

Article 99

(1) This Convention enters into force, subject to the provisions of paragraph (6) of this article, on the first day of the month following the expiration of 12 months after the date of deposit of the tenth instrument of ratification, acceptance, approval or accession, including an instrument which contains a declaration made under article 92.

(2) When a State ratifies, accepts, approves or accedes to this Convention after the deposit of the tenth instrument of ratification, acceptance, approval or accession, this Convention, with the exception of the Part excluded, enters into force in respect of that State, subject to the provisions of paragraph (6) of this article, on the first day of the month following the expiration of 12 months after the date of the deposit of its instrument of ratification, acceptance, approval or accession.

(3) A State which ratifies, accepts, approves or accedes to this Convention and is a party to either or both the Convention relating to a Uniform Law on the Formation of Contracts for the International Sale of Goods done at The Hague on 1 July 1964 (1964 Hague Formation Convention) and the Convention relating to a Uniform Law on the International Sale of Goods (1964 Hague Sales Convention) shall at the same time denounce, as the case may be, either or both the 1964 Hague Sales Convention and the 1964 Hague Formation Convention by notifying the Government of the Netherlands to that effect.

(4) A State party to the 1964 Hague Sales Convention which ratifies, accepts, approves or accedes to the present Convention and declares or has declared under article 92 that it will not be bound by Part II of this Convention shall at the time of ratification, acceptance, approval or accession denounce the 1964 Hague Sales Convention by notifying the Government of the Netherlands to that effect.

(5) A State party to the 1964 Hague Formation Convention which ratifies, accepts, approves or accedes to the present Convention and declares or has declared under article 92 that it will not be bound by Part III of this Convention shall at the time of ratification, acceptance, approval or accession denounce the 1964 Hague Formation Convention by notifying the Government of the Netherlands to that effect.

(6) For the purpose of this article, ratifications, acceptances, approvals and accessions in respect of this Convention by States parties to the 1964 Hague Formation Convention or to the 1964 Hague Sales Convention shall not be effective until such denunciations as may be required on the part of those States in respect of the latter two Conventions have themselves become effective. The depositary of this Convention shall consult with the Government of the Netherlands, as the depositary of the 1964 Conventions, so as to ensure necessary co-ordination in this respect.

OVERVIEW

1. This article provides rules for the time when the Convention enters into force.¹ The Convention was adopted on 11 April 1980 and, pursuant to article 99 (1) and (2), became effective on 1 January 1988, after the number of ratifying states reached ten on 11 December 1986.²

2. Court decisions and arbitral awards referring to article 99 are extremely rare.³

1964 HAGUE SALES CONVENTION AND THE 1964
HAGUE FORMATION CONVENTION

3. Articles 99 (3)-(5) require States that are parties to the 1964 Hague Formation Convention and the 1964 Hague

Sales Convention to denounce one or both of these Conventions at the time of ratifying, accepting, approving or acceding to the CISG.

4. Article 99 (6) provides that the depositary of CISG shall consult with the Government of the Netherlands, as the depositary of the 1964 Conventions, to ensure necessary coordination of effective denunciations as may be required on the part of the States in respect to the 1964 Conventions, before the ratification, acceptance, approval, and accession of CISG by States.

5. The following states have filed denunciations of both the 1964 Hague Sales Convention and the 1964 Hague Formation Convention: Belgium,⁴ Germany,⁵ Israel,⁶ Italy,⁷ Luxembourg,⁸ and Netherlands.⁹

Notes

¹ See the Digest for article 10,0 regarding the temporal applicability of CISG to international contracts of sale.

² The People's Republic of China, Italy and the United States all ratified the Convention on 11 December 1986, making them the ninth, tenth and eleventh states to ratify the Convention.

³ Arbitration Court of the International Chamber of Commerce, 1989 (Arbitral award No. 6076), English translation available on the Internet at www.cisg.law.pace.edu; CLOUT case No. 106 [Oberster Gerichtshof], Austria, 10 November 1994, English translation available on the Internet at www.cisg.law.pace.edu; Oberlandesgericht Dusseldorf, Germany, 21 April 2004, English translation available on the Internet at www.cisg.law.pace.edu; Monomeles Protodikio Thessalonikis, Greece, 2003, English translation available on the Internet at www.cisg.law.pace.edu; Polimeles Protodikio Athinon, Greece, 2009, English translation available on the Internet at www.cisg.law.pace.edu; CLOUT case No. 8 [Corte di Cassazione, Italy, 24 October 1988], English translation available on the Internet at www.cisg.law.pace.edu.

⁴ Effective 4 December 1996.

⁵ Effective 29 January 1990.

⁶ Effective 27 November 2001.

⁷ Effective 17 December 1986.

⁸ Effective 12 February 1997.

⁹ Effective 22 January 1991.