

# **Translation\* of the Judgment by the German Supreme Court, 8th Panel for Civil Matters, 24 September 2014, CISG- online 2545**

Translated by Till Maier-Lohmann\*\*

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The decision by the German Supreme Court touches on the threshold of a fundamental breach in case of non-conforming goods. It establishes for the first time in case law a seller's obligation to notify the buyer of his intention to cure under Article 48 CISG. Furthermore, it deviates from the majority opinion on whether and to what extent the CISG governs a set-off.

To facilitate the understanding of the judgment, the parties' names and respective procedural positions during the proceedings before different courts were harmonised to always read '[seller]' or '[buyer]'. The concrete parties are referred to as 'it', while sellers and buyers in general are referred to as 'he' to stay consistent with the wording of the CISG. Moreover, the translator added (sub-)headings to allow for a quick orientation. These were not part of the original judgment.

\* This translation has also been published on CISG-online.org. To facilitate the understanding of the judgment, the parties' names and respective procedural positions during the proceedings before different courts were harmonised to always read '[seller]' or '[buyer]'. The concrete parties are referred to as 'it', while sellers and buyers in general are referred to as 'he' to stay consistent with the wording of the CISG. Moreover, the translator added (sub-)headings to allow for a quick orientation. These were not part of the original judgment.

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