

Mert Karamustafaoglu

mertkaramustafaoglu@erdem-erdem.av.tr

Biography

Mert Karamustafaoglu works in Corporate Affairs Department of Erdem&Erdem Law Office specifically in the competition compliance programs, mergers and acquisitions, joint ventures, commitments' implementation, privatizations, investigations within the scope of competition law and competition law practices in the energy sector.

Mert Karamustafaoglu graduated from Istanbul University Law School in 1999 and subsequently in 2001 he started working at the Competition Authority as an expert. He worked in the Competition Authority as the Deputy Competition Expert until 2005, Competition Expert between the years of 2005 and 2011 and Chief Competition Expert between the years of 2011 and 2016. 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 postgraduate 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.

Illustrative Recent Representations

Cartels and Competition Law Infringements

- **Ceramic Cartel (2003):** Investigation concerning the claim of the Price fixing and production quota cartel in Turkish “ceramic tile” and “ceramic sanitary ware” 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.
- **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.
- **TOTAL/Akdağ (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.
- **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.
- **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.

Abuse of the Dominant Position

- **CEAS (2003):** Investigation concerning the allegation of CEAS abusing its dominant position and blocking the Third Party Access to the network

- **ASKI and EGO Counter (2008):** Preliminary investigation concerning the allegation of ASKI and EGO forcing the customers to buy the counters that they determined
- **Izmirgaz (2009):** Investigation concerning the allegation of Izmirgaz Izmir Doğalgaz Dağıtım A.Ş. violating Article 6 of the Law number 4054 by its marketing strategy.
- **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

Consultancy in Public Tenders

- **Prepaid Counters (2009):** Preliminary investigation concerning the allegation of the companies procuring prepaid water and natural gas counters performing simulated bidding 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.

Mergers & Acquisitions and Privatizations

- Mobil Mersin Ataş Refinery &BP acquisition (2002)
- Roche / DSM fine chemicals acquisition (2003)
- ETI Electrometallurgy Privatization (2004)
- ETI Krom Privatization (2004)
- ETI Gümüş Privatization (2004)
- Unilever/ Gibbs trademark acquisition (2004)
- TUPRAŞ Privatization (2005)
- P&G/Gillette acquisition (2005)
- Uzan Group Lalapaşa and Gaziantep Cement Fabrics – Saving Deposit Insurance Fund sale (2005)
- TEDAS Electricity Privatization Opinion (2005)
- PETKIM Privatization (2007)

- ARAS, MERAM, SAKARYA and BASKENT Electricity Distribution Privatizations (2008)
- Izmit Natural Gas Distribution Privatization (2008)
- AYDEM Privatization (2008)
- Ankara Fast Train Terminal Joint Venture (2014)
- NV Bekaert S.A. Acquisition (with Commitments) (2015)

Exemption

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

New Cases

- Representation of the Claimant in the lawsuit filed for the annulment of the Competition Board decision regarding the exemption application for the exclusive distributorship system in the flat glass sector
- Assisting to the largest double glazing provider in Turkey with regard to designing a franchise system and preparing of the exemption filing that was made the Turkish Competition Authority.
- Forming the dealership system for the biggest supplier of the flat glass market and the preparation of its exemption application to the Competition Authority,

Principal Practice Areas

- Competition & Antitrust
- Energy & Renewables
- Mergers and Acquisitions
- Privatization
- Commitments' Implementation
- Joint Ventures
- Competition Law Compliance Programs

- Competition Law Investigations and Competition Law Practices in the Energy Sector

Education / Languages

- Education:** Freie Universitaet Berlin (Private Law Doctorate) (2011-)
Freie Universitaet Berlin (LL.M.)
Istanbul Law School
Uskudar Anatolian High school (1988 – 1994)
- Courses:** Bremen University German Law Terminology Program (D.A.A.D. Scholarship)
Saarland University German Language Course and Goethe Language Certificate (D.A.A.D. Scholarship)
Ankara University Banking Law Research Institute Energy Law Certificate Program
Federal German Cartel Office Internship
- Languages:** Turkish, German, English

Recognition / Memberships

Recognition

*“Based on Mondaq users readership, **Mert Karamustafaoglu** is ranked as **Very Popular** in Turkey for the topics listed as Anti-trust, Competition Law, EU Competition, Media, Telecoms, IT, Entertainment, Broadcasting: Film, TV & Radio; and for the industries listed as Banking & Credit.”*

<http://www.mondaq.com/p/1465884/Mert+Karamustafaoglu/Erdem+%26+Erdem+Law>

Memberships

- Competition Experts Association
- Energy Law Research Institute Management Board
- Energy Law Research Institute Electricity Market Law Working Committee
- Energy Law Journal Publication Board

Publications

Newsletter Articles

- Footsteps of “MFN” Practice in Turkey: “Yemek Sepeti” Decision, May 2016
- Cinema Services Sector Report of the Competition Authority, April 2016 (Mondaq: Most Popular article in Turkey, June 2016:
http://www.mondaq.com/article.asp?article_id=497450)

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 Kapazitätszurückhaltung Als Missbräuchliches Verhalten Gemäss Art. 102 AEUV, Freie Universitaet Berlin, Master’s Thesis, Berlin 2010.

Other Articles

- “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.
- “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.
- “Abuse of Dominant Position via not Investing in the Energy Sector” , Energy Law Journal Year 1, Number 1, Ankara 2012.
- “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.
- “A Consumer Oriented Implication in Termination of Competition Law Violations; Commitment”, 3. Consumer Law Symposium Book, Istanbul 2013.
- “Consumer Informing Platforms Within the Scope of Transparency in the Fuel Oil Sector”, 4. Consumer Law Symposium Book, Istanbul 2014.

- “Relationship Between Consumer Protection and Competition Law in Electricity Markets”, 5. Consumer Law Symposium Book, Istanbul 2015.
- “Simulated Offers in Public Tenders With Regards to Competition Law”, 2. Public Tender Symposium, Istanbul 2015.