

Judicial Deference in Competition Law

11 October 2018, University of Warsaw, Krakowskie Przedmieście 26/28, Warsaw

Registration by 13 July 2018 at mkielkiewicz@wz.uw.edu.pl, Conference Fee: 150 PLN (35 EUR)/50 PLN (12 EUR)

It is crucial for contemporary democracies to respond efficiently to economic and social challenges. A major role in this respect is played by administrative authorities, to whom a legislator delegates the responsibility to design and implement policies in areas that require expert knowledge, such as financial markets' supervision, sectorial regulation in energy, telecommunication and transport, or the protection of competition. The challenge is to build such a system that administrative authorities can undertake their tasks efficiently while guaranteeing at the same that their activities are subject to controls. An adequate shape of judicial review is crucial here. On one hand, it is necessary for the courts to play their traditional role, namely to protect the lawfulness of administrative actions and individual rights. On the other hand, one can presume that courts should not replace expert administrative authorities in the fulfilment of the tasks delegated to the later by the legislator. Against this backdrop, the conference will aim to discuss the place for judicial deference in an area of law that requires expert knowledge and involves policy questions, namely competition law. The discussion will include theoretical and axiological aspects of judicial deference in administrative and EU law, the place for judicial deference to a competition authority's economic assessment and determinations regarding fines, as well as the link between the institutional and the procedural organisation of the proceedings before a competition authority and the intensity of judicial review.*

Preliminary Program

9-9:10 Opening of the Conference

9:10-9:20 Introductory remarks

Maciej Bernatt, University of Warsaw

9:20-10:00 Key Note Speech

* The conference fee to be paid at the time of enrolment. Transfer description must include your full name along with phrase 'CARS JUDICIAL DEFERENCE CONFERENCE'. Account details: Fundacja na rzecz Wydziału Zarządzania UW, IBAN: PL 07 1240 2887 1111 0000 3388 7461. SWIFT: PKOPPLPW. The reduced fee applies to academics and public officials and it is fully waived in case of Phd candidates and students.

* The conference is organised in the framework of the research project 'The Limits of Judicial Assessment in Competition Law' (Polish National Science Centre, UMO-2014/15/D/HS5/01562).

Paul Craig, Oxford University, *Explaining the Foundations of Judicial Deference*

10:00-11:30 Judicial Deference: Theoretical and Axiological Aspects

Rob Widdershoven, University of Utrecht

Kent H. Barnett, University of Georgia, U.S.

Miroslava Scholten, University of Utrecht

11:45-13:30 Judicial Deference and Competition Authorities' Economic Assessment

Ioannis Lianos, University College London, *Judicial scrutiny of economic evidence and the direction of deference*

Andriani Kalintiri, City University of London, *The review of the European Commission's economic assessments by the General Court*

Heike Schweitzer, Free University Berlin, *Intensity of Judicial Review of Competition Authorities Economic Assessment. German Perspective*

13:30-14:30 Lunch

Address by Spencer Waller, Loyola University Chicago, *Democracy and Antitrust*

14:30-16:15 Judicial Deference and Competition Authorities Fining Policy

Krystyna Kowalik-Bańczyk, Judge of General Court, *Intensity of Judicial Review of Fines in EU Competition Law*

Dawid Miąsik, Judge of Polish Supreme Court, *Intensity of Judicial Review of Fines in Poland*

Damien Geradin, Katarzyna Sadrak, *Judicial Review of EC Decisions in the light of Quantitative Studies (to be confirmed)*

Alexandr Svetlicinii, University of Macau, *Judicial Review of Fines in China (to be confirmed)*

16:30-18:15 Institutional Structure of A Competition Authority and the Intensity of Judicial Review

Katalin Cseres, University of Amsterdam, *The Role of Consumers in Competition Proceedings and its Implication for Judicial Review*

Maciej Bernatt, University of Warsaw, *The Intensity of Judicial Review and the Competition Authority Institutional Structure, Findings from Poland, Czech Republic, Slovakia, Hungary and the U.S.*

Csongor Nagy, Szeged University, *Judicial Review in Hungary in the light of the Hungarian Competition Authority Internal Structure*

David George, UK Competition Appeal Tribunal, *The Intensity of Judicial Review by CAT and the Institutional Model of UK Competition Law (to be confirmed)*

18:15-18:40 Summary of the Conference and Closing Remarks