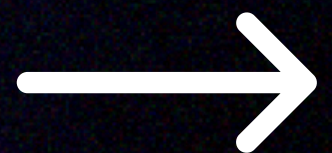


Significant Amendments to the “Communiqué on the Regulation of the Right to Access the File and the Protection of Trade Secrets”





Summary

- On 4 October 2025, the Communiqué No: 2025/3 (the “**Amended Communique**”) on the Amendment to the Communiqué on the Regulation of the Right of Access to the File and the Protection of Trade Secrets (Communiqué No: 2010/3) of the Turkish Competition Authority (“**TCA**”) was published in the Official Gazette. For the official Turkish version, please visit the [link](#).

The most significant changes introduced by the Amended Communiqué are:

- It is now expressly clarified that the Amended Communiqué applies not only to investigations but also to **Phase II merger reviews**.
- All reports prepared within the TCA — including those in **preliminary inquiries** and **pre-investigations** — will be deemed intra-authority correspondence.
- Complainants no longer have the right to request access to the file.



Summary

- Parties may now request access to the file **only after the notification of the investigation report.**
- The **minutes of settlement meetings** and **the settlement text** are explicitly deemed intra-authority correspondence, consistent with Articles 6(4) and 8(2) of the Regulation on the Settlement Procedure.
- Applications for access to the file **will be rejected** unless the request form is **duly and fully completed.**

Importantly, the Amended Communiqué confirms that the new rules will **not affect ongoing investigations.**



BEFORE (Communique No. 2010/3)	AFTER (Communique No. 2025/3)
<p>Article 1: The purpose of this Communiqué is to set the procedures and principles concerning the exercise of the right of access to the file by parties; and procedures and principles, for determining whether the pieces of information obtained during the implementation of the Act No. 4054 on the Protection of Competition qualify as trade secret, and for protecting those pieces of information and documents that have been classified as trade secret.</p>	<p>Article 1: The purpose of this Communiqué is to set forth the procedures and principles concerning the exercise of the right of access to the file by the parties under investigation or subject to a Phase II review, for determining whether the pieces of information obtained during the implementation of the the Law No. 4054 on the Protection of Competition dated 7 December 1994, and for protecting those pieces of information and documents that have been classified as trade secret.</p>
<p>Article 2: This Communiqué shall be applicable for any information and document that have been obtained within the framework of the implementation of the Act No. 4054, in respect of the right of access to the file and evaluation of trade secrecy.</p>	<p>Article 2: This Communiqué shall be applicable to the exercise of the right of access to the file with respect to all information and documents obtained within the scope of investigations or Phase II reviews conducted under the implementation of Law No. 4054, as well as to the assessment of trade secrets concerning the information and documents obtained during the implementation of the same Law.</p>



BEFORE (Communique No. 2010/3)	AFTER (Communique No. 2025/3)
<p>Article 4: (1) For the provisions of this Communiqué, the following definitions apply:</p> <p>(a) File: All information and documents that have been obtained, created or collected within the scope of the investigation.</p>	<p>Article 4: (a) File: All information and documents obtained, created, or collected within the scope of an investigation or Phase II review.</p>
<p>Article 4: (1) For the provisions of this Communiqué, the following definitions apply:</p> <p>(d) Compliant: Natural or legal persons that have filed an application with the Authority and have a legitimate interest.</p>	<p>Subparagraph (d) has been repealed.</p>
<p>Article 5: (1) The right of access to the file shall be granted upon the written requests lodged by the parties within due period, during the investigations conducted within the scope of the Act. The right of access to the file shall be fulfilled for one time, as long as no new evidence has been obtained within the scope of the investigation.</p>	<p>Article 5: (1) The right of access to the file shall be granted, upon the written requests made by the parties within the due period, in investigations and Phase II reviews conducted under the Act. The right of access to the file shall be fulfilled for one time, as long as no new evidence has been obtained within the scope of the investigation. or Phase II review.</p>



BEFORE (Communique No. 2010/3)	AFTER (Communique No. 2025/3)
<p>Article 5: (3) Requests from the complainant and third parties shall be evaluated within the framework of general provisions.</p>	<p>Subparagraph (3) has been repealed.</p>
<p>Article 6: (1) Within the scope of the right of access to the file, the parties can have access to any document that has been drawn up and any evidence that has been obtained by the Authority concerning them, except for intra-Authority correspondences and those that include trade secrets and other confidential information about other undertakings, associations of undertakings and persons.</p>	<p>Article 6: (1) Within the scope of the right of access to the file, the parties can have access to all documents prepared in relation to them and all evidence obtained within the Authority.</p> <p>(2) Intra-Authority correspondences and trade secrets are excluded from the scope of the right of access to the file, except for their exculpatory or incriminating parts.</p>



BEFORE (Communique No. 2010/3)	AFTER (Communique No. 2025/3)
<p>Article 7: (1) Intra-Authority correspondences are correspondences between units, which have the nature of preparatory acts for the final decisions taken by the Board.</p> <p>(2) Information and documents that have been obtained within the framework of Article 6 paragraph three and Article 9 paragraph three of the Regulation on Active Cooperation for Detecting Cartels, as well as correspondences between the Authority and those from whom information was obtained such as other public institutions, professional organizations that have the nature of public institution or natural and legal persons in the private sector, are accepted as internal correspondence.</p> <p>www.copartners.com.tr contact@copartners.com.tr</p>	<p>Article 7:</p> <p>(1) Intra-Authority correspondences refer to interdepartmental communications of a preparatory nature concerning the final decisions taken by the Board. All reports prepared within the Authority, such as those relating to the preliminary inquiry and in-depth examination, are deemed Intra-Authority correspondence.</p> <p>(2) The following documents are also considered Intra-Authority correspondence:</p> <p>(a) Information and documents obtained pursuant to Article 6(4) and Article 9(4) of the Regulation on Active Cooperation for Detecting Cartels, published in the Official Gazette dated 16 December 2023 and numbered 32401.</p> <p>(b) Correspondence conducted by the Authority under Article 14 of the Law with other public institutions, professional organizations with public institution status, or private sector natural and legal persons consulted for information.</p> <p>(c) Documents listed in Article 6(4) and Article 8(2) of the Regulation on the Settlement Procedure Applicable in Investigations Concerning Agreements, Concerted Practices and Decisions Restricting Competition, and Abuse of Dominant Position, published in the Official Gazette dated 15 July 2021 and numbered 31542.</p> <p>(ç) Minutes and their annexes prepared pursuant to Article 15 of the Law.</p>



BEFORE (Communique No. 2010/3)	AFTER (Communique No. 2025/3)
<p>Article 8: (1) Parties that have been notified that an investigation was initiated concerning them can request that they be given a copy of any document drawn up, and if possible, of any evidence obtained by the Authority in relation to them.</p> <p>(2) For the investigation to be conducted in a proper and secure fashion and for preempting the likely threat of obscuring of evidence, requests for access to the file prior to the notification of the investigation report can be deferred considering the specifics of the concrete incident and providing the legal grounds. In case of deferment, the request for access to the file shall be satisfied within a reasonable period starting from the notification of the investigation report.</p> <p>(3) Finally, the parties can file a request for access to the file until the termination of the last written plea period granted to them.</p> <p>(4) Requests to access the file shall be made by filling the File Access Request Form attached to this Communiqué correctly and completely.</p>	<p>Article 8: (1) All parties to whom the investigation report has been served may request a copy of all documents prepared in relation to them and if possible, all evidence obtained within the Authority.</p> <p>(2) The parties may submit a request for access to the file until the expiry of the time limit for submitting their first written defence, or, if the investigation committee submits an additional written opinion, until the expiry of the time limit for submitting their second written defence.</p> <p>(3) Requests for access to the file shall be made by duly completing the access to file request form provided in Annex-1. Applications not submitted in this manner shall not be accepted.</p>



BEFORE (Communique No. 2010/3)	AFTER (Communique No. 2025/3)
<p>Article 9: (1) Requests for access to the file shall be evaluated by the investigation committee, in light of the information included in the form. In case the request is accepted, the method and timing of access to the file and the other points regarding access to the file shall be notified to the submitter of the request in writing.</p>	<p>Article 9: (1) Requests for access to the file shall be evaluated by the investigation committee, taking into account the matters specified in the access to file request form provided in Annex-1. In case the request is accepted, the method and timing of access to the file and the other points regarding access to the file shall be notified to the submitter of the request in writing.</p>
<p>Article 10: (1) The right of access to the file can be fulfilled by giving or sending the photocopies or electronic copies of the documents that exist in the file and have been rendered accessible, considering also the request of the concerned.</p> <p>(2) Pieces of information that have been obtained within the framework of Article 6 paragraph three and Article 9 paragraph three of the Regulation on Active Cooperation for Detecting Cartels, as well as other intra-Authority correspondences that have the nature of exculpatory or accusatory evidence can be examined at the headquarters of the Authority.</p> <p>(3) The nature and number of pages of the documents that are to be given to the parties within the scope of the right of access to the file shall be recorded in writing as minutes or as a letter to be sent to the parties.</p>	<p>Article 10: (1) The right of access to the file can be fulfilled by giving or sending the photocopies or electronic copies of the documents that exist in the file and have been rendered accessible, considering also the request of the concerned after the removal of trade secrets.</p> <p>(2) Internal correspondence, the access to which has been granted, may be examined at the premises of the Authority.</p> <p>(3) The nature and number of pages of the documents to which the parties are granted access within the scope of the right of access to the file shall be recorded in a written minute or in a letter to be sent to the parties.</p>



BEFORE (Communique No. 2010/3)	AFTER (Communique No. 2025/3)
Article 11: Information or documents that have been obtained within the scope of the right of access to the file can only be used, in relation to the file opened to access, for pleas to be made within the scope of the Act No. 4054 and for seeking administrative judicial review.	Article 11: Information or documents that have been obtained within the scope of the right of access to the file can be used only by the parties , in relation to the file opened to access, for pleas to be made within the scope of the Act No. 4054 and for seeking administrative judicial review.
-	(2) The provisions introduced by the Communiqué establishing this paragraph shall not apply to ongoing investigations.



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