

CHAPTER II. OBLIGATIONS OF THE SELLER

Article 28

[General obligations]

The seller must deliver the goods, hand over any documents relating thereto and transfer the property in the goods, as required by the contract and this Convention.

PRIOR UNIFORM LAW

ULIS, article 18.

Commentary

Article 28 states the principal obligations of the seller and introduces chapter II of Part III of the Convention. The principal obligations of the seller are to deliver the goods, to hand over any documents relating thereto and to transfer the property in the goods.¹ The seller must carry out his obligations "as required by the contract and this Convention." Since article 5 of this Convention permits the parties to exclude its application or, subject to article 11, to derogate from or vary the effect of any of its provisions, it follows that in cases of conflict between the contract and this Convention, the seller must fulfil his obligations as required by the contract.

¹ Although this Convention provides that the seller must transfer the property in the goods, article 4 (b) specifies that, unless expressly provided, the Convention is not concerned with the effect which the contract may have on the property in the goods sold. This matter is left to the applicable law. See also article 39 and the commentary thereto.