

Editorial foreword

The 24th volume of the Yearbook of Antitrust and Regulatory Studies (YARS 2021, 14(24)) offers its readers a set of articles, case comments, reviews and reports focusing on various aspects of substantive competition law and its enforcement at EU and national level.

As a journal aspiring to express the opinions of legal and economic researchers in the most current antitrust debates, this volume of YARS contains two articles concerning the protection and development of competition in digital markets. Iga Małobęcka-Szwast tackles the question if Amazon using sensitive data, obtained from independent retailers who sell via its marketplace, may raise anticompetitive concerns. Marta Sznajder analyses ‘free’ services delivered by social media providers in the context of potential abuses of a market dominance. Both articles in fact aim at finding whether ‘good, old’ competition law is the right tool to address problems related to specific market practices of digital giants.

Analyzing the European Commission’s decisional practice of recent years makes it possible to conclude that the enforcement of Article 102 TFEU has been intense. Tomasz Krzyżewski shows his views on antitrust assessment of exclusivity payments in the Commission’s decisional practice. The discussion focuses on the inevitable (?) juxtaposition of the economic approach towards the enforcement of competition law and legal certainty, which must be guaranteed to all undertakings, including dominant ones.

Subsequently, Javier Guillen Carames reflects on the practical role and effectiveness of soft law through a prism of the leniency programmes. The author delivers many arguments for turning some existing soft law rules into binding legislation in order to enhance their practical significance in combating antitrust violations.

Final articles concern sectoral issues. Three Croatian authors (Božena Bulum, Marija Pijaca, Željka Primorac) discuss a number of competition concerns regarding nautical services in their country. While the article presents past enforcement of competition rules in Croatian nautical tourism, it also contains *de lege ferenda* proposals that could contribute to the creation of a level playing field for port operators in Croatia, which is such a popular destination of nautical tourism. Three Polish authors (Jacek Rodzinka, Tomasz Skica, Tadeusz Pomianek) offer an analysis of the productivity and competitiveness of the Polish agricultural sector – the conclusions of which can be used in the planning and implementation of state aid regulations.

The case comments section opens with a commentary (by Zofia M. Mazur and Elisa Luna Scimeca) on a judgment delivered by the Italian regional court (Lazio) that annulled a decision of the Italian competition authority because of a violation by that administrative body of the principle of ‘reasonable length of proceedings’. Regarding the length of antitrust proceedings in many countries (as well as before the European Commission), the judgment of the Italian regional court in Lazio can provide an interesting lesson for all parties to these proceedings.

Rafał Wasilewski’s case comment to a recent judgment of the Polish Supreme Court (case I NSK 8/19) shines light on the role of expert evidence in the determination of product substitutability for defining the relevant market. The author presents a rather critical view of the inactivity of the national competition authority in the evidentiary proceeding.

Finally, Filip Elżanowski comments on a decision of the Polish competition authority regarding an anticompetitive agreement on a market for heating services in Warsaw. The decision, issued in December 2020, is the first of its kind in Poland by imposing a fine on individuals (managers) for infringing the prohibition of anticompetitive agreement.

In addition, the 24th volume of YARS contains a review of the book entitled ‘Experimentalist Competition Law and the Regulation of Markets’ (by Yane Svetiev), written by Marcin Mleczko.

The volume closes with two conference reports: Jasminka Pecotic Kaufman and Alexandr Svetlicinii present the *ASCOLA SEE webinars series* held in September–December 2020 and Monika Woźniak-Cichuta writes about the conference on the *Implementation of the ECN+ Directive in Poland – towards a more effective application of EU competition law?*. This event was organized by the Polish competition authority jointly with the Centre for Antitrust and Regulatory Studies (CARS) and was held in March 2021.

We hope that readers will find this volume interesting, inspiring and useful for their research and professional legal work. The Editorial Board would like to take this opportunity to invite potential authors interested in publishing their work on competition law, regulatory issues and consumer law, either at global, international or national level – YARS is a great forum to present papers from both, experienced researchers as well as from young scholars. Contributions in a form of scientific articles, case comments, legislations reviews or conference reports are all welcome to be submitted for the volumes forthcoming in 2022. The 2022 call for papers will be announced shortly on the YARS website (<https://yars.wz.uw.edu.pl/>).

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