



Ordine internazionale e diritti umani

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IL RIFIUTO A CONTRARRE NELL'ANTITRUST: MODELLI COMPARATIVI A CONFRONTO

In an era characterized by the growing concentration of economic power, the conduct of the entrepreneur is particularly alarming due to the impact on consumer protection, which finds itself in a de facto monopoly situation and preparing an irreplaceable, or not easily replaceable service, reject a contract offer compatible with the ordinary means of your business.

Though in general, each business may decide with whom they wish to deal, there are some situations when a refusal to deal may be considered an unlawful anti-competitive practice, if it prevents or reduces competition in a market. The unlawful behaviour may involve two or more companies refusing to use, buy from or otherwise deal with a person or business, such as a competitor, for the purpose inflicting some economic loss on the target or otherwise force them out of the market. A refusal to deal (also known as a group boycott) is forbidden in some countries which have restricted market economies, though the actual acts or situations which may constitute such unacceptable behaviour may vary significantly between jurisdictions.

This essay aims to highlight this problem in the comparison with the discipline of different legal systems.