

*Market and Competition Law Review* / VOLUME IV / No. 1 / APRIL 2020

## Editorial

*Sofia Oliveira Pais*

General Editor

The editorial board is pleased to publish the seventh issue of the *Market and Competition Law Review* (MCL&R), edited by Universidade Católica Editora.

The opening article, written by Spencer Weber Waller, focuses on institutions and incentives in antitrust enforcement. The Author explores how the Supreme Court has applied the rule of reason under Section One of the Sherman Act, especially in the *Leegin* and *Actavis* cases, and concludes by suggesting that in the future the Court should set the standards in a clear way in order to “ensure that its pronouncements are taken seriously”, otherwise the enforcement of the law in certain areas may be excluded.

Subsequently, Simonetta Vezzoso analyses the current state of interaction between data protection and competition law taking into account the guidelines presented by the EDPS since 2014 and suggests that new forms of collaborative enforcement should be developed.

Afterwards, Valeria Falce reflects upon some specific issues in the Legislative Decree 3/2017 transposing Directive 2014/104/EU, which aims to reinforce the effectiveness of competition law at national level. The Author studies particularly the provision devoted to the legal privilege covering attorney-client communications and explores whether the Italian law has broadened its scope of application.

In the following article, Eugenio Olmedo-Peralta investigates mergers and co-operation agreements in the European air transport market and reflects particularly on the evolution of the concept of relevant market for aviation. The article discusses whether the solutions followed by the European Commission over the past 20 years are still adequate given the

new technologies and new business models, suggesting the need to change and update the criteria used by the competition authority.

In the last article, Małgorzata Kozak seeks to scrutinise to what degree close cooperation between competition authorities belonging to the European Competition Network is based on the mutual trust principle.

In the second section of this issue, Benedita Menezes Queiroz comments on the *Bajratari* case, which is a relevant contribution of the Court of Justice to the clarification of the meaning of the condition of sufficient resources within the regime of the Citizens Directive 2004/38.

In the third section, Sílvia Bessa Venda reviews “The EU Antitrust Damages Directive: Transposition in the Member States”, a book edited by Barry Rodger, Miguel Sousa Ferro and Francisco Marcos.