

# **Liability of the seller for defects in international commercial transactions under the United Nations Convention on Contracts for the International Sale of Goods**

## **Abstract**

This thesis deals with the liability of the seller for defects in international commercial transactions, contained in the UN Convention on Contracts for International Sale of Goods. The document, which is binding for 89 states from different parts of the world, is the most important document in international trade law that contains unified regulation. The Convention determines substantive rules for contracts on international sale of goods defined as a contract on sale concluded between two parties, each of them having its place of business in a different state. If both of these states are parties to the Convention, it is directly applicable, i.e. it is used without reference of conflict of laws rules.

Unification of regulation is important in the field of international trade, especially in the area of contracts on sale of goods, which is the most often used type of contract. The most problematic situation in business relationships is when a party fails to meet its contractual obligations. For that reason, in order to ensure the most favourable environment for international business and economic development, it is essential for traders to have clear rules laid down for the operation of their business and, in particular, to have a clear idea of rights arising from the non-fulfilment of the contract by the other party.

The aim of the thesis is to describe and analyse the current regulation of the seller's liability for defects of goods contained in the Convention and to evaluate whether a uniform interpretation and application is ensured by the national courts (or arbitral tribunals). The thesis also analyses the relevant case law and compares the decisions of different national jurisdictions. A partial aim of the thesis is to compare the liability of the seller for defects of the goods under the Convention with the regulation contained in the Civil Code and the French Civil Code.

The thesis is divided into three parts: the first part deals with the definition of basic concepts and the grounds for the seller's liability, the second part deals with the buyer's claims arising from the seller's liability for defects of goods, and the third part focuses on the procedure the buyer must follow in order to preserve their claims, described in part two. Each part describes the current regulation under the Convention, highlights the problems that may arise in its interpretation and compares the relevant court or arbitral decisions.