Title:
IV.1.3 - Exclusion or modification by the parties

Content:
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The parties may exclude the application of these Principles or derogate from or vary the effect of any of their provisions, unless otherwise provided in these Principles.

Commentary:
1. This Principle is a natural consequence of another, more fundamental principle, the one on party autonomy. The parties’ agreement to derogate from or exclude the TransLex-Principles in part or in toto may be express or implied. It is implied when the parties agree on contract terms which are inconsistent with rules or principles contained in the TransLex-Principles.

2. The Parties may not derogate from or exclude those provisions of the TransLex-Principles which are mandatory, such as the principle of good faith and fair dealing.