

Case 8: CISG 99(3), (6); 100

Italy: Corte Suprema Di Cassazione; No. 5739

3 March 1988

Kretschmer GmbH & Co. KG V. Muratori Enzo

Original in Italian

Excerpts of judgement in: Rivista di diritto internazionale privato e processuale 1990, 155, reproduced in: Uniform Law Review II 1989, 857

An Italian exporter had concluded a contract for the sale of a cargo of fruit with a German importer. The court, noting that Italy's ratification of CISG according to article 99(6) had taken effect only after its denunciation of the 1964 Hague Convention relating to a Uniform Law on the International Sale of Goods, *i.e.* as from 1 January 1988, held that CISG did not apply in the case at hand since the contract had been concluded before that date.

イタリアの輸出者が一貨物の果物の売買契約をドイツの輸入者と締結した。裁判所は、CISG99条(6)によると、イタリアによる CISG への加盟は、国際物品売買に関する統一法についての 1964 年ハーグ条約の破棄すなわち 1988 年 1 月 1 日から効力が生じる旨を指摘したうえで、本件の契約はその日の前に締結されていたので、本件には CISG は適用されないと判示した。