

## Client Alert

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### **The Constitutional Court finds Turkish Competition Board's on-site inspections unconstitutional.**

In its decision published on 20 June 2023, the Constitutional Court decided that on-site inspections conducted by the Competition Board without a judicial award breach the right of immunity of residence set out under Article 21/1 of the Turkish Constitution.

The Constitutional Court determined that on-site inspections are conducted in non-public workplaces, which are considered within the scope of the "residence" definition. In this regard, the Constitutional Court decided that Law No. 4054 on the Protection of Competition, which authorizes the Competition Board to conduct on-site inspections in company headquarters, allows the Competition Authority personnel to enter workplaces which are considered as residences, and thus the on-site inspections conducted without a judicial award breach the immunity of residence.

The decision also provides that the relevant provision should be revised to prevent similar infringements in the future. In conclusion, the decision establishes that the Competition Board should obtain a judicial award for on-site inspections to avoid the violation of Article 21/1 of the Constitution.

Please contact us if you need further information on this matter.