



Institut suisse de droit comparé
Schweizerisches Institut für Rechtsvergleichung
Istituto svizzero di diritto comparato
Swiss Institute of Comparative Law

24 July 2018

Dorigny, Lausanne

Rencontres informelles de l'Institut suisse de droit comparé

Good Faith in Long-Term Relational Supply Contracts in the Context of Hardship: An International Perspective

By Peng Guo

Ph.D. Candidate at University of New South Wales, Australia

Tuesday, 24 July 2018, 12:00

Swiss Institute of Comparative Law, Voyame Room

In my thesis, I argue that in the context of hardship, the parties to a long-term relational supply contract have a duty to renegotiate the contract unless there is a 'compelling reason' not to do so. Where renegotiations fail, the judges or arbitrators have the power to adapt the contract on the basis of good faith and the relational nature and characteristics of the contract. If there is a complete breakdown of the ongoing contract relationship, an adaptation to the contract will cause one or the adaptation will rewrite the contract, the judges or arbitrators have the power to terminate it. Also, the parties' duty to renegotiate the contract and the power of courts or arbitral tribunals to adapt and terminate the contract should be limited to international long-term relational contracts, and in particular, in international long-term relational supply contracts.

Free Admission