

Editorial foreword

The editorial board is pleased to present the 14th volume of the Yearbook of Antitrust and Regulatory Studies (YARS 2016, 9(14)).

We are honoured to begin this volume with a guest article written by Professor Daniel Barnhizer (Michigan State University College of Law), a contribution which examines one of the big issues of our times – “Contracts and Automation: Exploring the Normativity of Automation in the Context of U.S. Contract Law and E.U. Consumer Protection Directives”.

Continuing the tradition set by YARS in 2013, the papers published in the current volume focus not only on the Polish competition law regime, but present also the national competition laws of other CEE countries as well as the Caucasus.

In the ‘Articles’ section, the current volume provides an insight into a variety of issues. They relate, first of all, to private enforcement of competition law. It seems that this is the last moment to try to provide *de lege ferenda* suggestions for EU Member States before the transposition of the Damages Directive (Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union) into their national legislation. What suggestions can be made in this regard to Poland and Hungary? Answers to this question can be found in two articles. The paper written by Dominik Wolski looks at the principle of liability in private antitrust enforcement in selected European states in light of the implementation of the Damages Directive into the Polish legal system. Tihamér Tóth presents the Hungarian perspective on private enforcement and collective redress of EU competition law. Jurisdictional questions, collecting evidence, the interaction of public and private enforcement as well as collective redress prove to be among the most debated issues according to reports from Member States.

The current volume contains also a paper on the effectiveness of judicial review in the Polish competition law system (Maciej Bernatt). Is the Polish



status quo satisfactory or not? It needs to be noted that this paper considers the permissibility of judicial deference. Worth recommending is the article written by Kseniia Smyrnova which contains a comparative analysis of the collective dominance definition in Ukrainian and European law on the example of the electricity market case. Included in the 'Articles' section of this YARS volume is a paper that introduces the issues of competition law and state aid for failing banks in the EU and its specific implications for CEE Member States (Virág Blazsek). Finally, the 'Articles' section provides readers with a great opportunity to familiarise themselves with the topic of regional rail transport in Poland, the Czech Republic and Slovakia, including its current models and history, as well as its spatial and socio-economic context (Marcin Król, Jakub Taczanowski).

Aside from the above research papers, the current volume of YARS contains also a number of national legislation and case law reviews. The first contribution contains a review of Georgian legislation and case law on merger control (Solomon Menabdishvili). Provided next is an overview of the new Kazakhstani anti-monopoly regulation (Alexander Korobeinikov). It is followed by critical assessment of 2015 developments in Polish competition law (Anna Piszcz). Discussed next is the 2016 Amendment of the Czech Significant Market Power Act of 2009 (Petr Frischmann, Václav Šmejkal). The final contribution consists of a review of the new Polish model of abstract control of standard forms of agreements concluded with consumers (Paulina Korycińska-Rządca).

The current volume of YARS also offers four case comments. This section opens with Sandra Marco Colino's reflections on the judgment of the General Court in case *Orange Polska v European Commission*. Olga Stefanowicz and Bartosz Targański analyse two preliminary rulings of the Court of Justice regarding anti-competitive practices (respectively, *SIA 'Maxima Latvija' v Konkurences padome* and *'Eturas' UAB v Lietuvos Respublikos konkurencijos taryba*). There is also something for those who prefer State aid issues, a comment by Tihamér Tóth to the judgment of the Court of Justice in case *Electrabel SA, Dunamenti Erőmű Zrt. v European Commission*.

In its next section, YARS contains the review of a Piotr Semeniuk's book published in 2015 in Poland regarding the concept of a single economic unit in competition law.

The final section of the current volume of YARS is devoted to 'Reports'. This section covers, first, the national conference on the pursuit before Polish courts of actions for damages based on competition law infringements which was held in Warsaw in April 2016. The following report concerns an event that took place in Łódź in May 2016 – the third national conference devoted to consumers in the rail passenger market. The last reported gathering, the 4th

Polish-Portuguese PhD Students' Conference on Competition Law, was held at the University of Białystok in June 2016 (it is worth mentioning that the 5th international conference of this series has already taken place in Białystok in October 2016). The 'Reports' section concludes with a Special Report on the Centre for Business Law and Practice at the University of Leeds.

I end this brief editorial note with expressions of deep gratitude. I wish to thank the authors and various anonymous reviewers who willingly gave their time and expertise to contribute to the current volume.

Białystok, 22nd November 2016

Anna Piszcz
YARS Volume Editor