

Mistake Fraud And Duties To Inform In European Contract Law The Common Core Of European Private Law

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Likewise, fraud has been used to refer to dol (French and Belgian law), dolo (Italian law), dolo

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(Portuguese law), arglistige Täuschung (Austrian and German law), bedrog (Dutch law) and apati (Greek law). In contrast, the term 'duty to inform' has been chosen so as to avoid using specifically English legal concepts (misrepresentation and duties of disclosure) to denominate concepts existing in other legal systems where such a transposition would be both erroneous and misleading.

General introduction (Chapter 1) - Mistake, Fraud and ...

Far from being limited to remedies for contract formation, as opposed to contractual non-performance or breach of contract, we will see that mistake, fraud and duties to inform cross this conceptual bridge (which is, in any event, more accentuated in certain, notably civil law, systems, than in others), in a very significant way.

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Whereas some jurisdictions recognise increasing duties to inform in numerous contracts so that the destiny of mistake and fraud (classical defects of consent) may appear to be uncertain, other jurisdictions continue to refuse such duties as a general rule or fail to recognise the need to protect one of the parties where there is an imbalance in bargaining power or information.

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Mistake, Fraud and Duties to Inform in European Contract Law This examination of twelve case studies about mistake, fraud and duties to inform reveals significant differences about how contract law works in thirteen European legal systems and, despite the fact that the solutions proposed are often similar, what divergent values underlie the legal rules of these jurisdictions.

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