

From the Editors

The editorial board is pleased to present the forth volume of the **Yearbook of Antitrust and Regulatory Studies (YARS 2011, 4(4))**, dedicated solely to competition protection and regulation in the energy sector in Poland.

As was the case in our previous issues, we hope that this time, too, our Yearbook will be interesting for our foreign readers. Thus, all the research papers published here are dedicated to the major developments currently underway in the Polish energy sector – an economic sector which for years has been dependent on and under the control of the government. Because of this, recent liberalization and the opening of the energy market in Poland, driven by European Union legislation, cannot bear full fruit all at once. Liberalization of the energy market demands time. It involves a complicated decision-making process, the passage of sector-specific legislation, and massive investments together with various market adaptations, as Professor Buzek aptly observes in his foreword. Moreover, it should be clear that the necessary political involvement does not end with the decision to liberalize or with the completion of the legislative work required to establish a market framework. Indeed, continued political and business involvement is required to create a competitive energy industry in Poland as well as to monitor and regulate the exercise of monopoly powers by independent national regulators. This is why the complexity of market liberalization is of paramount interest to policy makers, and also why the former President of the Energy Regulatory Authority (M. Swora) accepted our invitation to write a guest article on development in the energy sector. His choice was wise and proper: smart grids and smart metering. The second guest article was prepared by representatives of the Public Board of the National Programme for Reduction of Emissions – K. Zmijewski and M. Sokołowski. These experts highlight the key tasks of the Board with regard to the reduction of greenhouse gas emissions in the energy sector, along with its role in the overall process of CO₂ reduction in Poland. We are very grateful for these guest articles and their authors' efforts.

The papers submitted and accepted for publication in this volume of the Yearbook of Antitrust and Regulatory Studies discuss truly major concerns and issues regarding liberalization of the energy market in Poland. Our authors pay special attention to matters such as: energy security, reduction of CO₂ emissions,

renewable energies, and independent regulation and competition on the energy market. Each of these aspects has an important influence on the competitiveness of the Polish energy sector vis-à-vis other EU Member States. We believe that this alone places our publication in the mainstream of the discussions pursued by Europe's academics and professionals in the energy and regulatory law field.

The present volume opens with articles on energy policy and the legal aspects of energy security in the natural gas sector – specifically, the lack of cooperation among Member States and infrastructural obstacles to a common energy policy for Europe (B. Nowak and P. Grzejszczak) as well as gas storage problems (M. Mordwa). Later on our authors focus on the reduction of greenhouse gas emissions in the energy sector through technological innovations and developments in heat and electricity generators (J. Lewandowski) and through the emission trading scheme and newly established (by EU directives) auctioning general rule (M. Stoczkiewicz). The next section of YARS deals with regulatory, institutional, and jurisdictional concerns. A. Stawicki focuses his research on the autonomy of sector-specific regulation and the relation between energy law and competition law. F. Elżanowski discusses the duties of the 'Energy Regulator' in light of the third energy package, and M. Czarnecka and T. Oglódek focus on tariff creation as a regulatory tool, and its impact on competition. Last but not least, this section of YARS ends with research papers on competition liberalization and successive changes in the Polish electricity sector from the legal perspective (T. Skoczny) and the economic perspective (A. Szablewski) as well.

Aside from these research papers, this volume of YARS also contains two case comments concerning the energy field. Our case commentators present judgements wherein the Supreme Court tackled the question (i) which authority is competent to decide when a power company is abusing monopolistic power: the President of UOKiK or the President of URE? (A. Maziarz), and (ii) whether the rights and obligations arising from a license are transferable under Article 40 of the Privatization and Commercialization Act (I. Bankiewicz, U. Antonowicz)

Finally, this year's volume of YARS ends with a book review of Bożena Borkowska's *Regulacja monopolu naturalnego w teorii i praktyce* [Regulation of a natural monopoly in theory and practice. The reviewer (A. Fornalczyk) recommends the book not only to theoreticians, but also to practitioners engaged in natural monopoly sectors.

The Editorial Board hopes that YARS will become an integral part of legal and economic libraries concerning energy and regulatory issues, and one that will prove especially valued in that it will continue to provide its readers with up-to-date insights into the workings of energy and regulation in Poland.

Warsaw, June 2011.

Bartłomiej Nowak

Tadeusz Skoczny