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AGENDA

1) SCOPE OF APPLICATION
2) PRINCIPLES GOVERNING THE CONFLICT OF INTERNATIONAL LEGAL INSTRUMENTS
3) RELATIONSHIP RRI-CISG
4) ADVANTAGES OF CONFLICTUAL AND MATERIAL SYSTEM
5) CONCLUSION
1) SCOPE OF APPLICATION

**RRI**

- **Material:** International contractual obligations (art. 1)
- **Temporal:** Contracts concluded after its enter into force
- **Personal:** Erga omnes
- **Territorial:** Territory of the EU Member States

**CISG**

- **Material:** Contract of sale of goods (art. 1)
- **Temporal:** Contracts concluded after its enter into force (art. 100)
- **Personal:**
  - **Direct application:** Contracting parties with place of business in different contracting States (Art. 1.1 a)
  - **Indirect application:** Contracting parties with place of business in different States, when the Rules of PIL lead to the application of the Law of a contracting States (Art. 1.1b)
- **Territorial:** Territory of the contracting States

2) PRINCIPLES GOVERNING THE CONFLICT BETWEEN INTERNATIONAL LEGAL INSTRUMENTS

- **COMPETENCE PRINCIPLE**
- **COMPATIBILITY PRINCIPLE**
- **HIERARCHY PRINCIPLE**
- **SPECIALITY PRINCIPLE**
- **TEMPORAL PRINCIPLE**
2.1) CISG: CONTENTS

- Partial regulation

- CISG governs (art.4): the formation of the contract of sale and the rights and obligations of the seller and the buyer arising from such a contract.

- It does not govern (art.4 and 5):
  1) Validity of the contract or any of its provisions or of any usage
  2) Effects of the contract on the property in the goods sold
  3) Liability of the seller for death or personal injury caused by goods

2.2) RRI CONTENTS

A) Interpretation;

B) Performance;

C) The consequences of breach

D) The ways of extinguishing obligations, and prescription and limitation of actions;

E) The consequences of nullity of the contract
3) RELATIONSHIP RRI-CISG

NO SPECIAL MATERIAL RULES/
SPECIAL MATERIAL RULES NOT APPLICABLE/
PARTIAL MATERIAL RULES/

CONFLICT RULES

APPLICABLE LAW: Domestic law or international conventions

RRI ON APPLICABLE LAW TO CONTRACTUAL OBLIGATIONS = CONFLICT RULES

UNITED NATIONS ON INTERNATIONAL SALE OF GOODS (CISG) = UNIFORM MATERIAL RULES
4) ADVANTAGES OF BOTH SYSTEMS

**MATERIAL RULES**
- Reduce the bad forum shopping
- It is common to parties (neutral law)
- Legal certainty
- It is more specific and so, more adapted to the nature of the contract
- Reduce the disparity of legal solutions

**CONFLICT RULES**
- Reduce the bad forum shopping
- Easy adoption by the States
- General and global solution
- General and global solution
- General and global solution

5) CONCLUSION

Both are **NECESSARY, COMPATIBLE** and **COMPLEMENTARY**
WEB SITES ABOUT CISG

• United Nations Commission on International Trade Law (UNCITRAL)

  http://www.unilex.info/

  http://www.cisg.law.pace.edu/

THANK YOU!!!

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