

Seminar on European Competition Law

Funded by the Single Market Programme of the European Commission

COMPETITION LAB FOR JUDGES

Judicial contribution to effective deterrence and coherent sanctioning

📍 Budapest, Hungary

📅 19-20 November 2026

Seminar objectives

The seminar will explore deterrence as a cornerstone of EU competition law. Topics include the economic rationale for deterrence, judicial review of fines and remedies, the role of damages actions, and the contribution of national courts in ensuring effective sanctions. It will also address how deterrence informs judicial reasoning under Articles 101 and 102 TFEU, with a focus on restrictions by object and effect, abuses of dominance, and effect on trade.

Draft Agenda

Thursday, 19 November 2026 <i>Courts as Guardians of Effective Deterrence</i>	
09.30-10.00	Welcome remarks, Group photo
10.00-10.15	Questionnaire exercise – What do you know?
10.15-11.30	Deterrence in EU Competition Law: Economic and Legal Foundations Why deterrence matters. Specific and general deterrence. Deterrence vs. proportionality. Key CJEU judgments María Pilar Canedo , <i>Senior Competition Expert, OECD</i> Cento Veljanovski , <i>Economist, Managing Partner of Case Associates</i>
11.30-11.50	Coffee break
11.50-13.00	Judicial Review of Fines: Scope, Intensity and Limits Unlimited jurisdiction. Margin of discretion. Review of methodology. Recent case law Michael J. Frese , <i>Competition Counsel at Skadden, Arps, Slate, Meagher & Flom</i>
13.00-14.00	Lunch
14.00-15.00	Remedies, Commitments and Behavioural Change Structural vs. behavioural remedies. Commitments decisions. Judicial review of remedies. Are fines enough? TBD
15.00-15.15	Coffee Break
15.15-16.15	Panel Discussion: How Much Deference for Deterrence? Should courts reduce fines? Are authorities under-detering or over-detering? How much discretion should authorities enjoy?



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OECD-GVH
Regional Centre for Competition in Budapest (Hungary)

	Cento Veljanovski, <i>Economist, Managing Partner of Case Associates</i> María Pilar Canedo, <i>Senior Competition Expert, OECD</i> Michael J. Frese, <i>Competition Counsel at Skadden, Arps, Slate, Meagher & Flom</i> TBD
16.15-17.30	Judicial Deliberation Exercise. Participants review a hypothetical appeal against a cartel fine Issues to be covered: Fine Setting Criteria. Proportionality, inability to pay, procedural errors and deterrence multiplier. Groups prepare judgments.
19.00-22.00	Welcome dinner

Friday, 20 November 2026 <i>Public & Private Enforcement as Complementary Deterrence Mechanisms</i>	
09.15-10.15	Debarment and disqualification as additional measures? TBD Deterrence and Judicial control Sven Frish, <i>Attaché de justice, Luxembourg Administrative Tribunal</i>
10.15-10.30	Coffee break
10.30-11.30	Damages Actions and Deterrence The Damages Directive. Compensation vs. deterrence. Collective actions. Passing-on defence. Trucks litigation as a major example. Francisco Marcos, <i>Professor of Law at IE Law School</i>
11.30-12.45	Scenario: Hypothetical Case Exercise on NCA cartel decision partially annulled and Follow-on damages claims pending. Questions concerning deterrence and consistency.
12.45-14.00	Lunch
14.00-15.15	Deterrence Through the Interpretation of Articles 101 and 102 TFEU Should deterrence influence substantive legal interpretation? Abuse of dominance. Restrictions by object and effect. Effect on trade. TBD
15.15-15.30	Coffee break
15.30-16.45	Judicial Roundtable the Judicial Contribution to Deterrence Across Europe Participants discuss: Different national approaches. Consistency in sanctioning. Judicial cooperation. Lessons from recent cases
16.45-17.15	Kahoot game!
17.15-17.30	Questionnaire exercise – What do you know now?