

**Rules**

You can consult the legislation covered in the course. Nothing more.

Time limit: 3 hours since the greenlight by the proctor.

**Remember. There is a limited amount of space (and time). Think carefully about how much of you want to use to put the case in context (inquadramento)**

Good luck!

**Question 1**

Three companies enter into a financial leasing covered by the Unidroit Convention on International Financial Leasing. The supplied good is an aircraft. The lessee has modified the inside and outside of the aircraft. The lessor claims it was not agreed by the parties.

The lessee points out to the clause saying: "Lessee will use the aircraft as part of its commercial fleet". The lessee indicates a list of witnesses about the negotiations, who are willing to confirm that it was clear to the parties that the aircraft needed to be redecorated to fit with the lessee's brand standards.

**Does the lessee have to change the aircraft back under the Unidroit Convention on International Financial Leasing? Give a justified answer. (6 points – 30 lines)**

**Question 2.**

Fortunata and Assunção have bought a package to spend two weeks on Palma de Maiorca. Due to the volcanic eruption, two days before the end of their holidays, their flight is cancelled. Fortunata and Assunção are offered a trip by boat to the closest port, where a flight will bring them home.

**Are they entitled to refuse the offer and demand to fly directly from Palma as soon as possible according to Directive 2015/2302? (6 points – 30 lines)**

**Question 3.**

SweetDream is a producer and retailer specialized in beds and sofas. Timberwood supplies to SweetDreams about one third of the wood SweetDream uses to manufacture the beds. The contract is governed by the CISG and provides that the wood must bear the certification of sustainability issued by Greenlife. In March 2022, a media scandal uncovers that Greenlife is issuing false certificates. There is no proof that the certificates issued to Timberwood are false, but SweetDreams being Timberwood's main buyer is mentioned as well in the media.

SweetDreams informs Timberwood that their contract is terminated and asks for compensation. Timberwood replies that the request is unfunded and offers to collaborate with SweetDreams to receive the certification of sustainability by a different certification body, noting that in case of termination SweetDreams will have to compensate Timberwood for the loss of profit for the deliveries still due under the contract.

**According to the CISG, quid iuris? (7 points – 35 lines)**

↓  
compensation

↓  
redecorated