

EUROPEAN CONTRACT LAW  
AND THE CHARTER OF FUNDAMENTAL RIGHTS

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EUROPEAN CONTRACT LAW AND THEORY SERIES

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EUROPEAN CONTRACT LAW  
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FUNDAMENTAL RIGHTS

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## European Contract Law and the Charter of Fundamental Rights

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Case C-593/12, <i>Z. J. R. Lock v. British Gas Trading Limited</i> , judgment of 22 May 2014 . . . . .	105



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