

GERMAN PRIVATE LAW

Final examination

(100 points = 50 % of the final grade)

The law of obligations, especially contract law, has a major influence on civil life. Contracts are concluded and fulfilled daily, again and again. Mostly, everything goes smoothly. Sometimes, however, the owed performance is not performed or not performed correctly. Then we need the expertise of the lawyers:

1. Which are the main groups of *irregularities in performance* distinguished in the German general law of obligations? Please describe them briefly! (50 of 100 points)
2. In which cases of irregularity of performance can the creditor *rescind the contract*? (20 of 100 points)
3. Please discuss *debtor's default* and *creditor's default* under German private law (definition, dogmatic classification, requirements and legal consequences)! (30 of 100 points)
4. ADDITIONAL QUESTION: Which provision in the German Civil Code is the *general legal basis for claims for compensation of damages* under the law of obligations, and which two other provisions are closely related to it?
(short answer is sufficient; up to 15 extra points)

Note: This is an academic examination. Please write in legible handwriting and present your text in an appealing form. Read the questions very carefully and think carefully before you formulate your answers. Make sure that your text answers precisely the questions, is concise, has a clear and consistent structure with well-formulated precise headlines and shows well your deeper understanding of the subject matter. After the exam, all students are welcome to contact me to discuss in detail the strong and weak points of their paper (e-mail: tschmit1@gwdg.de; phone/WhatsApp: +7 775 364 2384).

This is a closed-book exam. However, as in any law exam, students are allowed to use the text of the law (here: the German Civil Code [Bürgerliches Gesetzbuch]).