Thomas Ackermann

Einkaufsbedingungen beim Forderungskauf

Eine Analyse der unbeabsichtigten Setzung zwingenden Rechts

[Terms and Conditions in the Purchase of Receivables. An Analysis of the Unintentional Setting of Mandatory Law.]



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Thomas Ackermann highlights a fundamental problem of jurisprudence on general terms and conditions; namely that the legislator has fallen into the much-cited »GTC trap« set by the German Federal Court of Justice. When he introduced the principle of fault-based liability for the legal validity of receivables, he referred parties to guarantees, ignorant to the de facto impossibility of this suggestion.

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