

KOYUNCUOĞLU&KÖKSAL

Communiqué (“Communiqué No. 2021/4”) Amending the Block Exemption Communiqué on Vertical Agreements (“Communiqué No. 2002/2”)

The Communiqué (“Communiqué No. 2021/4”) Amending the Block Exemption Communiqué on Vertical Agreements (“Communiqué No. 2002/2”) has been published in the Official Gazette dated 5 November 2021 and numbered 31650 and entered into force on the date of its publication.

With the Communiqué No. 2021/4, **the market share threshold determined as 40% by the Communiqué numbered 2002/2 is reduced to 30%**. The agreements that are benefitting from the block exemption but falling outside the scope of the %30 market share threshold, must now meet the exemption conditions set out **under Article 5 of Law No. 4054 on the Protection of Competition (“Law No. 4054”) within 6 months as of the date of effect of the Communiqué 2021/4**. Also, for the suppliers to be granted block exemption, their market share in the relevant market in which the goods and services are supplied under the vertical agreement should not exceed 30%. Along with that, according to the previous regulation, **the validity of the exemption period was being amended if the market share exceeded 45% during the exemption period. This threshold is also reduced to 35%** with the Communiqué No. 2021/4.

Regards,

Koyuncuoğlu & Köksal Law Firm

*As the explanations given in our newsletter are prepared pursuant to the legislation in effect in the Republic of Turkey and the disclosures made to the public by the relevant official authorities, in case of uncertainty, we advise you to seek advice and support from us before the final transactions are carried out. Otherwise, our Law Firm cannot be held responsible for the actions to be taken on the basis of the explanations contained herein and the consequences of such actions.