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Enforced performance of commercial sales contracts in the Netherlands, Singapore and China

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When commercial parties conclude a contract for the sale of goods, their main objective is to exchange the subject goods for the agreed purchase price. The civil law and common law traditions have adopted the notion that these contractual promises are binding and each has put in place specific instruments to protect the interests of both parties. However, while the civil law tradition protects the interest in actual performance of the assumed obligations with a right to enforced performance, the common law tradition perceives the availability of enforced performance as a rarity. This book explores the Dutch, Singapore and Chinese viewpoints on this issue by analysing the extent to which respective contract law principles balance out the interests of parties to a commercial sales contract in their principles surrounding the enforceability of performance obligations, and also how domestic solutions correlate to the approaches taken by global and regional sales and contract law instruments. The main focus of this undertaking is to address the fundamental differences in approach to safeguarding the buyer's performance interest in obtaining the very thing it bargained for, and the seller's interests in protection against unjustifiable consequences of awarding a claim for enforced performance.

Paula Kemp received her master's degree from the University of Groningen, the Netherlands in 2011. The same year, she started to work as a lawyer. In 2015, Paula moved to Singapore to expand the international practice and she jumped at the opportunity to start a PhD in her field of interest. After three years working in Singapore, Paula moved back to the Netherlands and continues to work as a lawyer with a focus on Dutch and Asian companies involved in cross-border trade.

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