Chapter I

Sphere of application (articles 1-6)

OVERVIEW

1. Part 1 of the Convention addresses the question—preliminary to all others under the CISG—of the applicability of the Convention, as well as general matters such as interpretation and formality requirements. It is divided into two chapters: Chapter I, “Sphere of application,” encompasses articles 1-6 of the CISG; Chapter II, “General provisions,” covers articles 7-13.

CHAPTER I OF PART I:
SPHERE OF APPLICATION

2. Chapter 1 of Part I of the CISG contains provisions defining the scope of the Convention. Articles 1-3 identify transactions to which the CISG does and does not apply. Articles 4 and 5 describe issues that are and are not addressed in the Convention. Article 6 contains a broad principle of party autonomy that can affect both the transactions and the issues that are governed by the CISG.

3. Several provisions of Chapter 1 implicate final provisions of the Convention, found in Part IV of the CISG covering articles 89-101. For example, application of article 1, the main provision governing the Convention’s applicability, may be affected by, inter alia, articles 92 (declarations that a State is not bound by Part II or by Part III of the Convention), article 93 (federal-state clause), article 94 (declarations by States with harmonized sales law that the Convention does not apply to sales between parties located in those States), article 95 (declarations that a State is not bound by article 1 (1) (b)), article 99 (time at which the Convention enters into force), and article 100 (temporal rules for applying the Convention). Similarly, both article 11 (which eliminates writing and other formality requirements) and article 12 (which creates an exception to the applicability of article 11 and other anti-formality rules of the Convention) must be applied in light of article 96 (declarations that the anti-formality rules of the Convention do not apply where a party is located in the declaring State).

Notes

1See the Digest for article 1, paragraph 19.
2Id.
3See the Digest for Part II, paragraph 4.
4See the Digest for article 1, paragraph 23.
5See the Digest for article 1, paragraph 19.