

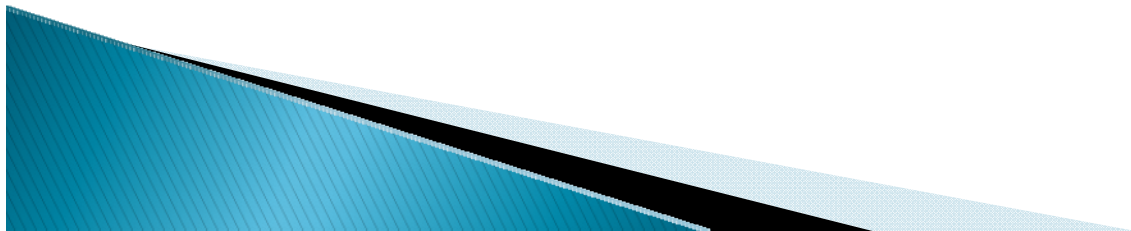


INTEGRATION OF THE: ECC, NEW YORK CONVENTION AND CISG

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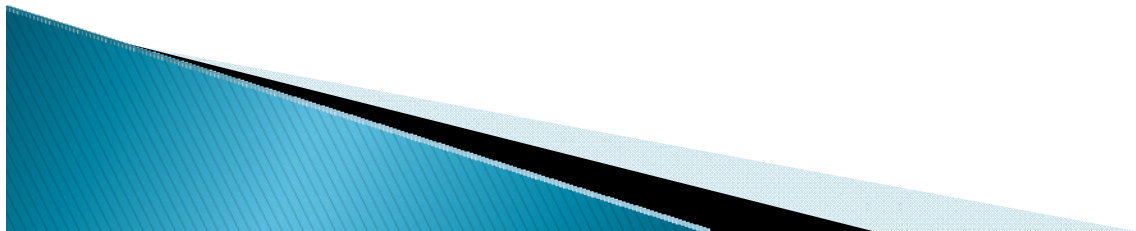
INTRODUCTION

- ▶ Electronic trade part of our lives
- ▶ Perceived legal uncertainties
- ▶ No provisions in the NY Convention or CISG
 - Telegram, telex
- ▶ UNCITRAL
 - NY Convention success
 - CISG success
 - Electronic trade 1990's
- ▶ CISG Advisory Council
 - Opinion no 1 – 2002



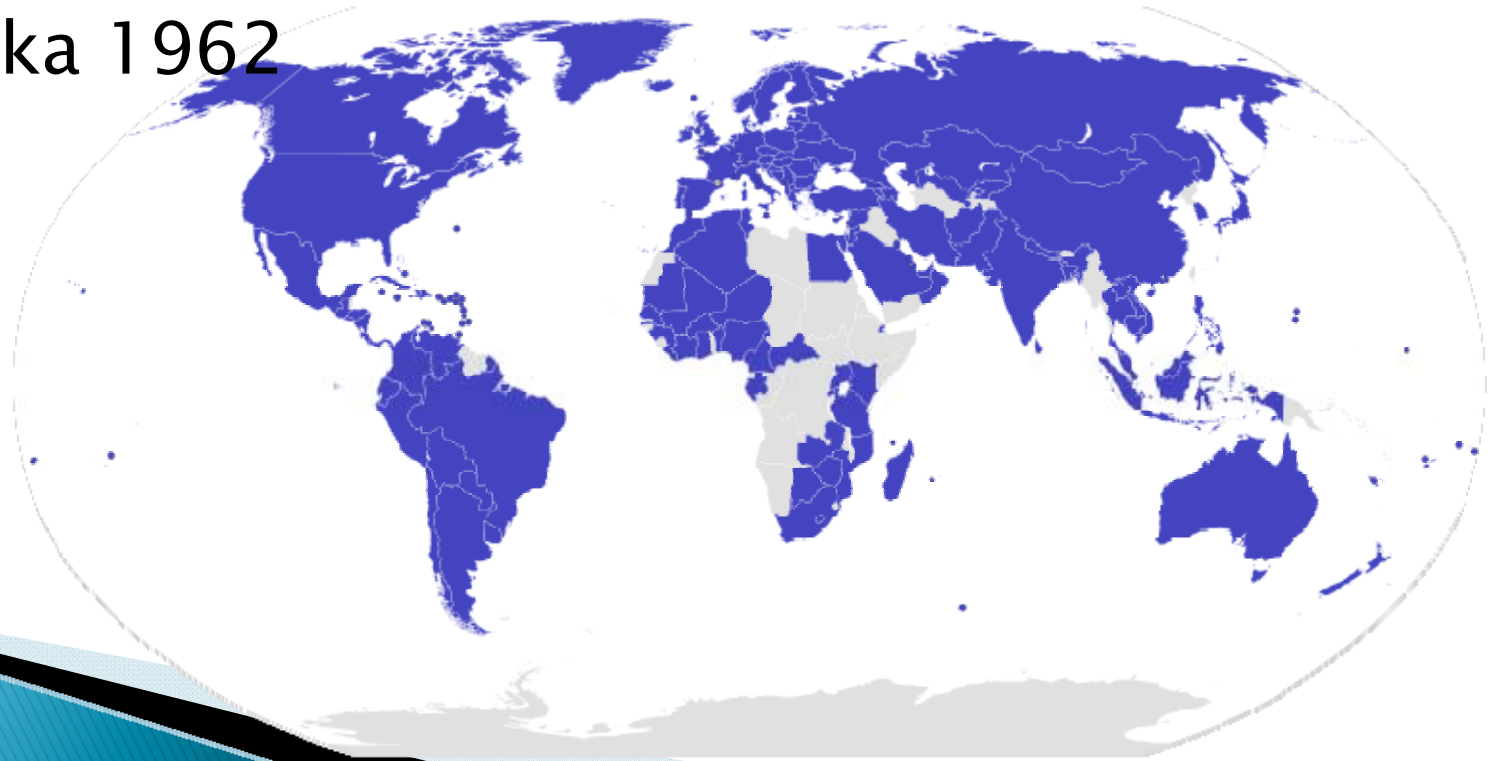
Development of eCommerce

- ▶ Modern computers (vacuum tubes)–1940's
- ▶ First networks – 1950's
- ▶ Minicomputers (transistors) 1960's
- ▶ First PC's (microchip) – 1970's
- ▶ EDI – 1980's
- ▶ Internet – 1990's
- ▶ eCommerce – 2000's



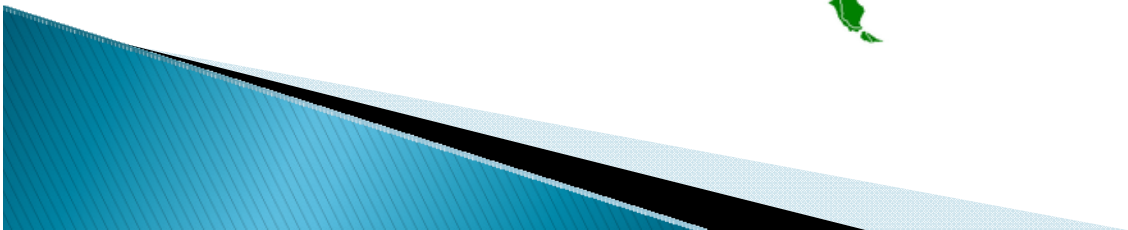
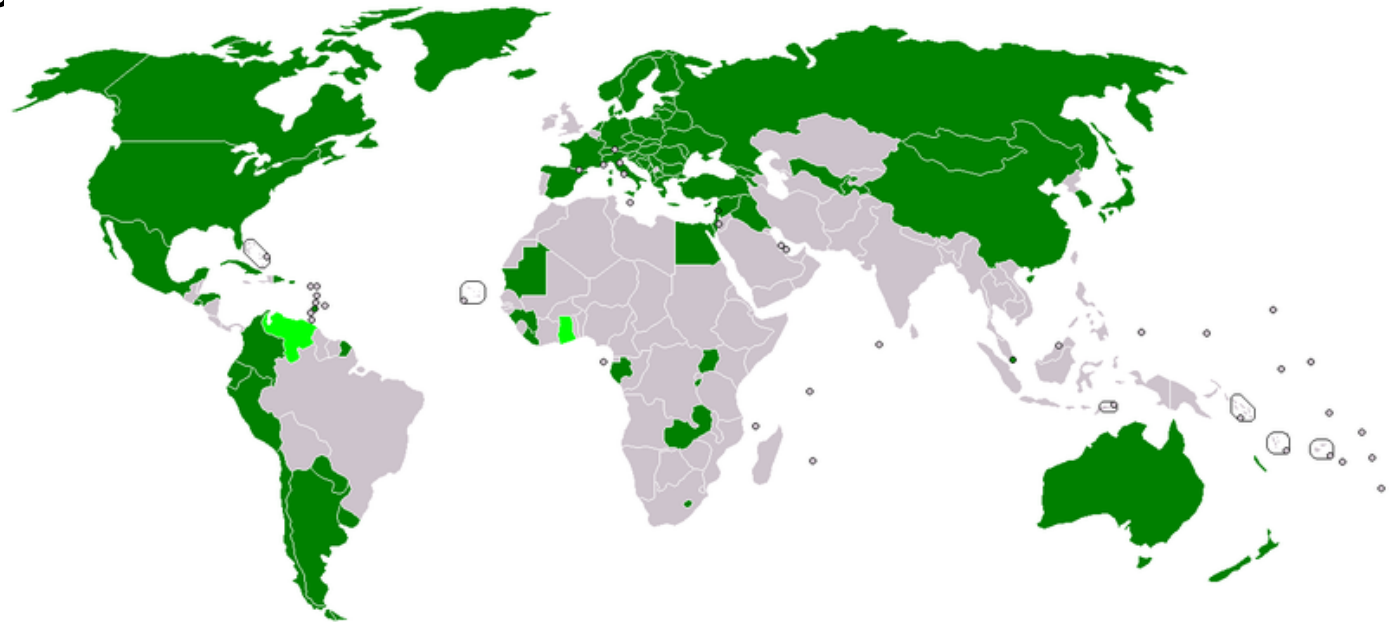
NY Convention and eTrade

- ▶ CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS New York 1958
- ▶ 147 parties
- ▶ Sri Lanka 1962



CISG

- ▶ Vienna Convention for the International Sale of Goods 1980
 - In force 1988
 - 78 parties



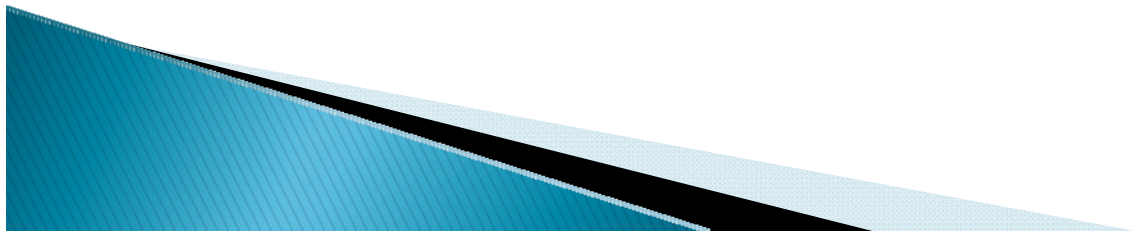
ECC

- ▶ UN Convention for the Use of Electronic Communications in International Contracts
2005 – 2013
 - 3 parties



Scope of the ECC

- ▶ Art 1
 - Contracting states
 - Private international law leads to CS
- ▶ Art 20
- ▶ use of electronic communications iro the formation or performance of a contract to which following Conventions apply
 - NY Convention 1958
 - Limitation Period Convention 1974
 - CISG 1980



rk Convention

ecognition and enforcement of foreign
wards

tracting State shall recognize arbitral
s binding and enforce them in accordance
rules of procedure of the territory where
d is relied upon

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