

Editorial foreword

The Editorial Board is pleased to present the 17th volume of the Yearbook of Antitrust and Regulatory Studies (YARS 2018, 11(17)). Among others, it contains several articles the drafts of which were presented at the First ‘Gaetano Filangieri’ Conference on the Freedom of Commerce ‘Recent developments in EU Competition Law’. The Conference was held at the University of Naples ‘Federico II’ School of Law on 8-9 May 2018 and featured speakers from eight different European universities.

Gaetano Filangieri, a late 18th Century philosopher of the so-called Neapolitan Enlightenment, is the author of the *The Science of Legislation (1780–1791)*, a monumental yet unfinished treatise on good government and on the principles of sound legislation. In his work, Filangieri developed some pioneering ideas on monopolies, regulated professions, and competition on the merits: ‘the first object of the laws on manufactures and industry’, he argued, ‘should be the promotion of competition and the suppression of the causes that restrict it’; ‘the best laws in the world’, he further averred, ‘would not be able to improve manufacturing without competition. The greater the competition, the more the manufacturer will endeavour to improve his products, as he knows that the customer will prefer them to those of his competitor.’ (*The Science of Legislation*, 2, XVI).

We are honoured to begin this volume with a guest article written by Arianna Andreangeli (University of Edinburgh), a contribution which examines one of the big issues of our times – EU competition law put to the Brexit test. The author offers her most up-to-date analysis of what impact the exit of the UK from the Union might have on the enforcement of competition rules. Presented next is a paper written by Viktoria H.S.E. Robertson (University of Graz), which analyses to what extent financial consumer protection forms part of the competition law objective of consumer welfare that EU competition law nowadays adheres to. The third article, written by Erzsébet Csatlós (University of Szeged), explores and examines the legal nature of the European Competition Network (ECN) as one of the most advanced examples of cooperation forms of competent authorities that aim to, among others, overcome diversity of non-harmonised legal areas and on which the EU relies. Further on, Magdalena Knapp (University of Białystok) discusses the concept of third party liability for anticompetitive conduct under EU competition law (vs the principle of personal responsibility) and the notion of a test for the

attribution of anti-competitive conduct of a service provider as well as the grounds for exemption from liability for actions of a genuinely independent contractor. Finally, Claudia Massa (University of Naples ‘Federico II’) provides an assessment of Directive 2014/104/EU, criticizing the choice taken by European legislature to exclude punitive damages from the category of recoverable damages following a violation of antitrust law.

Aside from the aforementioned research papers, the current volume of YARS contains also three legislation & case law reviews. First, Gabriella Perotto (University of Turin) examines the elusive notion of ‘selectivity’ in the context of fiscal aids, having regard to the CJEU case-law and most recent Commission decisions in this area. Second, Andrea Pezza (University of Naples ‘Federico II’) provides his contribution to the on-going debate on the optimal institutional design of competition authorities by examining the French system of antitrust enforcement, as structured following the reform approved in 2008. Third, Anna Piszcz (University of Białystok) takes a comprehensive view on the EU 2018 draft Directive on UTPs in B2b Food Supply Chains and the Polish 2016 Act on Combating the Unfair Use of Superior Bargaining Power in the Trade in Agricultural and Food Products.

In its next section, the current YARS volume contains reviews of two books published in 2017 in Warsaw by the University of Warsaw, Faculty of Management Press. First, it contains Agata Jurkowska-Gomułka’s review of a book written by Maciej Gac regarding group litigation as an instrument of competition law enforcement, analysed on the basis of European, French and Polish experiences. Second, the volume contains a review by Raimundas Moisejevas of a book edited by Anna Piszcz and related to the implementation of the EU damages directive in Central and Eastern European countries.

Finally, included in the current YARS volume are also conference reports. They cover: (i) ‘First “Gaetano Filangieri” Conference on Freedom of Commerce “Recent developments in EU Competition Law”’ (Naples, 8–9 May 2018), and (ii) ‘7th International PhD Students’ Conference on Competition Law’ (Białystok, 10 October 2017).

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

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Anna Piszcz
University of Białystok

Amedeo Arena
University of Naples ‘Federico II’
– YARS Volume Editors