

Client Update: Indonesia
20 December 2023

2023 Indonesian Competition Law Kaleidoscope

A Development in Indonesian Competition Law Enforcement



2023 Development:

Before

Reported Party can only apply for Change of Behaviour in the KPPU examination stage

After

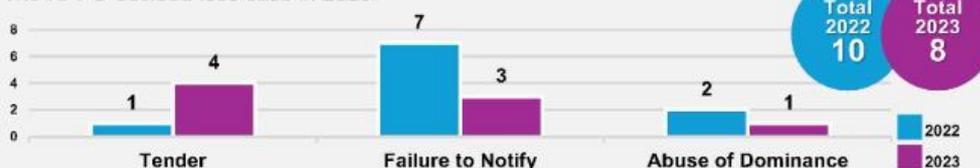
Reported Party can also apply for Change of Behaviour during the investigation stage (possibility to obtain fine reduction or even avoid fines in the early stages of a competition case)

Change of Behaviour

In 2023, the KPPU issued three Change of Behaviour determinations at the examination stage, allowing four different companies that allegedly engaged in anticompetitive behaviour to avoid fines

2023 Competition Case Statistics

The KPPU decided less case in 2023:



Despite the decrease, the amount of fines decided by the KPPU in 2023 experienced an increase as it reached IDR120billion (compared to a mere total of IDR17billion fines issued in 2022).

B Development in Indonesian Merger Control



2023 Development:

1. Notification Thresholds

Before

Asset threshold was calculated based on the parties' worldwide asset value

After

The calculation now refers to the parties' Indonesian asset value

2. Local Nexus Test

Before

Satisfied by the Indonesian presence of only one party

After

Both parties to a transaction must have sales or assets in Indonesia

3. Submission Method

Before

Paper-based submission

After

Online submission via the KPPU's microsite (<https://notifikasi.kppu.go.id/>)

4. Merger Filing Fee

Before

No filing fee

After

Up to IDR150 million merger filing fee

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Development of Number of KPPU Notifications

The KPPU received 102 notifications as of 19 September 2023, 53 of which were submitted before the implementation of the new notification criteria, with the remaining 49 notifications filed under the new regime.

Number of Notifications to the KPPU from 2018 to 2023



Development of KPPU Late Filing Cases

Three late filing cases were initiated and decided by the KPPU in 2023 with a total fine amounting to IDR3.75billion.

Number of Late Notification Cases from 2018 to 2023



C KPPU Competition Compliance Program

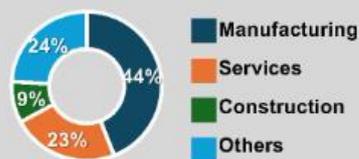


The Competition Compliance Program is a new preventive measure initiated by the KPPU in 2022. In 2023, the KPPU approved 14 compliance programs of group companies from various sectors. This program saw a significant increase in applications in 2023 as the KPPU continues to encourage businesses to participate in the program.

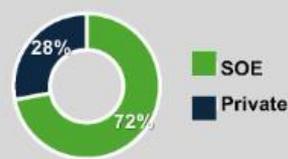
Statistics of KPPU Compliance Program Applications

As of October 2023, the KPPU has received 43 compliance program registrations, with the following details:

1. Based on the applicant's business sector



2. Based on the applicant's share ownership



3. Based on the nature of application



4. Based on the stage of application



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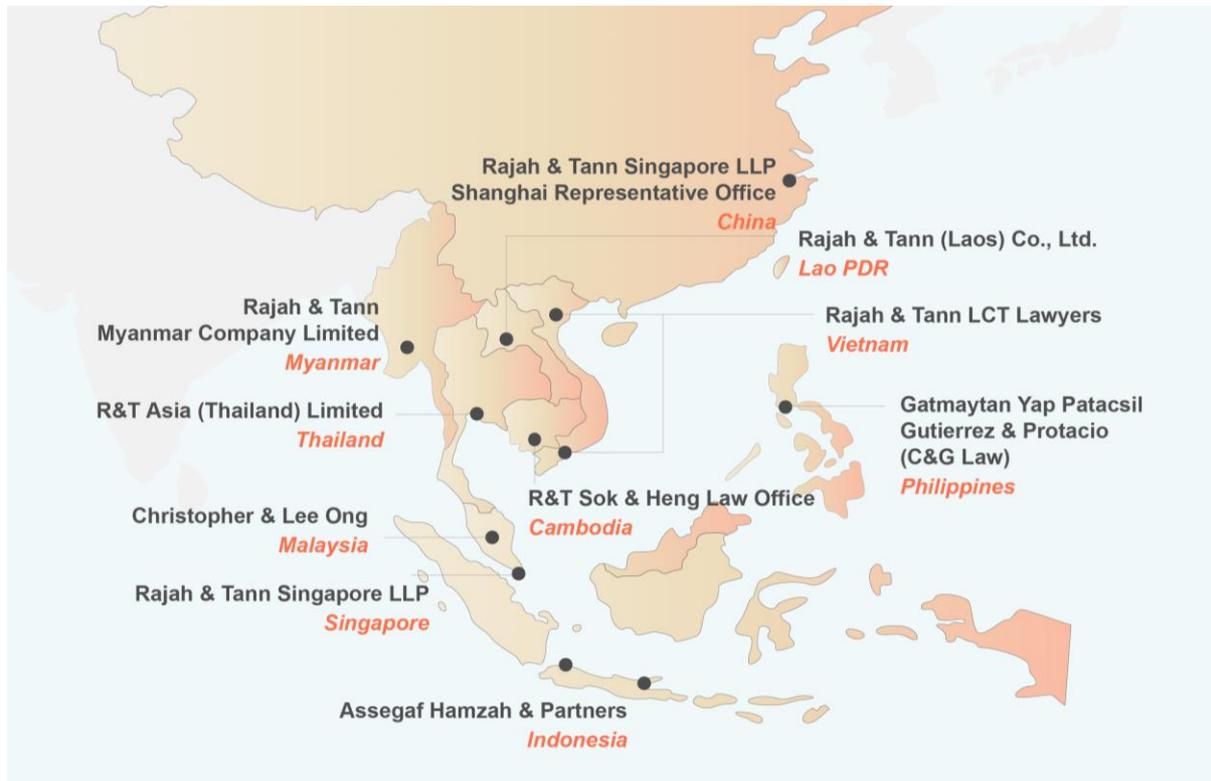
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