



## Mert Karamustafaoglu

Partner, Competition and Compliance Leader

**Department:** Competition and Compliance

**Languages:** Turkish, German, English

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## Biography

Mert Karamustafaoglu is Partner and Competition and Compliance Leader in Erdem & Erdem Law Office. He works specifically in the competition compliance programs, mergers and acquisitions, joint ventures, privatizations, investigations within the scope of competition law and competition law practices in the energy sector. Mert Karamustafaoglu is responsible for enhancing the «Compliance Program in Competition Law» conducts compliance programs that can differ according to the company and sector in this respect Mert Karamustafaoglu provides corporate trainings regarding almost every subject regarding the competition law and he is also responsible for reorganizing intercorporate work flows in accordance with competition.

Mert Karamustafaoglu has spent 15 years of his working life in the Competition Authority, working as Deputy Competition Expert, Competition Expert and Chief Competition Expert. Throughout this period, he actively took part in all kinds of competition investigations conducted with regard to competition violations in privatizations in the electricity, fuel oil, natural gas, mining markets, pharmaceutical, cement, ceramic, cinema sectors and public tenders. Moreover, Mert Karamustafaoglu has frequently taken part in law making processes and educational activities conducted within the body of the Competition Authority. Also, he has attended the preparation processes of the secondary legislation on competition law, in-service trainings and certificated internship programs in this regard.

Mert Karamustafaoglu, received his master's degree on law from Freie Universitaet of Berlin in 2010, currently continues his doctorate program on energy and competition law. Additionally, he takes part in the publication board of the "Energy Law" journal that is published by the Energy Law Research Institute and he is also member of the Management Board of this Institute. Mert Karamustafaoglu has presented advice regarding areas such as energy law,

consumer law and in particular competition law in various scientific meetings. He also works as an instructor within the education programs regarding competition law that are organized by universities and other institutions

## Practice Areas

- Anti-Corruption
- Competition and Antitrust
- Compliance
- IT Law and Artificial Intelligence
- Mergers and Acquisitions
- Personal Data Protection
- Privatization

## Industries

- Energy
- Real Estate
- Automotive
- Heavy Industry
- Tourism
- Agribusiness and Food
- Information Technologies
- Mining
- Retail
- Insurance
- Port
- Transportation and Logistics
- Financial Services
- Technology and Media
- Healthcare
- Sport
- Telecommunication
- Construction and Infrastructure

## Representative Matters

### Compliance Programs and Consultancy Services

- Şişecam Competition Compliance Program (2022), Implementation of the Competition Compliance Program,
- Vava Cars (2022), Representation of Vava Cars in a preliminary investigation and investigation in the used car trading market,
- İGSAŞ (2022), Representation of İGSAŞ in the investigation in the fertilizer sector,
- Red Bull (2021-2022), Representing Red Bull in the investigation conducted in the retail sector and providing day-to-day legal advice on competition law,
- Softech (2022), Advising during the preliminary investigation process conducted by the Competition Board,

- Obilet (2022), Providing consultancy during the investigation process conducted by the Competition Board,
- Enerjisa (2022), execution of the Competition Compliance Program
- Bim (2022-), Representation of Bim in the lawsuit filed for the annulment of the Competition Board's decision on chain markets,
- Softech (2022-), Advising on the preliminary investigation process conducted by the Competition Board,
- Anadolu Restoran İşletmeleri (McDonald's) (2021-2022), Representation of Anadolu Restoran İşletmeleri in the labor market investigation,
- Şekerbank (2022), Advising during the preliminary examination process conducted by the Competition Board,
- Private Retinagöz Hospital, Representation of Retinagöz Hospital in the labor market investigation,
- Supporting Şişecam Environmental Systems in the process of closing the preliminary investigation conducted by the Competition Board with an undertaking,
- Anadolu Efes Competition Compliance Program (2021), Implementation of the Competition Compliance Program,
- Çolakoğlu Competition Compliance Program (2021), Execution of the Competition Compliance Program,
- Adel Kalemçilik A.Ş. (2021), Execution of the Competition Compliance Program,
- Isuzu Competition Compliance Program (2021), Execution of the Competition Compliance Program,
- Türk Hava Yolları (2021), Submitting a commitment to the Competition Authority within the scope of the ongoing investigation
- Yemeksepeti (2021), Submitting a commitment to the Competition Authority within the scope of the ongoing investigation
- Şişecam (2020-present), investigation against Trakya Cam concerning excessive pricing
- Feka Compliance Program on Protection of Personal Data (2019), Providing legal assistance and conducting compliance activities in data protection law
- Dorak Holding A.Ş. and tourism companies (2019) – representing clients in the investigation of cartel allegation before Competition Authority
- Carrefoursa Carrefour Sabancı Ticaret Merkezi A.Ş. ve Gemlik Gübre Sanayii A.Ş. (2019) – representing client in the investigation rendered by the Competiton Authority
- Yıldız Entegre (2019) – representing client in the investigation rendered by the Competiton Authority

- Sen de Anlat Personal Data Protection Compliance Program (2017) , execution of the personal data protection legislation compliance program,
- Sheet Glass Authorized Dealer Contracts (2016), holding an examination specific to competition law within the scope of the investigation regarding the authorized dealer contracts of the provider that is in the dominant position in the sheet glass sector, conducting the investigation
- TEB (2016), Competition Authority investigation regarding Syndication/Club credits – representation of TEB within the scope of the investigation that has started in 2016 and had many local and international banks as parties)
- Polat Holding Compliance Program on Protection of Personal Data (2018-), Providing legal assistance and conducting compliance activities in data protection law for Ege Seramik, Ege Vitrifiye, Polat Maden and other group companies.
- Tohum Autism Foundation Compliance Program on Protection of Personal Data (2018), Providing legal assistance and conducting compliance activities in data protection law
- BMC Automotive (2016), providing consultancy services regarding competition law
- Gfk Turkey Compliance Program on Protection of Personal Data (2018), Providing legal assistance and conducting compliance activities in data protection law
- Camiř Ambalaj Compliance Program on Competition Law (2018), Conducting the Compliance Program in Competition Law
- JTI Compliance Program on Protection of Personal Data (2018), Providing legal assistance and conducting compliance activities in data protection law
- Emaar Compliance Program on Protection of Personal Data (2018), Providing legal assistance and conducting compliance activities in data protection law
- olakođlu Metalurji Compliance Program in Competition Law (2017), Conducting the compliance program in competition law
- elik Motor Compliance Program in Competition Law (2017), Conducting the compliance program in competition law
- Indeks Bilgisayar Compliance Program in Competition Law (2017), conducting the compliance program in competition law
- řiřecam Ambalaj Group Compliance Program in Competition Law (2017), Conducting the Compliance Program in Competition Law
- MEDAř, MEPAř Compliance Program in Competition Law (2017), Conducting the Compliance Program Competition Law in electricity sector
- Ekol Lojistik (2017), providing consultancy services regarding competition law to the Ekol Lojistik Group

- Çelik Motor (2017), providing consultancy services regarding any kind of implementation of competition law in motor vehicles sector and organizing the discount systems
- Westford Trade Services Compliance Program on Protection of Personal Data (2016), Providing legal assistance and conducting compliance activities under protection of personal data
- Providing consultancy services to TEB in the area of compensation lawsuits arising from violations of competition law (2016), Providing legal consultancy services specific to compensation lawsuits arising from the claim of violation of competition
- Arçelik (2016), Conducting legal research regarding the compliance in competition of the subsidiaries of Arçelik located in Germany and Australia
- Providing consultancy services regarding the compensation lawsuits arising from violations of competition law, to one of the world's leading firms in the area of production of electronic goods (2016)
- Trakya Cam Compliance Program in Competition Law, Conducting the Compliance Program Competition Law in Trakya Cam Sanayi A.Ş.

### Cartels and Competition Law Infringements

- Erzincan Ready-mix Concrete (2013): Investigation concerning the allegation of violation of Art. 4 of the Law no. 4054 by the ready-mix concrete manufacturers via concluding joint sales agreements.
- Film Distribution (2013): Preliminary investigation concerning the allegation of agreement of certain film distribution companies with the chain movie theaters regarding the exclusion of the independent movie theater operators from the market via not providing certain advantages that are being provided to the chain movie theaters to the independent movie theater operators.
- TEİAŞ Connection Points of Wind Power Plants (2011): Preliminary investigation concerning the allegation of competition violation in the tender of wind power plant connection point regarding the Sutluce Substation, lodged by Türkiye Elektrik İletim A.Ş.
- TOTAL/Akdag (2008): Preliminary investigation concerning the limitation of the terms of the vertical agreements in the fuel oil market and the related usufruct or similar type agreements with 5 years, by accepting such agreements as a single vertical agreement.
- Antalya Chamber of Pharmacists /Kotan Pharmacy (2006): Investigation concerning the claim of discontinuance of the sales on credit made to Kotan Pharmacy by some pharmaceutical warehouses under the influence of the Antalya Pharmaceutical Warehouse

- Marmara Ready-mix Concrete (2006): Investigation concerning the claim of violation of competition of the undertakings active in the Marmara district ready-mix concrete / cement market
- TEB (2004): Investigation concerning the claim of the Turkish Pharmacists' Association and affiliated chambers of pharmacists enforcing practices of determination of discount rates applied to the pharmaceutical sales to private/public authorities and institutions and their alleged violation of the Law numbered 4054
- Ceramic Cartel (2003): Investigation concerning the claim of the Price fixing and production quota cartel in Turkish “ceramic tile” and “ceramic sanitary ware” market

### Abuse of the Dominant Position

- Turkey Underwater Sports Federation (2012): Investigation concerning the allegation of Turkey Underwater Sports Federation abusing its dominant position by various practices towards education systems other than CMAS
- İzmirgaz (2009): Investigation concerning the allegation of İzmirgaz İzmir Doğalgaz Dağıtım A.Ş. violating Article 6 of the Law number 4054 by its marketing strategy
- ASKI and EGO Counter (2008): Preliminary investigation concerning the allegation of ASKI and EGO forcing the customers to buy the counters that they determined
- CEAS (2003): Investigation concerning the allegation of CEAS abusing its dominant position and blocking the Third Party Access to the network

### Consultancy in Public Tenders

- Bayburt Construction Group (2012): Preliminary investigation concerning the allegation of Bayburt Construction Group entering to public tenders and performing simulated bidding in them via various companies that it controls
- Prepaid Counters (2009): Preliminary investigation concerning the allegation of the companies procuring prepaid water and natural gas counters performing simulated bidding in public tenders

### Mergers and Acquisitions

- Acquisition of Türkiye Garanti Bankası A.Ş., Akbank T.A.Ş. and Türkiye İş Bankası A.Ş. (2018), Ojer Telekomünikasyon A.Ş.
- Yılport Holding - Solventaş Transfer (2017) , Notification to the Competition Authority regarding the transfer of Solventaş Teknik Depolama A.Ş shares
- NV Bekaert S.A. Acquisition (with Commitments) (2015).
- Ankara Hızlı Tren Garı Ortak Girişimi (2014)

- P&G/Gillette acquisition (2005)
- Uzan Group Lalapaşa and Gaziantep Cement Fabrics – Saving Deposit Insurance Fund sale (2005),
- Unilever/ Gibbs trademark acquisition (2004)
- Roche / DSM fine chemicals acquisition (2003)
- Mobil Mersin Ataş Refinery &BP acquisition (2002)

## Privatizations

- ARAS, MERAM, SAKARYA and BASKENT Electricity Distribution Privatizations (2008),
- Izmit Natural Gas Distribution Privatization (2008),
- AYDEM Privatization (2008),
- PETKIM Privatization (2007),
- TUPRAŞ Privatization (2005),
- TEDAS Electricity Privatization Opinion (2005)
- ETI Electrometallurgy Privatization (2004)
- ETI Krom Privatization (2004)
- ETI Gümüş Privatization (2004)

## Exemptions

- Adel (2019)-Supporting the client in setting up a franchise system, drafting contracts and providing competition law consultancy
- Bankalararası Kart Merkezi A.Ş. (2019)- Representing the client before the Competition Authority in various individual exemption applications, providing general competition law advice to the client, preparing memoranda and representing the client in an annulment case regarding a Competition Board decision.
- Düzcam Authorized Dealer Contracts (2016), constituting legal strategy and preparing notification form within the scope of the exemption application requested regarding the authorized dealer contracts of the provider that is in the dominant position in the sheet glass sector
- Double glass Franchise Contracts (2016), constructing a franchise system for the largest provider in the double glass market and preparation of the exemption request that is presented to the Competition Authority
- Annulment Lawsuit Filed Against the Decision of Denial of Exemption (2016), representation of the Claimant in the lawsuit filed in the administrative jurisdiction because of the denial of the exemption request made with the aim of establishing an exclusive dealership system in the sheet glass sector ,

- Eskişehir Bilecik Kütahya Work Set Association/Ceramics Aggregation, joint raw material purchase (2013)
- Aeropostale/ Genç Mağazacılık A.Ş. License Agreement (2012)
- Paşabahçe Authorized Dealership (2008)

## Investigations

- Türk Hava Yolları (2021), Submitting a commitment to the Competition Authority within the scope of the ongoing investigation
- Yemeksepeti (2021), Submitting a commitment to the Competition Authority within the scope of the ongoing investigation
- Şişecam (2020-present), investigation against Trakya Cam concerning excessive pricing
- Dorak Holding A.Ş. and tourism companies (2019) – representing clients in the investigation of cartel allegation before Competition Authority
- Carrefoursa Carrefour Sabancı Ticaret Merkezi A.Ş. ve Gemlik Gübre Sanayii A.Ş. (2019) – representing client in the investigation rendered by the Competition Authority
- Yıldız Entegre (2019) – representing client in the investigation rendered by the Competition Authority
- Marmara Kağıt (2018)- Representation of Marmara Kağıt before the Competition Authority in the preliminary investigation in the paper products sector,
- Sheet Glass Authorized Dealer Contracts (2016), holding an examination specific to competition law within the scope of the investigation regarding the authorized dealer contracts of the provider that is in the dominant position in the sheet glass sector, conducting the investigation
- TEB (2016), Competition Authority investigation regarding Syndication/Club credits – representation of TEB within the scope of the investigation that has started in 2016 and had many local and international banks as parties)

## Education

- Freie Universitaet Berlin (Private Law Doctorate)
- Freie Universitaet Berlin (LL.M.)
- Istanbul Law School
- Uskudar Anatolian High school

## Memberships

- Competition Experts Association
- Energy Law Research Institute Management Board



- Energy Law Research Institute Electricity Market Law Working Committee
- Energy Law Journal Publication Board

## Recommendations

- *A client says:*  
“Mert Karamustafaoglu is extremely knowledgeable and does a fantastic job of delivering tailor-made solutions for our competition law related issues as well as merger clearance filings for our projects. Thanks to his experience both as a former expert in the Competition Authority and a lawyer in private practice, he is capable of addressing a broad range of matters very effectively.” – **Legal 500**
- *A client says:*  
“Their exceptional partner Mert Karamustafaoglu, the practice lead for competition law, has a deep understanding of our sectoral challenges.” – **Legal 500**

## Publications

### Articles

- Selfies Left Behind; A Competition Law Perspective on the Economic Consequences of Instagram's Shutdown, Erdem & Erdem Newsletter, July 2024
- Advertising Restrictions in Competition Law; Non-Targeting and Negative Matching, Erdem & Erdem Newsletter, October 2023
- Final Sector Inquiry Report of the Competition Authority Regarding Fast-Moving Consumer Goods Retailing, Erdem & Erdem Newsletter, April 2023
- Advertising Restrictions in Competition Law; Non-Targeting and Negative Matching, Erdem & Erdem Newsletter, October 2023
- Final Sector Inquiry Report of the Competition Authority Regarding Fast-Moving Consumer Goods Retailing, Erdem & Erdem Newsletter, April 2023
- Amendment on the Regulation of Electronic Commerce: “The Fire of Mount Doom”, Erdem & Erdem Newsletter, September 2022
- E-Marketplace Platforms Industry Review Preliminary Report Part 2: “Shahmaran’s Story” Erdem & Erdem Newsletter, November 2021
- E-Marketplace Platforms Industry Review Preliminary Report Part 1: “Captain, an object is approaching” Erdem & Erdem Newsletter, February 2022
- “Information Exchange in the Banking Sector in Light of Competition Board Decision, Erdem & Erdem Newsletter, Sectoral Reports, April 2021

- New Horizons in Competition Law; Federal German Cartel Office (Bundeskartellamt) Facebook Case (Mert Karamustafaoğlu, Ecem Süsoy Uygun), Istanbul Bilgi University Competition Law Seminars 2020, On İki Levha Yayıncılık, March 2021
- Evaluation of Covid 19 Outbreak in Terms of Turkish Competition Authority, Erdem & Erdem Newsletter, May 2019
- The File of Sahibinden.com; A Phoenix Story, Erdem & Erdem Newsletter, February 2019
- Second Stage in Facebook File, Erdem & Erdem Newsletter, September 2019
- Expected Second Half of Competition Authority's 12 Banks Decision, Erdem & Erdem Newsletter, June 2019
- Cards are being redistributed in the Turkish Beer Market, Erdem & Erdem Newsletter, February 2018
- Competition Authority's Sector Inquiry Report on Television Broadcasting, Erdem & Erdem Newsletter, September 2017
- Evaluation of the European Commission E-Commerce Sector Inquiry with regard to Consumer Goods, Erdem & Erdem Newsletter, May 2017
- Competition Board's Recent Examinations in the Electricity Sector: Back to the Past, Erdem & Erdem Newsletter, February 2017.
- Recent Problems in Electricity Distribution Sector: Elder Decision, September 2016.
- Cinema Services Sector Report of the Competition Authority, Erdem & Erdem Newsletter, April 2016
- Footsteps of "MFN" Practice in Turkey: "Yemek Sepeti" Decision, Erdem & Erdem Newsletter, May 2016
- "Simulated Offers in Public Tenders with Regards to Competition Law", 2. Public Tender Symposium, Istanbul 2015.
- "Relationship Between Consumer Protection and Competition Law in Electricity Markets", 5. Consumer Law Symposium Book, Istanbul 2015.
- "Consumer Informing Platforms Within the Scope of Transparency in the Fuel Oil Sector", 4. Consumer Law Symposium Book, Istanbul 2014.
- "A Consumer Oriented Implication in Termination of Competition Law Violations; Commitment", 3. Consumer Law Symposium Book, Istanbul 2013.
- "Supervision of Concentrations in the Post-Liberalization Electricity Sector; Inferences on the New Period with Regards to the Eschwege Decision" Energy Law Journal, Year 2, Number: 2013/2, Ankara 2013.
- "Abuse of Dominant Position via not Investing in the Energy Sector" , Energy Law Journal Year 1, Number 1, Ankara 2012.

- “Usufruct and Other Similar Agreements in the Fuel Oil Distribution Sector from Competition Law Point of View”, 15. International Energy and Environment Expo and Conference Proceedings, Istanbul 2009, p.164 ff.
- “Liberalization and Competition in the Turkish Electricity Sector with Regards to Competition Policy”, Turkey VI. Energy Symposium of the Union of Chambers of Turkish Engineers and Architects, Ankara 2007, p.298 ff.

### Books

- Impacts of the Current Agreements in the Electricity Generation Market over the Competitive Structure of the Market, Competition Authority Dissertation, Ankara 2005.
- Investitions-und Kapazitätzurückhaltung Als Missbräuchliches Verhalten Gemäss Art. 102 AEUV, Freie Universitaet Berlin, Master’s Thesis, Berlin 2010