

Transnational Commercial Law

International Sale of Goods

Add to ‘Further Reading’, as listed in *Goode/Kronke/McKendrick*, *Transnational Commercial Law – Text, Cases, and Materials* (2nd ed. 2015) p. 265-266, as well as the materials partly reproduced or referred to in the text of Chapter 8, the following:

Schlechtriem /Schroeter, *Internationales UN-Kaufrecht* (6th ed. 2016); *Huber/Mullis*, *The CISG. A new textbook for students and practitioners* (2007); *Ferrari* (ed.), *The CISG and its Impact on Natural Legal Systems* (2008); *Celebrating the 25th Anniversary of the United Nations Convention on Contracts for the International Sale of Goods – Articles Presented March 15-18, 2005*, 25 *J. L. & Comm.* 1-485 (2005-06); *Ragno*, *Convenzione di Vienna e Diritto europeo* (2008).

I. The Hague Sales Laws and the Genesis of the Vienna Convention

Rabel, *Das Recht des Warenkaufs* (1. Band, 1936) (2. Band, 1958); *Schlechtriem/Magnus*, *Internationale Rechtsprechung zu EKG and EAG – Eine Sammlung belgischer, deutscher, italienischer, israelischer und niederländischer Entscheidungen zu den Haager Einheitlichen Kaufgesetzen* (1987); *Schlechtriem*, *Uniform Sales Law – The Experience with Uniform Sales Law in the Federal Republic of Germany*, *Juridisk Tidsskrift* 1991/1992, 1.

Contracting States of the 1964 Uniform Law on the International Sale of Goods (ULIS) and the 1964 Uniform Law on the Formation of Contracts for the International Sale of Goods (ULFIS) – **commonly referred to as the “1964 Hague Conventions”** – were: Belgium, Federal Republic of Germany, Gambia, Israel, Italy, Luxembourg, the Netherlands, San Marino, United Kingdom.

Statistics caution against conclusion that Hague Conventions were of modest success.

Work on the CISG started in 1968/1970 (WG), based on a questionnaire circulated by Professor Tunc; first draft in 1976; Diplomatic Conference for its adoption 10 March to 11 April 1980.

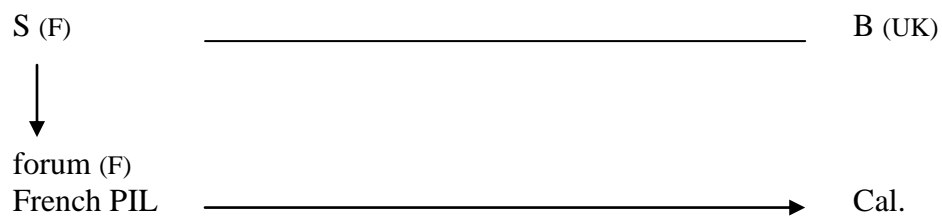
II. Sphere of Application

Add to ‘Further Reading’ *Kronke*, *Connecting Factors and Internationality in Conflict of Laws and Transnational Commercial Law*, in: *Convergence and Divergence in Private International Law – Liber amicorum Kurt Siehr* (Boele-Woelki/Einhorn/Girsberger/Symeonides ed.) (The Hague 2010) 57; *Naumann*, *Der Regelungsbereich des UN-Kaufrechts im Spannungsfeld zwischen Einheitsrecht und Kollisionsrecht* (2000).

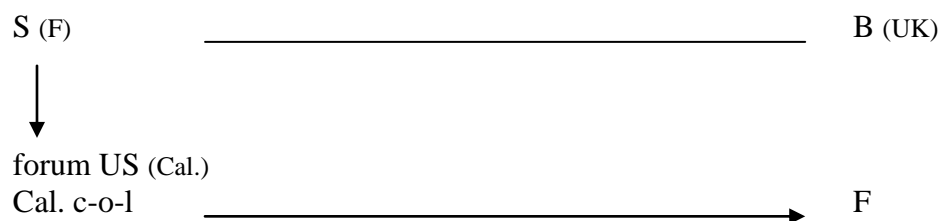
Both connecting factors and internationality requirements reveal policy choices (e.g. the objective to widen sphere of application).

The „Article 95 reservation“

Example 1:



Example 2:



Increasingly of theoretical relevance (cfr. publications by Professor *Jan Ramberg*): the “Scandinavian reservation”, Article 92.

Transnational Contract Law: Soft-law Instruments

I. UNIDROIT Principles of International Commercial Contracts

Bonell, An International Restatement of Contract Law (3rd ed. 2005); *Vogenauer/Kleinheisterkamp* (eds.), Commentary on the UNIDROIT Principles of International Commercial Contracts (2nd ed. 2015); *Schilf*, Allgemeine Vertragsgrundregeln als Vertragsstatut (2005); *Metzger*, Extra legem – intra ius: Allgemeine Rechtsgrundsätze im Europäischen Privatrecht (2009); *Rueda*, Incidence des règles d'UNIDROIT sur le droit des contrats en Europe (2015); *Farnsworth*, Duties of Good Faith and Fair Dealing under the UNIDROIT Principles, Relevant International Conventions and National Laws, Tul.J.Int.Comp.L. 47 (1997); UNIDROIT (ed.), *Eppur si muove* – Essays in honour of M. J. Bonell, vol. 2 (2016) 1473. Contributions to this volume discuss the Principles' role in Argentina, Australia, China, Czech Republic, France, Italy, Norway, Russian Federation and Uruguay as well as specific provisions or subject-matter areas.

II. Model Laws (examples)

- Most influential the UNICITRAL Model Law on International Commercial Arbitration (1985), an instrument that has shaped the arbitration laws world-wide.
- For a regional initiative, Model Inter-American Laws on Secured Transactions (2002), an instrument designed to encourage law reform in Latin America.

III. Legislative and Best-Practice Guides (examples)

- *Zeidman*, The UNIDROIT Guide to International Master Franchise Arrangements: An Introduction and a Perspective, Unif. L. Rev. (1998) 756. This guide subsequently prompted the negotiation and adoption of the UNIDROIT Model Franchise Disclosure Law (2002).
- UNICITRAL Legislative Guide on Secured Transactions (2007).