



**KOMISI PENGAWAS PERSAINGAN USAHA
REPUBLIK INDONESIA**

SEKRETARIAT KOMISI

Nomor : 73/SJ/SN/2025
Lampiran : 1 (satu) berkas
Perihal : Informasi dan undangan kegiatan 15th OECD/KPC
Competition Law Seminar for Asia-Pacific Judges

Jakarta, 6 Mei 2025

Kepada Yth.

H. Bambang Myanto, S.H., M.H.

Direktur Jenderal Badan Peradilan Umum

Mahkamah Agung Republik Indonesia

Jalan Jenderal A. Yani Kav.58

Cempaka Putih Timur, Jakarta 10510

Komisi Pengawas Persaingan Usaha (KPPU) menerima informasi kegiatan dan undangan dari *The Organisation for Economic Cooperation and Development/Korea Policy Centre* (OECD/KPC) untuk *the 15th OECD/KPC Competition Law Seminar for Asia-Pacific Judges in Cooperation with the Supreme Court and Judicial Academy of the Philippines* yang akan diselenggarakan pada tanggal 29 - 30 Mei 2025 di Manila, Filipina. Seminar ini diperuntukan untuk para Hakim dan Anggota Pengadilan serta tribunal persaingan usaha yang menangani perkara di bidang hukum persaingan dari kawasan Asia-Pasifik.

Seminar akan membahas pemahaman dasar mengenai standar pembuktian dan beban pembuktian, dengan menekankan pada dua aspek utama, beban hukum pembuktian dan beban pembuktian secara evidensial. Seminar ini bertujuan untuk memberikan pemahaman yang komprehensif kepada para hakim terkait aturan-aturan spesifik tentang standar dan beban pembuktian yang diterapkan di berbagai yurisdiksi. Para peserta akan terlibat dalam latihan berbasis studi kasus hipotetis, sesi tanya jawab dengan para ahli, serta diskusi berbagi pengalaman. Kegiatan ini dirancang untuk mendorong kerja sama dan memperluas jejaring antarpeserta di kawasan Asia-Pasifik.

Panitia mengusulkan peserta kegiatan merupakan hakim yang berpengalaman minimal 5 tahun, khususnya dalam menangani isu hukum persaingan usaha. Peserta juga disarankan mahir berbahasa Inggris secara lisan dan tulisan. Bagi peserta yang berminat, dapat mengisi formulir registrasi pada tautan berikut **selambatnya pada tanggal 15 Mei 2025:**

<https://kpccompetitiondb.org/home/eng/event/eventAdhrncApplyInput.do?encMenuId=34364a4a68724479664b324f626553775479437042513d3d&encEventNo=752f4c3132503537447835564f4148737776444b63673d3d&pwd=&pwdChk=>

Kegiatan ini dapat diikuti dengan pembiayaan sendiri, namun apabila diinginkan, pihak panitia berkenan menanggung pembiayaan untuk 1 (satu) orang peserta berdasarkan permintaan. Untuk itu, jika Bapak ingin memanfaatkan pembiayaan tersebut, mohon dapat dikirimkan surat elektronik Ms. Michelle Ahn (*Senior Capacity Building Specialist/Competition Programme*) di ajahn@oecd-korea.org, dengan menembuskannya kepada inez.koerniawatii@gmail.com.

Koordinasi lebih lanjut dapat dilakukan dengan menghubungi penghubung kami, Sdri. Inez Koerniawati di nomor ponsel 0812-1000-0154. Demikian informasi disampaikan, atas perhatian dan kerja sama Bapak, kami ucapkan terima kasih.



Plt. Sekretaris Jenderal

Lukman Sungkar

Tembusan Yth:

1. Ketua KPPU;
2. Peringgal.

29 April 2025

Invitation: 15th OECD/KPC Competition Law Seminar for Asia-Pacific Judges

“The Standard and Burden of Proof in Competition Cases”

Dear Participants,

The OECD/Korea Policy Centre is very pleased to invite Judges and Members of Specialist Competition Tribunals or Courts dealing with Competition Law matters to attend a seminar on competition law to be held on 29th and 30th May 2025.

Overview of Seminar Details and Invitation

Title and Topic:	15th Annual OECD/KPC Competition Law Seminar for Asia-Pacific Judges on “The Standard and Burden of Proof in Competition Cases”.
Target Audience:	Judges and Members of Specialist Competition Tribunals or Courts dealing with Competition Law matters from across the Asia-Pacific region
Date:	29 th and 30 th May 2025
Location:	Manila, Philippines
Costs:	There is no charge for attending the seminar.

About this seminar

Following fourteen successful events since 2011, the OECD/Korea Policy Centre Competition Programme is pleased to be holding its fifteenth annual seminar for judges in Asia-Pacific. This year the topic is “The Standard and Burden of Proof in Competition Cases”.

The increasing complexity of competition law enforcement has raised important questions about the challenges faced by competition agencies when proving their cases and courts when reviewing the cases.

This question arises from a variety of factors. The growing complexity of cases and the increasing reliance on complex economic analysis to explain market dynamics and potential harm has certainly made competition cases harder to prove. The “more economics” or effects-based approach might have also impacted on the analysis that competition authorities have to go through when building their cases. In addition, economic theories are not always easy to translate into persuasive legal arguments, and yet judges are often asked to grapple with complex economic evidence and asked to turn economic theories into solid legal requirements.

Competition cases are subject to a robust judicial scrutiny, with courts often requiring a high level of evidentiary standard before finding (or confirming) a violation) or blocking a merger. This means that even when having a solid case, authorities may still fall short of satisfying the court’s evidentiary standards.

Competition authorities are aware of this detailed judicial scrutiny and build their cases in a more thorough and careful way to withstand legal challenges.

The seminar will address fundamental notions of what is meant by the standard of proof and the burden of proof, distinguishing between its two aspects: the legal burden of proof and the evidential burden. This training aims at familiarizing judges with the specific rules on the standard and burden of proof adopted across jurisdictions.

Participants will be engaged on hypothetical case exercises and in Q&A sessions with the experts and will be actively involved through experience sharing moments to promote cooperation and networking among them. There will be opportunities for participating judges to ask questions, discuss issues of interest with the experts and share their own experiences.

The Seminar will be conducted in English. A draft agenda is attached to this invitation.

About the OECD/Korea Policy Centre

The Organisation for Economic Cooperation and Development (OECD) is an inter-governmental organisation founded in 1961 with 38 member countries. It has a long history of work on competition law and policy that spans more than five decades.

The OECD/Korea Policy Centre is a joint venture between the OECD and the Korean Government. The Centre is based in Seoul and organises workshops and other activities for Asia-Pacific countries in a range of policy areas including competition law and policy. The Centre's Competition Programme has been in operation since 2004 and started its annual workshop for Asia-Pacific judges in 2011.

Further information about the Competition Programme's activities can be found [here](#).

Speakers

Sessions will be led by judges and former judges with experience in competition cases and experts with experience with courts from OECD countries.

The OECD would be pleased if you could send judges from your jurisdiction to participate in the Seminar. They are welcome to attend and to ask any questions or make comments in relation to the presentations.

Deadline for responses

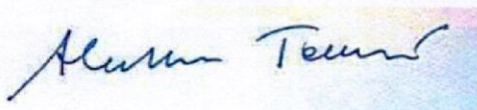
We do very much hope that judges from will be able to attend this event. In order to make the necessary arrangements, we will need to receive the registrations by **15 May 2025**.

Registration is to be made using the following link:

<https://kpccompetitiondb.org/home/eng/event/eventAdhrncApplyInput.do?encMenuId=34364a4a68724479664b324f626553775479437042513d3d&encEventNo=752f4c3132503537447835564f4148737776444b63673d3d&pwd=&pwdChk=>

Should you have any question, please contact: nasli.aouka@oecd.org and ajahn@oecd-kpc.org. You may also contact me for any further information.

Yours sincerely,



Alessandra Tonazzi
Senior Competition Expert (OECD)



Changwook Jung
Director General, OECD KPC



Competition Programme OECD-Korea Policy Centre

15th OECD/KPC Competition Law Seminar for Asia-Pacific Judges in Cooperation with the Supreme Court and Judicial Academy of the Philippines

The Standard and Burden of Proof in Competition Cases



Manila, Philippines



29-30 May 2025

Agenda

DAY 1 – Thursday 29 May

9:00-9:15	OPENING REMARKS <ul style="list-style-type: none">Ms. Alessandra Tonazzi (Senior Competition Expert, OECD)Mr. (Director General, OECD KPC Competition Programme)Mr. Michael Aguinaldo, Chairman, Philippine Competition Commission
9:15-9:20	INTRODUCTION TO THE OECD-KOREA POLICY CENTRE (Video)
9:20-9:30	Group Photo Session Participants briefly introduce themselves and their agency to the group
9:30-10:00	KEY ADDRESS <ul style="list-style-type: none">Chief Justice Alexander G. Gesmundo, Supreme Court of the Philippines (TBC)
10:00-10:30	The Philippines Competition Act: Scope, Extra-territorial Application, and Effects on Competition-Related Statutes Representative from PCC TBD
10:30-10:45	Coffee Break
10:45-11:15	Competition Policy in the Asia-Pacific: Progress and Challenges <ul style="list-style-type: none">Ms Yesim Elhan-Kayalar, Asian Development Bank
11:15-12:00	Key Areas in Competition Law Enforcement: fighting cartels, abuse of dominance, and anti-competitive mergers

	<ul style="list-style-type: none"> Ms. Alessandra Tonazzi (Senior Competition Expert, OECD) or alternative speaker
12:00-13:30	LUNCH
13:30-14:30	The use of economics concepts in assessing competition law cases <ul style="list-style-type: none"> Prof. Frederic Jenny, École supérieure des sciences économiques et commerciales (ESSEC)
14:30-15:30	Introduction: Standard of Proof and Burden of Proof in Competition Cases <ul style="list-style-type: none"> Ms. Nora Patricia Monzalvo, COFECE, co-author of the OECD paper on Standard of Proof and Burden of Proof in Competition Cases
15:30-16:30	Hypothetical Exercise

DAY 2 – Friday 30 May

09:00-10:00	Evidentiary Standards: Direct and Indirect Evidence International expert TBC
10:00-11:00	The Use of Presumptions and Safe Harbours
11:00-11:15	COFFEE BREAK
11:15-12:30	Experiences from Asia-Pacific jurisdictions: Korea Judge Daeun Choi, Korea
12:30-14:00	LUNCH
14:00-15:00	Challenges in meeting the standard of proof and current discussions on the standard and burden of proof
15:00-16:00	Experiences from Asia-Pacific jurisdictions: Australia Judge from the Federal Court of Australia (TBC)
16:00-16:30	Q&A
16:30-17:00	Wrap-up Session and Closing