

Abstract

The thesis is called International Sales Contract: The principle of good faith under the United Nations Convention on Contracts for the International Sale of Goods. The aim of the thesis was to outline the position of good faith in international trade together with a reference to its conception in different legal systems with special focus on continental and common law.

The main aim of the thesis was to analyse the good faith principle under the United Nations Convention on Contracts for the International Sale of Goods (CISG). The author is trying to offer a theoretical basis for the realization of this analysis through the whole thesis. In doing so, the thesis describes, inter alia, historical development of the good faith principle under the CISG, related geopolitical problems and finally a comparison of the good faith principle under the CISG with other documents dealing with international trade is also included.

In analysing the good faith principle under the CISG, the author focused mainly on the issue of different concepts and interpretations of this principle with an emphasis on the precise function of the good faith principle based in Art. 7 (1) of the CISG.

The thesis was realized by using a descriptive method since the author used information obtained chiefly from the doctrine and jurisprudence, trying to find common attitudes and opinions in order to create at least a partial comprehensive overview on the issue. In addition, the comparative method was applied, as different doctrinal and jurisprudence opinions were compared.

The thesis was divided into four sections. In the first section the author gave a general interpretation of the concept of good faith. Afterwards, the author sought to illustrate the differences in the approach to good faith principle between the continental and common law legal systems.

The second section of the thesis was a crucial part that focused on the CISG itself and more detailed analysis of the good faith principle contained in Art. 7 (1) thereof was provided. The largest part of this analysis addressed the very issue of different legal interpretations in relation to the functions that the good faith principle under CISG should take.

In addition to the CISG, the third section of the thesis also dealt with other international documents containing good faith principle while these were compared with the one provided for in Art. 7 (1) of the CISG.

The last, fourth section of the thesis dealt with possible reforms of the good faith principle under the CISG. Dealing with this issue, the author also assessed the possibility of their actual implementation under current conditions.