



CC Art. 45

Validity and Defects of Consent

TITLE 04 — OBLIGATIONS AND CONTRACTS · CHAPTER 02 — FORMATION OF CONTRACTS

- 1 A contract requires the free and informed consent of each party. Consent is defective where it is vitiated by error, fraud, duress, or undue influence.
- 2 Error renders a contract voidable where the error concerns the substance of the thing, the identity of the other party, or another matter that was determinative of the consent, and the other party knew or ought to have known of the error's importance.
- 3 Fraud renders a contract voidable where one party induced the other's consent by deliberate misrepresentation or concealment of a material fact.
- 4 Duress renders a contract voidable where one party obtained the other's consent by threat of unlawful harm to the person, honour, or property of that party or of a close relation.
- 5 Undue influence renders a contract voidable where one party exploited a position of trust, dependence, or authority to obtain terms that the other party would not freely have accepted.
- 6 A contract whose object is impossible, unlawful, or contrary to public order is void.
- 7 An action to annul a voidable contract must be brought within two years of the discovery of the defect.

DOCUMENT INFORMATION	
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