

08 – COMPETITION POLICY

LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED (LAW)

I. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN PERIOD 2007-2008 (01/10/2007 – 30/09/2008)

Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
08.0708.1.01	Law on the Framework, Monitoring and Inspection of State Aids	Covers the establishment of state aids authority, the monitoring and inspection of implementations.	At the Prime Ministry	- Articles 87, 88, and 89 of the EC Agreement - Decision No. 1/95 of Turkey – EC Association Council - Council Regulation No. 659/1999 on the application of article 87 of the EC Treaty	State Planning Organization
08.0708.1.02	Law Amending Law No. 4054 on the Protection of Competition	Harmonization of legislation and more effective application of the competition law.	Technical studies are completed at the institution	Commission Notice 52001XC1222(03) on agreements of minor importance which do not appreciably restrict competition under Article 81 (1) of the Treaty establishing the European Community (de minimis) Commission Notice 52002XC0219(02) on fines, immunity from fines, and reduction of fines in cartel cases	Competition Authority

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Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
				<p>Communication from the Commission – Guidelines 31998Y0114(01) on the method of determining the fines levied according to article 65 (5) of the ECSC Agreement and article 15 (2) of Regulation No. 17</p> <p>Council Regulation No. 1/2003 on the application of articles 81 and 82 of the EC Treaty</p> <p>Commission Regulation No. 773/2004 on the enforcement of procedures by the Commission and the modernization package according to articles 81 and 82 of the EC Treaty</p> <p>Commission Regulation No. 802/2004/EC implementing the Council Regulation No. 139/2004/EC on the control of concentration between undertakings</p>	

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Reference No.	Name of the Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
08.0708.1.03	Law Amending the Law on Public Finance and Regulation of Debt Management	Harmonization of legislations on treasury guarantees with the legislations of the Treaty Establishing the European Community on state aid in the form of guarantees.	Technical studies are in progress at the institution level	Commission Notice 2000/C 71/07 on the application of articles 87 and 88 of the EC Treaty to state aid in the form of guarantees	Undersecretariat of Treasury

II. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN PERIOD 2008-2009 (01/10/2008 – 30/09/2009)

NO LEGISLATIVE MEASURE BEEN ENVISAGED.

III. LEGISLATION CONSIDERED BENEFICIAL TO BE ENACTED IN YEARS 2009 (01/10/2009) – 2013

NO LEGISLATIVE MEASURE BEEN ENVISAGED.

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SECONDARY LEGISLATION (REGULATIONS, IMPLEMENTING REGULATIONS, COMMUNIQUÉS, CIRCULARS, ETC) ENVISAGED TO BE ENACTED AND DOCUMENTS SUCH AS STRATEGIES, PLANS AND PROGRAMS ENVISAGED TO BE DRAFTED

I. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2007

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
08.2007.2.01	National Restructuring Program on Iron and Steel Sector*	Aligning the state aids granted to the sector after 31 July 2001 with our commitments to the EU, and ensuring compliance of the state aids to be granted in the future (2007 – 2010) with our commitments to the EU as well.	While Negotiations on the program with 80% certainty which has submitted to the European Commission still continue, preparations for Individual Business Plans (IBPs) to draw up the program with 100% certainty has been launched	Turkey – ECSC Free Trade Agreement Regulating Iron and Steel Products Trade between Turkey and the EU	Undersecretariat for Foreign Trade Undersecretariat of Treasury State Planning Organization
08.2007.2.02	Communiqué on technology transfer agreements	Harmonization of the legislation and more effective application of the competition law.	Technical studies are completed within the	Commission Regulation No. 772/2004/EC on the application of article 81 (3) of the EC Treaty to	Competition Authority

* The program, on which the negotiations have been in progress, need to be approved by the European Union Council in case an agreement has been reached.

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			institution	technology transfer agreements	
Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
8.2007.2.03	Manual on technology transfer agreements	Harmonization of legislation and more effective application of the competition law.	Technical studies are in progress within the institution	Commission Notice 52004XC0427(01) on the application of article 81 of the EC Treaty to technology transfer agreements	Competition Authority
08.2007.2.04	Manual on subcontracting agreements	Harmonization of legislation and more effective application of the competition law.	Technical studies are completed within the institution	Commission Notice 31979D0103(01) on the evaluation of certain subcontracting agreements in accordance with article 85 (1) of the EC Treaty	Competition Authority
08.2007.2.05	Communiqué on agreements, harmonized actions and decision in the insurance sector	Harmonization of legislation and more effective application of the competition law.	Technical studies are in progress within the institution	Commission Regulation No. 358/2003/EC on the application of article 81 (3) of the EC Treaty to certain categories of agreements, decisions and harmonized actions in the insurance sector	Competition Authority
08.2007.2.06	Guideline/Manual on relevant market description	Harmonization of legislation and more effective application of the competition law.	Technical studies are in progress within the institution	Commission Notice 31997Y1209(01) on relevant market description in compliance with the objectives of the	Competition Authority

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				Community Competition Law	
Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
08.2007.2.07	Amendment of the Communiqué No. 2002/2 on Group Exemption regarding Vertical Agreements	Harmonization of legislation and more effective application of the competition law.	Technical studies are completed within the institution	Commission Regulation No. 2790/1999/EC on the application of article 81 (3) of the EC Treaty to vertical agreements and harmonized actions	Competition Authority
08.2007.2.08	Notice on the application of competition rules to accession agreements in the telecommunications sector	Harmonization of legislation and more effective application of the competition law.	Technical studies are in progress within the institution	Notice 31998Y0822(01) – framework, relevant markets and principles– on the application of competition rules to the accession agreements in the Telecommunications sector	Competition Authority
08.2007.2.09	Manual on the application of competition rule in the telecommunications sector	Harmonization of legislation and more effective application of the competition law.	Technical studies are in progress within the institution	Guidelines (1991/C/233/02) on the application of EEC competition rules in the telecommunications sector	Competition Authority

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II. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2008

Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
08.2008.2.01	<p>Secondary Legislation on the Inspection of State Aids</p> <p>(It will be enacted after the adoption of the Law on the Framework, Monitoring and Inspection of State Aids with reference number 08.0007.1.01.)</p> <p>(Also included in the Energy chapter with reference number 15.2008.2.06.)</p> <p>Due to the content of the issue, as the relevant EU legislation is amended, the enactment of the secondary legislation will continue in the following years.</p>	In order to functionalize the state aid monitoring and inspection mechanism, envisages to enact about 25-30 secondary legislations regarding the state aids in fields such as Regional Aids, SMEs, Environment, R&D, Employment, etc. after the Draft Law on the Framework, Monitoring and Inspection of State Aids takes force		<ul style="list-style-type: none"> - Regulation No. 794/2004 - Regulation No.1998/2006 - Regulation No. 68/2001 - Regulation No. 70/2001 - Regulation No.2204/2002 - National Regional Aids Guideline 2006/C 54/08 for years 2007-2013 - Community Framework Document 2006/C323/01 on State Aids Granted for Research and Development, and Innovation Activities - Guideline 2001/C 37/03 on State Aids Granted for the Measures of Protection of Environment - Guideline 2006/C194/02 on State Aids for Risk Capital Investment in SMEs - Guideline 2004/C244/02 on State Aid for Rescuing and Restructuring Firms in Difficulty - Commission Notice 2000/C71/07 on State Guarantees 	State Planning Organization

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
				<ul style="list-style-type: none"> - Commission Communiqué 97/C 209/03 on State Aid Elements in Sales of Land and Buildings by Public Authorities - Commission Communiqué 97/C281/03 on Short-term Export Credit Insurance - Commission Notice 98/C384/03 on Direct Taxes - Commission Communiqué 2002/C043/06 on State Aids Granted for Cinematographic and Audiovisual Activities - Commission Communiqué 2001/C320/04 on the Application of State Aid Rules to Public Service Broadcasting - Commission Regulation No. 1407/2002 on State Aids Granted for the Coal Sector - Commission Notice 98/C39/02 on State Aids Granted for Postal Services - Guideline 2003/C 317/06 on State Aid to the Shipbuilding Sector - Commission Communiqué 2002/C70/05 on Rescue and 	

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
				Restructuring Aid and Closure Aid for the Steel Sector - Commission Regulation No. 80/723 on Transparency - Guideline 2005/C297/04 and the other relevant EU secondary legislation on State Aids Granted for General Public Services	
08.2008.2.02	De Minimis Communiqué (Depends on the amendment of Law No. 4054 with reference number 08.0708.1.01.)		Technical studies are in progress within the institution	Commission Notice 52001XC1222(03) on agreements of minor importance which do not appreciably restrict competition under Article 81 (1) of the Treaty establishing the European Community (de minimis)	Competition Authority
08.2008.2.03	Manual on the immunity of cartels against fines and reduction of fines (Depends on the amendment of Law No. 4054 with reference number 08.0708.1.01.)	Harmonization of legislation and more effective application of the competition law.	Technical studies are completed within the institution	Commission Notice 52002XC0219(02) on fines, immunity from fines and reduction of fines in cartel cases	Competition Authority

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
08.2008.2.04	Manual on the determination of fines (Depends on the amendment of Law No. 4054 with reference number 08.0708.1.01.)	Harmonization of legislation and more effective application of the competition law.	Technical studies are completed within the institution	Communication from the Commission – Guidelines 31998Y0114(01) on the method of determining the fines levied according to article 65 (5) of the ECSC Agreement and article 15 (2) of Regulation No. 17	Competition Authority
08.2008.02.05	Amendment of the Communiqué No. 1997/1 on Mergers and Acquisitions, in which Competition Board's Permission is Required (Depends on the amendment of Law No. 4054 with reference number 08.0708.1.01.)	Harmonization of legislation and more effective application of the competition law.	Technical studies are completed within the institution	Commission Regulation No. 802/2004/EC implementing the Council Regulation No. 139/2004/EC on the control of concentration between undertakings	Competition Authority
08.2008.2.06	Communiqué/Manual on the application of competition rules to the postal sector	Harmonization of legislation and more effective application of the competition law.		Commission Notice 31998Y0206(01) on the application of the competition rules to the postal sector and on the assessment of certain state measures relating to postal services	Competition Authority

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
08.2008.2.07	Manual on the application of article 4 of Law No. 4054 on the Protection of Competition to horizontal cooperation agreements	Harmonization of legislation and more effective application of the competition law.		Commission Notice 32001Y0106(01) on the applicability of article 81 of the EC Treaty to horizontal cooperation agreements	Competition Authority
08.2008.2.08	Manual on the application of article 5 of Law No. 4054 on the Protection of Competition	Harmonization of legislation and more effective application of the competition law.		Commission Notice 52004XC0427(07) on the application of article 81(3) of the EC Treaty	Competition Authority
08.2008.2.09	Amendment of the Communiqué No. 1997/1 on Mergers and Acquisitions, in which Competition Board's Permission is Required	Harmonization of legislation and more effective application of the competition law.		<ul style="list-style-type: none"> - Guidelines 52004XC0205(02) on the assessment of horizontal mergers under the Council Regulation on the control of concentrations between undertakings - Commission Notice 52005XC0305(02) on restrictions directly related and necessary to concentrations - Commission Notice 52001XC0302(01) on remedies under Council Regulation No. 4064/89/EEC and Commission Regulation 	Competition Authority

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
				<p>No. 447/98/EC</p> <ul style="list-style-type: none"> - Commission Notice 31998Y0302(02) on the concept of condensation under Council Regulation No. 4064/89 on the control of concentrations between undertakings - Commission Notice 31998Y0302(01) on the concept of full-function joint ventures under Council Regulation No. 4064/89 on the control of concentrations between undertakings - Commission Notice 31998Y0302(03) on the concept of <u>undertakings concerned</u> under Council Regulation No. 4064/89 on the control of concentrations between undertakings - Commission Notice 31998Y0302 on the calculation of turnover under Council Regulation No. 4064/89 on the control of concentrations between undertakings 	

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Reference No.	Name of the Secondary Legislation to be Amended/Enacted	Objective/Scope	Stage	EU Legislation Envisaged to Comply with	Institution Responsible for the Preparation of the Legislation
08.2008.2.10	Implementing Regulation Amending Implementing Regulation on the Procedures and Principles of Granting, Monitoring, Budgeting and Reporting Treasury Guarantees (Depends on the amendment of the Law with reference number 08.0708.1.03.)	Harmonization of legislations on treasury guarantees with the legislations of the Treaty Establishing the European Community on state aid in the form of treasury guarantees.		Commission Notice 2000/C 71/07 on the application of articles 87 and 88 of the EC Treaty to state aid in the form of guarantees	Undersecretariat of Treasury

III. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEAR 2009

NO LEGISLATIVE MEASURE BEEN ENVISAGED.

IV. SECONDARY LEGISLATION ENVISAGED TO BE ENACTED IN YEARS 2010 – 2013

NO LEGISLATIVE MEASURE BEEN ENVISAGED.