

Editorial foreword

It is a real pleasure to present the newest volume of the Yearbook of Antitrust and Regulatory Studies (YARS 2019, 12(20)). With this issue, the YARS continues to present original works discussing the developments of competition law mostly from the Central European perspective, but not only. This time such approach results in interesting contributions concerning competition law enforcement in Hungary, Italy, Lithuania, Poland, Slovakia, and UK, along with reflections regarding European-wide legal issues.

Contributors to this issue elaborated on diverse topics of relevance for competition law. A significant part of this volume of YARS reflects the editors' idea to extend the debate over one of the most remarkable recent legislative initiatives, which is – from the competition law perspective – decisively the enactment of Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (the so-called 'ECN+ Directive'). The aforementioned Directive will surely result in significant changes in national laws of the EU Member States and thus debating it is even more justified.

The focus on the implementation the ECN+ Directive into national legal systems of selected Member States of the EU is the hallmark of the current volume of YARS. Thanks to our Authors' insights, readers can learn how the implementation of the Directive is going to impact national laws in individual EU Member States, and which of the Directive's aspects are going to be the most challenging for legislatures and national competition authorities (NCAs). The articles collected within this volume give us valuable opinions on whether the transposition of the ECN+ Directive may affect the effectiveness of the NCAs. A particular feature of the current volume is the fact that contributions regarding national competition law of Central and Eastern European Member States can be confronted with articles presenting the perspective of the implementation of the ECN+ Directive in one of the founding Members States of the European Communities, namely Italy.

The volume begins with a paper referring to the ECN+ Directive's perspective in Poland. Patrycja Szot discusses the current state of the Polish

leniency programme and the amendments required in order to implement the ECN+ Directive. The next Author (Katalin Cseres) examines, from the perspective of Hungary, whether the aim of the Directive – which is to empower NCAs to be more effective enforcers and to ensure the proper functioning of the internal market – is likely to be achieved. This paper is focused on the institutional aspects of the Directive and the enforcement of Articles 101 and 102 TFEU, in particular the mechanisms for ensuring independence and accountability of the NCAs. The following two contributions reveal the Italian perspective of the future implementation of the ECN+ Directive. Giacomo Dalla Valentina assesses whether and to what an extent the ECN+ Directive should affect the enforcement of competition law in Italy, in particular in the field of fundamental guarantees of independence and effectiveness of the NCA; Marialaura Rea concentrates on the right of defence in antitrust procedures, which is also subject to harmonization. The Slovak perspective on the implementation of the ECN+ Directive is the subject of the next two articles. Our contributors have chosen to elaborate on the issue of independence of the competition authority (Mária Patakyová) as well as on the compliance with safeguards as predicted in Article 3 of the Directive, the regulation of conflict of interest and the effectiveness of enforcement (Hana Kováčiková). The last contribution to deal with the implementation of the ECN+ Directive refers to the Lithuania's perspective (Gintarė Surblytė-Namavičienė) with the Author's insight on the legal challenges while implementing the Directive and critical view on some of the amendments that have already been made.

The next part of the issue, which is dedicated to legislation and case-law analysis, opens with the contribution by Jagna Mucha referring to the European Commission Proposal of 2018 for a Directive on Representative Actions, which aims to modernize the existing European collective redress system. The paper presents the Author's critical evaluation of the solutions put forward in the Proposal, comparing it to the already existing legal solutions. The review is followed by four comments on recent judgments of European and national courts. The range of subjects covered by these papers spans from the cumulative enforcement of European and national competition law (comment by Mario Libertini to the CJEU Judgment, C-617/17 *PZU na Życie*), through the issue of collective proceedings for damages in UK Competition Law (Kathryn McMahon's comment to the UK's Court of Appeal Judgment in case *Merricks v Mastercard*), application of the principle of economic continuity to private enforcement of competition law (comment by Vasiliki Fasoula to the CJEU Judgment, C-724/17 *Skanska Industrial Solutions*) and cases of non-exclusionary secondary line discrimination on grounds other than nationality (comment by Jan Szczodrowski to the CJEU Judgment, C-525/16 *Meo-Serviços de Comunicações e Multimédia*).

Traditionally, book reviews are also included in the YARS. For the current volume, Václav Šmejkal reviewed one of the most recent publications of the University of Warsaw Faculty of Management Press: *Legislation Covering Business-to-business Unfair Trading Practices in the Food Supply Chain in Central and Eastern European Countries* (edited by Anna Piszcz and Adam Jasser).

The last part of the current YARS volume consist of conference reports, concerning: (i) the Third Annual Conference: Innovation Economics for Antitrust Lawyers, which was organized by the Concurrences Review in partnership with King's College London (London, 1 March 2019); and (ii) the scientific seminar entitled 'Cartel facilitating as a special form of participation in anticompetitive agreements under EU and Polish competition law', organized by the Department of Competition Law of the Institute of Law Studies of the Polish Academy of Sciences (Warsaw, 3 April 2019).

All authors of the contributions to the current volume as well as all peer-reviewers deserve our deep gratitude. Hopefully the readers will find this joint effort useful.

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