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Ancillary restraints in the mergers and acquisitions within the scope of Turkish law

According to Turkish Law, certain mergers and acquisitions activities are subject to the approval of the Competition Board. Within this frame, a Communiqué regarding the mergers and acquisitions activities which are subject to the approval of the Competition Board has been enacted in 2010 and this Communiqué is currently in force with certain amendments in 2012 and 2015.

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Ancillary restraint is frequently one of competition restricting agreements in case of accepted as illegal it can damage market. Because mergers and acquisitions sometimes lose its importance without ancillary restraints. Thus, ancillary restraints was accepted legal in practise and then it was regulated. Our country competition law is improving by EU competition law. Competition restricting agreements are prohibited but ancillary restraints accepted legal even it is one of competition restricting agreements. Ancillary restraints must be directly related with a merger and acquisition act, necessary for complete this act and must contain reasonable restrictions. Over comprehend of ancillary restraints, enterprises could abstain from make an illegal agreement in merger and acquisition acts. Competition Authority must carefully assess restrictions over this three components on case of request.

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