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## THE PERFORMANCE OF CONTRACTUAL OBLIGATIONS DURING THE COVID – 19 PANDEMIC

***Summary:** This paper refers to the issue of the consequences of Covid -19 pandemic on contractual obligations by analyzing the force majeure and hardship as the most important tools dealing with the legal effects of future unavoidable events. Without a doubt, it can be said that Covid - 19, considering the seriousness of the consequences it has caused, has already produced and will produce a large number of disputes in which courts and arbitral tribunals face the application of force majeure and hardship doctrines. Given the fact that these two doctrines developed differently in civil and common law jurisdictions, the author uses the comparative analysis and examines the solutions existing in the states representing both legal traditions, with the reference to the unified approach to both doctrines in international business law. Naturally, special attention is paid to Bosnia and Herzegovina.*

*In some cases Covid – 19 renders performance impossible, involving the force majeure doctrine, while in others performance, although excessively onerous, stays possible and is governed by hardship principle. The common requirements of both doctrines, such as unforeseeability and unavoidability, need to be assessed on a case-by-case basis. Conclusively it can be said that in extraordinary circumstances in which we have lived and in which we, to a certain extent, continue to live, force majeure and hardship are no longer exceptional but regular legal remedies.*

***Keywords:** force majeure, hardship, *clausula rebus sic stantibus*, impossibility doctrine, frustration of contract*