

Abhandlungen zum Recht der Internationalen Wirtschaft

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Hans-Jörg Stadler Allgemeine Geschäftsbedingungen im internationalen Handel



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Book review “Allgemeine Geschäftsbedingungen im internationalen Handel” (General Terms and Conditions of Business in International Commerce)

The relevance of general terms and conditions of business in the field of international commerce reveals itself almost daily in the legal practice.

A regular feature of such contracts is that they define the agreement of clauses of major importance, for example the clauses concerning the choice of law, jurisdiction, or arbitration, in other words the key elements of an export or import contract, but also liability-limitation clauses, in the form of General Terms and Conditions of Business.

The author clarifies in which cases the application of the GTCB may delay or prevent the conclusion of a contract and the conditions under which the GTCB can be included as an integral part of the contract in the first place. This aspect is examined in particular consideration of the collision of GTCBs (“battle of forms”) and regarding letters of confirmation (so-called commercial confirmation letters) and the silence of the contract partner to contractual declarations made by the opposing party.

Specific aspects of longer-term commercial practice and the requirement for a special reference to the inclusion of the GTCBs, its official linguistic formulation and incorporation in the contract, and other related requirements are all discussed in detail, as are a number of other special aspects that are encountered in common commercial practice.

The book concludes with an overview of the possibility that the validity of the contents of the separate GTCB clauses may be reviewed must be reckoned with.

- Dr. Hans-Jörg Stadler -