

Private Enforcement and Legal Privilege Versus Convergency*

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ABSTRACT: Directive 2014/104/EU has also been implemented in Italy, thus reinforcing the effectiveness of competition law at national level, too. Through a “two point” system, public and private enforcement qualify today for complementary means towards the same end.

Within such binary system, different issues and topics have been addressed by the academic community: from the binding nature of competition authorities’ decisions to the introduction of the powerful system of assumptions, to the alleviation of the burden of allegation, to the “passing on” rules, to the new role given to competition authorities in general, etc. Yet, the provision devoted to the legal privilege covering the attorney-client communications has been almost neglected. In this article, the legal privilege will be analysed in depth, since, thanks to the implementing provision, it will be able to acquire a renewed relevance in Italy in terms of both legal framework and scope of application.

KEYWORDS: Directive 2014/104/EU, Legislative Decree 3/2017, Private enforcement, Legal Privilege, Attorney-client communications.

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