

Judicial Deference in Competition Law

11 October 2018, University of Warsaw, Krakowskie Przedmieście 32, Pałac Tyszkiewiczów-Potockich.

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 and telecommunication, 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 latter by the legislator. Against this backdrop, the conference aims to discuss the place for judicial deference in an area of law that requires expert knowledge and involves policy questions, namely competition law.*

Program

8:30-9:00 Registration

9:00-9:10 Opening of the Conference

Alojzy Nowak, Dean of the Faculty of Management

9:10-9:20 Introductory remarks

Maciej Bernatt, University of Warsaw

9:20-10:00 Key Note Speech

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

10:00-11:30 Judicial Deference: General Aspects

Rob Widdershoven, University of Utrecht, *Judicial Deference and the Court of Justice*

Kent H. Barnett, University of Georgia, U.S., *Current Debates in Deference to U.S. Administrative Agencies*

Miroslava Scholten, University of Utrecht, *Judicial Deference from a Broader Perspective on Controls in the System of the Rule of Law*

Chair: Mirosław Wyrzykowski, Judge Emeritus, Constitutional Tribunal of Poland

* 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).

11:50-13:20 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*

Annalies Outhuijse, University of Groningen, *Judicial Review of National Competition Authorities' Economic Assessment: Underlying Conditions and Consequences*

Chair: Małgorzata Modzelewska de Raad, Modzelewska&Pasnik Law Firm

13:20-14:15 Lunch

14:15-16:00 Judicial Deference and Competition Authorities Fining Policy

Krystyna Kowalik-Bańczyk, Judge of the 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*

Csongor Nagy, Szeged University, *Judicial Review of Fines in Hungarian Competition Law*

Chair: Iwona Terlecka, Clifford Chance

16:20-18:10 Institutional Structure of Competition Authority and the Intensity of Judicial Review

Renato Nazzini, King's College London, *The European Commission's Institutional Structure 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 Central Europe*

David George, UK Competition and Market Authority, *The Intensity of Judicial Review by CAT and the Institutional Model of UK Competition Law*

Chair: Bernadeta Kasztelan-Świetlik, Gessel law firm, former vice-President of Polish Competition Authority

18:10-18:30 Summary of the Conference

Address by Spencer Waller, Loyola University Chicago

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