



Algunos apuntes sobre la culpa en la responsabilidad derivada de las prácticas comerciales restrictivas de la competencia [

2013

text (article)

Analítica

Although the protection of economic competition is a public interest, its restrictions have a negative impact on both the market that is being protected, as well as its consumers. While damages to the market and the general interest are protected through administrative investigations and penalties, damages caused to competitors, as a result of the noncompliance with rules of public character, are protected through tort law actions. To determine whether liability arises from the noncompliance with competition rules, it is necessary to analyze the different elements of such liability. Some competition law rules have an objective dimension (intended to safeguard public interests) and a subjective dimension (intended to safeguard private interests). Damages caused by the implementation of anticompetitive business practices is a case of liability for its own act (trader's activity), which should be analyzed under a subjective system of liability. However, the noncompliance to competition laws, which also protects the public interest dimension of the competition, carries the fault element. In this case, the only option for the defendant is to prove if his/her conduct fits into an exemption, or prove that it was an invincible mistake

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Tipo Audiovisual: Indemnización de perjuicios Responsabilidad civil por prácticas comerciales restrictivas Culpa por el hecho propio Libre competencia Daño al mercado Compensatory damages civil liability for unlawful trade practices liability for its own act free competition market restrictions

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