

# § 11 The most important types of contracts regulated in the German Civil Code

## **I. Purchase (sales) contract** [Kaufvertrag] (sect. 433 et seq. BGB)

- profoundly modernised by the reform of the law of obligations in 2001
  - in particular the specific rules for irregularities of performance
- special rules for special types of purchase (sect. 454 et seq. BGB): purchase on approval, preemption, purchase of consumer goods (sect. 474 et seq.)
- purchase contracts for plots of land (real estate) must be notarised (sect. 311b BGB)

## **II. Lease (rental) contract** [Mietvertrag] **and usufructury lease contract** [Pachtvertrag] (sect. 535 et seq., 581 et seq. BGB)

- comprehensive special rules for the lease of residential space (sect. 549 et seq. BGB), providing strong social protection to the lessee (tenant)

## **III. Service contract** [Dienstvertrag], **esp. employment contract** [Arbeitsvertrag] (sect. 611 et seq. BGB)

- incl. employment contract (sect. 611a BGB and extensive special legislation)

## **IV. Contract to produce a work** [Werkvertrag] (sect. 631 et seq. BGB)

- profoundly modernised in 2017
- a contract obliging the contractor to produce a promised work
  - e.g. to produce something, repair something, transport something/someone somewhere
  - the remuneration is not paid for the service but for its results
- special rules for construction contracts, construction contracts with consumers, contracts for architectural and engineering services and developer contracts

## **V. Loan contract** [Darlehensvertrag] (sect. 488 et seq. BGB)

## **VI. Others**

- gratuitous loan (sect. 598 et seq. BGB)
- donation (sect. 516 et seq. BGB)
- agency contract (sect. 675 et seq. BGB)
- payment services contract (sect. 675f et seq. BGB)
- package travel contract (sect. 651a et seq. BGB)
- others (see comprehensive and detailed regulations in Book 2, Division 8 BGB)