



Algunas sentencias de la Corte Suprema que abordan conceptualmente el Derecho de la Libre Competencia [

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text (article)

Analítica

In the architecture of Chilean legal institutions, the Supreme Court plays a prominent role in the review of judgments made by the Court for the Defense of Free Competition (TDLC, Spanish acronym). The object of this paper is to analyze briefly certain conceptual options used by the Chilean Supreme Court in the foundation of some of its sentences, with respect to the discipline of Free Competition Law. To achieve this object 105 sentences pronounced by the Chilean Supreme Court have been analyzed, contained in the jurisprudence records of the Court for the Defense of Free Competition, from between 2005 and 2021. In 73 of these sentences, no proposals appear for any conceptual approach to the discipline of competition law; that is to say, the judge has not deemed it appropriate to cite a definition of this area of law, particularly in the consideration part of the decisions, by contextualizing the scope of its application. In the remaining 32 sentences, however, the Supreme Court chose to include in its justification some conceptualization proposals on discipline, or to clarify technical notions specific to this area of law. In the evolution of the Court's rulings, it is observed that the Supreme Court, especially since 2012, has been making its legal reasoning more complex in matters of this discipline, developing more extensive foundations, clarifying technical concepts, and choosing to establish certain definitions about the discipline of Free Competition Law

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Baratz Innovación Documental

- Gran Vía, 59 28013 Madrid
- (+34) 91 456 03 60
- informa@baratz.es