Title:
I.1.2 - Prohibition of inconsistent behavior

Content:
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(a) A party cannot set itself in contradiction to its previous conduct vis-à-vis another party if that latter party has acted in reasonable reliance on such conduct ("venire contra factum proprium"; "l'interdiction de se contredire au détriment d'autrui").

(b) Violation of this Principle may result in the loss, suspension, or modification of rights otherwise available to the party violating this Principle or in the creation of rights otherwise not available to the aggrieved party.

Commentary:
1 This Principle follows from the general Principle of good faith and fair dealing. The other party's reliance may be based on a specific act, a statement or on the silence of the party. The conduct must be related to the contractual relationship existing between the parties.

2 Irrespective of the basis for the other party's reliance, the application of the Principle is limited by the standard of reasonableness. The other party must have acted in reasonable reliance on the first party's previous behavior. This means that it must have had justified reasons to base its reliance on the first party's conduct. Whether this is the case, must be determined on the basis of the circumstances of each individual case.