

Editorial foreword

The Editorial Board is pleased to present the second volume of the **Yearbook of Antitrust and Regulatory Studies** (YARS 2009, 2(2)). We hope that it will prove of interest to our foreign readers primarily because the majority of its research papers deal with the most important current problems of competition law enforcement. These include, in particular, the effectiveness of the fight against cartels, considering both its economic as well as investigatory and procedural side, and the practical development of private antitrust enforcement in a “new” Member State. We believe that this alone places our publication in line with the mainstream discussion of both European academics and professionals in the competition law field. Nonetheless, it would be justified to say that at this point in time it is too early to evaluate the actual effectiveness of the Polish Leniency Programme and of the private enforcement of Polish competition law.

The primary part of YARS 2009, 2(2) opens with an insightful paper by A. Fornalczyk, the first President of the Polish Competition Authority. The author not only presents the academic basis for the economisation of the fight against cartels but also proves that the practical knowledge and understanding of the new economic approach in combating cartels is growing even in Poland. The following paper by R. Molski discusses not only the legal basis but also the first implementation experiences of the Polish Leniency Programme. P. Podrecki analyses rules governing the assertion of civil law liability in the event of a competition law infringement. E. Rumak and P. Sitarek deliver another legal article devoted to the intersection of the leniency scheme with private enforcement of antitrust rules in Poland. The following paper by K. Tosza will likely prove familiar to our European readers seeing as it presents some of the most universally difficult aspects of antitrust proceedings concerning payment card systems. YARS 2009, 2(2) also contains two papers entirely devoted to regulatory considerations. B. Nowak presents the various legal challenges of the liberalisation of the Polish energy sector and M. Król considers the costs and benefits of vertical separation of railway firms in Poland from an economic point of view.

The Editorial Board also welcomes the article by O. Andriychuk containing many insightful comments concerning the axiology of competition law – clearly a key current antitrust problem. It was always our intention to present our readers with a guest article exceeding the essentially Polish context of our publication. We are therefore especially pleased to have the possibility of publishing in YARS 2009, 2(2) a polemic paper directly reflecting on the article by D. Miąsik (*Controlled Chaos with Consumer Welfare as the Winner – a Study of the Goals of Polish Antitrust Law*) published in YARS 2008, 1(1). The very fact of a polemic paper being submitted to us by a foreign reader so soon after the birth of our publication makes us hope that the impact of YARS will continue to grow as we warmly welcome any contributions of that type.

Aside from its research papers, the current volume of YARS also contains a series of detailed reviews concerning the various legislative changes that took place in Poland in 2008 in the antitrust field as well as in infrastructure sectors. Case comments concerning key legal proceedings of 2008, including the ETS judgment C-227/07 concerning Polish telecoms law, are presented next followed by relevant book reviews that cover antitrust issues as well as the law and policy applicable to telecoms and the energy sector. YARS 2009, 2(2) closes with reports concerning the various activities undertaken by CSAiR in 2008 or in which it has participated alongside public bodies (the Polish Energy Regulatory Office) and legal firms (Wierzbowski Eversheds and Markiewicz & Sroczynski). These activities included workshops and seminars dealing with some of the most important problems of correct politics, law and economics of antitrust and regulation in telecoms and energy sectors.

The Editorial Board is very pleased to say that another step has been taken on the way to finalising the YARS Advisory Board which includes academics and practitioners from Poland and abroad representing primarily major academic institutions but also law and consulting firms which have a special interest in antitrust and regulatory issues. We are especially grateful that the membership of the YARS Advisory Board has been accepted by such distinguished scholars as Professors E. Fox, J. Masing and R. Whish. We also warmly welcome the first representative of the Polish business world – the head of a leading Polish ice cream producer. We hope to welcome additional members in 2009 from the academic, legal, consulting and business world from both home and abroad.

The Editorial Board continues to hope that YARS will strongly contribute to the development of legal and economic libraries in the antitrust and regulatory fields especially in that it will continue to provide its readers with up to date insights into the workings of antitrust and regulation in a “new” EU Member State.

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