



ECMA Terms and Conditions of Sale

User's Guide

ECMA TERMS AND CONDITIONS OF SALE | 2015 EDITION

The ECMA Terms and Conditions of Sale were updated and published on the 12th of June 2015. In this document ECMA offers guidelines how to properly use them.

Purpose of Terms and Conditions

- regulate the contractual and pre-contractual relationships between the carton maker and its customers
- set out their rights and obligations
- enable them to derogate from default rules

How to use the ECMA T&Cs?

It is for the ECMA members themselves to decide whether or not to use the ECMA T&Cs: there is no obligation whatsoever to use the ECMA T&Cs.

An ECMA member is free:

- to have no T&C at all (not recommended)
- to have its own T&Cs (which can but need not be based on the ECMA T&Cs)
- if applicable, to use T&Cs prepared by a national association
- to use the ECMA T&Cs

Battle of the forms

- issue : each party tries to impose its own T&Cs
- rules set out in ECMA T&Cs in that case:
 - article 1.2. : ECMA T&Cs prevail in case of discrepancy with any other documents
 - article 1.4. : any T&Cs set forth by customers are rejected unless explicitly agreed upon by the carton maker

How to ensure that T&Cs are legally binding?

- the requirements may vary from country to country
- in Belgium (for example), 2 requirements must be satisfied:
 - the T&Cs must be brought to the attention of the other party before or at the latest upon conclusion of the contract
 - the T&Cs must be accepted by the other party (express consent by signing or clicking "I agree" or tacit consent through longtime business relationship)

ECMA strongly advises its members to check the legal situation in their own country.