

6th International PhD Students' Conference on Competition Law. Białystok, 27 April 2017

The 6th International PhD Students' Conference on Competition Law took place on 27 April 2017 in Białystok, Poland. It was organized by the Department of Public Economic Law at the Faculty of Law of the University of Białystok. The conference focused on issues related mainly to the Europeanization of competition law. The international character of the conference provided an excellent opportunity for the participants to exchange opinions on issues related to the Europeanization of competition law in particular. This conference was the 6th edition in the series of International PhD Students' Conference on Competition Law organised by Department of Public Economic Law at the Faculty of Law of the University of Białystok.

The conference was opened by Professor Anna Piszcz (University of Białystok) who welcomed the participants and introduced the speakers from the Supervisors' session including: Professor Miguel Sousa Ferro (Law School, University of Lisbon), Professor Kseniia Smyrnova (Taras Shevchenko National University of Kyiv) and Professor Marko Jovanovic (Faculty of Law, University of Belgrade). Subsequently, Professor Piszcz presented the assumptions and scope of the conference.

The first session was dedicated to students' presentations and was chaired by Professor Kseniia Smyrnova.

Paulina Korycińska-Rządca (PhD student, University of Białystok) delivered the first presentation on the Europeanization of the Polish leniency programme. The speaker presented selected issues connected to the Polish leniency programme in the light of three harmonisation methods: spontaneous harmonisation, legislative harmonisation and jurisprudential harmonisation. She emphasized that despite the fact that the makers of EU law have not decided to use legislative harmonisation, the Polish leniency programme is a result of Europeanization that occurred through spontaneous harmonisation. This method resulted in certain discrepancies between the solutions adopted at the national level and those used by the European Commission. The speaker stated that so far the Polish leniency programme has not been a subject of legislative or jurisprudential harmonisation.

The next presentation, prepared jointly with Aleksandra Kozak (PhD student, Catholic University of Leuven), was delivered by Magdalena Knapp (PhD student, University of Białystok). The speaker focused on the role of CJEU in Standard Essential Patent (hereinafter, SEP) dispute resolution, which are mostly categorised

as competition law cases. She presented and analysed landmark cases to demonstrate the relevance of the CJEU in shaping the EU law regime. The speaker emphasized that the case law sets important general rules and guidelines to follow, accordingly, influencing the manner in which national competition rules are applied. However, as the cases presented by the speaker demonstrate, there is still inconsistency in the approaches of national courts to CJEU judgments relating to SEP disputes.

The last paper in the first session was presented by Manuel Cirre (BA student, University of Granada) and was dedicated to the issue of collective redress in the EU with particular reference to Spain. He started by outlining the legal background of collective redress in EU law, highlighting common principles that apply in group proceedings. Next, he focused on Spain, thoroughly describing and analysing the key features of the Spanish collective redress model. The speaker noted that some aspects, such as legal standing, still need to be harmonised, while others require further clarifications, especially those regarding publicizing claims and the rules on the group composition in collective actions.

The first session of the Conference was concluded with a debate, comments and questions addressed to students regarding their presentations. The discussion was followed by the second part of the Conference, the supervisors' session, which was moderated by Professor Anna Piszcz.

The first presentation in this session was delivered by Professor Kseniia Smyrnova. She presented the process of 'Europeanization' of competition law in Ukraine, which began with a big shift from planned economy to free market economy. According to Professor Smyrnova, Ukrainian competition law has been adopted in accordance with key principles of EU competition law, leading Ukraine towards a gradual integration with the EU internal market. Professor Smyrnova described the main provisions of Ukrainian regulation, pointing to the challenges associated with their introduction into the national legal order, such as the many procedural problems the legislator is facing in the process. She also emphasized the differences in the EU approach to free trade agreements concluded with Georgia and Moldova in contrast to Ukraine.

Professor Marko Jovanovic spoke next presenting the issue of consensual dispute resolution in Directive 2014/104/EU. In the first part of the presentation, he presented and analysed the core provisions of Directive 2014/104/EU relating to arbitration. The speaker pointed out the benefits of a consensual way of resolving the cases, for example full confidentiality, simplicity and the reduction of time of the proceedings. He also described the potential downsides, focusing on additional burdens placed on the parties to the dispute and possible difficulties in preserving the right to access to justice. In conclusion, Professor Jovanovic referred to the assessment of the efficiency and reliability of consensual dispute resolution provided by Directive 2014/104/EU.

Professor Miguel Sousa Ferro discussed the problem of compensating consumers for an antitrust infringement in the light of the Damages Directive. Professor Sousa Ferro argued that EU law stresses greatly public enforcement of competition law, diminishing the role of private enforcement at the same time. He provided arguments in favour of shifting the balance, considering the different roles of national competition authorities in the process. In the opinion of Professor Sousa Ferro, introducing changes

in the current approach would significantly impact the number of private enforcement of competition law cases, including cases on consumer collective redress, contributing also to the increase of the effectiveness of competition law enforcement.

The conference was subsequently closed by Professor Anna Piszcz.

The next edition of International PhD Students' Conference on Competition Law is going to take place in Białystok on 10 October 2017 and will be dedicated to state aid and private enforcement of competition law.

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