

## Editorial foreword

No matter how immense, precise or refined competition rules are, their effectiveness is dependent on their enforcement. In turn, the enforcement depends on the institutional and procedural setting within which competition law operates. The instrumental preparedness embedded in the procedural entourage, marching hand in hand with the substantive norms, is the puzzle to be assembled so as to bring about interventions adequately tailored to counter anticompetitive practices. At the same time, a number of implicit and explicit factors constantly influence the enforcement practice. Since these factors are in the process of changing, the enforcement architecture needs to adapt accordingly. Against this backdrop, the Authors of this volume endeavour to capture the lessons provided by the past in order to deliver up-to-date solutions. This bridge between the past and the present is a noticeable characteristic for most of the contributions awaiting the Readers.

Lena Hornkohl poses the question whether modern competition law should welcome lay judges, who are experts on competition, but chiefly from an economic angle. Thereby, she addresses concerns related to complicated economic issues, which jurist-judges may not manage on their own. The article of Selçukhan Ünekbaş is, in turn, a genuine representative of the characteristics outlined above. He discusses comfort letters, and examines them as measures to confront the uncertainty that competition law deals with. Next, Bruce Wardhaugh touches in his paper upon the topical dilemma to what extent competition law can tackle the consequences of a crisis. Given that we are now living in the times of multiple crises, whichever they may be, the Author offers a relevant discussion on this topic and his proposals, particularly for the NCAs and the Commission, are certainly worth considering. Similarly, Miłosz Malaga discusses ‘independence’ as a condition to be satisfied by National Competition Authorities (NCAs). The Author’s analysis was prompted by the recent judgment of the General Court in the *Sped-Pro* case, but is not limited thereto. In particular, he places this issue in the context of merger control and related doubts surrounding the Polish national champion, the gas retailer and oil refiner PKN Orlen. In the following article, Raimundas Moisejevas, Justina Nasutavičienė and Andrius Puksas share their thoughts with regard to the personal liability of managers for violations of competition law in Lithuania. Their questions about broadening the toolbox available to NCAs, in order to intensify increasingly accurate efforts to tackle anticompetitive practices, relate to a broader discussion pertaining to the assessment of enforcement. In spite of the persuasive rationale behind this approach, which the Authors

convincingly raise, fundamental principles of law cannot be diminished. The last article of the volume is authored by Martin Milán Csirszki and covers the topic how ‘agricultural’ antitrust fits into the broader perspective within which current enforcement challenges are analysed. As the production and supplies of food are crucial factors weighing heavily on various economies across the globe, this paper’s analysis of agricultural exemptions in EU and US competition law could not have been provided at a more suitable moment in time.

Two other sections are included in this volume of YARS. First, a book review presented by Rafik Rabia provides the Readers with the opportunity to familiarise themselves with a recent book written by Alexandr Svetlicinii entitled ‘Chinese State Owned Enterprises and EU Merger Control’. Through the lens of – inter alia – competition law, SOEs as such are both intriguing and controversial. In a rapidly changing world, considering Chinese SOEs in the light of EU law can elicit curiosity even more. Second, regardless of the increasing availability of offline conferences, it will never be feasible to attend them all. YARS’s conference reports serve this end. The first report of the volume presents the International Conference of the Jean Monnet Network on EU Law Enforcement (EULEN), ‘EU Competition Law Enforcement: Challenges to Be Overcome’, organised by the Centre for Antitrust and Regulatory Studies at the Faculty of Management of the University of Warsaw on 26<sup>th</sup> and 27<sup>th</sup> May 2022 (reported by Veronica Piccolo). Following the theme of the event, the report outlines recent discussions on the most pressing challenges in competition law enforcement. Second, the volume contains a report on the International Colloquium of the University of Naples Federico II Faculty of Law, ‘How the EU Rules the World: Insights from Four Continents’ held on 4<sup>th</sup> October 2021 (reported by Susanna Picariello).

Considering a wide range of subjects impacting every aspect of our lives, all the papers included in this volume of YARS provide added value to the debate – that outreaches the competition landscape – how to alleviate current difficulties and those facing us in forthcoming years. In light of the diversity of the issues tackled by the Authors, this volume of YARS offers a multifaceted collection of contributions.

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