

Recent Developments In Turkish Competition Law and Policy Regarding Digital Era

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*Views expressed in this presentation are personal and do not necessarily reflect the views of the Turkish Competition Authority.

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Outline for our presentation

- Current issues, questions and challenges
- Turkish Competition Authority's recent decisions
- Examples of sector inquiries
- Closing remarks

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Current issues, questions and challenges

- Dynamic structure of digital markets
- Competitive parameters such as quality, innovation, privacy and data security
- Intensive use of data in digital markets
- New possible types of abuse of dominant position
- Remedy designing (data portability, interoperability)
- Specific set of rules for «Gatekeepers»



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Turkish Competition Authority's recent decisions: *Google Local Search* and *Facebook-WhatsApp*



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Google Local Search Case

File number: 2018-2-052

08.04.2021 dated and 21-20/248-105 numbered Board decision

Investigation against Google (including Alphabet Inc., Google LLC, Google International LLC, Google Ireland Limited, Google Reklamcılık ve Pazarlama Ltd. Şti.)

Relevant product markets: General search market, local search services, accommodation price comparison services

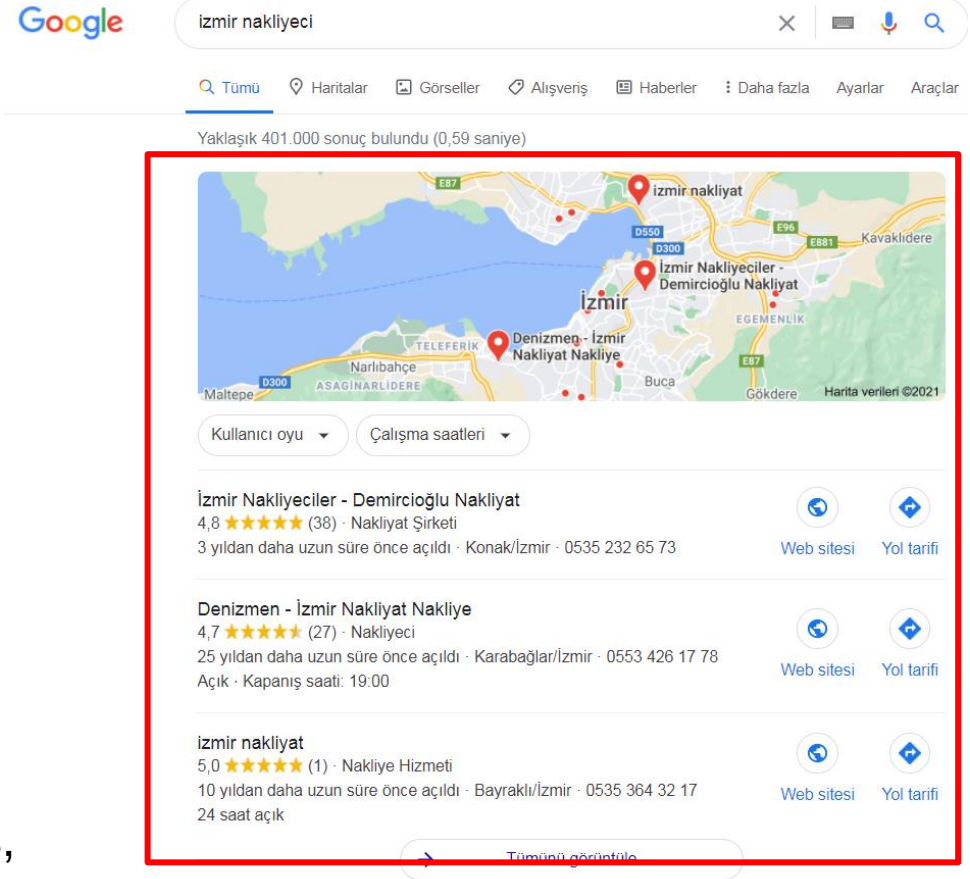
Google preferenced its own local search services and accommodation price comparison service on Google Search result pages, by displaying results above rivals, in larger spaces and with a richer visual design.



Google

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Local search service allows users (searchers) to search local businesses/institutions/professionals within a geographic area (which users determine), accordingly, provides access to detailed information (such as location, contact information, user reviews, opening and closing hours, price and photo) about the professional staff/businesses/institutions such as restaurants, hotels, plumbers, hairdressers, hospitals, doctors, schools or public institutions.



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Google operates in Turkey's search services market through a «unit» that it displays on its internet search results pages above its rivals. This «unit» may also be known as **OneBox** technology, **Local Unit** and **Hotel Unit**.

What was found anticompetitive → Google does not allow rivals to access this unit, which gave Google a significant advantage.

Exclusion of Google's competitors in both markets (local search and accommodation price comparison services markets) → Breach of Article 6 of Turkish Competition Act-Abuse of dominant position in both markets.

TCA ordered Google to remedy the alleged preferencing of its own services in the local search service and accommodation price comparison markets. The behavioural conditions on the company, ordering Google to stop putting local search and accommodation price comparison competitors in a disadvantageous position within six months.

TCA also ordered Google to provide it with annual reports for five years to demonstrate its compliance.

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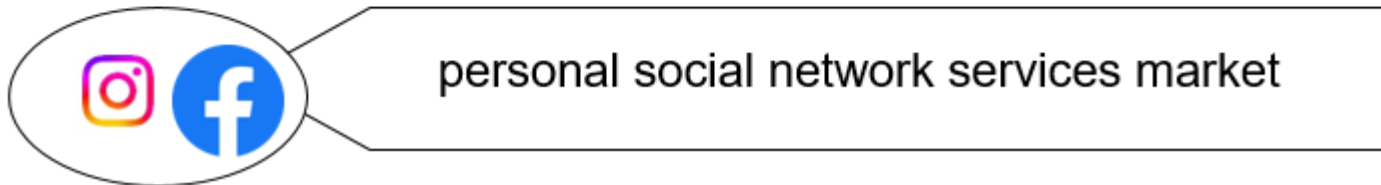
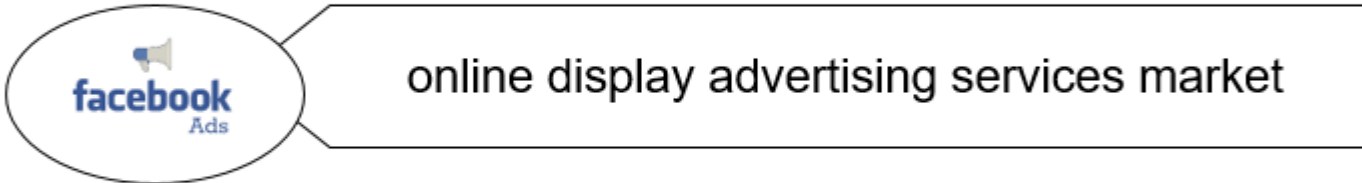
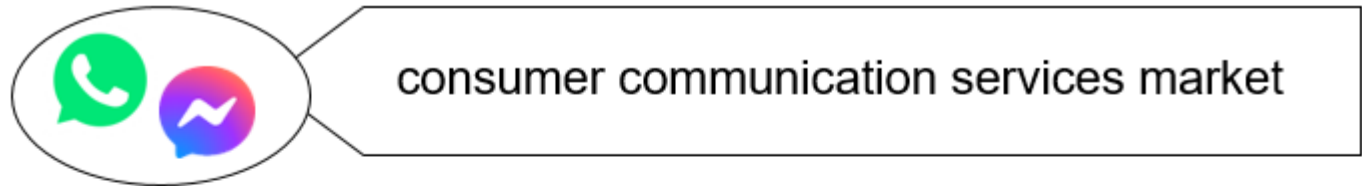
Facebook-WhatsApp Case

- File number: 2021-1-002
- 20.10.2022 dated and 22-48/706-299 numbered Board decision
- Update to *WhatsApp* terms and privacy policy
- Investigation on data sharing practices
- Board's decision on investigation (*ex officio*)
- Board's interim measure decision
- Data practices (including collection, use and sharing activities)
- Breach of Article 6 of Turkish Competition Act



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Relevant Product Markets and Dominant Position



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- Economic unity under investigation consisted of Meta Platforms, Inc. (formerly Facebook Inc.), Meta Platforms Ireland Limited (formerly Facebook Ireland Limited) and WhatsApp LLC, referred as FACEBOOK, is dominant in the markets for personal social network services, consumer communication services, and online display advertising,
- By combining data collected from *Facebook*, *Instagram* and *WhatsApp* services called core services, FACEBOOK caused distorting competition by complicating the activities of its competitors operating in personal social network services and online display advertising markets and by creating barriers to entry to the market and violated Article 6 of the Act no 4054

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Sector Inquiry on Digital Advertising Market

- File number: 2021-1-004
- Interim report have been published
- Online advertising market and different types of advertisements
- Structural and behavioral anti-competitive problems
- Possible theories of harm and remedies



Interim Report:

- <https://rekabet.gov.tr/Dosya/1-cevrimici-reklamcilik-on-raporu.pdf> (Available only in Turkish)

Google



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Sector Inquiry on Mobile Ecosystems

- File number: 2023-1-003
- Ongoing sector inquiry
- Two different mobile ecosystems dominated by Apple and Google
- Market power resulting from data advantage and network effects
- Competition concerns in the mobile app stores and mobile operating systems markets



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Closing remarks

Many thanks,

For further questions and comments



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