

Editorial foreword

The editorial board is pleased to present the 15th volume of the Yearbook of Antitrust and Regulatory Studies (YARS 2017, 10(15)). It contains contributions presented during the 2nd International Conference entitled ‘Harmonisation of Private Antitrust Enforcement: A Central and Eastern European Perspective’. The conference was organised by the Faculty of Law of the University of Białystok and the Centre for Antitrust and Regulatory Studies of the University of Warsaw (CARs). It was held on 29–30 June 2017 in Supraśl. This conference was one of the steps in a carefully-mapped out sequence of international and national events related to questions of private enforcement of competition law, which is going to be continued.

The current volume is dedicated to a whole spectrum of topics related to 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), its scope and implementation in all eleven Central and Eastern European Member States of the EU. The contributors from CEE countries present therein the experiences of their legislatures and/or legal drafters gained during the implementation process of the Directive, their approaches to issues covered by the Directive, as well as the ultimately chosen solutions, their strengths and weaknesses. As a result, and continuing the tradition set by YARS in 2013, the research papers published in the current volume focus not only on Polish national law but also present the national laws of other CEE countries.

The first three papers focus on institutional challenges for private enforcement of competition law in CEE countries (O. Błažo), the scope of the implementation of the Damages Directive in CEE countries (M. Petr) and the implementation of the Directive’s provisions on consensual dispute resolution in those countries (M. Modzelewska de Raad). Presented next are five papers discussing substantive rules related to private enforcement of competition law in CEE countries. The first, written by D. Wolski, discusses the types of liability for competition-based damages, an issue which the EU

legislature did not take the risk of harmonizing. Further on, the substantive rules of the Directive are discussed that needed to be transposed into the national laws of CEE countries as well as relevant national provisions (or draft provisions) implementing them. These cover: rules on joint and several liability of competition law infringers (P. Miskolczi Bodnár, R. Szuchy), quantification of harm (V. Mikelénas, R. Zaščiurinskaitė), passing-on of overcharges (R. Moisejevas) and limitation periods (A. Vlahek, K. Podobnik). Another set of papers covers procedural challenges for the implementation of the Directive in CEE countries. It includes a paper on the disclosure of evidence (I. Druviete, J. Jerņeva, A.U. Ravindran) as well as a paper on the effect of national decisions on actions for competition-based damages (E. Pärn-Lee). The latter problem is particularly significant because of the differences between the interpretations of the Directive's minimum harmonisation clause by the researched countries. The last paper by A. Piszcz refers to collective private enforcement of competition law, something omitted by the Directive, or, rather, left to be decided on by the Member States.

Aside from the above research papers, the current volume of YARS contains also two case comments. First, M. Knapp and P. Korycińska-Rządca critically review the judgment of the Court of Appeals in Cracow (Poland) of 10 January 2014 (Ref. No. I ACa 1322/13) concerning several complex legal issues relating to private enforcement of competition law, which are particularly difficult to be proved by an entity injured by the competition law infringer. Second, R. Zaščiurinskaitė shows – based on the judgment of the Lithuanian Court of Appeals of 3 March 2017 (Case No. e2A-27-464/2017) – what factors and circumstances are important in private enforcement of a successful standalone case.

Finally, included in the current YARS volume are also conference reports. They cover: (i) '2nd International Conference on the Harmonisation of Private Antitrust Enforcement: A Central and Eastern European Perspective' (Supraśl, 29–30 June 2017), (ii) 'Conference on EU Competition Law and the New Private Enforcement Regime: First Experiences from its Implementation' (Uppsala, 13–14 June 2017), (iii) 'Workshop – Reform of Regulation 1/2003: Effectiveness of the NCAs and Beyond' (Warsaw, 28 April 2017), (iv) '6th International PhD Students' Conference on Competition Law' (Białystok, 27 April 2017).

The aim of this volume is to provide its readers with information needed to revisit the legal frameworks of CEE countries in this context; this goal will be fulfilled to our satisfaction if the readers will find it useful. We end this brief editorial note with expressions of deep gratitude. We wish to first thank the

members of the Conference Organising Committee, in particular Professor Tadeusz Skoczny, for all their support. We also offer thanks to the authors and various anonymous reviewers who willingly gave their time and expertise to contribute to the current volume.

Białystok, 2nd October 2017

Anna Piszcz
Paulina Korycińska-Rządca
Magdalena Knapp
University of Białystok
– YARS Volume Editors