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Meta to fight Turkish data sharing order

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Meta has temporarily shut down the Threads platform in Türkiye following regulatory scrutiny over its data sharing practices.

On 18 March Türkiye's competition authority issued an interim order prohibiting Meta from sharing data between the Threads and Instagram platforms as it investigates whether the social media company abused its dominant market position. Failure to comply with the prohibition would result in a financial penalty.

Meta said yesterday that it will suspend Threads in the country from 29 April in order to comply with the injunction. It noted that other Meta services in Türkiye, including Instagram and WhatsApp, will not be impacted.

"We disagree with the interim order, we believe we are in compliance with all Turkish legal requirements, and we will appeal," Meta said.

In its decision last month, the Turkish authority said that Meta's data aggregation practices may create barriers to entry for other players or hinder competition by leveraging market power in one market to strengthen its position in another. The regulator considered that any delay in intervention may create serious and irreparable harm to the market.

The risk of anti-competitive effects is aggravated by Meta's already dominant position in the social media market, the regulator said. It cited the platform's detailed data accumulation and attractiveness for digital advertisers as factors contributing to this dominance.

YAZICIOGLU Legal partner Bora Yazıcıoğlu told Lexology PRO that Meta's decision to temporarily shut down Threads in Türkiye "likely stems from its inability to operate the service without integrating data, rather than an attempt to sway public opinion against the interim decision."

The regulator also noted that Threads was only made available in the EU after it met its requirements under the Digital Markets Act (DMA), including the obligation that gatekeepers obtain explicit user consent before sharing data between platforms. Despite being launched globally in December 2023, Threads was not offered to users in the EU until December 2023 after several improvements were made. "People in the EU can choose to create a Threads profile that is connected to their Instagram account – which means they get the same experience as everyone else around the world – or use Threads without a profile," Meta said in a statement at the time.

"This reference to DMA scrutiny is particularly notable," Yazıcıoğlu said. "Similarly, the Turkish Competition Authority's decision suggests an expectation that Meta will adhere to Turkish laws, which closely resemble EU regulations."

In October 2022, Türkiye's competition authority handed Meta a €18.6 million fine after similarly finding that it abused its dominance by merging data collected through WhatsApp with the Facebook social media platform.

Given the regulator's previous action against Meta, its decision in this case is not surprising, Erdem & Erdem lawyers Mert Karamustafaoğlu and Merve Bakırcı said.

"We are of the opinion that the investigation is likely to result in an administrative monetary fine, as the [competition authority] generally follows the approach of the European Commission in its application of competition law principles," the lawyers said.

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