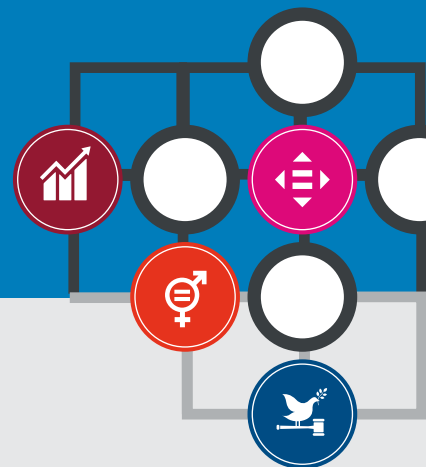


Sixth ARAB COMPETITION FORUM (ACF)

28-29 May 2025
Baghdad, Iraq



Shared Prosperity Dignified Life



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Session III The Standard and the Burden of Proof in Competition Law Cases

As The effectiveness of competition law enforcement depends not only on the substance of legal frameworks but also on the standards and procedures that govern their application. Among these, the standard and burden of proof play a pivotal role in ensuring fairness, credibility, and accountability in enforcement actions. As competition authorities confront increasingly complex cases – ranging from anti-competitive conduct to merger control – the evidentiary demands placed upon them have become significantly more rigorous. Ensuring that enforcement decisions are both well-substantiated and legally robust is essential to maintaining the integrity of the process and securing judicial support.

This session will explore the importance of the rules governing the standard and burden of proof in competition law and how these impact enforcement practices across the region. It will consider the challenges authorities face in meeting evidentiary thresholds and assess whether current standards hinder the ability to establish infringements or prevent anti-competitive mergers. The discussion will also reflect on ongoing debates regarding the potential need to adjust these evidentiary rules to facilitate enforcement, and how any such adjustments could be made without compromising legal certainty or the fairness of judicial review.

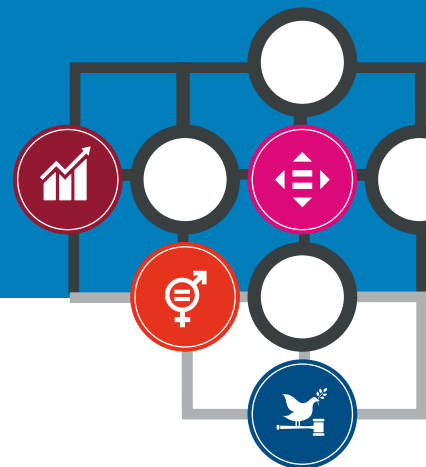
Note: The duration of this session will be 120 minutes; each panelist will speak for 10 minutes, followed by interventions from Member States and a Q&A session.

Topics of discussion

- Definition and discussion of the standard and burden of proof in competition law enforcement.
- Key challenges authorities face in meeting evidentiary requirements in anti-competitive conduct and merger cases.
- Consideration of whether existing evidentiary standards should be revised to enhance enforcement effectiveness.
- Balancing strong enforcement with legal certainty and effective judicial oversight.
- Comparative experiences from Arab and international jurisdictions in applying and interpreting evidentiary standards.

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Speakers



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