

## COMPETITION LAW CONSULTANCY

Having extensive experience regarding enforcement of competition law, ENRE provides services such as preparation of pleas, applications and notifications as well as following up the decision-making process with respect to all examinations, preliminary inquiries and investigations initiated by the Turkish Competition Authority regarding infringements of competition law.

ENRE provides consultancy services with respect to mergers and acquisitions. The services aiming for swift authorization of mergers and acquisitions cover both the pre-notification stage as well as the stages within the Turkish Competition Authority following notification such as preliminary examination, final examination and submission of commitments.

## ENERGY MARKETS CONSULTANCY

ENRE provides consultancy services to local and international entrepreneurs operating or willing to operate in the electricity, natural gas, petroleum and LPG markets. The consultancy services cover the stages of strategy development and investment, and liabilities arising from the relevant sector specific legislation.

## COMPLIANCE PROGRAMS AND TRAINING

Undertakings violating competition law may face severe fines. In addition to undertakings, the fines may be imposed on managers or employees who have decisive influence on the violation. The most effective way to avoid risks arising from violation of competition law is to subject the undertakings to an efficient compliance program within the scope of competition law.

As competition law compliance programs alone may prove to be insufficient where sector specific regulation becomes important as in energy markets, it is crucial that sector specific regulations are also considered while designing such programs. ENRE's approach towards "Compliance Programs" is to handle competition law and sector specific regulation issues in an integrated manner especially in regulated markets such as energy markets.

In this context, ENRE implements client specific "Competition Compliance Programs" by taking account of the nature of the relevant market, relevant legislation and characteristics of the undertaking to meet the client's basic requirements such as

- ▶ *Ensuring the alignment of the commercial agreements and practices of the undertaking with competition law and sector specific regulation,*
- ▶ *Training of managers and employees,*
- ▶ *Development of corporate competition culture*
- ▶ *Creation of necessary internal mechanisms to comply with competition law and sector specific regulation*

## SERVICES



### WHY ENRE?

Excellence in Technical Services  
Tailor-made Approach  
Reliability

## ENRE CONSULTANCY TRAINING AND ORGANIZATION

Ensuring the balance between competition law enforcement and sector specific regulation may become critical with respect to commercial strategies and conduct of undertakings.

Having high level knowledge and experience in the fields of competition law enforcement and sector specific regulation, especially those concerning energy markets, ENRE provides undertakings with consultancy services on competition law and aims to formulate clear and pragmatic advice concerning their targets set in line with their competitive strategies.

As a reflection of its extensive knowledge and experience in the field, ENRE represents a team aiming excellence in technical services with a focus on formulating the most appropriate, creative and reliable solutions related to complex situations by considering dynamics of the markets and clients.



## ENERGY COMPETITION REGULATION



## ENERGY

Liberalization and privatization process in the energy market brings along extensive energy legislation which must be taken into account in strategic decisions and commercial transactions of the undertakings operating or willing to operate in this field.

As further steps are taken in liberalization process, energy market legislation, which is continuously renewed and reshaped, leads to emergence of several uncertainties and legal disputes in the activities of the undertakings.

Commercial and practical advice and appropriate solutions become important in that complex structure faced by undertakings operating or willing to operate in energy markets. ENRE offers its clients operating in energy markets flexible and customer-oriented services with a view to providing the most efficient solutions.

### Main consultancy services provided by ENRE to its clients are listed below:

- ▶ Implementation of necessary procedures before Energy Market Regulatory Authority such as any sort of license applications and changes to them with respect to energy markets,
- ▶ Preparation of tariffs, monitoring and support
- ▶ Investment planning and monitoring
- ▶ Ensuring alignment with the legislation
- ▶ Strategy and risk management
- ▶ Preparation and negotiation of joint ventures, strategic partnerships and consortium agreements
- ▶ R & D arrangements and technology transfer

Companies must take account of potential antitrust risks that may be caused by certain conduct while trying to beat competitors and maximize profits in free market conditions. In many cases the fine line between appropriate and anti-competitive conduct is not always clear.

## COMPETITION

Conduct of undertakings prohibited by competition law may be grouped into three main categories. These are

1. Agreements, concerted practices, and decisions of the associations of undertakings limiting competition
2. Abuse of dominant position
3. Mergers and acquisitions

Main consultancy services on problems that may arise from competition law with respect to conduct of undertakings and associations of undertakings are in the following;

- ▶ Representation on behalf of undertakings before the Turkish Competition Authority
- ▶ Preparation of pleas and defending the undertakings and association of undertakings before the Turkish Competition Authority with respect to conduct prohibited by the Act No. 4054 on the Protection of Competition
- ▶ Notifications of mergers and acquisitions and following up the authorization process
- ▶ Preparation of joint ventures, strategic partnerships, dealership/distributorship agreements and similar commercial contracts in line with competition law, and submitting notifications for negative clearance and exemptions
- ▶ Formulating practical and commercial advice, which are compatible with competition law, in order to prevent disputes in terms of competition law before they emerge and to support the strategic targets of the undertakings

## REGULATION

Competition law practices in energy, telecommunication, banking, healthcare, medical devices, alcoholic drinks and similar regulated sectors may lead to a complex structure in terms of undertakings' commercial activities. Ensuring the balance between competition and regulation in such markets becomes one of the key factors in determining the commercial strategies of undertakings.

In addition to consultancy services on license applications and similar issues in the regulated markets, ENRE provides consultancy services to clients to ensure legal certainty and alignment with strategic targets where general competition law practices and sector-specific regulations interact with each other.