



United Nations
UNCITRAL



HCCH
HAGUE CONFERENCE ON
PRIVATE INTERNATIONAL LAW
CONFÉRENCE DE LA HAYE
DE DROIT INTERNATIONAL PRIVÉ

Interplay

between the CISG and the Hague Principles

(Principles on Choice of Law in International Commercial Contracts)

35 Years of CISG – Present Experiences and Future Challenges
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Overview



- Principles on Choice of Law in International Commercial Contracts

The Hague Principles in a nutshell

United Nations Convention on Contracts for the International Sale of Goods

Interplay between the CISG and the Hague Principles

A circular image showing a large blue sign with the word 'FUTURE' in white, with silhouettes of people walking towards it.

FUTURE

Prospects for international contract law instruments

The Hague Principles...

In a
Nutshell

- Were formally approved on **19 March 2015**
- Are the first **soft law normative** instrument developed by the HCCH
- Promote **party autonomy** - with balanced limitations
- Have been endorsed by [UNCITRAL](#) and supported by [ICC](#) (and already implemented in Paraguay)

To be used
by

Law and policy makers

Decision makers

Parties and lawyers

The Hague Principles (cont'd)

Scope

International contracts

Commercial contracts (excluding consumer and employment contracts)

Provide rules only for situations where the parties have made a **choice of law** (express or tacit) by **agreement**

(Applicable law in the absence of a choice **not** covered by the Hague Principles)

Key novelties

“**Non-State**” law as chosen law

Consent and **Battle of Forms**

The CISG and the Hague Principles: synergies?

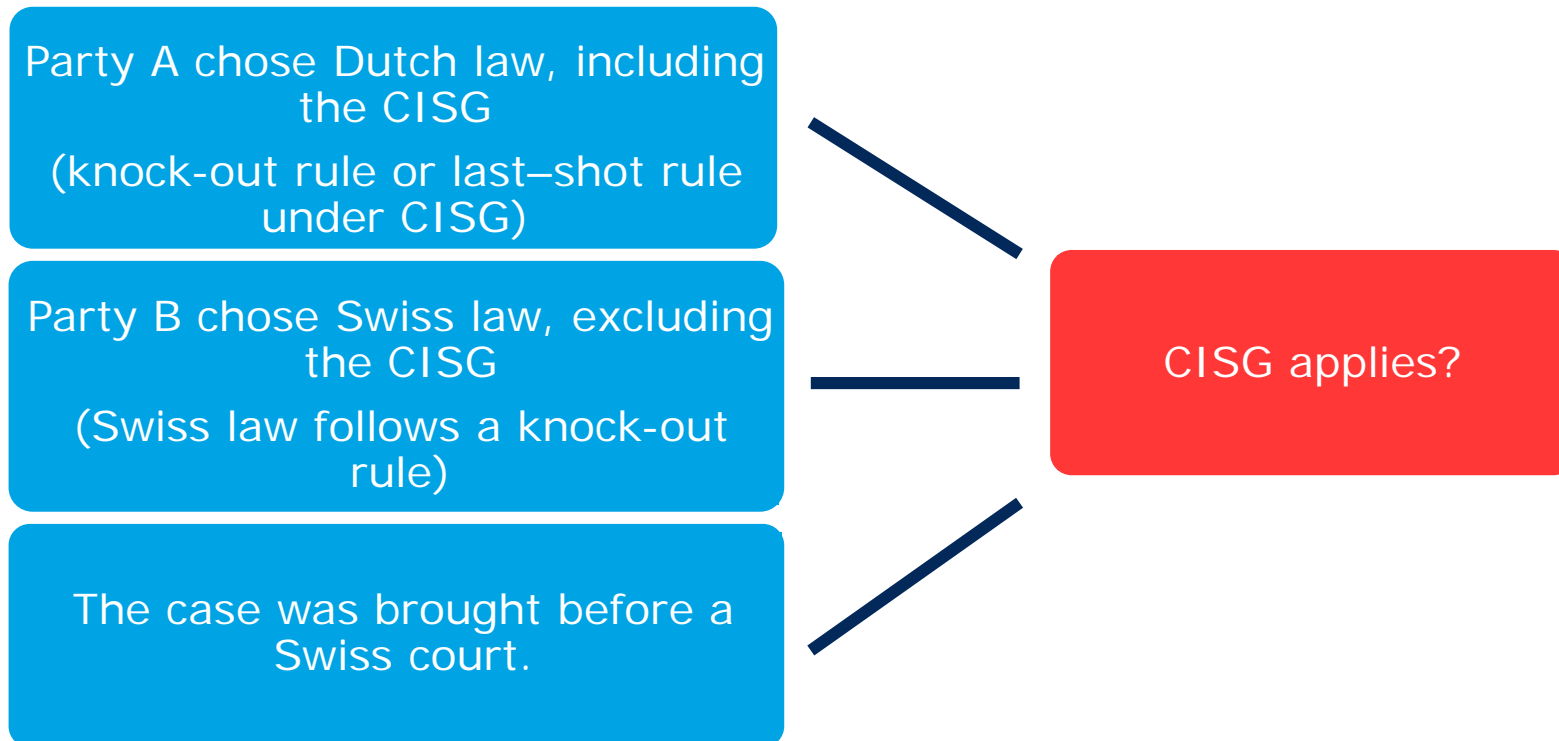
	CISG	Hague Principles
Nature	Convention	Soft law instrument
Sector	Substantive sales law	Private International law
Development	35 years	0 year...

With the same goal:
Promoting the development of international trade

Synergies (cont'd)

Both key features of the Hague Principles and the CISG

1. Choosing the CISG as “non-State law”
2. Battle of forms is only addressed from a choice of law perspective : possible impact on the applicability of the CISG) > see paras. 6.23 *et seq* of the Commentary on the Hague Principles.



Prospects of international contract law

The Hague Principles: a welcome complement to consolidated sources of international contract law such as the CISG and the UNIDROIT Principles?



- More legal certainty and predictability in international contractual transactions and more party autonomy
- Filling in gaps left by other international contract law instruments
- Joint efforts to raise awareness about instruments and their complementarity
- Long-term goal: promoting and advancing the rule of law – influencing (reform of) national law regimes

Thank you for your attention

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