

COMPETITION LAW
(Laws numbered 36/2009, 42/2010 and 3/2012)

Communication under Article 21(3)

The Competition Law shall publish the Communication below with the power given by Article 21(3) of the Competition Law.

Short Name 1. This Communication shall be cited as the “Complaints Communication”.

CHAPTER ONE
General Rules

Definitions
36/2009
42/2010
3/2012 2. Unless the text requires otherwise within this Communication;
“Taking an Action” shall mean the decision to start a preliminary research or investigation considering a complaint.
“Board” shall mean Competition Board which is established with Competition Law.
“Law” shall mean Competition Law.

Purpose 3. This Communication shall regulate principles and procedures related to the actions within complaint applications submitted to the Board alleging that Article 4 and/or 6 and/or 7 of the Law is violated.

Scope 4. This Communication shall cover the regulation of the procedures related to the actions within complaint applications submitted to the Board alleging that Article 4 and/or 6 and/or 7 of the Law is violated.

CHAPTER TWO
Complaint Applications

Parties That May
Lodge a
Complaint
Parties 5. The Parties specified below have a right to file a complaint to the Board in order to initiate a procedure alleging that the Article 4 and/or 6 and/or 7 is violated pursuant to this Communication:
(1) Any natural or legal person who has legal or economic interest related to the complaint;
(2) Economic, commercial or professional organisations;
(3) Consumer associations;
(4) Turkish Republic of Northern Cyprus Council of Ministers, Ministries or Municipalities.

Application 6. (1)The following information shall be included into a complaint filed to the Board for the initiation of a procedure :

(A) Full name, address and contact information of natural or legal person presenting a complaint;
(a) If a complaint is filed by a legal person, a set of

approval document issued by the Companies Official Collection Office and Companies Register Office belongin to the last week and the related board decision which proves that a person lodging a complaint is competent to do so.

- (b) (ii) If a complaint is filed by a nominee, letter of attorney, full address, contact information of the nominee shall also be provided.
 - (c) Person who files a complaint shall demand that his/her name to be kept hidden.
- (B) If known, full name, address and contact information of the enterprise which a complaint is targeted at in order to initiate a procedure,
 - (C) Facts and/or sufficient information on implementations and/or documents that caused a complaint for the initiation of a procedure.
- (2) The following may be submitted as well with the complaints to justify the initiation of a procedure:
- (A) Evaluation of the market affected by the alleged infringement ; size of the market, firms acting in the market, estimated market shares of them, description of the relevant geographic (local, regional or nation-wide) market, geographical borders and/or statistical data if available;
 - (B) Estimation of the market share of the enterprise which a complaint is targeted at and estimation of competitors in the market, and if available, estimated market share of the enterprise which filed the complaint,
 - (C) Other information and documents which are deemed important by the party filing a complaint.

Demanding
Additional
Information and
Withdrawal of the
Complaints

7. The Board may ask the complaining party for additional necessary information related to the complaint in order to initiate a formal procedure.
- (2) If the complaining party does not submit the documents and information required by the Board in compliance with the paragraph 1 of this Article within 15 days, it shall be considered that complaint has been withdrawn. In some special cases, on written request of the complaining party, the Board may prolong this period for another 15 days.
 - (3) Data of Complaint shall be the day, when the Board notifies the complaining party in written that it received the complaint correctly and in full.

Decision to
Initiate
Proceeding

8. The Board shall decide whether to start a proceeding in accordance with Article 22 of the Law within 30 days after its notice that the complaint is complete.

CHAPTER THREE Final Provisions

Execution Power 9. This Communication shall be executed by the Competition Board.

Entry into Force This Communication shall enter into force on the date of its publication in the Official Gazette.