

## **FUELS MARKETING AGREEMENT**

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In a world where commercial relationships has broken with the limitations of the traditional contracts and agreements to go further beyond and gradually change into new, faster and dynamic hiring ways, there are several varieties that based in their special features has become new and different contracting models, and by their actuality and precision with reality are definitively the most used, but that also work with some old and traditional hiring ways, and that is the reason why all the people related to this business (lawyers, bussiness men, judges, etc.) most of the times are in the impossibility of use, draw, or interpretate the reffered agreements or some clauses of them, wich results into a wrong application of laws with the related problems.

This matter deserves a special study, from its origins, development and evolution of the contracts and commercial relationships, to the needs of making several precisions about this hiring way and also about all the special cotracts, making emphasis in the distribution agreements in order to define the most beneficial applicable law, according to the reasons already exposed, that is the causing to develop my investigation checking it as a distribution agreement variety, distinguish it from the general contracts classification and establishing it nature.

My research is divided in three chapters: The fist one is a general introduction to the matter, I made a contracts historical refference, spoke about the agreements general characteristics, the obligation`s sources, defined the civil and commercial agreements, and the middle commercial contracts.

The second chapter is a general treatment about the distribution contract, the contract`s development, the fuels distribution contract`s definiton, the contract`s elements, and an agreement`s benefits detailed analysis, obtaining as result the distribution contract particular characteristics and differentiate from other similar hiring ways.

The third chapter is about the fuels distribution agreement, making a history summary about the fuels marketing business in Ecuador, the related law and the opinion used to distinguish them according to their particular components. An important issue treated in this research is the warranties used commonly in the fuels distribution contracts. Also were threatened the contractual and extracontractual responsibilities, specially the one related to the environmental issue, the government control function and also as a responsible with the consumer. To finish this chapter I reviewed the fuels marketing agreements performed in present time in Ecuador by Shell and ExxonMobil.

Finally, in the fourth chapter I developed the conclusions and recommendations regarding this matter, focusing to the actual ecuadorian fuels marketing business situation and its projections based in the present time data, proposing this matter as a discussion topic for the persons related with it.