

**BERLIN POSITION PAPER  
ON REPRESENTATION AND INTERMEDIATION**

*Draft first article only  
(other material omitted)*

**Article 1 (Notion)**

- (1) A contract for representation is the contract by which a party, the representative, is granted the authority to represent the other party, the client, in the conclusion of a contract (hereafter: the prospected contract), with a third party (hereafter: the third party).
- (2) This Chapter applies accordingly to the contract for representation by which the representative is granted the authority to represent the client in the execution of another juridical act.
- (3) This Chapter applies accordingly to the contract for representation whereby the representative is required to bring the client into contact with the third party without granting the representative the authority to represent the client in the conclusion of the prospected contract.
- (4) This Chapter applies with appropriate modifications to a contract other than a contract for representation whereby one party is required or entitled to perform juridical acts on account of the other party or to bring the other party into contact with a third party, to the extent that this is not contrary to the nature of that contract and the legal provisions governing such contract.

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