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YEARBOOK
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focusing on legal and economic
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Editorial foreword

The Editorial Board is pleased to present the 13th volume of the Yearbook of Antitrust and Regulatory Studies (YARS 2016, 9(13)). This is the first volume of YARS to be published in 2016 – a second volume is forthcoming at the end of the year. It is worth stressing that YARS is, starting from 2014, despite its formal name, a semi-annual journal.

This volume of YARS focuses on more than just antitrust issues also encompassing problems of consumer protection and sector-specific regulation. The opening article written by Kati Cseres is dedicated to the normative concept of ‘the consumer’ on the example of Poland and Hungary. This notion, applied in cases resulting from consumer law *sensu stricto*, should also be applied with regard to competition law, if consumer welfare is accepted as a fundamental value of competition rules.

Subsequently, Marek Rzotkiewicz writes about the recovery of State aid. He tackles the issue from the unique perspective of the impact of the rule of national identity (recognized in EU jurisprudence) upon the recovery process.

The article written by Dariusz Aziewicz concerns the evolution of antitrust assessment of resale price maintenance – (still) a hot topic for public enforcement of competition law. This problem is particularly controversial in Poland where the majority of the decisions issued by the National Competition Authority cover vertical restraints (mainly agreements on resale prices).

Ermal Nazifi and Petrina Broka analyze developments in private enforcement of competition law in Albania. The paper argues that the application of antitrust rules by civil courts is considered and discussed not only in EU Member States, but in all countries trying to protect sound competition within a free market economy.

In the following paper Ilona Szwedziak provides a rather critical assessment of the implementation of energy security strategies in selected CEE countries – Bulgaria, Hungary, Latvia, Lithuania, Poland and Romania.

In her article, Joanna Piechucka presents the so-called ‘regulatory contracts’ in the area of urban transport. The author refers mainly to French experiences in this regard yet the problem of a proper design of such contract is quite common to all EU Member States.

The second section of the Yearbook is devoted to national legal developments and contains two Polish contributions. Anna Laszczyk provides a detailed presentation of a set of newly issued Polish antitrust soft-laws. Subsequently, Anna Konert and Piotr Kasprzyk report on amendments to national aviation law – these changes brought the Polish legal order closer to the EU pattern, mainly in the area of air traffic management.

In addition, the current volume of YARS contains a number of jurisprudential reviews. It opens with a contribution prepared by Zurab Gvelesiani presenting the first cartel decision issued by the Georgian competition authority after its antitrust law, and in fact the authority itself, were re-established in 2012. Silvia Sramelova analyzes the national antitrust decision, and following appeal judgments, issued in the Slovak part of the gas insulated switchgear cartel. Finally, Orhan Ceku and Mentor Q. Shaquiri provide a case study of Kosovo's insurance market from the perspective of its national prohibition of anti-competitive agreements.

In its next section, YARS contains the reviews of two books published in 2015 in Poland – one concerning the rights of undertakings in antitrust proceedings, the other focuses on the financing of services of general economic interests. The third book reviewed in this volume of YARS is dedicated to legal challenges of new media societies; it was published in 2016 within Polish-Finnish cooperation.

YARS 2016, 9(13) contains three conference reports for events that took place in 2015: a Polish national conference on consumer law, a postal conference and a conference on the energy sector. The current volume provides also a detailed CARS activity Report for 2014–2015 as well as a report on the activities of the Center for Competition Law and Consumer Protection in Tbilisi, Georgia.

The Editorial Board would like to take this opportunity to encourage potential authors interested in competition law and regulatory issues in the CEE countries, the Balkans and the Caucasus to take part in the preparation of forthcoming volumes of YARS to be published in 2017.

A call for papers will be announced shortly on the YARS website.

Warsaw, July 2016

Prof. Agata Jurkowska-Gomulka
YARS Volume Editor