

## The Anatomy of a Dawn Raid: Lessons from Ethics, Compliance, and Judicial Expectations

**Zero-Tolerance Approach to On-Site Inspection Obstruction**

**TCA Fined Pharmaceutical Companies for Anticompetitive Labour Market Practices**

**General Court Reduces Intel Fine for 'Naked Restrictions' by EUR 140 Million**

**Fashion Houses Fined EUR 157 Million for Resale Price Restrictions**

**EU Adopts Definitive Safeguard Measures on Ferroalloy Imports**

**EU Automotive Package: Clean, Competitive, Cost-Efficient**

**Turkish "15 Questions" Guide**







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Dear reader,

**W**e are delighted to present the Q4 2025 edition of The Output®, closing an eventful year in competition law, international trade, and regulatory developments.

On the competition law side, enforcement activity remained vigorous both in the EU and Türkiye. In Türkiye, landmark decisions addressed abuse of dominance, resale price maintenance, and obstruction of on-site inspections, with significant fines imposed on undertakings across diverse sectors - from industrial enzymes to pharmaceuticals and consumer goods. In the EU, high-profile cases included the European Commission's fines on automotive battery cartels and luxury fashion houses for resale price restrictions, as well as judicial developments such as the General Court's ruling in Intel and the Court of Justice of the European Union's ("CJEU") confirmation of "pay-for-delay" agreements as object restrictions.

As regards international trade, Türkiye renewed safeguard measures on polyamide/nylon yarn imports and launched new anti-dumping and anti-circumvention investigations, while the EU adopted definitive safeguards on ferroalloy imports and proposed measures to address global steel overcapacity - signalling continued vigilance in trade defense instruments amid shifting global dynamics.

On the regulatory side, the EU unveiled its ambitious Automotive Package, aiming for a cleaner and more competitive future, while Türkiye advanced its data protection agenda with the publication of the "15 Questions" Guide on generative AI and personal data, and set a 2026 target for full Turkish Personal Data Protection Law ("KVKK")- General Data Protection Regulation ("GDPR") harmonization. Notable GDPR enforcement also continued, with the Norwegian Court of Appeal upholding a record fine against Grindr.

Finally, we invite you to explore our "In the Focus" article, The Anatomy of a Dawn Raid: Lessons from Ethics, Compliance, and Judicial Expectations, which distils key insights from the TEID Ethics Summit and recent case law - underscoring why ethical conduct is as critical as legal compliance in today's enforcement landscape.

As we turn the page to 2026, we wish you continued success and resilience in navigating the evolving legal and regulatory environment.

Warm regards,

ACTECON Team

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## TCA Revises Ferrero's Hazelnut Procurement Commitments

*In November 2025, the Turkish Competition Authority temporarily reduced Ferrero's minimum hazelnut purchase obligation for September–December 2025 from 45,000 tonnes to 30,000 tonnes. This modification follows an application by Ferrero citing reduced crop yields and quality problems affecting the 2025 harvest.*

According to the TCA, this limited revision preserves competitive equilibrium whilst preventing harm to producers and supporting sectoral stability considering exceptional crop conditions. All other commitments remain unchanged.

### **Background to the March 2024 Decision**

The revision stems from binding commitments originally imposed on 7 March 2024, when the TCA concluded an investigation into Ferrero's practices in Türkiye's hazelnut market. The investigation addressed competition concerns arising from Ferrero's market position as a major purchaser of Turkish hazelnuts. Rather than imposing fines, the TCA accepted commitments offered by Ferrero to ensure fair market conditions for the 2024–2026 period.

Under the March 2024 commitments, Ferrero is required to:

- Refrain from purchasing hazelnuts below the intervention reference price;
- Not exceed 100,000 tons of shelled hazelnut purchases per season;
- Purchase at least 45,000 tons of shelled hazelnuts during the September–December period each year.

These obligations were designed to prevent anti-competitive purchasing practices whilst maintaining market stability for producers and competitors.

This decision demonstrates the flexibility of the commitments mechanism in competition law enforcement, allowing targeted adjustments in response to exceptional market conditions whilst preserving core competitive safeguards. The threat of escalating daily fines ensures compliance remains robust even as specific terms are modified.

# Zero-Tolerance Approach to On-Site Inspection Obstruction

*The TCA has reinforced its zero-tolerance approach to obstruction of on-site inspections through three recent reasoned decisions, imposing administrative fines on undertakings whose employees deleted digital data during unannounced inspections. The decisions illustrate the Authority's strict interpretation of what constitutes hindrance or complication and its commitment to preserving the effectiveness of its investigative powers.*

### • **Tahsildaroğlu Dairy Products (Decision Dated 30 April 2025, Number 25-17/409-190)**

During a preliminary investigation into alleged price-fixing, market sharing, and exchange of competitively sensitive information in the raw milk procurement and dairy products markets, the TCA conducted an on-site inspection at Tahsildaroğlu Süt Ürünleri Sanayi ve Ticaret AŞ on 18 February 2025. The inspection team entered the company premises at 10:30 and immediately informed company officials that no data should be deleted from any storage devices. However, examination of the Purchasing manager's mobile device revealed that between 13:30-13:40—after the inspection had begun—the manager had deleted two messages with the National Dairy Council Chairman, three images sent by a competitor's purchasing manager, one image from another competitor's factory manager, and an entire conversation with a rival company's purchasing manager.

The Authority determined that these deletions constituted evidence tampering, particularly as the deleted communications involved competitors in the relevant markets. Although some data was recovered using forensic tools, complete data integrity could not be restored.

Tahsildaroğlu was fined 0.5% of its 2023 gross revenues pursuant to Article 16(1)(d) of the Competition Law.

### • **Uğur Beton-Maruf Oysal (Decision Dated 28 August 2025, Number 25-32/755-447) and Tekyol Beton (Decision Dated 28 August 2025, Number 25-32/756-448)**

As part of a preliminary investigation into alleged price-fixing and supply coordination among ready-mixed concrete producers in Siirt province, the TCA conducted on-site inspections, among others, at Uğur Beton-Maruf Oysal and Tekyol Beton Sanayi Ticaret Ltd. Şti. on 22 July 2025.

At Uğur Beton-Maruf Oysal, inspection staff arrived at 10:05

and warned all officials that no data should be deleted from computers or mobile devices, noting that administrative sanctions would apply for non-compliance. Despite this, two employees deleted WhatsApp group conversations between 10:47 and 12:42, including groups named "Siirt Construction," "Uğur Beton Accounting," "Siirt Concrete Consultation," and "Kurtalan Concrete Programme," and two employees left the "Siirt Concrete" WhatsApp group at 11:05 and 11:38. The timing was verified through WhatsApp's "Export Chat" feature and corroborated by evidence from a simultaneous inspection at Bilal Ensar İnşaat.

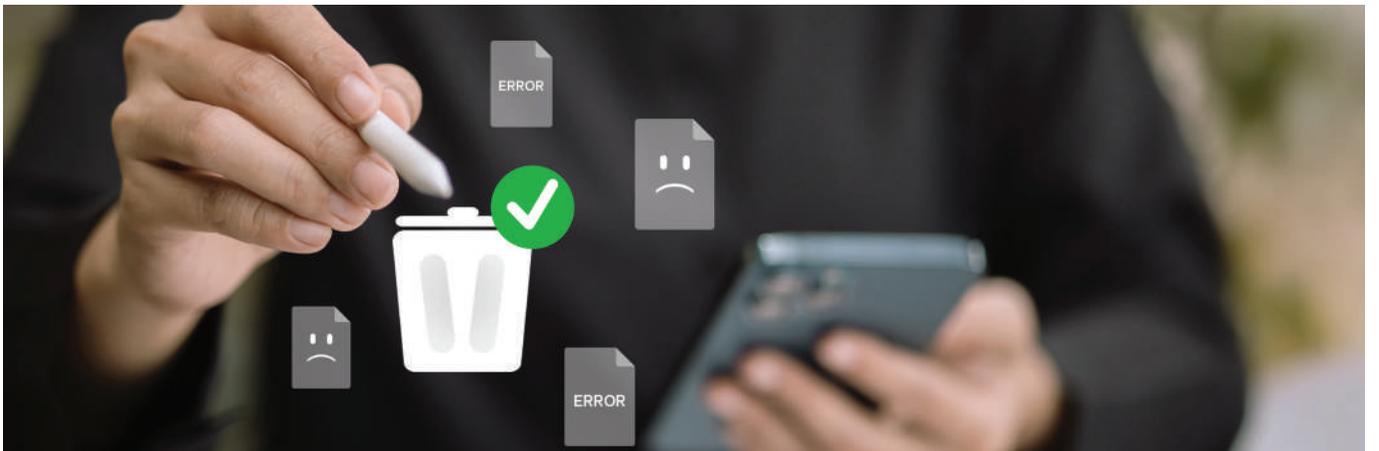
The Authority concluded that the deletion and group-leaving actions constituted evidence tampering aimed at obstructing access to potential evidence, noting that whilst the phones were personal devices, the conversation groups related to company business matters.

In Tekyol Beton Sanayi Ticaret Ltd., the inspection team entered at 10:03, presented their identification, and informed officials of their powers and the administrative fines for misleading information or obstruction. Nevertheless, at 10:36, an employee deleted WhatsApp conversations using the "Clear Chat" function and left the "Siirt Concrete" WhatsApp group at 10:37, corroborated by evidence from Bilal Ensar İnşaat.

The Authority determined that the deletions and group-leaving actions in both companies, occurring after the inspections had begun, constituted evidence tampering that obstructed access to potential evidence. Tekyol Beton and Uğur Beton were both fined 0.5% of their 2024 gross revenues under Article 16(1)(d) of the Competition Law.

These three decisions highlight key aspects of the TCA's approach to inspection obstruction:

- Deletion occurring after inspection commences is sufficient to establish hindrance, regardless of the content of the deleted data.
- Recoverability of deleted data via forensic tools does not negate hindrance; otherwise, undertakings could evade responsibility. This principle has been upheld by Turkish administrative courts.
- Use of personal mobile phones provides no defence when deleted conversations relate to company business; fines apply even when devices are not company property but contain business-related data.



# No Hindrance in Samsung On-Site Inspection Found Despite Data Deletion Concerns

*On 20 October 2025, the TCA determined, by majority vote, that Samsung Electronics İstanbul Pazarlama ve Tic. Ltd. Şti. ("Samsung") had not obstructed or hindered the on-site inspection and therefore decided not to impose an administrative fine.*

The TCA conducted an on-site inspection at Samsung's premises on 4 March 2025 as part of an investigation launched on 27 February 2025 into potential infringements of Article 4 of the Turkish Competition Law in the consumer electronics markets. During the review of Knox Teams, Samsung's internal communication application, the TCA officials noticed that several employees had left certain chat groups after the TCA officials arrived on-site, which automatically deleted the group content from their devices.

The TCA concluded, by majority vote, with two dissenting opinions, that the inspection was not obstructed or hindered as the communications in those groups remained accessible via

other employees' devices, and contained no evidence relevant to the investigation.

In previous cases concerning the obstruction of on-site inspections, the TCA had taken the view that the act of deletion itself constituted an infringement, regardless of whether the data were recovered or related to competition law.



# Novonosis Fined for Abusive Practices in Industrial Enzyme Markets

*On 5 November 2025, the TCA concluded a comprehensive investigation into Novonosis A/S and its affiliated entities, imposing an administrative fine of TRY 284,509,319.04 (approximately EUR 6.67 million) for abuse of dominance in three separate industrial enzyme markets.*

The investigation into the economic entity comprising Novo Holdings A/S, Novo Nordisk A/S, Novo Nordisk Sağlık Ürünleri Tic. Ltd. Şti., Novonosis A/S, Novozymes Berlin GmbH, Novozymes Enzim Dış Ticaret Ltd. Şti., Novozymes France S.A.S., Novozymes North America, Inc., Novozymes Switzerland AG, Synergia Life Sciences Pvt. Ltd., CHR Hansen A/S, and CHR Hansen Gıda San. ve Tic. AŞ (collectively "Novonosis"), examined whether the economic entity engaged in exclusionary practices in violation of Article 6 of the Competition Law, the Turkish equivalent of Article 102 TFEU. Novonosis operates in Türkiye, selling industrial enzymes used as inputs across numerous sectors, including pharmaceuticals, food, cleaning and hygiene, textiles, paper, and leather.

At its meeting on 23 October 2025, the Board determined that Novonosis held a dominant position in three distinct product markets: Asparaginase enzyme market, Fungal alpha-amylase enzyme market, and Glucoamylase enzyme market.

The TCA further found that Novonosis abused its dominant position through various exclusionary mechanisms, including (i) best price guarantee clauses, (ii) loyalty-inducing rebate systems, and (iii) exclusivity agreements, tailored to each market. These practices were deemed violations of Article 6 of the Competition Law, which prohibits abuse of dominance. Separately, the TCA concluded that the "Reorganised Alliance Agreement" concerning phytase enzyme, concluded

between Novonosis A/S and DSM Nutritional Products AG on 12.12.2007, benefited from the block exemption under Communiqué No. 2013/3 on Specialisation Agreements.

Consequently, the TCA imposed an administrative fine of TRY 284,509,319.04 (approximately EUR 5,683,445) on the Novonosis economic entity. However, the Authority determined that Novo Holdings A/S, Novo Nordisk A/S, and Novo Nordisk Sağlık Ürünleri Tic. Ltd. Şti. had no operational activities in Türkiye's industrial enzyme sector and therefore were not subjected to a fine.



## Tetra Pak Fined for Abusing Dominant Position Through Trademark-Based Tying Practices

On 17 October 2025, the Turkish Competition Authority (TCA) published its reasoned decision fining Tetra Pak Paketleme Sanayi ve Ticaret Ltd. Şti. and Tetra Laval Holding & Finance SA (collectively “Tetra Pak”) for abusing their dominant position by using trademark and design rights to restrict competition, in violation of Article 6 of the Turkish Competition Law. The operative decision was originally issued on 1 August 2024, with the detailed reasoning made available only recently.

### **The Markets and Complaint**

Tetra Pak holds a dominant position in two related markets: (i) the production and sale of aseptic liquid food carton filling machines, and (ii) the production and sale of aseptic liquid food carton packaging.

The investigation was initiated following a complaint by Poşetsan Ambalaj San. ve Tic. AŞ, which alleged that Tetra Pak engaged in unlawful tying by requiring customers who purchased its aseptic filling machines also to buy its own aseptic packaging products (Tetra Prisma Aseptic), thereby foreclosing the aseptic packaging market to competitors.

### **The Abuse: Strategic Use of 3D Trademark Registrations**

The TCA found that Tetra Pak systematically exploited 3D trademark registrations covering the Tetra Prisma Aseptic packaging shape to extend its market control beyond the legitimate scope of intellectual property protection.

Despite the Turkish Patent and Trademark Office (TPTO) initially rejecting one application for lack of distinctiveness, Tetra Pak obtained registration following a court ruling and subsequently filed multiple overlapping applications covering minor design variations - such as versions with or without caps or straw holes. The TCA concluded that these repetitive filings, combined with cease-and-desist letters targeting competitors, were designed to deter rival production and distribution of prism-shaped cartons.

Critically, Tetra Pak’s warning letters prohibited all types of prism packaging, including those with features not covered by existing registrations. This enforcement strategy exceeded the protection afforded by registered rights and sought to restrict even unregistered shapes - conduct the TCA characterized as “fraud against the law.”

### **Tying Through Trademark Rights and Contractual Restrictions**

The TCA found that Tetra Pak leveraged its trademark portfolio and pending applications to compel purchasers of its aseptic filling machines to procure prism-shaped cartons exclusively from Tetra Pak. This conduct was equivalent in effect to an unlawful tying arrangement.

The tying was reinforced by contractual clauses in equipment leasing and warranty agreements. Whilst customers were formally free to source packaging materials elsewhere, warranty conditions and liability exclusions rendered alternative sourcing economically unviable. The cost and technical difficulty of adapting filling machines to competing packages further locked customers into Tetra Pak’s ecosystem. Consequently, trademark

protection and contractual provisions jointly produced a de facto tying effect.

### **Market Foreclosure and Monopolization Through Shape Marks**

The TCA emphasized that because the Tetra Prisma Aseptic mark concerns a three-dimensional product shape, its competitive effects require particular scrutiny. A 3D mark that coincides with the appearance of a functional product can create barriers to market entry and facilitate monopolization when held by a dominant undertaking.

Although trademark registration does not normally constitute a competition law infringement, the TCA observed that shape marks - depending on their manner and context of use - may evolve from serving a source-identifying function to becoming instruments of exclusion.

Market data showed that Tetra Pak’s share in the aseptic packaging market (excluding prism sales) already reflected significant market power, which increased substantially when prism sales were included. The TCA concluded that the registration of the prism shape effectively created a separate, monopolized sub-market within the aseptic packaging segment, reinforcing Tetra Pak’s dominance.

### **International Precedent**

The TCA’s assessment was informed by prior international decisions involving Tetra Pak, including the EU Commission’s Tetra Pak I and II decisions and the Chinese Competition Authority’s findings. These cases established that Tetra Pak had engaged in tying, discriminatory pricing, loyalty rebates, strategic acquisitions and licensing, and IP leveraging to reinforce dominance and impede market entry - conduct that transferred market power from the filling-machine market to the carton market.

### **Decision and Remedies**

By majority vote on 1 August 2024, the TCA determined that Tetra Pak abused its dominant position through its 3D trademark and design applications. The TCA imposed:

- A fine of TRY 130,889,523.70 (approximately EUR 3.5 million); and
- Behavioural remedies requiring Tetra Pak to waive its trademark and design rights over the Tetra Prisma Aseptic packaging shape and withdraw all pending 3D shape trademark applications within 30 days.

This important decision demonstrates that intellectual property rights, whilst legitimate, cannot be wielded as instruments of market foreclosure by dominant undertakings. The TCA’s approach - requiring both financial penalties and structural remedies - sends a clear message that strategic use of IP portfolios to exclude competitors and tie customers will be met with robust enforcement. Companies holding dominant positions must ensure that their IP strategies do not cross the line from legitimate protection to anticompetitive exclusion.

## TCA Confirms Compliance with Data Portability Commitments in the Sahibinden.com Investigation

On 17 October 2025, the Turkish Competition Authority issued a follow-up decision confirming that Sahibinden Bilgi Teknolojileri Pazarlama ve Ticaret A.Ş. (“Sahibinden”) had fully complied with the commitments imposed following the TCA’s earlier finding of abuse of dominance. The original infringement decision, dated 17 August 2023, concerned Sahibinden’s restriction of data portability in online real estate and motor vehicle listing services.

### **Background: The Original Infringement**

In its decision of 17 August 2023, the TCA held that Sahibinden held a dominant position in two markets: (i) online platform services for corporate members’ real estate sales and rental activities, and (ii) online platform services for corporate members’ vehicle sales activities.

The TCA found that by restricting the data portability of its corporate members, Sahibinden hindered the use of multiple platforms and created de facto and contractual exclusivity through its conduct and non-compete obligations. This behaviour impeded competitors’ operations and violated Article 6 of the Competition Law.

### **The Commitments Imposed**

To ensure the termination of the violation and the establishment of effective competition in the market, the TCA required Sahibinden to:

- Amend contracts with corporate members to remove clauses found to be in violation;
- Establish, free of charge, the infrastructure enabling corporate members to effectively transfer their property and vehicle listing data from the Sahibinden platform to competing platforms and to update the data contained in these advertisements;
- Where corporate members also have memberships on competing platforms and request to transfer property and vehicle advertisement data from those platforms to Sahibinden, comply with such requests if the competing platforms agree;
- Establish the necessary infrastructure to enable members to

transfer and update their data promptly and free of charge on both Sahibinden and competing platforms.

### **Compliance Review and API-Based Solution**

Following its evaluation of Sahibinden’s compliance proposal on 26 June 2025, the TCA determined that the API-based data portability system proposed by Sahibinden fulfilled the company’s obligations under the original decision.

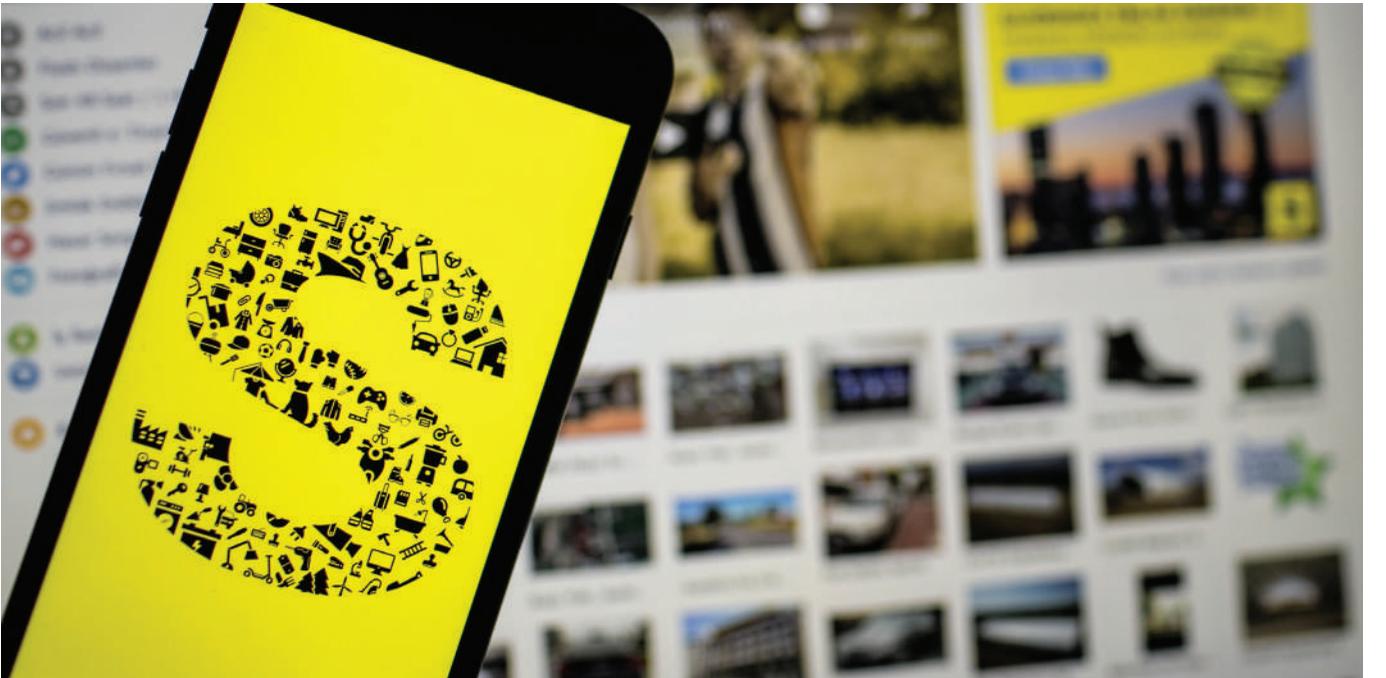
### **Additional Monitoring Obligations**

To ensure ongoing effectiveness, the TCA imposed monitoring obligations for a period of at least three years, including: (i) retaining callback system logs for at least one year; and (ii) Submitting semi-annual performance and access reports to the TCA.

### **Significance**

A key aspect of this decision is that the TCA did not treat the compliance review as a mere verification of whether Sahibinden had fulfilled its original commitments. Instead, the TCA imposed additional, forward-looking monitoring obligations as part of the review stage. Although the TCA found Sahibinden’s proposed measures sufficient to remedy the infringement, it nonetheless extended oversight beyond the original remedy by requiring ongoing reporting and log retention.

This decision demonstrates the TCA’s commitment to ensuring that remedies imposed in abuse of dominance cases are not only implemented but remain effective over time. By imposing forward-looking monitoring obligations during the compliance review stage, the TCA has signalled that dominant platforms must maintain transparent and accessible data portability systems. Companies subject to similar commitments should anticipate ongoing regulatory scrutiny and be prepared to demonstrate continued compliance through detailed reporting and system documentation.



# TCA Fined Pharmaceutical Companies for Anticompetitive Labour Market Practices

On 17 October 2025, the Turkish Competition Authority announced its decision concluding an investigation into anticompetitive labour market practices by certain undertakings, most of which operate in the pharmaceutical sector. The Competition Board decision dated 11 September 2025 and numbered 25-34/810-474 imposed administrative fines totalling TRY 244,801,302.91 (approximately EUR 5 million) on 17 companies for violating Article 4 of Act No. 4054 by participating in no-poaching agreements and/or exchanging competitively sensitive information.

The TCA found that the undertakings engaged in two distinct types of anticompetitive conduct:

- No-poach agreements and concerted practices: The investigation determined that ten undertakings engaged in no-poach agreements and/or concerted practices that restricted employee mobility and competition in the labour market; and
- Exchange of competitively sensitive information: The investigation examined the exchange of competitively sensitive information on future employee wages and benefits, and determined that seven undertakings engaged in such practices, which constituted an infringement of competition.

The undertakings received administrative fines amounting to approximately TRY 245 million (EUR 5 million). The decision sends a clear message that:

- No-poach agreements between competitors are unlawful and will be sanctioned, even when they concern employees rather than customers. Such agreements restrict employee mobility and suppress competition for talent;
- Information exchange regarding employee compensation and benefits can constitute an infringement when it involves forward-looking, competitively sensitive data that may affect



or potentially affect the strategic behaviour and decisions of competitors; and

- Pharmaceutical sector employers must ensure that their HR practices, industry associations, and informal networks do not facilitate anticompetitive coordination in the labour market.

The TCA's decision reflects a growing international trend towards applying competition law to protect workers from anticompetitive practices that restrict their mobility and suppress wages. Companies operating in concentrated sectors should review their recruitment practices, industry forum participation, and information-sharing arrangements to ensure compliance with competition law. HR departments should be trained to recognise that agreements or exchanges of information with competitors regarding employees may attract the same scrutiny as traditional cartel conduct in product markets.

# Adidas Fined for RPM Practices

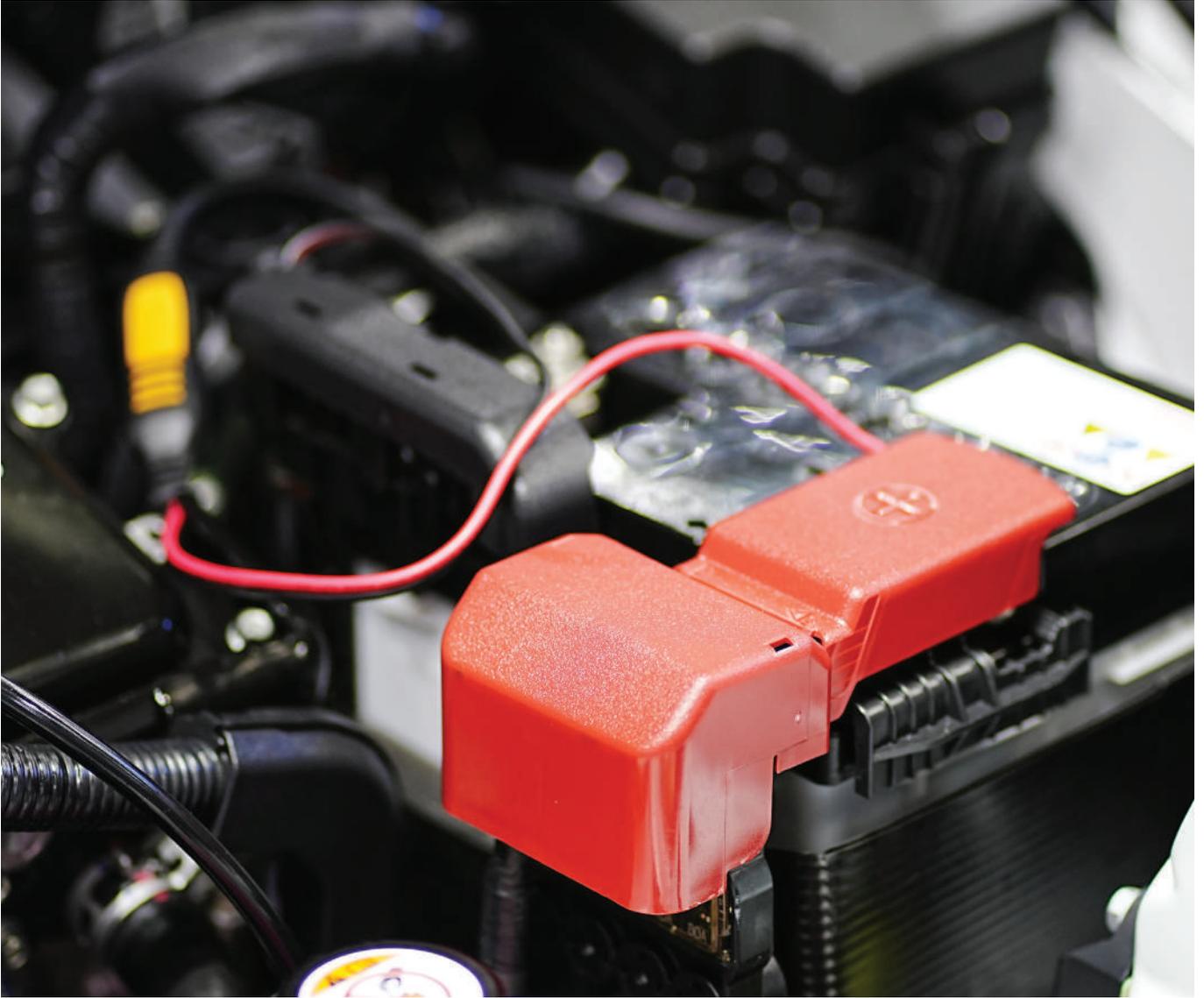
The TCA concluded that Adidas Spor Malzemeleri Satış ve Pazarlama Anonim Şirketi ("Adidas") violated Article 4 of the Competition Law by fixing the resale prices of its authorised resellers.

The investigation into allegations that Adidas, active in the markets for sports footwear, apparel, and accessories, infringed the Competition Law by intervening in the resale prices of its authorised resellers has now been concluded.

At its meeting held on 02 October 2025, the TCA determined that Adidas violated Article 4 of the Competition Law by fixing the resale prices of its authorised resellers. Accordingly, an administrative fine of approximately TRY 400 million (EUR 8,138.79) was imposed.

The TCA's decision underscores its strict stance against vertical restraints that distort market dynamics and harm consumers. This enforcement action sends a clear signal to suppliers and distributors that RPM practices will not be tolerated under Turkish competition law.





# EC Fines Automotive Battery Cartel involving a Trade Association EUR 72 Million

*On 15 December 2025, the European Commission fined four automotive battery manufacturers - Clarios, Exide, FET, and Rombat - along with trade association EUROBAT, a total of EUR 72 million for operating a cartel that lasted over 12 years. These companies coordinated lead-based surcharges and used them in negotiations with car makers, artificially inflating prices for automotive starter batteries across the EEA.*

While surcharges can legitimately reflect raw material cost fluctuations, colluding to impose an industry-wide standard is a clear violation of EU competition law. The scheme involved publishing agreed premiums in Metal Bulletin and applying them during price negotiations with OEMs, ensuring prices remained higher than under normal competitive conditions.

Automotive starter batteries power the engine's starter motor and supply electricity to a car's systems. These batteries rely heavily on lead, which must be of higher purity and include specific additives compared to standard lead traded on the London Metal Exchange. Manufacturers pay a premium for this specialized lead. The case concerns batteries sold to car makers in the EEA, both for new vehicles and as replacements through authorized repair networks.

### **Leniency**

Clarios, which acted as the whistleblower, received full immunity for revealing the cartel. FET (including its predecessor Elettra) benefited from a 50% reduction in its fine, while Rombat obtained a 30% reduction. EUROBAT, the trade association that facilitated the scheme, was fined EUR 125,000.

### **Legal and Financial Context**

The cartel operated from mid-2005 until late 2017. The fines were calculated under the EU's 2006 Guidelines, considering factors such as sales volume, the seriousness of the infringement, market coverage, and the level of cooperation by each company. In addition, national courts may grant damages to affected parties, with the EC's decision serving as binding proof of the violation.

### **Enforcement Takeaway**

This decision underscores the EC's zero-tolerance approach toward cartels. It also sends a clear message that trade associations must not act as vehicles for anti-competitive coordination among their members.



## General Court Reduces Intel Fine for 'Naked Restrictions' by EUR 140 Million

On 10 December 2025, the General Court of the EU has upheld the European Commission's 2023 decision against Intel for abusing its dominant position in the x86 microprocessor market but reduced the fine by approximately EUR 140 million, from EUR 376.3 million to EUR 237.1 million (Case *Intel Corporation v European Commission*, T-1129/23).

This ruling follows a complex procedural history dating back to the Commission's 2009 decision, which imposed a record fine of €1.06 billion for practices aimed at excluding AMD. After multiple appeals and a referral back, the General Court annulled parts of that decision, later confirmed by the Court of Justice. The Commission then adopted a narrower decision in September 2023, focusing on "naked restrictions" imposed on HP, Acer, and Lenovo.

Intel challenged the 2023 decision, arguing lack of competence, insufficient reasoning, and infringement of its rights of defense. The Court rejected these claims, confirming that the Commission was entitled to recalculate the fine based on conduct previously upheld. It also validated the Commission's assessment of gravity and duration, noting the openly

anticompetitive nature of the restrictions and Intel's dominant position. However, exercising its unlimited jurisdiction, the Court adjusted the fine downward to reflect the limited number of computers affected and a 12-month gap between some practices.

On a separate note, the European Commission was obliged under Article 266(1) TFEU to compensate Intel for the loss of use of funds paid under the annulled EUR 1.06 billion fine. Intel had provisionally paid the fine in 2009, which was later partially annulled. To comply, the EC paid Intel EUR 515,547,908.15 in interest on 6 November 2024, after reaching a settlement.

In summary, while the judgment confirms Intel's liability for exclusionary conduct, the fiscal impact is significantly reduced - from EUR 1.06 billion to EUR 237 million - plus substantial interest reimbursement. The case underscores the importance of proportionality in fines and the potential financial consequences for the European Commission when decisions are overturned.

# Google's Abuse of Dominance for Excluding Rival App from Android Auto Confirmed in Italy

On 31 October 2025, the Italian Council of State, Italy's highest administrative court, confirmed the Italian Competition Authority's ("AGCM") decision that Google abused its dominant position by excluding Enel X's JuicePass app from Android Auto, thereby violating competition law.

Italy's Council of State upheld the finding of the national antitrust authority that Google abused its dominant position in the Android operating market and the Google Play app store by restricting Enel X Italia's electric vehicle charging app from accessing key functionalities. The court confirmed that Google's selective access policies favoured its own app, Google Maps (which competes with JuicePass in navigation and electric vehicle (EV) charging services), thereby distorting competition and limiting consumer choice during a crucial phase of electric vehicle market growth. It held that Android Auto, though not indispensable, plays a significant role in enhancing app usability and visibility within the automotive ecosystem.

While the court rejected most of Google's appeal, it partially upheld Google's appeal by annulling part of the EUR 102 million fine imposed in 2021. It also instructed the AGCM to

reassess the penalty, clarifying the duration of the infringement and the relevant revenue estimates. The ruling aligns with a February decision by the European Court of Justice, which confirmed Google's refusal to render Android Auto interoperable with competing apps may constitute an abuse of dominance under EU law.



# Pay-for-Delay Deals Are an Object Restriction – Teva & Cephalon Lose Appeal at CJEU

On 23 October 2025, the Court of Justice of the EU upheld the European Commission's decision finding that Teva and Cephalon engaged in an anticompetitive agreement designed to delay the market entry of generic modafinil (Case C2/24 P). The judgment confirms that such "pay-for-delay" arrangements constitute a restriction of competition by object under EU law.

- The two firms in 2005 settled patent litigation regarding modafinil (a wakefulness-promoting agent prescribed for several sleep-related conditions), agreeing that Teva would defer market entry until October 2012, in exchange for royalty payments.
- Alongside royalties, Cephalon granted Teva a supply contract yielding at least €5 million in profits and licensed Teva's own secondary patents, both deals remained unexplained outside the settlement context.
- The arrangement also included reimbursement of Teva's legal costs.

The European Commission imposed a EUR 60.5 million fine, which the CJEU has fully upheld. The Court emphasized that these monetary transfers and side-deals, lacking independent economic justification, were clearly intended to postpone generic competition, thereby harming consumers.

The Court reaffirmed the principles established in Generics (UK) and Others (C307/18), emphasizing that agreements involving significant value transfers and restrictive clauses (without credible commercial justification) are inherently harmful to competition. In this case, the settlement between Teva and Cephalon included reverse payments and obligations

preventing generic entry, which the Court deemed incompatible with Article 101 TFEU.

This ruling strengthens the EU's stance against practices that undermine consumer access to affordable medicines and reinforces the legal framework governing patent settlement agreements.



# No Prior Judicial Authorisation to Seize Business Emails Required - Provided Adequate Procedural Safeguards and Judicial Review Available

*On 23 October 2025, Advocate General Medina stated in Case C-201/23 (Autoridade da Concorrência) that the fundamental right to personal data protection does not require prior judicial authorisation for national competition authorities to seize business emails, provided that adequate procedural safeguards are in place and that subsequent judicial review is available.*

TAs part of a competition law investigation, the Portuguese Competition Authority seized emails exchanged between employees of companies suspected of anticompetitive conduct. The companies objected, arguing that the seizures breached the right to secrecy of correspondence and that only a judicial authority (not the Public Prosecutor's Office) could authorise such actions. The Portuguese court subsequently referred the matter to the Court of Justice of the European Union (CJEU). Advocate General Medina first issued an opinion in June 2024 holding that business email seizures did not require prior judicial authorisation. However, following the CJEU's *Bezirkshauptmannschaft Landeck* judgment - which required prior judicial review for accessing mobile phone data in criminal investigations, the case was referred to the Grand Chamber. In her updated October 2025 opinion, Medina clarified that *Landeck* does not apply to competition investigations, as these involve business data of legal entities rather than private data of individuals, and accessing business emails does not involve the same intrusion into private life as accessing personal mobile devices.

Advocate General Medina emphasised that whilst inspections interfere with data protection rights, they comply with

proportionality if accompanied by sufficient procedural safeguards, including GDPR obligations and judicial review availability. Prior judicial authorisation should be required only for searches at private residences or where natural persons face criminal prosecution. Nevertheless, Member States remain free to establish their own authorisation mechanisms.

It is important to note that this is only the Advocate General's opinion; the final ruling by the CJEU remains pending. Whilst prior judicial authorisation may not be required for seizing business emails in competition investigations, the opinion underscores that robust procedural safeguards and effective judicial review mechanisms remain essential. This is a highly significant issue for competition enforcement across (as well as outside) of the EU.



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# Fashion Houses Fined EUR 157 Million for Resale Price Restrictions

*On 14 October 2025, the European Commission fined luxury fashion houses Gucci, Chloé, and Loewe a total of EUR 157 million for engaging in resale price maintenance ("RPM"), in breach of Article 101 of the Treaty on the Functioning of the European Union.*

The investigation found that between 2015 and 2023, the companies restricted their independent retailers across both online and offline channels from setting their own prices for apparel, leather goods, and accessories. Retailers were required to follow the brands' pricing, limit discounts, and observe controlled sales periods. In some cases, temporary bans on discounting and restrictions on online sales were applied.

These practices, applied throughout the European Economic Area, effectively limited retailers' pricing autonomy, and reduced competitive pressure on the brands' direct sales channels. Gucci, Chloé, and Loewe were found to have acted independently while employing similar pricing control methods. The Commission concluded that such conduct constituted a

single, continuous infringement of the EU competition law, as it restricted competition and maintained artificially high consumer prices.

Fines were determined based on the gravity and duration of the infringements, with reductions granted for the companies' cooperation under the antitrust cooperation procedure. Gucci and Loewe received 50% reductions for providing valuable evidence, while Chloé's cooperation resulted in a 15% reduction.



# Ministry of Trade Renews Safeguard Measure on Polyamide/Nylon Yarn Imports

*With the Communiqué No. 2025/7 dated 19 November 2025, Türkiye extended for three years the safeguard measure on imports of certain types of polyamide/nylon yarn, following the investigation initiated under Communiqué No. 2025/5.*

The Board for the Evaluation of Safeguard Measures in Imports ruled that the existing measure should continue for five distinct products classified under different HS Codes and set additional financial obligations decreasing over three periods. For four distinct products, the obligation starts at USD 0.24/kg and decreases to USD 0.22/kg in the third period; for one product, it starts at USD 0.0475/kg and decreases to USD 0.0425/kg.

The Board also decided to hold consultations with relevant members under the WTO Agreement on Safeguards and to grant exemptions to developing countries. The regulation entered into force on publication, with the new safeguard periods covering 21 November 2025 to 20 November 2028.



# EU Adopts Definitive Safeguard Measures on Ferroalloy Imports

*On 18 November 2025, the European Commission imposed definitive safeguard measures on imports of certain ferroalloys following an 11-month investigation. It found that a significant surge in imports - up 17% between 2019 and 2024, causing EU producers' market share to fall from 38% to 24% - had resulted in serious injury to the EU ferroalloy industry.*

The safeguard establishes country-specific tariff-rate quotas for each ferroalloy type. Ferroalloys are essential inputs for high-performance steel used in the construction, automotive, aerospace, and defence industries. Imports within the quota

enter the EU duty-free; imports exceeding the quota may do so only if priced above a fixed threshold, with any imports below the threshold subject to a variable duty equal to the difference. Although applicable to all third countries, including Norway and Iceland, the measure is designed to limit disruption to integrated EU value chains, with the Commission holding regular consultations with these EEA partners.

The Commission confirmed that the safeguard is compatible with EU trade commitments. The measures will remain in effect for three years, until 17 November 2028.



# Anti-Circumvention Investigation into Woven Fabrics from the UAE, Egypt, and South Korea

On 21 October 2025, the Ministry initiated an *ex officio* anti-circumvention investigation into imports of “woven fabrics of synthetic or artificial staple fibres” (“concerned products”) originating in the United Arab Emirates (“UAE”), the Arab Republic of Egypt (“Egypt”), and the Republic of Korea (“South Korea”) through Communiqué No. 2025/34 on the Prevention of Unfair Competition in Imports.

The investigation followed findings that the existing anti-dumping measure imposed on the concerned products originating in China, first imposed in 2001 and subsequently maintained through successive expiry reviews, may have been circumvented. According to the initial findings, while imports originating in China have steadily declined in quantity and value terms, imports originating in the UAE, Egypt, and South Korea have increased significantly in 2025 in both quantity and value, while unit prices decreased notably. It was further observed that China remains the leading supplier across all three markets, holding substantial market shares.

Anti-circumvention investigations had previously been conducted against the concerned products, and it was decided



to extend the existing measure to cover products originating in or consigned from Finland, Sweden, Denmark, Estonia, Latvia, Lithuania, Ireland, the Netherlands, Belgium, Luxembourg, France, Germany, Austria, Poland, Czechia, Slovakia, Hungary, Portugal, Spain, Italy, Malta, Slovenia, Croatia, Romania, Bulgaria, North Macedonia, Greece, and Malaysia.

# Anti-Dumping Investigations into Tyre and Dental Products

The Turkish Ministry of Trade initiated two new anti-dumping investigations concerning tyre and dental products, reflecting increased scrutiny across various sectors.

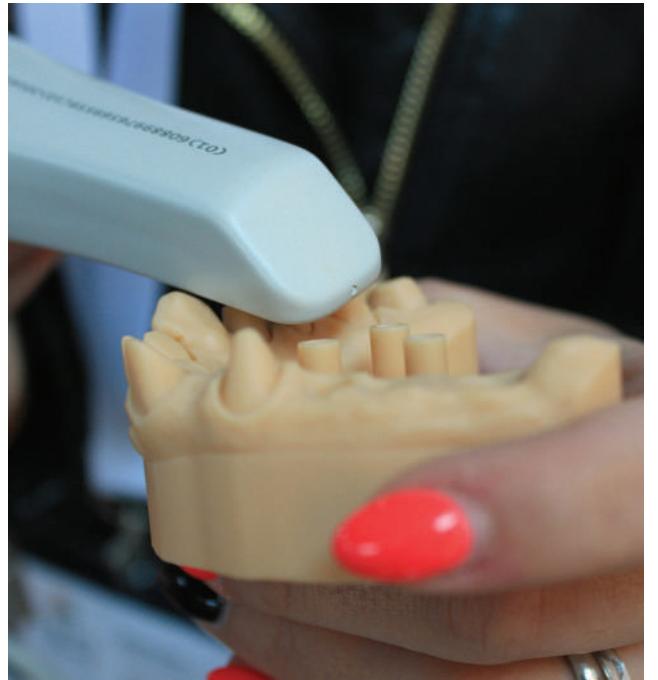
On 10 October 2025, the Ministry published Communiqué No. 2025/35 on the Prevention of Unfair Competition in Imports regarding initiating an anti-dumping investigation concerning the imports of “new pneumatic tyres of rubber” originating in Czechia, South Korea, Hungary, Serbia, Slovakia, and India.

The investigation was initiated following an application made by the domestic producer Petlas Lastik Sanayi A.Ş. with support from Billas Lastik Sanayi ve Ticaret A.Ş., Kocaeli Lastik Sanayi A.Ş., Qualchem Dış Ticaret A.Ş., and Sumitomo Rubber Ako Lastik Sanayi ve Ticaret A.Ş. After examining the application, the Board for Evaluation of Unfair Competition in Imports determined that sufficient evidence existed that allegedly dumped imports from these countries caused material injury to the domestic industry in Türkiye. The period of injury determination is 1 January 2022 to 30 June 2025.

Subsequently, on 11 October 2025, the Ministry announced its Communiqué No. 2025/33 on the Prevention of Unfair Competition in Imports, initiating an anti-dumping investigation into imports of “dental milling and grinding machines” originating in China.

The investigation was initiated following an application by

the domestic producer Redon Teknoloji A.Ş. and supported by Yena Makine San. Tic. A.Ş. and Twinmac Makine ve Sanayi ve Tic. A.Ş. The injury claim was examined for the period between 1 January 2022 and 31 December 2024. Considering the available evidence and statistical data, the Ministry concluded that sufficient evidence exists to initiate an anti-dumping investigation.





# EC's Proposal to Address Global Overcapacity in the Steel Sector

*On 7 October 2025, the European Commission put forward a proposal to safeguard the EU steel industry against persistent global overcapacity. The proposal will replace the current safeguard measure on steel products, which is set to expire in June 2026.*

The proposal is part of the EU Steel and Metal Action Plan and aims to reinforce long-term industrial resilience while upholding the open trade principles and compliance with the World Trade Organisation (“WTO”).

The proposal introduces three key measures: (i) an annual duty-free import ceiling of 18.3 million tons, (ii) a significant increase in out-of-quota duties to 50% (from the current 25%), and (iii) a “Melt and Pour” requirement to prevent circumvention.

The proposed measure is intended to be fully WTO-compliant and implemented through the General Agreement on Tariffs and Trade Article 28 renegotiation procedure, offering country-specific allocations to affected trading partners. Imports from Norway, Iceland and Liechtenstein would remain outside the scope under European Economic Area arrangements, while Ukraine’s exceptional situation may be accounted for in quota allocations without reducing the measure’s effectiveness.

The proposal now proceeds to the ordinary legislative procedure, under which it must be approved by both the European Parliament and the Council. Upon adoption, the measure will replace the EU’s existing steel safeguard.



## EU Automotive Package: Clean, Competitive, Cost-Efficient

*On 16 December 2025, the European Commission unveiled its Automotive Package, aimed at steering Europe's car industry toward clean mobility, economic competitiveness, and regulatory simplicity. The automotive sector remains a major EU employer and innovation engine but faces mounting pressure from climate mandates, digitisation, and global competition. The package links regulatory measures to the commission's Clean Industrial Deal, aiming for a 2050 climate-neutral economy while maintaining technological neutrality and strategic autonomy in supply chains.*

### **Key Measures**

- **CO<sub>2</sub> Standards Revision:** New rules require car and van manufacturers to reduce tailpipe emissions by 90% by 2035, with the remaining 10% offset using low-carbon steel or sustainable fuels—while offering greater flexibility and technology-neutral pathways.
- **Greening Corporate Fleets:** Mandatory zero- and low-emission targets for company fleets across the EU aim to

accelerate adoption of clean vehicles, both new and used.

- **Battery Booster Strategy:** A EUR 1.8 billion initiative will support the development of a fully EU-based battery supply chain, including EUR 1.5 billion in interest-free loans for cell manufacturing.
- **Automotive Omnibus:** Simplification measures designed to reduce red tape and costs, estimated administrative savings of ~EUR 706 million annually, while strengthening conditions for decarbonisation.
- **Enhanced Car Labelling:** Updated labels will give consumers clearer, comprehensive information on vehicle emissions to support informed purchasing choices.

This comprehensive package marks a significant step toward a sustainable and competitive European automotive future by harmonising environmental goals with industry flexibility. It is built on ongoing stakeholder dialogue and positions the EU to lead in clean transport, innovation, and global automotive resilience.

# New Procedural Regulation for Faster Conclusion of Cross-Border GDPR Complaints

*On 17 November 2025, the Council of the European Union adopted a new procedural regulation in November 2025 to expedite cross-border applications of the General Data Protection Regulation (“GDPR”).*

The regulation strengthens cooperation between national data protection authorities, harmonises the complaint admissibility criteria across the EU, and standardises procedural rights for complainants and companies, including access to case files, receipt of preliminary findings, and the right to be heard. It introduces binding time limits, requiring cross-border proceedings to conclude within 15 months, with an optional extension of 12 months for complex cases.

The regulation will enter into force 20 days after its publication in the Official Journal and will become applicable 15 months later, making GDPR enforcement proceedings more predictable and efficient for businesses.

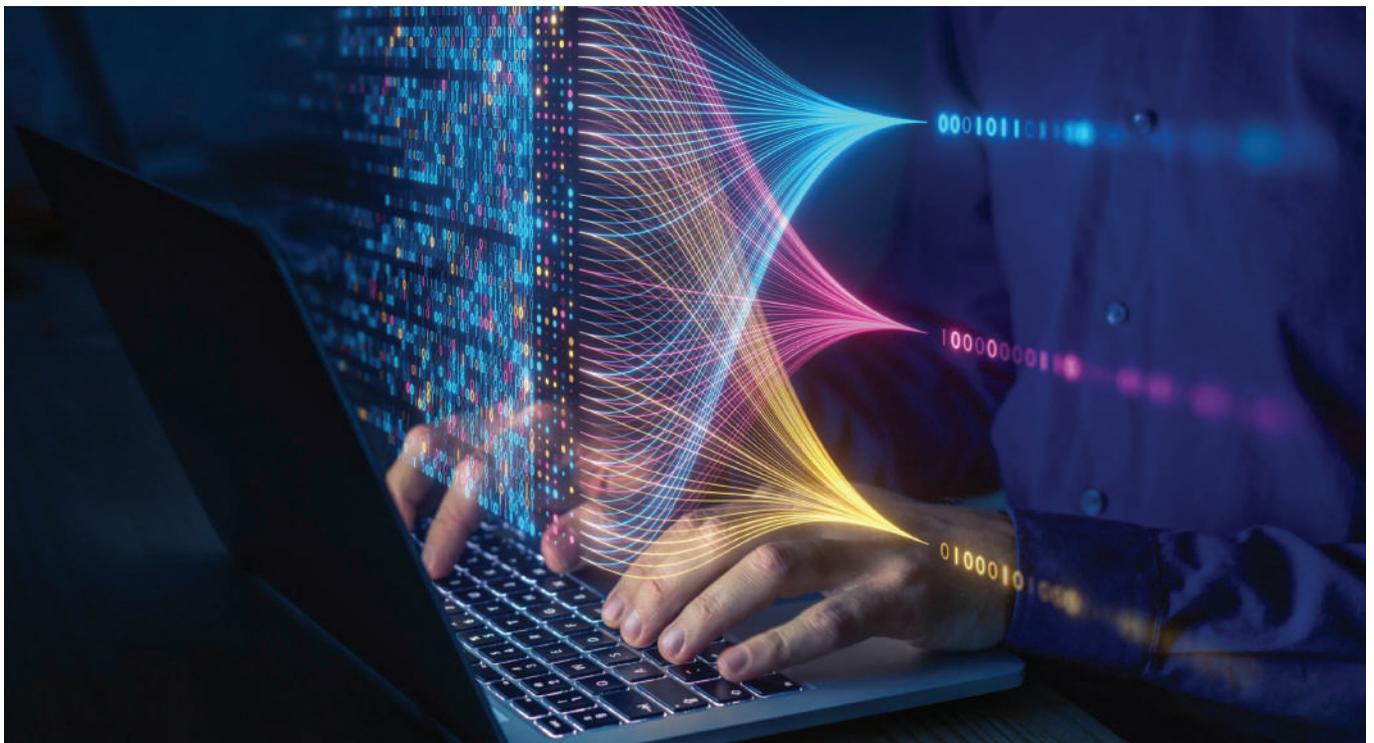


## Turkish “15 Questions” Guide

*The Personal Data Protection Authority published the “Generative Artificial Intelligence and Personal Data Protection Guide (15 Questions)” (the “Guide”) on 24 November 2025. The Guide addresses the content generation process, life cycle, and uses of generative AI systems, as well as associated personal data processing under Law No. 6698.*

Serving as a practical reference text for data controllers, the Guide covers privacy by design, processing conditions, risk-based approaches, data security measures, and protection of individuals’ personal data, particularly children.

The publication of the Guide is considered a significant step demonstrating that the Authority is closely monitoring current developments and systematically addressing the issue of artificial intelligence, particularly considering EU regulations and the approaches of supervisory authorities. It incorporates practical examples of challenges AI developers may face, enhancing functional understanding of the relationship between technical processes and legal consequences. This reflects a regulatory approach that bridges technological innovation and data protection compliance, providing actionable guidance for stakeholders navigating generative AI technologies and personal data processing under Turkish law.



# 2026 Presidential Annual Programme Sets 2026 Target for KVKK-GDPR Compliance

The “2026 Presidential Annual Programme,” published in the Official Gazette on 30 October 2025, outlined a critical roadmap for Turkey’s data protection legislation. The programme sets a target to complete harmonisation of Personal Data Protection Law No. 6698 (“KVKK”) with the EU GDPR by 2026.

The main legislative amendment in 2024 achieved significant alignment with the GDPR, particularly regarding cross-border data transfers and the processing of special categories of data. The 2026 “full compliance” target signals that, after this initial phase, remaining GDPR mechanisms absent or differently regulated in the KVKK or differently regulated will be addressed.

These potential second-phase regulations are expected to address outstanding issues including the requirement for data protection impact assessments (“DPIAs”), the obligation to

appoint data protection officers (“DPOs”), and the right to data portability. This development requires companies to update their compliance strategies to accommodate these potential new obligations.



# Norwegian Court of Appeal Upholds Record EUR 6 Million Fine Against Grindr

The Norwegian Borgarting Court of Appeal (“Lagmannsretten”) upheld a record GDPR fine of NOK 65 million (approximately EUR 6 million) against the dating app Grindr in its decision dated 21 October 2025. The fine was imposed for sharing users’ location data and special category data, including sexual orientation, with advertising partners without valid consent.

### The Violation

Grindr shared highly sensitive personal data - including users’ precise location and information revealing sexual orientation - with third-party advertising partners for targeted advertising purposes. The court found that Grindr failed to obtain valid consent from users for this processing, constituting a “serious and deliberate” violation of the GDPR.

The Court of Appeal confirmed the lower court’s ruling, emphasising that the processing involved special category data under Article 9 GDPR, which requires explicit consent and heightened protection. The court rejected Grindr’s arguments that users had provided adequate consent through the app’s terms and privacy policy.

### Key Takeaways

- Valid Consent Standard: Consent must be freely given, specific, informed, and unambiguous. Pre-ticked boxes bundled consent within terms of service, or vague privacy policies do not satisfy GDPR requirements.
- Explicit Consent for Special Category Data: Processing special category data (such as data revealing sexual orientation) requires explicit consent under Article 9 GDPR, which imposes a higher threshold than standard consent requirements.
- Heightened Scrutiny for Sensitive Apps: Applications processing particularly sensitive personal data - such as dating apps, health apps, or apps targeting vulnerable groups - face

heightened regulatory scrutiny and may incur substantial penalties for non-compliance.

- Serious and Deliberate Violations Attract Higher Fines: The court’s characterisation of the violation as “serious and deliberate” underscores that intentional or reckless disregard for GDPR obligations will result in significant financial penalties.

- Data Sharing with Third Parties Requires Clear Consent: Sharing personal data with advertising partners or other third parties require clear, granular consent. Users must be able to understand and control how their data is shared.

The decision is not yet final. Grindr may appeal to the Norwegian Supreme Court within one month. The company has also been ordered to pay court costs of NOK 550,000 (approximately EUR 51,000).

This landmark case reminds us of the importance of obtaining valid, explicit consent when processing special category data and sharing personal information with third parties. Apps handling sensitive data must implement robust consent mechanisms that meet GDPR standards or risk facing substantial fines and reputational damage. The ruling serves as a clear warning to the digital advertising industry that consent-based data sharing must comply with strict legal requirements.



# The Anatomy of a Dawn Raid: Lessons from Ethics, Compliance, and Judicial Expectations

By *Nathalie Jalabert-Doury (Mayer Brown)* and *Fevzi Toksoy (ACTECON)*

## Introduction

Dawn raids - unannounced inspections by competition authorities - are among the most intrusive enforcement tools in antitrust law. They place companies under immediate pressure, testing not only their legal preparedness but also their ethical resilience. While the law provides a framework of minimum obligations, ethical conduct can shape outcomes of an investigation as decisively as legal compliance.

Importantly, ethics is a two-way street. It does not apply solely to companies; Competition Authorities are equally bound by principles of fairness, transparency, and respect for rights. Competition Authorities must ensure accurate documentation, proportionality in evidence gathering, and adherence to the scope of their mandate. The Intermarché case illustrates this vividly: the European Commission's failure to properly record supplier interviews was not only a procedural flaw but also can be considered as an ethical lapse that ultimately led to annulment of the dawn raids.

This article examines the anatomy of a dawn raid through three interconnected lenses: judicial expectations, the interplay between ethics and legal compliance, and practical strategies for operationalizing integrity under pressure. It also explores the evolving situation in Türkiye, where frequent inspections coexist with constitutional challenges and digital privacy dilemmas. All of these create a complex enforcement landscape that companies - and Competition Authorities - must navigate with both caution and foresight.

## • Dawn Raids in EU Competition Enforcement

Under Regulation 1/2003, the European Commission holds extensive powers to conduct on-site inspections aimed at uncovering evidence of antitrust violations. These dawn raids allow officials to enter business premises without prior notice, review documents, and copy data, often creating intense pressure for companies. National competition authorities across the EU exercise similar powers under their respective laws.

Yet these powers are not without limits. Courts have consistently emphasized that dawn raids must respect fundamental rights and adhere to strict procedural standards. Proportionality, scope discipline, and rigorous documentation are essential safeguards. A dawn raid cannot serve as a fishing expedition; it must be grounded in solid factual evidence and executed within the boundaries of the investigation's stated purpose, and there are much we strict safeguards in place.

Recent case law developments support these principles. The Intermarché and Casino decisions have become a landmark in the evolution of dawn raid jurisprudence within the EU. In 2017, the European Commission carried out unannounced inspections at the premises of French retailers Casino and Intermarché, suspecting infringements of Article 101 TFEU. These raids were part of a broader investigation into alleged collusion in the grocery retail sector.

However, the legal trajectory of this case illustrates how procedural rigor - and its ethical underpinnings - can determine the fate





of enforcement actions. By 2020, the General Court partially annulled the inspection decisions, highlighting procedural flaws and reminding the Commission that its investigative powers, while extensive, are not without limits. The decisive moment came in 2023, when the CJEU went further and fully annulled the dawn raids. The reason for such annulment: the Commission had relied on supplier interviews that were neither properly recorded nor validated. Internal notes were deemed insufficient to justify such an intrusive measure.

This judgment clarified key judicial expectations. Inspections must rest on a solid factual basis - dawn raids cannot be launched on mere suspicion or as fishing expeditions. Evidence gathering must meet high standards of accuracy and transparency; interviews must be documented and confirmed by the interviewees. Finally, proportionality and scope discipline are essential: authorities must stick to the articulated theory of harm and avoid overreach.

The annulments underscore a critical lesson: procedural discipline is not a technicality but a safeguard of fundamental rights. Ethical lapses in the collection of evidence - such as failing to properly record interviews - can translate into legal defects, ultimately collapsing an entire investigation. For companies, this case serves as a reminder that meticulous documentation and respect for due process are not only defensive strategies but may be considered also as ethical imperatives.

#### • Dawn Raids in Türkiye: Legal Uncertainty and Expanding Practice

Türkiye stands out for the intensity of its enforcement activity. The Turkish Competition Authority continues to conduct frequent on - site inspections, a fact that often surprises international practitioners. In 2024 alone, the TCA carried out more than 250 dawn raids, deploying over 1,000 case handlers - a scale that underscores its commitment to aggressive investigative tools.

Yet, the future of dawn raids in Türkiye is now clouded by legal uncertainty. Following the Constitutional Court's landmark Ford decision, the Court ruled that the TCA must obtain judicial authorization before conducting on - site inspections. This judgment strengthens procedural safeguards but also casts doubt on the legality of past raids. Although the ruling arose from an individual application and does not yet have general effect, it establishes a principle: dawn raids without a judge's order are unconstitutional.

The matter remains on the Constitutional Court's agenda under its concrete norm control procedure, and legislative reform is expected. Ultimately, Parliament will need to amend the Competition Law to align with constitutional requirements. For now, however, no immediate legislative action has been taken, and inspections continue in practice. Companies challenging TCA decisions increasingly argue that the underlying raids were unlawful, and at least one Board member regularly casts a dissenting vote against dawn raid decisions.

This legal ambiguity coincides with ethical and practical challenges. Inspectors routinely review digital data, including WhatsApp messages, on devices used for business purposes. While this approach aims to uncover hidden communications, it raises concerns about privacy and proportionality. Employees often panic and delete messages - a reaction that can lead to obstruction fines of up to 0.5% of annual turnover. Ethical safeguards such as clear pre - raid briefings, data minimization protocols, and respect for personal information are essential to prevent such outcomes.

In short, Türkiye today presents a paradox: an authority conducting some of the highest numbers of dawn raids globally, while the constitutional foundation of those raids is under challenge. Until legislative reform resolves this tension,

companies must navigate a dual reality - cooperating with inspections as they occur, while preserving their rights and documenting objections. At the same time, ethical conduct remains critical, both to protect individuals and to maintain credibility in an enforcement environment that is increasingly complex and interconnected.

- Ethics vs. Legal Compliance
- The law sets the floor; ethics sets the bar.

During a dawn raid, legal obligations define what companies must do to avoid penalties - allowing inspectors access, preserving evidence, refraining from obstruction, and managing privilege claims correctly. These requirements are essential, but they represent only the minimum standard.

Ethical responsibilities go further. They demand integrity in how evidence is preserved, ensuring transparency and organized cooperation rather than mere compliance. They call for data minimization, protecting personal or sensitive information that is irrelevant to the investigation, and applying proportionate redactions instead of blanket privilege claims. They also require truthfulness - providing clear and accurate answers rather than technically correct but evasive responses or exploiting procedural grey zones to delay the process.

Why does this matter? Because ethics is not just about doing the right thing; it is a strategic advantage. Ethical conduct builds credibility with authorities, may reduce litigation risk, and protects employees' dignity during what is often a stressful and invasive process. It fosters a compliance culture that goes beyond "check - the - box" obligations and demonstrates a commitment to fairness and transparency.

In practice, this means companies should act proactively: issuing immediate "no deletion" instructions, briefing employees on their roles and rights, and supervising forensic processes to ensure respect for privacy. It also means avoiding tactics that, while technically legal, undermine trust - such as over - claiming privilege or delaying searches. Ethics and compliance are not separate tracks; they are intertwined, and together they shape outcomes.

- Ethics is a Two-Way Street

Ethical standards in dawn raids do not apply solely to companies - they bind authorities as well. Enforcement agencies are expected to uphold fairness, transparency, and respect for rights throughout the inspection process. This includes accurate documentation of interviews, proportionality in evidence gathering, and adherence to the scope of the investigation. The Intermarché case illustrates this vividly: the Commission's failure to properly record supplier interviews was not only a procedural flaw but an ethical lapse in truth-tracking, ultimately leading to annulment of the raids.

For companies, ethics elevates compliance from "not obstructing" to actively safeguarding integrity, people, and due process. In practice, this means providing clear and accurate answers rather than technically correct but evasive ones; protecting dignity through non-retaliation and whistleblower safety; applying genuine data minimization by segregating personal information and explaining proportionate redactions; and avoiding grey-zone tactics such as unnecessary delays or tactical privilege claims. Ethical behaviour also extends to transparent briefings, so employees understand their roles and support channels, and post-raid aftercare through blameless reviews and shared learnings.

The contrast is clear: conduct that is both legal and ethical - such as immediate preservation of chats and emails, full request-response logs, - builds trust. "Legal but unethical" actions, like keyword gaming or blanket privilege claims, erode credibility, while unlawful and unethical acts - such as deleting messages or hiding devices - invite severe sanctions. Operationalizing ethics requires tone from the top, robust training, clear escalation maps, and disciplined after-action reviews. When both companies and authorities embrace these principles, dawn raids become not only a compliance exercise but a demonstration of integrity on both sides.

- Understanding the Human Factor in Obstruction

Not all instances of obstruction during dawn raids stem from an intent to conceal competition law infringements. Sometimes, employees hesitate to grant access to certain communications



# COMPLIANCE



for reasons unrelated to antitrust concerns. For example, a WhatsApp group might contain sensitive discussions among staff documenting workplace harassment or other internal issues they fear could be exposed to their superiors. In such cases, resistance is driven by personal protection rather than corporate misconduct.

This reality underscores the importance of clear communication and confidentiality assurances from authorities. Employees should be informed that data collection will be limited to information relevant to the investigation and that personal or sensitive content will be handled with discretion. Guaranteeing confidentiality and applying robust data minimization principles can reduce anxiety, prevent panic-driven deletions, and foster cooperation. Ethical enforcement, therefore, requires not only procedural rigor but also empathy for the individuals involved - balancing investigative needs with respect for privacy and dignity. In the 2020 Intermarché ruling, the General Court also stressed that inspected companies are legitimate asking inspectors to take appropriate measures to protect the private data of their employees and they can go the Court based on urgency proceedings if they believe insufficient protections have been granted.

#### • Final Remarks on Operationalizing Ethics

Embedding ethics into dawn - raid protocols require more than a checklist - it demands a cultural and procedural framework that complements legal compliance. Preparation begins long before inspectors arrive. Companies should invest in training that covers not only the legal “must - dos” but also the ethical “how - tos,” ensuring staff understand the importance of transparency, fairness, and respect. Maintaining data hygiene and clear privilege labelling is essential to avoid confusion under pressure. When a raid begins, the first fifteen minutes are critical. This is the moment to verify inspectors’ identities and the scope of their mandate, issue immediate “no deletion” alerts across the organization, assign a dedicated note - taker, and start logging every step of the process. These actions set the tone for disciplined cooperation.

Scope management is another cornerstone: agreeing on search terms and time windows with inspectors and carefully documenting any requests that fall outside the defined scope, helps prevent disputes later.

Ethics also extend to how people are treated during a raid. Respectful conduct, transparent communication, and a clear non - retaliation pledge for employees who cooperate in good faith reinforce trust and reduce anxiety. After the raid, companies should conduct a blameless review, implement control fixes, and share lessons learned internally. This aftercare phase is vital for strengthening compliance culture and preventing future vulnerabilities.

In short, operationalizing ethics means embedding integrity into every stage - from readiness and first response to forensic discipline and post - raid reflection. It transforms dawn raids from a reactive crisis into an opportunity to demonstrate credibility and resilience.

#### • Conclusion

Dawn raids are more than regulatory checks - they are stress tests for corporate culture. Meeting the legal floor - granting access, preserving evidence, and cooperating - may keep a company safe today. But reaching the ethical bar - acting with integrity, transparency, and respect - builds credibility and can determine tomorrow’s outcomes.

The lessons from the Intermarché/Casino annulments and Türkiye’s evolving enforcement landscape show that ethics and compliance are inseparable. Companies that embed ethics into their protocols - through training, leadership tone, and disciplined processes - are better equipped to withstand scrutiny, protect rights, and maintain trust.

The ultimate takeaway is simple yet powerful: document as if the court will read every line, cooperate cleanly, and preserve rights meticulously. Ethics is not just good practice; it is a strategic advantage that can safeguard reputation and even win cases.

## The OECD Global Forum on Competition

Our Managing Partner, Dr. Fevzi Toksoy, participated in the 2025 OECD Global Forum on Competition, contributing to a panel

discussion on the competitive impact of AI in downstream markets, and representing Business at OECD (BIAC).



## Koç University Law Club

As ACTECON, we met with students on December 15th as part of the Career Days organized by the Koç University Law Club. At the event, our Senior Associate Alper Karafil, along with our Associates Zeynep Sude Karakuş and Berkay Ünlüsoy, shared their experiences, work journeys, and insights into competition

law and international trade law practice at ACTECON with the participants. We would like to thank the Koç University Law Club for their kind invitation and interest, and all the students who attended the event.



# FROM ACTECON

## Bilgi University's 24th Career Days in Law

We met with students as part of Bilgi University's 24th Career Days in Law.

At the event, our Counsel Mustafa Ayna, a Bilgi University alumnus, shared his career journey and experiences in the field

of competition law. The presentation also included information about ACTECON's areas of expertise, corporate culture, and competition law practice, and students' questions were answered. We would like to thank Bilgi University for their kind hospitality and invitation, and all participants for their interest in the event.



## Istanbul University Law Career Club

We were delighted to host the members of the Istanbul University Law Career Club, Board of Directors at our office.

We had a pleasant conversation with our young colleagues about career paths in competition law, expectations from recent

graduates, and ACTECON's work culture.

As always, meeting with young people was inspiring. We thank them for their visit and hope to continue learning together and sharing inspiring conversations.



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## ACTECON at EC Workshop on Merger Guidelines Review

We were proud to participate in the European Commission Workshop on Merger Guidelines Review, which focused on key themes such as scale, competitiveness, and efficiencies. Our Knowledge Counsel, Dr. Hanna Stakheyeva, attended the session, sharing perspectives and contributing to discussions that will help shape the future of EU merger control. The workshop fostered an open and collaborative dialogue with stakeholders, and ACTECON remains committed to engaging in conversations that refine competition policy and promote balanced, innovation-friendly frameworks.



## ACTECON at Özyeğin University Career Fair

ACTECON joined students at the Career Fair organized by Özyeğin University's ILSA Law Club to share insights into careers in competition law.

We had engaging conversations with future lawyers about the role of a consultant lawyer and the dynamics of competition law

practice. Our Associates, Ata Yanılmaz and Berk Emre Cicos, together with Gamze Ölmez from our HR team, conducted interview simulations, offering students practical tips and real-world perspectives on the recruitment process. The event provided an excellent opportunity to answer questions, exchange ideas, and support students in preparing for their professional journey.



# FROM ACTECON

## ACTECON Supporting College of Europe Scholarships

We welcomed Orhan Aydın, Merve Sevim, and Esra Aydınay from the Directorate for EU Affairs of the Ministry of Foreign Affairs of the Republic of Turkey to our office. Our discussion focused on the strategic importance of the College of Europe scholarship provided by the Directorate in Turkey’s EU harmonization process and its role in strengthening ties with EU institutions.

ACTECON proudly contributes to this initiative by funding a scholarship each year for a Turkish student pursuing a master’s degree at the College of Europe - supporting young talent and fostering international engagement. Greater recognition of this program creates valuable opportunities for more students to join this prestigious institution and for the private sector to play an active role in the process. We are delighted to support efforts that broaden access and awareness. Application deadline for the 2026–2027 academic year: 14 January 2026.



## ACTECON Joined TURKTRADE Webinar on New U.S. Tariffs

On 4 December 2025 GDLSK partners Dharmendra Choudhary and David M. Murphy joined ACTECON General Manager Resat Eraksoy in a webinar hosted by Türkiye Dış Ticaret Derneği (TURKTRADE) titled “New Trump Tariffs – Business Opportunities for Turkish Companies While Exporting to the U.S.”

The session explored the potential impact of rising U.S. duties on exports and outlined strategic steps for Turkish companies to navigate cost and competitive pressures while identifying new opportunities in a shifting trade environment.



## MootComp Istanbul at Istanbul University

On 15–16 November, ACTECON proudly sponsored the Competition Law Moot Court Competition – MootComp Istanbul, held at Istanbul University.

As part of the event, ACTECON represented by Caner K. Çeşit

and Mustafa Ayna served on the final jury, while Ayberk Kurt joined the semi-final jury. We congratulate Team 56112516 for securing first place and commend all participating teams for their dedication and outstanding efforts throughout the competition.



## Next Generation Regulation 2025: Shaping the Future of Competition Policy

On 7 November 2025, Istanbul hosted the Next Generation Regulation conference - a global dialogue on the future of competition law in the era of AI, digital platforms, and sustainability, marking the launch of the George Washington Competition & Innovation Lab - Türkiye Regional Initiative.

ACTECON was proud to support this landmark event as co-sponsor and active participant, alongside Compass Lexecon, Boğaziçi University, and The GW Competition & Innovation Lab, under the leadership of our Knowledge Counsel, Dr. Hanna Stakheyeva, and with contributions from Dr. Ash Deniz Helvacıoğlu and Dr. Aurelien Portuese.

The conference featured leading voices from enforcement, academia, and industry, including Antonio Capobianco, Esin Aygun, Selçuk Yılmaz, Zeynep Ayata, Can Sarıççek, Cavit Yantac, Natalia Afinogenova, Kerem Cem Sanli, Christian Bergqvist, Sencer Ecer, Philipp Roos, Elena Ponte, Muzaffer Eroğlu, Julian

Nowag, M. Ramazan Ertaş, Elif Acelya Balkı, Hande Karakulah, Deniz Altınay, Sezin Turan, Müge Bulat Çetinkaya, Dr. M. Fevzi Toksoy, Mathew Heim, and Teresa Moreira. We are delighted to have contributed to shaping the next chapter of competition policy and look forward to continuing this dialogue in future editions.



## ACTECON Mayer Brown Breakfast Talk: Key Insights on Competition Law

ACTECON was delighted to host an engaging breakfast session with Mayer Brown, designed for in-house counsels in Türkiye. The discussion offered practical insights into recent developments in EU and Turkish competition law.

Moderated by our Knowledge Counsel Dr. Hanna Stakheyeva, the session featured expert contributions from Nathalie Jalabert-Doury, Ayberk Kurt, and Dr. M. Fevzi Toksoy, covering topics such as dawn raids, commitments, vertical restraints, sustainability cooperation, and labour market risks.

One standout takeaway: “Comply but also know your rights!”—a timely reminder for legal teams navigating today’s enforcement landscape.

ACTECON remains committed to fostering dialogue and sharing knowledge that supports compliance and innovation.



# FROM ACTECON

## ACTECON at the 12th International Ethics Summit

On 4 November 2025, ACTECON joined the 12th International Ethics Summit organized by Etik ve İtibar Derneği (TEİD) – Ethics and Reputation Society. Our Managing Partner Dr. M. Fevzi Toksoy participated in a fireside chat with Nathalie Jalabert-Doury of Mayer Brown, exploring how companies can respond to dawn raids ethically and effectively while maintaining compliance and integrity.

The discussion highlighted practical strategies for handling unannounced inspections and emphasized that compliance is not just about avoiding sanctions – it is about fostering a culture of integrity, transparency, and accountability. ACTECON is proud to contribute to conversations that advance ethical business practices and strengthen resilience under regulatory pressure.



## ACTECON Ran for LOSEV at the 47th Istanbul Marathon

On November 2, 2025, ACTECON proudly participated in the 47th Istanbul Marathon, running on behalf of LOSEV – Foundation for Children with Leukaemia to support the health and education needs of children battling leukaemia.

Every step we took together was a step toward hope and a brighter future. We are proud of Zeynep Özgültekin, Ata Yanılmaz, Berk Emre Cicos, Selin Sultan Kuşcu, and Vural Tuysuz for joining this meaningful cause. ACTECON remains committed to initiatives that make a real difference in our community.



## Career Workshop – Robert Bork Term

ACTECON has launched the ACTECON Career Workshop (“Kariyer Atölyesi”), a three-month training and mentoring program designed to bridge the gap between university education and professional practice. The initiative brings together university students with ACTECON’s senior team and distinguished guest speakers to explore core professional skills, workplace dynamics, and sector-specific expertise.

Bahadır Balkı and Counsel Sera Erzene Yıldız, who shared ACTECON’s corporate vision, professional expectations, and ways of working. In the following weeks, modules covered competition law fundamentals, international trade, regulatory frameworks, and broader topics such as entrepreneurship in business life. ACTECON is proud to support the next generation of legal professionals through this initiative and looks forward to continuing to foster talent and knowledge in the field of competition law.





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ACTECON is an advisory firm combining competition law, international trade remedies, and regulatory affairs. We offer effective strategies from a law & economics perspective, ensuring that strategic business objectives, practices, and economic activities comply with competition law, international trade rules, and regulations.