

Empirical Findings CISG 2023 ¹

There are over 180 CISG cases reported in 2023. The reported cases do not only consist of those applying the CISG; there are several cases reported excluding the CISG's application. Moreover, several cases reference the CISG to interpret domestic laws.

The first chart illustrates the percentage of cases from various jurisdictions, with the Netherlands taking lead. However, it is crucial to note that these findings should not be deemed conclusive due to later reporting and difficulty/ lack of access to jurisprudence in some jurisdictions. Additionally, the arbitration cases do not reflect the actual numbers because of the role confidentiality plays in commercial arbitration proceedings.

The second chart illustrates the percentage in relation to relevant CISG articles/ sections. It is important to recognize that the data in this chart may be repetitive, as most cases analyze multiple CISG issues, and each relevant section has been considered accordingly. The sections are categorized as follows: (i) sphere of application (Arts. 1-6); (ii) general provisions, including interpretation of contract and parties' intent (Arts. 7-13); (iii) formation of contract, including offers, acceptance, and battle of forms (Arts. 14-24); (iv) the general provisions dealing with performance, fundamental breach, and form requirements (Arts, 25-29); (v) the seller's obligations, including delivery, (non-) conformity, and available remedies (Arts. 30- 52); (vi) the buyer's obligations and available remedies (Arts. 52- 65); (vi) passing of risk (Arts. 66- 70); (vii) the common provisions, including the effects of avoidance, anticipatory breach, *force majeure* and impediments, damages, and interest (Arts. 71- 84); (viii) the preservation of goods (Arts. 85- 88); and (ix) final provisions (Arts. 89- 101), including reservations and declarations.

¹ It should be noted that the cut-off period is January 1, 2024.

- Arbitration
- Argentina
- Australia
- Austria
- Canada
- Chile
- China
- Denmark
- Estonia
- Egypt
- France
- Germany
- Italy
- Netherlands
- Norway
- Russian Federation
- Poland
- Singapore
- Spain
- Slovak Republic
- Switzerland
- Turkey
- United Kingdom
- United States
- India



