

Составлен в соответствии с государственными требованиями к минимуму содержания и уровню подготовки выпускников по направлению «Юриспруденция» и Положением «Об УМКД РАУ».

УТВЕРЖДАЮ:

Директор Института  
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Институт: Права и политики

Кафедра: Международного и европейского права

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## УЧЕБНАЯ ПРОГРАММА

Дисциплина: Б1.В.ДВ.06.03 «International Trade Law (English Law and CISG)»

Специальность: 40.03.01 «Юриспруденция»

Направление: 40.03.01 «Юриспруденция»

Форма обучения: очная

ЕРЕВАН

## 1. Аннотация

В рамках дисциплины рассматриваются вопросы международного торгового права. Курс направлен на приобретение студентами основных навыков позволяющие применять их на практике .

Взаимосвязь с другими дисциплинами. Курс "International Trade Law (English Law and CISG)" состоит в логической и содержательной связи с такой дисциплиной как "Международное частное право".

Требование к исходным уровням знаний и умений студентов. Приступая к изучению данного курса, студент должен обладать знаниями в области международного права, международного частного права и предпринимательского права, а также владеть иностранным языком в сфере юриспруденции.

## 2. Содержание

- 2.1. **Цели и задачи дисциплины:** This course focuses on the analysis and interaction between four fundamental contracts in cross border sales transactions, international sales, carriage, payment and insurance contracts with related issues including, harmonisation, conflict of laws, and dispute resolution from an international perspective. This course focuses on the application of relevant international legal processes, instruments and principles that directly affect the conclusion and performance of these contracts and their interaction in the cross border sale of goods between private parties.
- 2.2. The ITL course examines the private law aspects of international trade. So it does not deal with issues relating to WTO, import/export tariffs and licenses, customs and FTA areas. These public law issues are examined and taught in the WTO course. We are here interested in the commercial issues between the contracting parties themselves. Do remember that the public law issues mentioned above also affect the contracting parties but those are outside the remit of this course. So what sort of issues are we going to be studying? We shall look at the various contracts parties involved in international trade may conclude and these are principally:
- 2.3. The sales contract – this is the primary or principal contract in which the parties agree on the essence of the transaction and certain aspects of the other three contracts. So the sale contract deals with the rights and obligations and remedies of the contracting parties regarding the goods for sale. We shall examine the UN Convention on the International Sale of Goods 1980 (CISG), Sales of Goods Act 1979 (with amendments) (SGA) and various trade terms.
- 2.4. The payment contract – this primarily involves a third party usually a finance institution which may be contractually bound only to one of the parties involved in the sales contract. The payment contract deals with payment for the goods covered in the sales contract. We shall examine the ICC Uniform Customs and Practice for Documentary Credits 2007 (UCP 600)
- 2.5. The carriage contract – the international sales transaction is usually between parties in at least two different countries and so the goods will need to be delivered by one party to the other party and this may involve various types of transportation or carriage of the goods from one country to another country. This contract again may involve a third- party. We shall concentrate on carriage of goods by sea and examine the International Convention for the unification of certain rules of law relating to bills of lading Brussels 1924 as amended by the Protocol of Brussels 1968 (Hague Visby Rules) and mention the

new UN Convention on the Carriage of Goods (wholly or partly) by Sea 2009 (Rotterdam Rules).

2.6. The insurance contract – the goods covered by the sales contract will be under the control of parties to the contract at different times and sometimes under the control of none of the contracting parties. Risk also passes and remains with the parties even when they are no longer in control, and since they cannot predict or guarantee that the goods will be delivered or remain in the same condition as when it was produced, a third party comes in for a fee to give some security to the parties by providing insurance cover. We shall examine the Marine Insurance Act 1906 and the standard Institute Cargo Clauses.

**2.7. Требования к уровню освоения содержания дисциплины:** Equip students with the knowledge of the contracts and laws in play in international sales transactions.  
Understand an international sales transaction and its elements;  
Grasp basic conflicts of law in international sales;  
Understand the rules governing sales and documentary sales under the CISG and UK laws;  
Understand the functions of the sales, carriage, payment and cargo insurance contracts in international trade;  
Understand the interaction of these four contracts in international trade transactions;  
Apply knowledge of these four contracts in any given factual scenario on international sales transaction  
Understand the role of various dispute resolution mechanisms in international trade law.  
Understand the theories and practice of harmonization of international trade law

2.8. Трудоемкость дисциплины и виды учебной работы (в академических часах и кредитах)  
2.8.1. Объем дисциплины и виды учебной работы

### 3. ПЛАНИРУЕМЫЕ РЕЗУЛЬТАТЫ ОСВОЕНИЯ ОБРАЗОВАТЕЛЬНОЙ ПРОГРАММЫ

**Требования к планируемым результатам освоения образовательной программы, обеспечиваемым дисциплинами (модулями) и практиками обязательной части**

**Общепрофессиональные компетенции выпускников**

ОПК-6 Способность повышать уровень своей профессиональной компетенции

**Профессиональные компетенции выпускников**

ПК-16 способностью толковать нормативные правовые акты

### 4. Трудоемкость дисциплины и виды учебной работы по учебному плану.

Виды учебной работы	Всего, в акад. часах	Распределение по семестрам			
		IV сем	V сем	VI сем	VII сем
1	3	4	5	6	7
<b>1. Общая трудоемкость изучения дисциплины по семестрам, в т. ч.:</b>	<b>72</b>			<b>72</b>	
1.1. Аудиторные занятия, в т. ч.:	32			32	
1.1.1. Лекции	18			18	
1.1.2. Практические занятия, в т. ч.	14			14	



Веса оценок промежуточных контролей в итоговых оценках промежуточных контролей												
Вес итоговой оценки 1-го промежуточного контроля в результирующей оценке промежуточных контролей												
Вес итоговой оценки 2-го промежуточного контроля в результирующей оценке промежуточных контролей												
Вес итоговой оценки 3-го промежуточного контроля в результирующей оценке промежуточных контролей										1		
Вес результирующей оценки промежуточных контролей в результирующей оценке итогового контроля												1
<b>Экзамен/зачет (оценка итогового контроля)</b>												0
	$\Sigma = 1$	$\Sigma = 1$	$\Sigma = 1$	$\Sigma = 1$	$\Sigma = 1$	$\Sigma = 1$	$\Sigma = 1$	$\Sigma = 1$	$\Sigma = 1$	$\Sigma = 1$		$\Sigma = 1$

### 5. 1 Распределение объема дисциплины по темам и видам учебной работы

Разделы и темы дисциплины	Всего (ак. часов)	Лекции (ак. часов)	Практ. занятия (ак. часов)	Семина - ры (ак. часов)	Лабор . (ак. часов )	Друг ие виды заня тий (ак. часо в)
<b>1</b>	<b>2=3+4+5+6+7</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>Раздел 1. (название раздела)</b>						
Тема 1. Introduction	4	2	2			
Тема 2. International sales contracts	4					
Тема 3. Incoterms	4	2	1			

Тема 4. Choice of law	4	2	2			
Тема 5. Contracts of carriage of goods	4	2	2			
<b>Раздел 2. (название раздела)</b>	4					
Тема 6. Payment methods in international commercial transactions	4	2	1			
Тема 7. Letters of Credit	4	2	1			
Тема 8 Insurance contracts	4	2	2			
Тема 9. Bills of lading	4	2	1			
Тема 10. Dispute resolution methods in international trade	4	2	2			
<b>ИТОГО</b>		<b>18</b>	<b>14</b>			

## 5.1 Содержание разделов и тем дисциплины

### *Введение*

#### *Раздел 1. (название раздела)*

##### **Тема 1. Introduction**

Introduction to types of transactions in international trade. Impact of jurisdictions. Main aspects of the discipline.

##### **Тема 2. International Sales Contracts.**

Break down of contracts. Discussion of crucial terms and conditions of the contract that need to be addressed while drafting a contract or advising a client.

Explanation of major clauses to be included and drafted in the contract. CISG and English law perspectives.

##### **Тема 3. INCOTERMS.**

Discussion of Incoterms, Difference of terms, allocation of risks and legal obligation under each term. History of incoterms and comparison between different versions.

Choice of a proper term depending on the mode of transport

##### **Тема 4. Choice of Law.**

Choice of law for the contracts concluded in international commercial transactions. Legal impact of the absence of the explicit choice. Rome Regulation.

### **Тема 5. Contracts of Carriage.**

Types of contracts of carriage, liability limitations and international conventions applicable to each mode of transportation. Breakdown of legal relations between the carriers and the consignees.

### **Тема 6. Payment methods in international commercial transactions.**

Discussions regarding different payment methods used in the commercial transactions, e. g. wire transfers, performance bonds, on demand guarantees

### **Тема 7. Letters of Credit.**

Letters of credit as a main payment method for cross-border trade. Types, UCP 600 rules, role of banks, liabilities.

### **Тема 8. Insurance contracts**

Types of insurance contracts used in international trade. Liabilities of the parties. Standard insurance policies.

### **Тема 9. Bills of lading.**

Role of Bills of lading. B/L types, applicable rules, liabilities of the parties. B/Ls as a negotiable instrument of international trade.

### **Тема 10. Dispute resolution methods in international trade.**

Discussion of the methods of dispute resolution in international trade. Mediation, litigation and international commercial arbitration.

2.3.4 Краткое содержание семинарских/практических занятий: чтение лекции, проведение опросов и управленческих игр.

## **3. Теоретический блок**

### **3.1. Материалы по теоретической части курса**

#### **3.1.1. Основная литература:**

LS Sealy & RJA Hooley, Commercial Law: Text, Cases & Materials, 4th edition  
OUP, 2009

Roy Goode, Commercial Law, 3rd edition Penguin Publishers, 2004

Carole Murray, David Holloway & Daren Timson-Hunt, Schmitthoff Export Trade: The Law and Practice of International Trade, 11th edition, Thomson Sweet & Maxwell 2007

Indira Carr, International Trade Law, 4th edition Routledge 2009

Roy Goode, Herbert Kronke, Ewan McKendrick, Transnational Commercial Law: texts, Cases and Materials, Oxford University Press 2007

John F Wilson, Carriage of Goods by Sea, 6th edition Pearson Longman 2008

Jason Chuah, Law of International Trade, 4th edition, Thomson Sweet & Maxwell, 2009

P.S Atiyah, John N Adams, Hector MacQueen, The Sale of Goods, 11th edition, Pearson Longman, 2005

P. Schlechtriem & I Schwenzer (eds) Commentary on the UN Convention on the International Sale of Goods (CISG), 2nd edition, OUP 2005.

Peter Huber & Alastair Mullis, The CISG: A New Textbook for Students and Practitioners, Sellier European Law Publishers, 2007.

C.M.V Clarkson & J Hill, The Conflict of Laws, (3rd edition Oxford University Press 2006)

Richard Stone, The Modern Law of Contract, 8th edition, Routledge & Cavendish, 2009 – for background reading on the law of contracts.

Ingeborg Schwenzer & Christina Fountoulakis (eds) International Sales Law, Routledge & Cavendish, 2006

Peter Schlechtriem & Petra Butler, UN Law on International Sales (CISG), Springer, 2009

Paul Dobson & Rob Stakes, Commercial Law, 7th ed, Sweet & Maxwell, 2008  
Robert Bradgate, Commercial Law, 3rd ed, OUP, 2005

Simon Baughen, Shipping Law, 4th ed, Routledge & Cavendish, 2009  
P. Ellinger & D Neo, The Law and practice of Documentary Letters of Credit, Hart Publishing, 2009

Paul Todd, Cases and Materials on International Trade Law, Thomson Sweet & Maxwell, 2008 reprint

## **6. МАТЕРИАЛЫ ПО ОЦЕНКЕ И КОНТРОЛЮ ЗНАНИЙ**

Перечень экзаменационных вопросов:



1. Crucial clauses in international sales contracts
2. Waiver of rights.
3. Choice of law clauses.
4. International commercial arbitration clause
5. Types of contract of carriage.
6. CIP, CIF and FOB under Incoterms 2010
7. Hague Visby rules, limitation of liabilities under contracts of carriage
8. Types of letters of credits.
9. UCP 600 rules
10. Bills of lading.
11. On demand guarantees, URDG 758.
12. Carriage of goods by sea.
13. Carriage of goods by air.
14. Carriage of goods by road.
15. Insurance contracts for goods in transit.
16. Arbitration vs litigation vs mediation.
17. Multi modal terms of Incoterms 2010
18. Incoterms 2000 vs Incoterms 2010 vs Incoterms 2020.
19. Impact of Rome regulation on choice of law clause and absence thereof