

## Editorial foreword

As Volume Editors we are pleased to present the 21<sup>st</sup> volume of the Yearbook of Antitrust and Regulatory Studies (YARS 2020, 13(21)). It is worth stressing that YARS, starting from 2020, will be indexed in Scopus; this means better accessibility and greater attractiveness of our journal for readers and potential authors.

This volume of YARS focuses on more than just substantive competition law and its (public and private) enforcement, but it also encompasses problems of unfair trading practices (UTPs) in the EU agri-food supply chain. The latter problem is highlighted in the opening article by Victoria Daskalova who claims that European regulations on UTPS, including Directive 2019/633, turn out to be counterproductive.

Two articles analyze problems of private enforcement of competition law: Katharina Voss shows the interaction between public and private enforcement of EU competition law with a reference to the Swedish *Booking* cases and Marta Mackiewicz juxtaposes the concept of fault in private enforcement of antitrust law in U.S., EU and Polish law and jurisprudence.

Akos Reger and Andras Horvath offer in-depth analysis of the Hungarian case-law concerning abuse of dominant position. The paper identifies the unique characteristics of Hungarian legislation and case-law and critically evaluates them in light of EU competition law and economics principles. The article sheds light what are the reasons behind the level of intensity and nature of enforcement of competition law.

Subsequently, Anna Laszczyk provides a critical analysis of the development of EU case law regarding (antitrust) patent settlements in the pharmaceutical sector in the last decade. The author underlines some deficiencies in the European Commission's approach to the problem and expresses some expectations for a shift also in the CJEU's position on patent agreements.

Giulia Schneider shines light on some potential antitrust dangers in sharing data which, under specific circumstances, can give rise to creating anticompetitive aggregation of data. The author considers whether and how competition remedies available under EU law can be used for the design of pro-competitive data pools in digital markets.

The article written by Jan Polański concerns possibilities to use forensic IT in antitrust enforcement. The author discusses approaches, presented in recent case law, to the preservation of digital evidence, wondering if they leave any space for the use of forensic IT in making antitrust enforcement effective.

The Case Law Reviews section of the current YARS volume opens with a comment by Adrian Bielecki on the judgment in *Austria Asphalt* case (C-248/16) regarding the ‘grey zone’ merger control regime in the EU.

In his comment on the *Guess* decision (AT.40428), Bartosz Targański analyzes restrictions in online sales and wonders if selective distribution is possible on the Internet at all. Finally, Hana Kováčiková summarizes and assesses efforts of the Slovak Antimonopoly Office in defining digital markets, an issue which remains a great challenge for competition authorities worldwide.

In addition, the current volume of YARS contains a review of the book ‘Global Governance of Air and Space: Institutions, Law, Management and Policy’ (by Małgorzata Polkowska), written by Jan Walulik.

The volume closes with two conference reports: the first is from the International Academic Conference Security and Regulation of the Energy Market, that took place in 2019 in Łódź (Poland) and the second from the ‘Covid seminars’: ASCOLA Central Europe Chapter webinars series ‘Competition Law Enforcement and Covid-19: Developments in Central Europe’, held in June–July 2020.

We hope that readers will find this volume interesting, inspiring and useful for their research and professional legal work. The Editorial Board would also like to take this opportunity to encourage potential authors interested in competition law, regulatory issues and consumer law, mainly in the CEE countries, the Balkans, the Caucasus, but also in other jurisdictions in the world, to take part in the preparation of forthcoming volumes of YARS to be published in 2021.

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

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**Prof. Maciej Bernatt**

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