online advertising sector with its guidelines and decisions regarding cookie usage. Its Guide on Cookie Practice is available in Turkish at <https://kvkk.gov.tr /SharedFolderServer /CMSFiles /fb193dbb-b159-4221-8a7b-3addc083d33f.pdf>.

<sup>[10]</sup> The short form of the decision is available in English at <https://www.rekabet.gov.tr/en/Guncel/investigation-about-meta-platforms-inc-p-8c3ec4adc160ed11a22e00505685ee05> and the full text is available in Turkish at <https://www.rekabet.gov.tr /Karar?kararId=f0b80fbd-0054-4231-ba8a-5137a5eae326>.

<sup>[11]</sup> Meta Platforms Inc, Meta Platforms Ireland Limited, WhatsApp Inc and WhatsApp LLC.

<sup>[12]</sup> Unlike the decision by the German Competition Authority (*Bundeskartellamt*), the TCA’s theory of harm was based on exclusionary abuse instead of exploitative abuse.

<sup>[13]</sup> The TCA’s announcement regarding the decision is available in English at <https://www.rekabet.gov.tr/en /Guncel /the-announcement-of-the-board-decision-a-3e42b75bc1afee118ecc00505685da39>.

<sup>[14]</sup> Meta Platforms Inc, Meta Platforms Ireland Limited and WhatsApp LLC.

<sup>[15]</sup> The decision is available in Turkish at <https://www.rekabet.gov.tr /Karar?kararId=ab43268e-0d6e-488e-bad5-59a4ebd8e1d8>.

<sup>[16]</sup> The TCA’s announcement regarding the decision is available in English at <https://www.rekabet.gov.tr /en/Guncel /investigation-concerning-meta-platforms-inc-opened-79bc054bc498ee118eca00505685da39>.

<sup>[17]</sup> The decision is available in Turkish at <https://www.rekabet.gov.tr/Karar?kararId=634dcc8d-6c89-4389-9079-6bb64298aac6>.

[18] Alphabet Inc, Google LLC, Google International LLC, Google Ireland Limited and Google Reklamcılık ve Pazarlama Ltd Şti.

[19] The decision is available in Turkish at <https://www.rekabet.gov.tr/Karar?kararId=9bbb9ad4-24d1-4d5d-b2c2-e710a35496ab>.

[20] The decision is available in Turkish at <https://www.rekabet.gov.tr/Karar?kararId=828974ff-6cd9-4318-a9fa-ee43a21f9c07>.

[21] Alphabet Inc, Google LLC, Google International LLC, Google Ireland Limited and Google Reklamcılık ve Pazarlama Ltd Şti.

[22] The decision is available in Turkish at <https://www.rekabet.gov.tr/Karar?kararId=fe766197-3187-4e42-95a9-32d6ababde58>.

[23] Alphabet Inc, Google LLC, Google International LLC, Google Ireland Limited, Google Reklamcılık ve Pazarlama Ltd Şti.

[24] The decision is available in Turkish at <https://www.rekabet.gov.tr/Karar?kararId=a6addcc0-71e5-4031-ba2f-1d2321eb150c>.

[25] The decision is available in Turkish at <https://www.rekabet.gov.tr/Karar?kararId=fcc34999-8cf1-418e-9a1d-b1f06fd00922>.

[26] The TCA's announcement is available in Turkish at <https://www.rekabet.gov.tr/tr/Guncel/google-genel-arama-sorusturma-karar-i-duyurusu-adfbfd3547c3fef1193cc0050568585c9>.

[27] The decision is available in Turkish at <https://www.rekabet.gov.tr/Karar?kararId=1a8e7583-0b00-466d-acca-e1fc2505798f>.

[28] The TCA's announcement is available in English at <https://www.rekabet.gov.tr/en/Guncel/investigation-about-alphabet-inc-google-21d473e9b31cee118ec400505685da39>.

[29] The decision is available in Turkish at <https://www.rekabet.gov.tr/Karar?kararId=210c724e-5605-48be-8ff3-00b46b918b99>.

[30] The decision is available in Turkish at <https://www.rekabet.gov.tr/Karar?kararId=e0aaea2b-c2ec-49df-b1ae-b696050ba54a>.

[31] The report is available in Turkish at <https://www.rekabet.gov.tr/Dosya/sektor-raporlari/e-pazaryeri-si-raporu-pdf-20220425105139595-pdf>.

[32] Nadirkitap Bilişim ve Reklamcılık AŞ.

[33] The decision is available in Turkish at <https://www.rekabet.gov.tr/Karar?kararId=b41fb670-edee-4cd3-b58c-f5f3e8118d38>.

[34] The decision is available in Turkish at <https://www.rekabet.gov.tr/Karar?kararId=4645c49c-a4bb-490c-8c00-42c7c60d0a35>.

[35] The decision is available in Turkish at <https://www.rekabet.gov.tr/Karar?kararId=34c2cb9b-58d4-4319-a329-cac0158de3e2>.

[36] The TCA's announcement on 6 February 2025 is available in English at <https://www.rekabet.gov.tr/en/Guncel/investigation-about-sahibinden-bilgi-tek-b3e6fe7f68e4ef1193dc0050568549fa>.

[37] The decision is available in English at <https://www.rekabet.gov.tr/Dosya/21-46-669-dsm-gecici-tedbir-karari-ingilizce-1-daire.pdf>.

[38] DSM Grup Danışmanlık İletişim ve Satış Ticaret AŞ.

[39] Case 2021/2069 E, 2022/1157 K.

[40] The TCA's announcement regarding the decision is available in English at <https://www.rekabet.gov.tr/en/Guncel/investigation-concerning-dsm-grup-danism-5f963490542dee118ec500505685da39>.

[41] The TCA's announcement regarding the decision is available in English at <https://www.rekabet.gov.tr/en/Guncel/investigation-concerning-dsm-grup-danism-3198ca77a9f0ec11a2240050568595ba>.

[42] DSM Grup Danışmanlık İletişim ve Satış Ticaret A.Ş.

[43] D-Market Elektronik Hizmetler ve Ticaret AŞ.

[44] Amazon Turkey Perakende Hizmetleri Ltd Şti.

[45] The report is available in Turkish at <https://www.rekabet.gov.tr/Dosya/sektor-raporlari/odeme-hizmetlerindeki-finansal-teknolojilere-yonelik-inceleme-raporu-20211209145616284-pdf>.

[46] Article 59(5) of the Regulation on Payment Services, Electronic Money and Payment Services Providers; Official Gazette dated 1 December 2021 and numbered 31676.



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