

Exhibit 4

THÉMIS

LAW

UNDER THE DIRECTION OF

CATHERINE LABRUSSE-RIOU
Professor emerita at the University of Paris I

and

DIDIER TRUCHET
Professor at the University of Paris II

MURIEL FABRE-MAGNAN
Professor at the University of Paris I – Pantheon – Sorbonne

Law of Obligations

1 – Contracts and unilateral agreements

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Sub-title I

THE PRINCIPLE OF CONSENSUALISM

1 | Content of the Principle

The principle of consensualism means that, excepting express exception, a contract is formed by the mere exchange of consents (*solo consensu*) without any particular form being necessary. In particular, the drafting of a written document, and *a fortiori*, the signing of a document are not conditions of formation of contracts. Certainly, such formalities will sometimes be necessary for the proof of the contract, *ad probationem*, but not *ad validitatem*, i.e. for the validity of the contract, unless a particular text requires it.

As a rule, it is the agreement of the parties which gives rise to the obligation; if a judicial decision is needed to validate this agreement, sometimes a judicial contract is referred to, and the courts seem to vacillate between the classification of contract or that of judgment¹.

The principle of consensualism must be distinguished from that of contractual freedom, whose exercise it facilitates, however: it makes the concluding of contracts easier, with the risks that this entails.

¹ A. Benabent, *RDC* 2007/3, 759, under 1st Civ., Dec. 12, 2006, no. 04-11579, which arrives at the classification of contract to authorize the Paulian action, and 1st Civ., Mar. 6, 2007, no. 06-12223, which arrives at the classification of judgment to authorize an appeal, both judgments concerning the ordering of alimony corresponding to an agreement between the parties.