

Editorial foreword

The editorial board is pleased to present the 10th volume of the Yearbook of Antitrust and Regulatory Studies (YARS 2014, 7(10)). Three separate volumes of the Yearbook were prepared in 2014. YARS 2014, 7(9), edited by A. Piszcz, was published in June. It is dedicated to the impact of EU competition law on the national competition law regimes of “new” EU Member States and contains a number of academic papers on the development of competition laws in some CEE countries. The growing internationalisation of the Yearbook continues in the current, special volume (YARS 2014, 7(10)) which contains a selection of contributions from active participants of the 9th Annual ASCOLA Conference. The Conference was organised by CARS and held on the 26–28 June 2014 in Warsaw (<http://www.ascola-conference-2014.wz.uw.edu.pl/programme.html>). CARS is proud to announce that the year 2015 will start with the publication of a “regular” volume of the yearbook (YARS 2015, 8(11)) edited by A. Jurkowska-Gomułka.

The 9th Annual ASCOLA Conference in Warsaw was devoted to Procedural Fairness in Competition Proceedings and gathered 80 participants from nearly all corners of the world. In order to provide conference participants with an additional platform for the discussion of other relevant issues, a separate Workshop on Competition Policy Developments was also held during the Conference. Most of the papers contained in the current volume of YARS were presented during this workshop. Their publication in the current volume of YARS has been made possible thanks to the generous donation of the Foundation of the National Bank of Poland for which we are very grateful.

The wide diversity of the contributions submitted for the workshop and for this volume shows that academics worldwide deal with a great variety of current competition law developments. Many of the contributions have a national focus, they considering new competition law jurisdictions or key procedural developments in more established systems outside the EU. **K. Smyrnova** considers the overall enforcement of competition rules under Association Agreement between the EU and Ukraine. In her informative paper, **S.Y. Wahyuningtyas** speaks of the continuing challenges in the fight against cartels in Indonesia, 14 years after the introduction of its competition

law. **S. Hayashi** presents a recent amendment to the Japanese Antimonopoly Act with great relevance to procedural fairness issues. **K. Moodaliyar** provides a comprehensive analysis of problems surrounding access to leniency documents in South Africa in light of EU and US experiences.

The rest of the contributions cover a variety of competition law issues, mostly of a widely-defined procedural nature, with a direct connection to the EU. The paper by **S. Oliveira Pais** and **A. Piszcz** provides a dual, Portuguese and Polish, take on actions for damages based on breaches of EU competition rules and collective redress. **E. Beumer** speaks of the interaction between EU competition law procedures and fundamental rights protection on the example of the right to be heard, while **L. Pace** analyses the relationship between parent-subsidiary in EU competition law and the *AEG Telefunken* presumption. **M. Michalek** focuses on fishing expeditions and subsequent electronic searches in the light of the principle of proportionality of inspections, considering primarily Polish and Swiss experiences. **A. Dinev** provides an in depth analysis of the effects of antitrust enforcement decisions in the EU. **P. Congedo** considers the use of the so-called “regulatory authority dixit” defence in EU competition law enforcement practice. **E.D. Sage** demonstrates the increasing use of “negotiated”, as opposed to traditionally punitive, instruments of EU competition law enforcement on the example of cases directed at East-Asian companies. The volume also contains an interdisciplinary paper by **M. Maggiolino** which deals with plausibility, facts and the economics in antitrust law.

The editorial board would like to express its heartfelt gratitude to Professor Peter Behrens and Professor Josef Bejček for their invaluable comments provided within the review process of this volume.

Warsaw, October 2014

Ewelina D. Sage, PhD. (OXON)
YARS Volume Editor