

L'estratto che stai consultando
fa parte del volume in vendita
su **ShopWKI**,
il negozio online di **Wolters Kluwer**

[Torna al libro](#)



CEDAM

IPSOA

UTET[®]
GIURIDICA

il fisco

 ALTALEX

Table of Contents

<i>Acknowledgements</i>	VII
<i>Introduction</i>	XV
<i>Prefazione</i>	XVII
<i>Preface</i>	XIX
<i>Table of Cases</i>	XXIII

Civil Code

Fourth Book – Obligations

Title II – Contracts in General

Chapter I – Preliminary Provisions

Article 1321. Concept	5
Article 1322. Freedom of Contract	8
Article 1323. Governing Rules for Contracts	11
Article 1324. Rules Applicable to Unilateral Acts	14

Chapter II – The Required Elements of a Contract

Article 1325. Required Elements	19
---------------------------------------	----

Section I – The Agreement of the Parties

Article 1326. Formation of the Contract	27
Article 1327. Performance Before the Offeree’s Reply	37
Article 1328. Revocation of the Offer and the Acceptance	40
Article 1329. Irrevocable Offer	44
Article 1330. The Death or Incapacity of the Entrepreneur	48
Article 1331. Option	51
Article 1332. Adherence of Third Parties to a Contract	54
Article 1333. Contract Wherein Only the Offeror has Obligations	57
Article 1334. Effectiveness of Unilateral Acts	60
Article 1335. Presumption of Knowledge	63
Article 1336. Offer to the Public	67
Article 1337. Negotiations and Pre-Contractual Liability	70

Article 1338. Knowledge of Reasons of Invalidity	73
Article 1339. Automatic Insertion of Terms	76
Article 1340. Customary Terms	80
Article 1341. General Terms and Conditions of Contract	83
Article 1342. Contract Formed Using Models or Forms	89
 <i>Section II – The Reason for the Contract</i>	
Article 1343. Unlawful Reason	95
Article 1344. Sham Contracts	97
Article 1345. Unlawful Purpose	99
 <i>Section III – The Subject Matter of the Contract</i>	
Article 1346. Requirements	105
Article 1347. Future Possibility or Performance	108
Article 1348. Future Performance	112
Article 1349. Determination of Contract Performance	114
 <i>Section IV – Form of the Contract</i>	
Article 1350. Instruments That Must Be in Writing	119
Article 1351. Preliminary Contract	124
Article 1352. Agreed Upon Forms	126
 Chapter III – Contract Conditions	
Article 1353. The Conditional Contract	131
Article 1354. Illegal or Impossible Conditions	134
Article 1355. Purely Arbitrary Conditions	137
Article 1356. Pending the Satisfaction of a Condition	139
Article 1357. Acts Pending the Satisfaction of a Condition	142
Article 1358. The Parties’ Behaviour During the Pending Phase	144
Article 1359. Satisfaction of the Condition	146
Article 1360. Retroactive Effect of the Condition	148
Article 1361. Administrative Acts	151
 Chapter IV – Contract Interpretation	
Article 1362. Intent of the Contracting Parties	155
Article 1363. Comprehensive Interpretation of Clauses	159
Article 1364. General Expressions	162
Article 1365. Illustrative Indications	165
Article 1366. Interpretation of Good Faith	167
Article 1367. Contract Validity	170
Article 1368. General Interpretation Practices	173
Article 1369. Expressions with More than One Meaning	177
Article 1370. Interpretation Against the Drafter of the Clause	181
Article 1371. Final Dispositions	184

Chapter V – Contractual Effects

Section I – General Provisions

Article 1372. Contract Enforceability	189
Article 1373. Unilateral Withdrawal	193
Article 1374. Entirety of the Contract	196
Article 1375. Good Faith Performance	201
Article 1376. Contracts With Direct Effect	206
Article 1377. Transfer of a Specific Quantity of Goods	209
Article 1378. Transfer of an Object Identified Only by Type	212
Article 1379. Prohibition of Alienation	214
Article 1380. Conflict Between Personal Rights of Enjoyment	216
Article 1381. Promise of Obligation or Performance of a Third Party	218

Section II – Penalty and Deposit Clauses

Article 1382. Effects of a Penalty Clause	223
Article 1383. Prohibition Against Accumulation	227
Article 1384. Reduction of the Penalty	229
Article 1385. Confirmatory Deposit	231
Article 1386. Non-Refundable Deposit	235

Chapter VI – Agency

Article 1387. Agency Sources	239
Article 1388. Contract Entered into by an Agent	241
Article 1389. Capacity of the Agent and the Principal	243
Article 1390. Defects of Intent	245
Article 1391. Relevant Subjective Conditions	247
Article 1392. Formality of the Power of Attorney	249
Article 1393. Justification of the Agent’s Powers	251
Article 1394. Conflict of Interest	254
Article 1395. Self-Interest Contracts	257
Article 1396. Modifications and Termination of a Power of Attorney	259
Article 1397. Return of the Agency Document	262
Article 1398. Agency Without Power	264
Article 1399. Ratification	267
Article 1400. Special Forms of Agency	270

Chapter VII – Contract to be Concluded with Nominee

Article 1401. Party’s Right to Nominate	275
Article 1402. Time and Manner of Statement of Nomination	278
Article 1403. Form and Publication	280
Article 1404. Effects of the Declaration of Nomination	282
Article 1405. Effect of Lack of Statement of Nomination	284

Chapter VIII – The Assignment of the Contract

Article 1406. Assignment	287
Article 1407. Form	290
Article 1408. Relations Between Obligor and Assignor	292
Article 1409. Relationship Between the Obligor and the Assignee	295
Article 1410. Relationship Between Assignor and Assignee	297

Chapter IX – The Contract Made in Favour of Third Parties

Article 1411. Contract in Favour of Third Parties	301
Article 1412. Performance of a Contract in Favour of a Third Party after Stipulating Party's Death	305
Article 1413. Defences Available to the Promisor Against a Third-Party Beneficiary	308

Chapter X – Sham

Article 1414. Effects of the Sham Between the Parties	313
Article 1415. Effects of the Sham Towards Third Parties	316
Article 1416. Relations with Creditors	319
Article 1417. Proof of the Sham	321

Chapter XI – The Nullity of the Contract

Article 1418. Causes of Contract Nullity	325
Article 1419. Partial Nullity	330
Article 1420. Nullity of Plurilateral Contract	333
Article 1421. Entitlement to a Nullity Action	335
Article 1422. Imprescriptibility of Nullity Action	337
Article 1423. Inadmissibility of Affirmation	339
Article 1424. Conversion of a Void Contract	341

Chapter XII – Contract Voidability

Section I – Incapacity

Article 1425. Incapacity of the Parties	345
Article 1426. Deception Used by Minors	347

Section II – Lack of Consent

Article 1427. Mistake, Duress and Fraud	351
Article 1428. Material Nature of Mistake	356
Article 1429. Material Mistake	360
Article 1430. Calculation Mistake	364
Article 1431. Recognizable Mistake	367
Article 1432. Performance of the Reformed Contract	370
Article 1433. Mistake in the Statement or in its Communication	372
Article 1434. Duress	374
Article 1435. Nature of Duress	377

Article 1436. Duress Directed Against Third Parties	380
Article 1437. Reverential Awe	383
Article 1438. Threat to Assert a Right	385
Article 1439. Fraud	387
Article 1440. Incidental Fraud	390
<i>Section III – Action for Avoidance</i>	
Article 1441. Capacity	395
Article 1442. Statute of Limitations	397
Article 1443. Restitution from an Incapacitated Party	401
Article 1444. Affirmation	404
Article 1445. Effects of Avoidance on Third Parties	407
Article 1446. Avoidability of Plurilateral Contract	410
Chapter XIII – Rescission from the Contract	
Article 1447. Contract Entered into in a Situation of Danger	415
Article 1448. General Action for Rescission for Detriment	419
Article 1449. Statute of Limitations	424
Article 1450. Offer to Modify the Contract	427
Article 1451. No Affirmation	430
Article 1452. Effects of the Rescission with Respect to Third Parties	432
Chapter XIV – Termination of the Contract	
<i>Section I – Termination for Breach</i>	
Article 1453. Termination for Breach of Contract	437
Article 1454. Notice to Cure	442
Article 1455. Importance of the Breach	446
Article 1456. Express Termination Clause	449
Article 1457. Essential Term for One of the Parties	451
Article 1458. Effect of Termination	454
Article 1459. Termination in Plurilateral Contracts	456
Article 1460. Defence Against Breach	458
Article 1461. Change in the Financial Conditions of the Contracting Parties	463
Article 1462. Provision Restricting Pleading Defences	467
<i>Section II – Supervening Impossibility</i>	
Article 1463. Total Impossibility	471
Article 1464. Partial Impossibility	478
Article 1465. Contract to Transfer or Establish a Right In Rem	481
Article 1466. Impossibility in Plurilateral Contract	485
<i>Section III – Excessive Burden</i>	
Article 1467. Contract with Bilateral Performance	489
Article 1468. Contract with Obligations of Only One Party	493
Article 1469. Aleatory Contract	494

Chapter XIV bis – Consumer Contracts

Article 1469-bis. Consumer Contracts	497
Article 1469-ter. Assessment of the Unfair Nature of the Clauses	498
Article 1469-quater. Form and Interpretation	499
Article 1469-quinquies. Ineffectiveness	500
Article 1469-sexies. Inhibitory Action	501
<i>Bibliography</i>	503

L'estratto che stai consultando
fa parte del volume in vendita
su **ShopWKI**,
il negozio online di **Wolters Kluwer**

[Torna al libro](#)



CEDAM

IPSOA

UTET[®]
GIURIDICA

il fisco

 ALTALEX