

PRESS RELEASE

ADVANT Beiten Client Achieves Success at Bonn Regional Court in Mask Supply Dispute

Munich, 25 January 2022 – ADVANT Beiten successfully represented a client in enforcing claims against the Federal Republic of Germany arising from contracts for protective equipment. successfully represented a client in enforcing claims against the Federal Republic of Germany arising from contracts for protective equipment. On Wednesday, 19 January, the 20th Civil Chamber of the Regional Court of Bonn dismissed the claim of the Federal Republic of Germany for the reversal of deliveries of protective masks under the open house procedure from March / April 2020 and fully upheld the counterclaim of the defendant supplier for payment of the outstanding remaining purchase price plus default interest and pre-litigation legal costs (judgment of the Regional Court of Bonn in the case Federal Republic of Germany ./ . Supplier - 20 O 191/20).

In the judgement, the 20th Civil Chamber of the Regional Court of Bonn agreed with the defendant's argument that a withdrawal from the contract could not be made without first setting a deadline.

The defendant supplier had participated in the open-house procedure of the Federal Ministry of Health for the procurement of protective equipment in the corona pandemic and delivered 2 million protective masks. According to the opinion of the 20th Civil Chamber of the Regional Court of Bonn, the defendant is entitled to the purchase price for all protective masks. According to the court, it was irrelevant whether the protective masks were defective, as the defendant was entitled to subsequent performance. However, the plaintiff had not set the defendant such a deadline for subsequent performance, so that it could not subsequently withdraw from the purchase contract for the protective equipment. Furthermore, the plaintiff could also not invoke a transaction for delivery by a fixed date. In return, according to the opinion of the 20th Civil Chamber of the Regional Court of Bonn, the defendant is entitled to the outstanding part of the purchase price, which was asserted by way of counterclaim by the defendant.

The clear ruling of the Bonn Regional Court should also strengthen the position of the other suppliers in the open house proceedings, whose claims are still pending before the Bonn Regional Court. ADVANT Beiten represents a large number of medium-sized companies in the enforcement of claims against the Federal Republic of Germany arising from contracts for protective equipment.

Advisor to Supplier:

ADVANT Beiten: Moritz Kopp (in charge, Munich), Juliane Schöttler (Frankfurt), Dr. Philipp Sahm (Frankfurt), Alexander Braun (Munich), (all Commercial/Litigation).

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About ADVANT Beiten

ADVANT Beiten is the German member firm of ADVANT, a distinctly European association of independent law firms focused on helping you navigate the complex and nuanced legal and commercial landscape of Europe.

Founded in 1990, ADVANT Beiten is an independent law firm with around 260 lawyers and is one of the leading commercial law firms in Germany.

As one of the leading commercial law firms in Germany, ADVANT Beiten advises medium-sized companies, large corporations, banks, foundations and public sector organisations on German and international commercial law.

We work seamlessly with **ADVANT** member firms to advise, support and represent our clients in all legal matters pertaining to their business activities, both in Germany and around the world. This includes working with other advisors from our worldwide network of top-tier firms.