

Editorial foreword

Dear readers,

We are pleased to present the 22nd issue of the Yearbook of Antitrust and Regulatory Studies (YARS 2020, Vol. 13(22)). This issue is focused on competition law and policy developments in Central and Eastern Europe, as well as South-Eastern Europe. In addition, the developments in EU law are discussed. Several of the articles are based on research which was originally presented at a conference held in December 2019 at the University of Zagreb under the auspices of the Academic Society for Competition Law (ASCOLA). The underlying goal of this issue is to discuss experiences with the enforcement of competition law and challenges faced by countries from Central and Eastern as well as South-Eastern Europe. In this context, the institutional setting of competition authorities and the review of their actions by the courts is of particular relevance.

The articles section begins with the article written by Dubravka Akšamović who presents her analysis of the winning and losing arguments before the High Administrative Court of the Republic of Croatia and, by doing so, tells the story of the practice of judicial review in Croatia. The next article, by Dijana Marković-Bajalović, focuses on the competition enforcement model chosen by the candidate countries of the Western Balkans. It shows the weaknesses of judicial review in competition law cases in those jurisdictions. Veljko Smiljanić and Kevin Rihtar compare the institutional designs and historic legacy of the Slovenian and Serbian competition enforcement framework, and discuss the advantages and drawbacks of each model. Avdylkader Mucaj provides an analysis of the competition law system in Kosovo focusing on its institutional aspects, and the practice of its enforcement. He also explains the role of the EU in promoting competition law in the region. The next three articles move away from South-East Europe. Analyzing the Slovak jurisdiction as a case study, Ondrej Blažo discusses the ECN+ Directive and the prioritization policy as a challenge for national competition authorities. Next, Jorge Condezo, Annabel Kingma and Miroslava Scholten analyze judicial review of inspections conducted by competition authorities. They argue that identified limitations of judicial review could be addressed by extending the types of controls over inspections, that is, ex ante legislative guidance and internal managerial

accountability. Finally, Mirna Romić offers an overview of the evidentiary rules for proving a single and continuous infringement of competition rules through the case law of the Court of Justice of the EU, while also providing a brief overview of the challenges encountered by the courts and the NCA in Croatia in applying this standard.

In the legislation and case-law reviews section, Alexandr Svetlicinii writes about state-controlled entities in EU merger control, discussing the high-profile case of PKN Orlen and Lotos Group, while Robert Kordić, Marija Zrno and Raško Radovanović focus on gun-jumping cases in the SEE region. Mislav Bradvica and Kristina Rudec give an overview of the abuse of dominance cases in the electronic communications market in Croatia. Finally, Kamil Dobosz comments on the CJEU judgement in the Escalators and Elevators case, chronicling the arguments back to the national context.

In the book reviews section, three books are presented. First, Monika Wozniak reviews the book on the harmonisation of EU competition law enforcement written by Jurgita Malinauskaite, which analyses the interplay between national and EU competition law in the post-socialist Member States from 2004 onwards. In the next review, Marco Botta reviews the book ‘Competition law in Croatia’ (written by Jasminka Pecotić Kaufman, Vlatka Butorac Malnar, Dubravka Akšamović) as a detailed account of the relevant competition rules in Croatia and the major enforcement cases of the past two decades. Finally, Mario Krka reviews the book ‘Competition Authorities in South Eastern Europe – Building Institutions in Emerging Markets’, edited by Boris Begović and Dušan V. Popović, containing a series of papers devoted to analysing various aspects of competition law and policy in South-East Europe.

Finally, this issue contains also a report written by Vlatka Butorac Malnar and Jasminka Pecotić Kaufman on the 6th Competition Law and Policy Conference in Memory of Dr. Vedran Šoljan – ‘Challenges to the Enforcement of Competition Rules in Central and Eastern Europe’ & ‘Competition Policy Enforcement in Digital Economy: Recent Developments’, that was organized at the University of Zagreb, Croatia, on 12–13 December 2019. The event notably hosted Professor Bill Kovacic and Professor Kati Cseres as keynote speakers, but also provided an opportunity for Central and Eastern European competition law scholars to present their latest research.

We hope you find this issue informative and engaging.

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