

ABSTRACT

Incorporation and making available of standard contract terms under the proposal for a Common European Sales Law (Articles 70-71 CESL)

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In this paper the provisions of CESL pertaining to the incorporation of standard terms will be compared to the incorporation rules in German and Dutch law. The term 'incorporation rules' will be used in a rather broad sense and include rules pertaining to the acceptance of standard terms imposed on the other party, to rules pertaining to surprising and unclear terms, and to rules requiring the party imposing the terms to give the other party a reasonable opportunity to become aware of their content. The focus will therefore be on Article 70 CESL and its functional equivalents in German and Dutch law.