

ABSTRACT INGLESE

The research originates from problems mentioned during the debate on the “efficient tort”. The term refers to the category of those actions, normally characterised by high levels of infringement, likely to produce a profit for the damaging part much greater than the loss incurred by the injured party.

Therefore, the attention focused particularly on the most appropriate remedy for the identification of the right classification of this surplus value.

Having excluded the other ways, the instrument has been found in the civil responsibility. More specifically, the research confers, to this responsibility, a sanction value, beyond the compensatory one, distancing itself from the traditional opinion.

On these bases, the attention focused on the new regulation of the *private enforcement* in the field of “*illecito antitrust*”. The reference is to the latest D.Leg 19 January 2017 n. 3 intervened in the implementation of the Direcrive 2014/104 UE.

This new regulation, maintaining the prohibition of *overcompensation*, in a field like the one in question, where the needs of deterrence are evidently revealed, exposes itself to various censures from the point of view of the constitutional legitimacy.

Hence the attempt to provide a constitutionally oriented interpretation of the law in question that, hopefully, will be able to enlighten the future activity of the law and the legislator.