



INTRODUCTORY REMARKS

Maciej Bernatt
University of Warsaw

INTRO

- Conference Idea
- Importance of the topic:
 - role of administrative authorities in contemporary democracies so they respond efficiently to economic and social challenges
 - role of courts in controlling expert administration while not undermining it

UNDERSTANDING JUDICIAL DEFERENCE

Judicial deference relates to the intensity of judicial review; it is not about areas that are beyond judicial review but rather about respect to the choice made by expert administration (out of permissible ones) after effective judicial review is provided (M. Bernatt, *Effectiveness of Judicial Review in the Polish Competition Law System and the Place for Judicial Deference*, 9(14), *Yearbook of Antitrust and Regulatory Studies* 97 (2016), p. 99-100 <https://ssrn.com/abstract=2896823>)

Independence of judiciary

AREAS

The relevance of judicial deference in competition law in particular in the areas of:

- complex economic assessment (the choice of theory of harm, the choice of conclusion from economic assessment);
- fining (the choice of amount of fine)

See more: M. Bernatt, *Transatlantic Perspective on Judicial Deference in Administrative Law*, *Columbia Journal of European Law*, nr 22(2), 2016, 275-325, dostępny: <http://ssrn.com/abstract=2648232>;

and M. Bernatt, *Koncepcja powściągliwości sądowej w prawie ochrony konkurencji*, *Państwo i Prawo*, nr 6/2017, 36-54, http://www.academia.edu/33143637/Koncepcja_pow%C5%9Bci%C4%85gliwo%C5%9Bci_s%C4%85dowej_w_prawie_ochrony_konkurencji

→ conference structure

VARIABLES

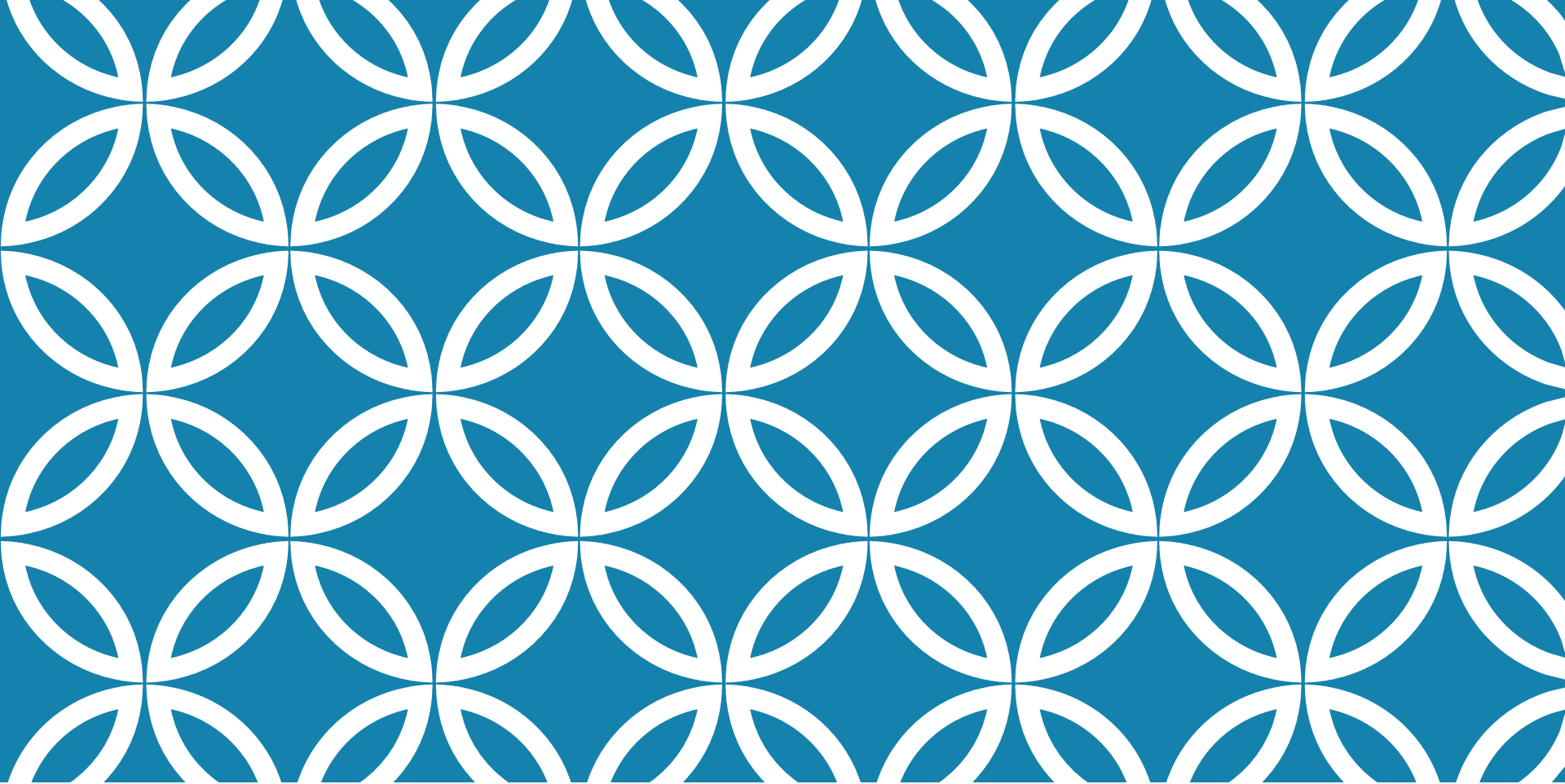
Its permissibility relates to several variables such as

- due process guarantees during administrative proceedings,
- impartiality of administrative decision-makers, and
- expertise of the authority

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MACIEJ BERNATT

CENTRE FOR ANTITRUST AND REGULATORY STUDIES
UNIVERSITY OF WARSAW

M.BERNATT@WZ.UW.EDU.PL

Thank you for
your attention