

Editorial

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General Editor

The editorial board is pleased to publish the first volume of the *Market and Competition Law Review (M&CLR)*, edited by Universidade Católica Editora.

M&CLR is an academic legal review, with a double-blind refereeing process and published twice a year. The Review focuses on important current internal market and competition issues and seeks to be a forum of excellence for promoting scientific debate. It gathers, therefore, high-profile academics, practitioners, civil servants, consultants and representatives of regulatory bodies.

M&CLR intends to promote legal analysis and discussion of the challenges and achievements of European market integration and, in particular, of competition policy, which is a vital part of that integration, allowing a broader understanding and, consequently, a more effective enforcement of the law in these fields.

The first volume of M&CLR is dedicated to four relevant and current EU topics: State aids, private enforcement of competition law, digital markets and restrictions to fundamental freedoms.

The opening article written by Pieter Van Cleynenbreugel is devoted to the recovery of State aid, approaching this relevant issue from an original perspective. It examines to what extent the application of EU law principles of legitimate expectations and legal certainty are taken into account in State aid recovery proceedings and questions whether recovering, in the particular context of EU State aid tax ruling investigations, should be adjusted to the distinct national ruling framework.

Subsequently, Amedeo Arena analyses the Commission's recent decisional practice on State aids and tax rulings. The article focuses on the Commission's proceedings regarding tax rulings and their alleged use by

Member States as incentive measures designed to attract multinational companies willing to invest in return for fiscal advantages. In addition, the article addresses the difficulties with the recovery of State aid in those situations and the implications of the Commission's measures for the establishment of a fiscal union.

Afterwards, Anna Piszcz writes about the Damages Directive (2014/104/EU), which had to be transposed by 27 December 2016. As the majority of the Member States were, and still are, in the process of adopting national measures to transpose the Directive – in fact, on 20 February 2017 only ten Member States communicated to the Commission that they had transposed the Directive – the author recommends, *inter alia*, a “spontaneous harmonization of a scope broader than that provided for in the Directive”.

In the following article, Beata Mäihäniemi analyses the role of innovation in cases of abuse of dominance in digital markets and addresses in particular the concerns expressed by the European Commission in the Google Search investigations. The author investigates the strength of incentives that exist for a digital monopolist to invest and innovate and then scrutinizes the different phases of competition analysis involving innovation considerations.

In the last article, Inês Quadros provides a very relevant and critical assessment of the case law of the Court of Justice concerning the “very essence” of the internal market freedoms. The author proposes what should be considered the inner core of the European freedoms and focuses on its relevance as a limit to State restrictions on European economic freedoms.

The second section of the Review concerns legislation reviews and case comments and contains two contributions: Krystyna Kowalik-Bańczyk reflects on the Damages Directive's common disclosure regime and Catarina Vieira Peres provides a report on some of the most relevant competition law cases adopted by the General Court and the Court of Justice during 2016.

In the third section, Pedro Cerqueira Gomes reviews the book of Albert Sánchez Graells “Public Procurement and EU Competition Rules”, considered by many academics and practitioners an essential tool in the field of public procurement.

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