

Editorial

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General Editor

The editorial board is pleased to publish the sixth issue of the *Market and Competition Law Review* (MCL&R), devoted to recent challenges to both public and private enforcement of competition law.

The opening article, written by Pieter Van Cleynenbreugel, highlights that the current balance between public and private enforcement performed by the European Commission focuses too little on restorative justice. The article suggests, therefore, the use of “trust funds” as a complementary tool, calling for a deeper comparative research in this area.

In the following article, Miguel Sousa Ferro provides a critical analysis of the binding effect of public enforcement decisions, namely their material, subjective and temporal scope.

Subsequently, Catarina Vieira Peres reflects upon the famous *Cogeco* case, which is the first preliminary ruling of the Private Enforcement Directive. The case is of interest for several complex issues, namely the Directive’s temporal application, the role of the principle of effectiveness and parent company liability which, as the Author suggests, may remain relevant for the next years.

In the last article, Vibe Ulfbeck discusses parent companies’ liability for competition law infringements committed by subsidiaries and explores the extension of the concept of vicarious liability to other fields of law. In addition, the article addresses the question whether the concept of undertaking can also be applied in situations where companies are tied by contract, and explores the emerging concept of supply chain liability.

The second section of this Issue contains three contributions: Michal S. Gal and Rivi Dahan profit from the experience of different jurisdictions with private litigation to explore several examples of potential legal obstacles to private enforcement, which could be particularly useful in the

European context; Agata Jurkowska-Gomulka analyses the EFTA Court jurisprudence on antitrust damage claims and confirms that it follows the guidelines formulated in the case law of the Court of Justice; in addition, the Author suggests that EFTA Court's judgments regarding private enforcement could be "an inspiration" for both the EU and national case law; Marco Botta comments on the recent judgment of the Court of Justice of March 14th, 2019, *Skanska, Vantaan kaupunki contra Skanska Industrial Solutions Oy e o.*, and discusses its contribution to the development of damage claims in Europe.

In the third section of this Issue, Nuno Castro Marques reviews the book edited by Damien Gerard and Ioannis Lianos, *Reconciling efficiency and equity: A global challenge for competition law?*, which presents a tribute to Professor Eleanor Fox's broader vision of competition goals.