

Article 56

If the price is fixed according to the weight of the goods, in case of doubt it is to be determined by the net weight.

1. Article 56 states that, in cases where the parties fix the price according to the weight of the goods without expressly or impliedly indicating that they intend to refer to gross weight or net weight, it is net weight—the weight remaining after subtracting the weight of the packaging—that governs the price. This is a rule of interpretation which is applied in the absence of contractual stipulations, usages or practices established between the parties on the matter. Where the rule set forth in article 52 applies, the buyer does not pay for the weight of the packaging.¹
2. Court decisions referring to article 56 have been extremely rare.²

Notes

¹ See UNCITRAL Secretariat Commentary to draft article 52.

² See CLOUT case No. 632 [U.S. Bankruptcy Court, Northern District of Ohio, United States, 10 April 2001] (*Victoria Alloys, Inc. v. Fortis Bank SA/NV*), 2001 Bankr. LEXIS 309, available in English on the Internet at www.cisg.law.pace.edu (the decision merely cites CISG articles 53, 54, 56 and 57); Verhovnyĭ Sud Rossiĭskoĭ Federats, Russian Federation, 23 September 1999, available in English on the Internet at www.cisg.law.pace.edu (the judgment states that articles 48, 50 and 56 are unrelated to the question of the validity of an instruction of the exchange control authority); Verhovnyĭ Sud Rossiĭskoĭ Federats, Russian Federation, 3 December 1998, available in English on the Internet at www.cisg.law.pace.edu (while the claimant had maintained that an instruction of the exchange control authority conflicted with CISG articles 48, 50 and 56, the court did not reply to that point and invalidated the instruction on procedural grounds).