

NICOLAS DORANDEU

LE DOMMAGE CONCURRENTIEL

PREFACE DE YVES SERRA

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Le Dommage Concurrentiel

Rosina Ehmann



Le Dommage Concurrentiel:

Le dommage concurrentiel Nicolas Dorandeu, 2000 Pour le profane comme pour le juriste le sujet de cette étude évoque le mariage d'une figure familière du vocabulaire juridique le dommage avec une notion économique et juridique la concurrence qui d'abord n'est parfaitement connue n'en est pas moins entrée dans le langage courant Cependant si cette intuition commune dissipe si le profane risque d'être déçu par le contenu du tableau le juriste espère qu'il y trouvera son compte L'étude est un triptyque Le premier volet est consacré d'une part à l'examen du domaine du dommage concurrentiel au travers du prisme de l'ensemble des règles législatives et jurisprudentielles qui envisagent principalement ou incidemment la notion de dommage concurrentiel dans ses deux acceptions d'atteinte à la concurrence et d'atteinte aux concurrents et d'autre part à l'analyse du champ concurrentiel Le panneau central tente de montrer que si le préjudice concurrentiel est un élément secondaire de la responsabilité concurrentielle en revanche l'atteinte au processus concurrentiel représente un élément essentiel de la qualification d'infraction de l'ensemble des comportements de marché Ainsi la preuve de ce dommage au processus concurrentiel qui dans le domaine des pratiques anticoncurrentielles fonde les délits d'ententes illicites et d'abus de position dominante semble aussi pertinente dans la qualification des autres comportements délictuels de marché que le droit de la concurrence appréhende sous les noms de pratiques restrictives de concurrence de pratiques déloyales ou d'agissements parasitaires Le second volet consacré aux sanctions reformule l'étude sur la confirmation de l'identité de vue qui irrigue l'ensemble des sanctions du dommage concurrentiel lesquelles cherchent avant tout àtablir et sauvegarder le mécanisme concurrentiel

Annales de l'Université Marien Ngouabi, 2006 *Revue trimestrielle de droit commercial et de droit économique*, 1998 La responsabilité civile dans sa fonction de peine privée Suzanne Carval, 1995 *Recueil Le Dalloz*, 2006 **Les sanctions de la violation du droit communautaire de la concurrence** Stéphane Mail-Fouilleul, 2002 *Livres hebdo*, 2001 *La semaine juridique*, 2006-04 Réparation des dommages concurrentiels Muriel Chagny, Bruno Deffains, 2015-09-09 Les victimes de dommages concurrentiels risquent d'être privées d'indemnisation si certaines tendances prétorieuses et les difficultés pratiques actuelles se perpétuent De la place occupée par la réparation des dommages concurrentiels dépend largement l'efficacité du droit des pratiques anticoncurrentielles et du droit de la concurrence en général Tel est le constat de Muriel Chagny et Bruno Deffains conduits à passer la seule analyse du droit positif pour explorer les pistes d'évolution du droit ou d'adaptation de la pratique judiciaire et en particulier les voies de la transposition de la directive du 26 novembre 2014 Au croisement des droits de la concurrence de la responsabilité civile et de la procédure civile la réparation des dommages concurrentiels en France est de surcroît confrontée à la concurrence d'autres systèmes de droit invitant à intégrer la flexibilité des considérations liées à l'attractivité du droit et du système judiciaire français C'est à partir d'une approche normative succédant une analyse critique du droit positif et s'appuyant sur une analyse économique que des propositions sont avancées pour le droit de la concurrence dans son ensemble Certaines d'entre elles pourraient m

La concurrence Association Henri Capitant des Amis de la Culture Juridique Française, 2010 **Intérêt général et concurrence** Guylain Clamour, 2006 **Recueil Dalloz**, 1999 Recueil critique de jurisprudence et de législation, 1959 Vols for 1909 1922 include sections Chronique and Bibliographie 1923 includes Chronique only **Livres de France**, 2001 Concurrence déloyale et parasitisme Jean-Jacques Burst, 1993 La crise conomique incite les entreprises augmenter leur agressivité La combativité des opérateurs conomiques est certainement louable aussi longtemps que les moyens employés demeurent loyaux Mais c'est de la concurrence déloyale classique qui se développe comme en témoignent un contentieux abondant une autre forme de déloyauté le parasitisme Qu'il s'agisse de la concurrence parasitaire ou de l'agissement parasitaire le juriste doit savoir jusqu'où les entreprises peuvent aller Il doit aussi connaître les moyens dont disposent les entreprises qui sont victimes de ces actes que la morale commerciale et industrielle ne prouve L'ouvrage est un outil de travail aussi bien pour les étudiants que pour les différentes catégories de praticiens qui œuvrent dans le monde du droit des affaires La Gazette du Palais, 1998 07-2014, Revue internationale de droit comparé, 2001 *Le droit français nouveau de la concurrence* Jean Marc Mousseron, Véronique Sélinsky, 1987

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