

**BUSINESS COMPETITION SUPERVISORY COMMISSION  
OF THE REPUBLIC OF INDONESIA**

Jl. Gatot Subroto Kav. 52-53, 12<sup>th</sup> Floor, Jakarta 12950  
Phone 52961791-3 and 5255509 Ext. 2183, Fax. 52961792

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**DECISION OF  
THE BUSINESS COMPETITION SUPERVISORY COMMISSION  
NUMBER: 08/KPPU/Kep/XI/2000**

**CONCERNING**

**PROCEDURES FOR HOLDING CONSULTATION MEETING  
OF THE COMMISSION**

**THE BUSINESS COMPETITION SUPERVISORY COMMISSION**

Considering : whereas in the efforts of implementing the provisions of Law Number 5 Year 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition, there is a need to stipulate the procedures for holding consultation meeting of the Commission.

In view of : 1. Law Number 5 Year 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition (State Gazette of the Republic of Indonesia Year 1999 Number 33, Supplement to State Gazette of the Republic of Indonesia Number 3817);

2. Decree of the President of the Republic of Indonesia Number 75 Year 1999 concerning Business Competition Supervisory Commission;

3. Decree of the President of the Republic of Indonesia Number 162/M Year 2000 concerning the Appointment of the Members of the Business Competition Supervisory Commission for the Term of Service of 2000-2005;

4. Decision of the Business Competition Supervisory Commission Number 05/KPPU/Kep/IX/2000 concerning Procedures for Submitting Reports and Handling Suspected Violations of Law Number 5 Year 1999.

With due observance of: Resolutions of the Meeting of Members of the Business Competition Supervisory Commission held on November 7, 2000.

## **HAS DECIDED**

To stipulate : **PROCEDURES FOR HOLDING CONSULTATION MEETING OF THE COMMISSION**

### **CHAPTER I**

#### **GENERAL PROVISIONS**

##### **Article 1**

Referred to in this Decision as:

1. Consultation Meeting shall be an open meeting held by the Commission in order to obtain information from participants and or the relevant parties in the context of implementing Law Number 5 Year 1999.
2. Violations shall be actions committed by one or more business enactors in contrary to the provisions of Law Number 5 Year 1999.
3. Reports shall be notifications delivered by the reporting parties to the Commission on the occurrences and or suspected occurrences of violations of Law Number 5 Year 1999.
4. Initiatives shall be the Commission's efforts of looking for information concerning suspected violations of Law Number 5 Year 1999 obtained from incomplete reports and or the relevant parties as well as from the Commission's own knowledge.
5. Queries shall be issues concerning suspicion on the existence of any action by business enactors which may result in the occurrence of monopolistic practices and or unfair business competition gathered from the reports submitted by the community and or the relevant parties.
6. Participants shall be the parties officially invited and requested by the Commission Members to answer the queries made by the Members of the Commission during the Consultation Meeting at the time and venue determined by the Commission.
7. Observers shall be the parties invited by the Commission to attend the Consultation Meeting, however, they shall not be entitled to make queries nor to answer queries made by the Commission Members.
8. Official Minutes shall be the minutes of the Consultation Meeting completely drawn up and containing all the discussions taking place in the Consultation Meeting completed with remarks on the day and date of the Consultation Meeting, venue, opening and closing time, Chairpersons and Secretary, number and names of the Members of the Commission signing the attendance list and the Invitees present.
9. Law shall be Law Number 5 Year 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Activities.

10. Commission shall be the Business Competition Supervisory Commission.

## **CHAPTER II**

### **PURPOSE, RIGHTS AND OBLIGATIONS, AS WELL AS MEETING PROCEEDING**

#### **Part One**

#### **Purpose**

#### **Article 2**

- (1) In the effort of the Commission to obtain inputs from various stratum of the society concerning suspected violations of the Law which have been publicly discussed and are related to public interests, the Commission shall hold Consultation Meetings at the Commission's office in the venue and on the time that have been previously determined.
- (2) Consultation Meeting as referred to in paragraph (1) shall be convened openly so as to obtain information from the Participants on suspected violations of the Law.
- (3) Information as referred to in paragraph (2) shall be used by the Commission as the basis for discussions in the Commission's Meetings in order to assess the existence of monopolistic practices and or unfair business competition.

#### **Part Two**

#### **Rights and Obligations**

#### **Article 3**

In a Consultation Meeting, the Members of the Commission shall be entitled to ask questions and or request for clarification to one or more Participants of the Consultation Meeting, who are presumed to know about the suspected violation of the Law.

#### **Article 4**

- (1) Participants of a Consultation Meeting being requested to answer the queries of the Commission shall be obligated to give the answer before the Commission, either in writing or verbally.
- (2) Participants of a Consultation Meeting being requested to give clarification as referred to in Article 3 shall be obligated to give the information and or explanation to the Commission.

## **Part Three**

### **Meeting Proceeding**

#### **Article 5**

- (1) Prior to the commencement of the Consultation Meeting, Members of the Commission, Participants and Observers must fill out and sign the attendance list.
- (2) Participants and Observers of the Consultation Meeting must come on time.
- (3) The Consultation Meeting shall be chaired, opened and adjourned by the Member of the Commission appointed by the Meeting of the Commission.
- (4) The Chairperson of the Consultation Meeting as referred to in Paragraph (3) shall appoint a Secretary to make records of the Consultation Meeting proceedings.
- (5) Participants and Observers of the Consultation Meeting shall not be allowed to leave the meeting room without any strong reason prior to the adjournment of the meeting by the Chairperson of the Meeting.
- (6) Participants and Observers must comply with the Consultation Meeting proceeding and or other provisions set forth by the Commission.

#### **Article 6**

Prior to the opening of the Consultation Meeting as referred to in Article 5 Paragraph (3), the Chairperson of the Consultation Meeting shall explain the purpose and objective of the Consultation Meeting.

## **CHAPTER III**

### **QUERIES AND ANSWERS**

#### **Part One**

#### **Queries**

#### **Article 7**

- (1) Prior to the Consultation Meeting, the Members of the Commission shall prepare questionnaires and the questionnaires must have been delivered to the Participants by no later than 3 (three) days prior to the Consultation Meeting.
- (2) Verbal queries to be made by the Member of the Commission in the Consultation Meeting shall be conveyed after the Participants give the written answers to the Commission in the Consultation Meeting.

- (3) Queries made verbally and conveyed by the Member of the Commission shall not be interrupted by the Participants of the Consultation Meeting.

### **Article 8**

- (1) In conveying verbal queries to the Participants of the Consultation Meeting, the Members of the Commission shall not be allowed to deviate from the subject matters.
- (2) Queries as referred to in Paragraph (1) shall be conveyed briefly and clearly.

## **Part Two**

### **Answers**

### **Article 9**

- (1) The Chairperson of the Consultation Meeting may determine time limit for the Participants to answer questions and or to speak.
- (2) In the event that a Participant of the Consultation Meeting exceeds the determined time limit for giving answer as referred to in Paragraph (1), the Chairperson of the Consultation Meeting shall warn and ask the person concerned to end his talk.
- (3) In the event that a Participant of the Consultation Meeting in answering the queries, in the opinion of the Chairperson of the Consultation Meeting, deviates from the subject matter, the Chairperson of the Consultation Meeting shall warn and ask him to keep to the subject matter.

### **Article 10**

In the event that a Participant of the Consultation Meeting in giving his answer uses impolite words or conducts any action obstructing the order, the Chairperson of the Consultation Meeting shall warn the person concerned to stop his action and or give a chance for him to withdraw his words.

### **Article 11**

- (1) In the event that the Participant of the Consultation Meeting does not pay any attention to the warning as referred to in Article 11, the Chairperson of the Consultation Meeting shall prohibit the person concerned to continue his words and or his talk.
- (2) In the event that the prohibition as referred to in Paragraph (1) is also disregarded by the person concerned, the Chairperson of the Consultation Meeting shall ask him to leave the room where the Consultation Meeting is convened.

- (3) In the event that the person concerned ignores the request as referred to in paragraph (2), he shall be forced to leave the room where the Consultation Meeting is convened.

#### **Article 12**

- (1) In the events as referred to in Article 10 and Article 11 and the Chairperson of the Consultation Meeting is of the opinion that the Consultation Meeting cannot be continued, the Chairperson shall adjourn the Consultation Meeting.
- (2) The adjournment as referred to in Paragraph (1) shall not exceed 24 hours.

### **CHAPTER IV**

#### **OFFICIAL MINUTES OF CONSULTATION MEETING**

#### **Article 13**

- (1) Official Minutes shall be drawn up for each Consultation Meeting, which shall be signed by the Chairperson of the Consultation Meeting.
- (2) Upon the adjournment of the Consultation Meeting, the Secretary as referred to in Article 5 Paragraph (4) shall forthwith draw up the Official Minutes and shall forthwith distribute them to the Members of the Commission.
- (3) The Minutes as referred to in Paragraph (1) shall contain opinions and shall not contain any conclusion and or opinion of the Members of the Commission,

### **CHAPTER V**

#### **SETTLEMENT AND FOLLOW-UP OF THE RESULTS OF CONSULTATION MEETING**

#### **Article 14**

In the event that as the result of the Consultation Meeting the Commission obtains clear and complete information from the Participants concerning suspected violation of the Law, the Commission shall further process the suspected violation in accordance with the Procedures for the Submission of Report and Handling of Suspected Violation of Law Number 5 Year 1999 as set forth in the Provisions of the Decision of the Business Competition Supervisory Commission No. 05/KPPU/Kep/IX/2000.

### **CHAPTER VI**

## **CLOSING PROVISIONS**

### **Article 15**

The matters not provided for herein shall be further set forth in a Decision of the Commission.

### **Article 16**

This decision shall come into effect as from the date of its stipulation.

Stipulated in : Jakarta  
On : November 7, 2000

**BUSINESS COMPETITION  
SUPERVISORY COMMISSION**  
Chairperson,

Signed

**BAMBANG P. ADIWIYOTO**