

AIJA Italian Gathering in Verona

1st OCTOBER, 2005

The United Nations Convention on the international sale of goods (C.I.S.G.), i.e. the Vienna Convention, subscribed to by more than 180 countries, has had its 25th anniversary. How could AIJA let this milestone pass unnoticed?

On Saturday 1st October, at the Law Faculty of Verona, Francesco Salesia, the Italian National Representative and Roberto Luzi Crivellini, whose law firm is based in Verona (North-East of Italy), and Vice-Chairman of the Future of the Profession Commission, organised, with the patronage of the Verona Bar Association, a convention in the city of "Romeo and Juliet" to look back on how the C.I.S.G. has been applied to international trade and at how it has fared in the judgements of the Italian courts. Hosts to those taking part, who included not only Aija lawyers but also others from Veneto and other regions in northern Italy, as well as law undergraduates from the University of Verona, were the attorneys at law Aldo Bulgarelli, Chairman of the Verona Bar Association, and Stefano Dindo, formerly Italian National Representative of AIJA, representing the ANF, (National law association). They wished to stress the importance of the Convention not only in relation to traditional trade channels but also with regard to e-commerce. "When the Convention was first approved, this type of trade could hardly have been imagined: it will indeed be interesting to see how the general law set forth by the Convention will be able to adapt to the new web-based commerce".

Speakers included Prof. Franco Ferrari, Professor in International law at the Law Faculty of the University of Verona, Prof. Marco Torsello, Associate Professor at the University of Bologna and Dr. Francesco Cortesi, Judge of the Court of Rimini.

Prof. Ferrari reviewed Italian court decisions on international sale of goods and it was seen that the solutions adopted have differed from those seen in other countries as regards, for example, the applicability of the Vienna Convention to international supply and procurement contracts, denied by the Italian Corte di Cassazione. Prof. Ferrari emphasised that a major obstacle to acceptance of judgements made abroad has been the prohibition on Italian courts' citing precedents in foreign courts.

Still on the Vienna convention, Prof. Marco Torsello examined, inter alia, questions of fundamental breach (art.25 C.I.S.G.) and the right to cure by the creditor before termination (articles 48 and 36 C.I.S.G.) as well as the right to termination by the creditor in case of anticipatory breach (art.48 C.I.S.G.).

Dr. Cortesi, whose judgements have been translated into several languages and published in a number of foreign journals, indicated to those present that there are cultural difficulties in the way of many courts called upon to deal with cases of an international character as regards the assimilation of a *corpus* of international law that has in fact been in force in Italy for some time.

Aija's initiative in Verona has helped to shed

some light on the fact that the current stage of globalisation of the markets requires legal professionals to take a wider view of the subject and become better informed about the instruments in international law available for the protection of the business of companies dealing with foreign companies.

After the speeches, Claudio Cocuzza, Aija's Honorary President, presented each of the speakers with a commemorative gift.

The morning's work ended with a walk under the warm autumnal sun in Piazza Brà, close to the Roman Arena, famous for its open air opera, and lunch on the terrace of the Giovanni Rana restaurant.

The judgements of the courts in this country can be obtained, in Italian, from the website www.aija.org Enjoy your visit to the site!

Francesco Salesia
Roberto Luzi Crivellini