Editorial

Dear Readers,

Welcome to CoRe! Our new European **C**ompetition and **R**egulatory Law Review will from now on provide you, four times a year, with expert insight into all relevant developments of EU competition law, including public and private antitrust enforcement and merger control, with a unique emphasis on the interplay between competition law and regulatory law.

The co-existence of both instruments has often led to passionate debates about the scope of application of the competition rules in markets subject to ex ante regulation following their liberalisation. For all network operators in the telecommunications, energy, postal and railway sectors, this delicate question remains highly relevant in practice. Can these companies fully rely on regulatory decisions when being confronted with antitrust investigations? It is important to understand why this is not always so.

With CoRe, however, we will explore the interface between competition and regulatory law from a broader, multi-faceted perspective. In doing so, we would like to advance and promote an expansive conception of regulatory law, centred on the functional task of regulating, encompassing public as well as (transnational) private rule-making. Two striking examples are the inherent tensions between the Commission's antitrust investigations into geo-blocking of pay-TV and copyright legislation, as well as the current debate on the role of competition law for addressing data protection issues. Clearly, questions on the interface between EU competition law and regulatory law are also pertinent and pressing outside the context of the regulated network industries.

Although the main focus of the publications in CoRe will be on the EU rules and their implementation, the most relevant national matters will also be covered in the form of country reports. The national level will gain even more importance in light of the recent Commission proposals to confer stricter enforcement powers to the national competition authorities. Last but not least, highly topical case annotations will keep you updated on the most important EU and national court rulings.

Together with our impressive Editorial Board, which brings together highly renowned academics, private practitioners and enforcement officials, and our expanding team of Country Correspondents, we will make sure that all key competition and regulatory law developments will be covered in our journal. The first issue of CoRe already shows our commitment to the highest standard of in-depth legal analysis with several articles written by leading experts, subject to rigorous dou-

ble peer review, on hot topics of today, both in the field of competition and regulatory law.

From his position as a high level representative of a national competition authority, our Board Member *András Tóth* takes a remarkable (self-)critical look at the fate of corporate compliance programmes under the competition rules so far and advocates a more favourable line for any such efforts, in the interest of a more effective detection and ex ante prevention of competition problems.

At a time where all EU Member States should have fully implemented the EU Damages Directive to facilitate civil claims to redress harm caused by competition law infringements, *Baskaran Balasigham* reviews the early days of this important legislative step. In light of the difficulties in achieving an effective and efficient civil enforcement system across the EU, which may even require infringements procedures in the near future, it is interesting to recall where we are coming from and what progress has already been made in the last few years.

The Commission's initiatives to boost cross-border e-commerce in the EU with competition law and new regulatory tools are currently among the top priorities in the field. We have therefore decided to dedicate the first CoRe event to this topic. The Symposium '*Competition Law and Regulation: Boosting E-commerce in the EU's Digital Economy*' will officially launch our new law review, and we hope to see many of you in Brussels on 15 May. More details can be found on our website.

In this context, *Caroline Buts* examines the essential legal principles governing vertical restraints under the competition rules, and in particular focuses on the different approaches taken in the EU and the US in the past years. This comparison is of course of great practical interest for any global investigations into potentially anti-competitive clauses used in e-commerce, of which we have already seen a few.

CoRe will also highlight major issues of sector-specific regulation, which are regularly changing and may even converge to follow the technological developments. In this first issue, *Lea Distelmeier* and *Dirk Kuiken* present the highly topical issue of smart electricity systems for households, which combines elements of both energy and telecoms regulation in a future-looking context. The development of smart systems will for sure become very tangible reality for all of us, as the rollout of such new technologies progresses into our homes and workplaces.

In the Reports section, you will find a highly interesting and rather fundamental analysis of the scope of decision-making powers of EU agencies against the background of the electricity market regulation, dealing with ACER's highly contested decision to split up the existing Austrian-German bidding zone. The first country-specific reports cover e-commerce in the UK in times of Brexit and recent changes in national competition laws in the Czech Republic, Poland and Lithuania. Every issue will have a different country mix to provide you with the most up-to-date selection of competition law

developments from the EU Member States. Similarly, our Case Notes section starts off with a blend of three salient EU and national level judgments: the *Eturas* and *Gascogne* cases by the Court of Justice/General Court and the *Sainsbury's v MasterCard* ruling of the UK Competition Appeal Tribunal.

We truly believe that these strong ingredients make up for an interesting cocktail which you will hopefully 'sip' with interest and pleasure. We would appreciate your feedback and want to encourage you to contribute to CoRe with any articles and case notes you may want to publish. For more details on publishing in the journal, you can consult the CoRe Call for Papers at core.lexxion.eu.

Robert Klotz and Ben Van Rompuy
Managing Editors