

**MINISTRY OF SCIENCE AND HIGHER EDUCATION OF THE RUSSIAN  
FEDERATION FEDERAL STATE AUTONOMOUS EDUCATION  
"KUTAFIN MOSCOW STATE LAW UNIVERSITY (MSAL)"**

*Department of Private International Law*

**STATE FINAL CERTIFICATION PROGRAM  
PREPARING FOR AND TAKING THE STATE FINAL  
EXAMINATION**

**Б3.01(Г)**

**Starting year – 2024**

<b>Field of study :</b>	40.04.01 Jurisprudence
<b>Level of higher education :</b>	Master's level
<b>Direction of training or specialty of educational program:</b>	Master of International Business Law
<b>Study mode :</b>	Full-time
<b>Qualification :</b>	Master

Moscow – 2025

The program was approved at the meeting of the Department of Private International Law on April 12, 2024, protocol No. 14, the program was updated at the meeting of the Department of Private International Law on September 30, 2025, protocol No. 3.

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The program is compiled in accordance with the requirements of the Federal State Educational Standard of Higher Education.

## **I. GENERAL PROVISIONS**

### **1.1. Objectives and tasks of the state final certification**

The state final certification is aimed at establishing the compliance of the level of professional training of graduates with the requirements of the Federal State Educational Standard of Higher Education in the field of training 40.04.01 Jurisprudence and the Master's program " Master " of International Business Law » (hereinafter referred to as the program).

State final certification of graduates of the Master's program " Master " of International Business Law » is conducted in the form of two certification tests:

- State examination for the Master's program;
- Defense of the final qualifying work.

State exam in the field of study 40.04.01 Jurisprudence, Master's program " Master" of International Business Law " (hereinafter referred to as the state exam) is comprehensive in nature, covers current issues of international civil procedure, international contract law, international trade finance, international commercial arbitration within the framework of interrelated disciplines (modules): Б1.В.06 "International Commercial Contracts (International Commercial Contracts), Б1.В.07 "International Commercial Arbitration and ADR (International Commercial Arbitration and ADR), Б1.В.08 "International Civil Procedure (International Business Litigation), Б1.В.10 "International Trade Finance (International Trade Finance)».

The state examination is aimed at verifying that graduates possess a set of knowledge and skills, acquired through mastering disciplines (modules) and completing practical training, necessary for the implementation of professional legal activities in federal and regional government bodies (legislative, executive and judicial), local government bodies, legal services, departments, divisions of various legal specializations, state and municipal institutions and organizations, educational institutions, research institutions, and other commercial and non-profit organizations, as a legal adviser, attorney, notary, arbitration manager, specialist, consultant, expert, human rights activist, research fellow, etc.

### **1.2. The place of the State Examination in the structure of the OPEP of HE**

The state exam belongs to Block 3 "State final certification" of the main professional educational program of higher education.

### **1.3. Volume of the state final certification in credits and academic hours**

The state final certification consists of 9 credits , or 324 academic hours. Of the state final certification, 3 credits , or 108 academic hours, are allocated for

preparation for and passing the state exam .

**1.4. A list of planned learning outcomes in the preparation and implementation of the state final certification procedure (passing the state exam), correlated with the planned results of mastering the program**

<b>Item No.</b>	<b>Competency code</b>	<b>Name of the competencies being developed</b>	<b>Competency achievement indicator (planned result of mastering a discipline (module))</b>
1.	UC-1	Able to carry out a critical analysis of problematic situations based on a systems approach and develop an action strategy	<p>IUC 1.1 Analyzes a problem situation as a system, identifying its components and the connections between them</p> <p>IUC 1.2 Identifies gaps in the information needed to solve a problem situation and designs processes to address them</p> <p>IUC 1.3 Critically evaluates the reliability of information sources, works with conflicting information from different sources</p> <p>IUC 1.4 Develops and substantively argues a strategy for solving a problem situation based on a systemic and interdisciplinary approach</p> <p>IUC 1.5 Uses logical and methodological tools to critically evaluate modern concepts of a philosophical and social nature in their subject area</p>
2.	UC-2	Capable of managing a project at all stages of its life cycle	<p>IUC 2.1 Formulates, based on the stated problem, a project task and a method for solving it through the implementation of project management.</p> <p>IUC 2.2 Develops a project concept within the framework of the identified problem: formulates the goal, objectives, justifies the relevance, significance, expected results and possible areas of their application.</p> <p>IUC 2.3 Plans the necessary resources, including taking into account their replaceability.</p> <p>IUC 2.4 Develops a project implementation plan using planning tools.</p> <p>IUC 2.5 Monitors the progress of project implementation, corrects</p>

			deviations, makes additional changes to the project implementation plan, and clarifies the areas of responsibility of project participants.
3.	UC-3	Able to organize and manage the work of a team, developing a team strategy to achieve the set goal	<p>IUC 3.1 Develops a cooperation strategy and, on its basis, organizes the selection of team members to achieve the set goal.</p> <p>IUC 3.2 Plans and adjusts the work of the team taking into account the interests, behavioral characteristics and opinions of its members.</p> <p>IUC 3.3 Resolves conflicts and contradictions in business communication based on taking into account the interests of all parties.</p> <p>IUC 3.4 Organizes discussions on a given topic and discussion of the results of the team's work with the involvement of opponents to the developed ideas</p> <p>IUC 3.5 Plans team work, assigns tasks and delegates authority to team members.</p>
4.	UC-4	Able to use modern communication technologies, including in foreign language( s ), for academic and professional interaction	<p>IUC 4.1 Establishes and develops professional contacts in accordance with the needs of joint activities, including the exchange of information and the development of a unified interaction strategy.</p> <p>IUC 4.2 Compiles, translates and edits various academic texts (abstracts, essays, reviews, articles, etc.).</p> <p>IUC 4.3 Presents the results of academic and professional activities at various public events, including international ones, choosing the most appropriate format.</p> <p>IUC 4.4 Defends his/her positions and ideas in a reasoned and constructive manner in academic and professional discussions in the state language of the Russian Federation and a foreign language.</p>
5.	UC-5	Able to analyze and take into account cultural diversity in the process of intercultural interaction	IUC 5.1 Analyzes the most important ideological and value systems formed during historical development; substantiates the relevance of their use in social and professional interactions.

			<p>IUC 5.2 Builds social professional interaction taking into account the characteristics of the main forms of scientific and religious consciousness, business and general culture of representatives of other ethnic groups and faiths, and various social groups.</p> <p>IUC 5.3 Ensures the creation of a non-discriminatory environment for interaction in the performance of professional tasks.</p>
6 .	OPC-2	Able to independently prepare expert legal opinions and conduct examinations of regulatory (individual) legal acts	<p>IOPC 2.1 Understands the essence and significance of expert legal activity</p> <p>IOPC 2.2 Able to formulate expert tasks, understands the specifics of using expert opinions</p> <p>IOPC 2.3 Participates in the legal examination of regulatory legal acts and acts of application of legal norms, as well as their drafts</p>
7.	OPC-3	Able to competently interpret legal acts, including in situations where there are gaps and conflicts of legal norms	<p>IOPC 3.1 Understands the essence and significance of the interpretation of legal norms in professional legal activity</p> <p>IOPC 3.2 Uses various techniques and methods of interpreting legal norms to understand and clarify their meaning and content</p> <p>IOPC 3.3 Knows the concept of gaps and conflicts of legal norms and ways to overcome them</p> <p>IOPC 3.4 Possesses the skills to overcome gaps and conflicts of legal norms</p>
8.	OPC-4	Able to argue legal positions in writing and orally, including in adversarial proceedings	<p>IOPC 4.1 Constructs oral and written speech logically, reasonably, and legally competently, presents facts and circumstances, and expresses a legal position</p> <p>IOPC 4.2 Correctly applies legal vocabulary in professional communication</p>
9.	OPC-5	Able to independently draft legal documents and develop draft regulatory (individual) legal acts	<p>IOPC 5.1 Knows the basic and specific rules for drafting legal documents, types of regulatory legal acts, types of lawmaking</p> <p>IOPC 5.2 Possesses the skills to draft legal documents and develop draft regulatory (individual) legal acts in</p>

			accordance with the profile of his professional activity
10.	OPC-7	Able to apply information technology and utilize legal databases to solve professional problems, taking into account information security requirements	<p>IOPC 7.1 Understands the principles of operation of modern information technologies</p> <p>IOPC 7.2 Able to select modern information technologies necessary for solving specific problems of professional activity</p> <p>IOPC 7.3 Possesses the skills to use modern information technologies necessary to solve specific problems of professional activity</p> <p>IOPC 7.4 Demonstrates readiness to solve problems of professional activity taking into account information security requirements</p>
11.	PC-1	Capable of developing regulatory and local legal acts in specific areas of legal activity	<p>IPC 1.1 Determines the need to prepare regulatory legal acts and normative documents in the field of their professional activity and their industry affiliation</p> <p>IPC 1.2 Applies basic techniques of legislative technology in the preparation of regulatory legal acts in the field of his professional activity</p> <p>IPC 1.3 Complies with the rules of legal technique when preparing regulatory documents in the field of his professional activity</p>
12.	PC-2	Able to apply regulatory legal acts in relevant areas of professional activity, implement the norms of substantive and procedural law	<p>IPC 2.1 Knows legal principles and current regulatory legal acts, taking into account the specifics of individual branches of law</p> <p>IPC 2.2 Understands the features of various forms of implementation of rights</p> <p>IPC 2.3 Establishes factual circumstances that have legal significance</p> <p>IPC 2.4 Defines the nature of the legal relationship and the applicable rules of substantive and procedural law</p> <p>IPC 2.5 Makes reasoned legal decisions and formalizes them in strict accordance with the norms of substantive and procedural law</p>
13.	PC-3	Able to provide legal advice and opinions in	IPC 3.1 Identifies and formulates the existence of a legal problem

		various areas of legal activity	IPC 3.2 Knows and applies the rules for preparing a legal opinion and written consultation IPC 3.3 Develops various options for solving specific problems based on legal norms and obtained analytical data
14.	PC-4	Capable of providing legal assistance to individuals, organizations, and other entities in specific areas of legal activity	IPC 4.1 Defines the purpose of seeking legal assistance, establishes the legally significant circumstances of the case IPC 4.2 Identifies possible ways to solve a legal problem, develops a plan for their implementation, and highlights their advantages and disadvantages IPC 4.3 Knows and observes the rules of effective communication in the provision of legal assistance and legal services

### **1.5 . State Examination Program**

The state examination for the program is an oral test and involves answering questions on an examination paper containing two questions on the compulsory disciplines (modules) of Block 1. Disciplines (modules) (indices B1.O.03, B1.O.04) and on the part formed by the participants in the educational relations of Block 1. Disciplines (modules) (indices B1.B.06, B1.B.07, B1.B.08, B1.B.10 ) of this program.

**Programs of disciplines (modules) for the formation of two tasks of the examination paper:**

#### **Discipline (module) B1.O.03 «Comparative Law Research»**

##### **Topic 1. Specifics of a private law relationship complicated by a foreign element. The problem of the foreign element in the Russian Federation and other countries.**

1. The concept of international private law. The problem of the term "International Private Law." The relationship between international private law and international business in the Russian Federation and other countries.

2. The object of international private law. The concept of private law relations of an international or cross-border nature in the Russian Federation and other countries.

3. Types of private law relations complicated by a foreign element: civil,



labor, and marital relations. The term "foreign element." Its meaning for characterizing and regulating private law relations complicated by a foreign element. The problem of the "foreign element" in the Russian Federation and other countries.

5. Private law relations that develop in business practices with the participation of states and international organizations in the Russian Federation and other countries.

## **Topic 2. Strategy for choosing a method for regulating cross-border relations and the legal basis for such a choice in the Russian Federation and other countries.**

1. The method of international private law: concept, discussion of the method of international private law in the Russian Federation and other countries.

2. Conflict of laws regulation: concept, forms, advantages, disadvantages, practical aspects in the Russian Federation and other countries.

3. Substantive regulation: concept, form, and advantages. Practical aspects of application in the Russian Federation and other countries.

4. Interaction of conflict of laws and substantive law methods of regulating private law relations complicated by a foreign element in the Russian Federation and other countries.

5. Features of the choice of the regulation method in relation to a specific situation in private international law in the Russian Federation and other countries.

## **Topic 3. Problems of sources of international private law and international business: certain practical aspects in the Russian Federation and other countries.**

1. Sources of private international law in countries with a continental legal system.

2. Sources of private international law in countries with the Anglo-Saxon legal system.

3. Sources of private international law in hybrid legal systems.

4. Custom in private international law and its relationship with custom. Established procedure.

5. Practical aspects of the significance of non-governmental regulatory acts ( *lex mercatoria* ) for the regulation of private law relations complicated by a foreign element in various areas of private international law:

- in the field of intellectual property law;
- in the sphere of monetary obligations and settlements;
- the sphere of contractual relations;
- in the field of international commercial arbitration and others.

## **Topic 4. Concept and essence of international business practice ( case law ), which develops when applying the main acts of regulation regulation of cross-border commercial transactions in the Russian Federation and other countries.**

1. The concept of a cross-border commercial contract. The main and optional

characteristics of a cross-border commercial contract. Parties to a cross-border commercial contract in the Russian Federation and other countries.

2. The structure and content of a cross-border commercial contract. Special clauses in cross-border commercial contracts: general characteristics, types, and drafting rules:

- 2.1. applicable law clause;
- 2.2. force majeure clause (what has changed in the era of the pandemic?);
- 2.3. hardship clause;
- 2.4. currency clause and other forms of currency risk insurance;
- 2.5. clause on the payment procedure;
- 2.6. price fluctuation clause;
- 2.7. dispute resolution clause (arbitration clause, jurisdiction clause, mediation clause).

3. Requirements for the form and procedure for concluding a cross-border commercial contract. Written form. Electronic form of the contract.

4. Liability of parties to cross-border commercial contracts: damages, penalties, indemnity, specific performance. Limitation of liability.

5. Sources of regulation of cross-border commercial contracts: international treaties, acts of the European Union, national legislation:

- UN Convention on Contracts for the International Sale of Goods, 1980 (Vienna Convention, 1980 );
- Ottawa Convention on International Financial Leasing 1988;
- Ottawa Convention on International Factoring 1988
- The United Nations New York Convention on the Assignment of Receivables in International Trade 2001,
- Regulation (EC) No 593/2008 of 17 June 2008 on the law applicable to contractual obligations ( Rome I ).
- other conventions applicable to cross-border commercial contracts.

6. Sources of non-governmental regulation of contractual obligations ( lex Mercatoria ): general characteristics, types

- International rules for the interpretation of trade terms INCOTERMS 2020: history of creation, general characteristics, main differences from INCOTERMS 2010. Resolution of the Chamber of Commerce and Industry of the Russian Federation No. 117-13 of June 28, 2011.

- UNIDROIT Principles of International Commercial Contracts 2016: general characteristics, conditions of application.

- Principles of European contract law (Lando Principles).
- OHADAC Principles of International Commercial Contracts.
- European Private Law Model Rules 2009 (DCFR).
- Model contracts, general terms and conditions of contracts, and their role in regulating cross-border contractual obligations. Formula law.

9. Uniform Customs and Practice for Documentary Credits 2006 (UCP 600). Uniform Rules for Collections 1995 (URC 522). Uniform Rules for Demand Guarantees 2010 (URDG 758).

- UNCITRAL Model Law on Cross-Border Insolvency 1997 with Guide to

Enactment and Interpretation 2013.

- UNCITRAL Model Law on International Commercial Arbitration, 1985 , as amended in 2006.

- IBA Guidelines on Conflicts of Interest in International Arbitration 2014

- other non-legal acts in force in the sphere of cross-border commercial contracts.

**Topic 5. Rules for constructing written arguments in cross-border business cases. Rules for preparing written legal documents in the Russian Federation and other countries.**

1. Understanding a cross-border business dispute. Dispute resolution methods in the Russian Federation and other countries.

2. The concept of an argument. Types of arguments. The purpose of an argument.

3. Strategies for constructing argumentation for a specific dispute.

4. Rules for preparing a written legal document

5. Deadline . Time management.

**Topic 6. Rules for constructing oral argumentation. Features of the oral speech of the plaintiff and defendant in the Russian Federation and other countries.**

1. Oral argumentation: structure (introduction, main (substantive) part, conclusion), essence and difference from written argumentation

2. " Road " map " ("road map") is a necessary condition for successful argumentation

3. Oral argumentation of the plaintiff

4. Oral argumentation of the defendant.

**Discipline (module)**

**Б1.О.04 «Current Issues of Law and Law Enforcement»**

**Topic 1. Main trends in the development of international trade law. Electronic commerce**

1. International trade law: concept, development trends.

2. The role of non-governmental sources of regulation ( lex mercatoria ) in the regulation of cross-border private law relations. Guidelines of the Hague Conference on Private International Law ( HCCH ), Unidroit and UNCITRAL on Uniform Instruments in the Field of International Commercial Contracts ( Legal Guide to Uniform Instruments in the Field of International Commercial Contracts , with a Focus on Sales ). The Hague Principles on Choice of Law Applicable to International Contracts 2015

3. Features of the application of lex Mercatoria by state courts and international commercial arbitration tribunals. Enforceability of decisions made solely on the basis of lex sources. mercatoria .

4. Cross-border e-commerce: concept, characteristics, types. Development of

legal regulation of cross-border e-commerce in Russia and foreign countries (USA, Germany, Canada, Australia, Japan, China, Spain, Ireland, England, the European Union, the CIS, etc.).

5. International cooperation in the field of legal regulation of cross-border electronic commerce.

5.1. The role of the United Nations Conference on Trade and Development (UNCTAD), the World Trade Organization (WTO), the Organization for Economic Cooperation and Development (OECD) and the World Intellectual Property Organization (WIPO) in regulating e-commerce.

5.2. The Role of UNCITRAL in Regulating Electronic Commerce: UN Convention on the Use of Electronic Communications in International Contracts 2005 UNCITRAL Model Law on Electronic Commerce 1996 UNCITRAL Model Law on Electronic Transferable Records 2017 UNCITRAL Model Law on Electronic Signatures 2001 UNCITRAL Model Law on Electronic Commerce. Notes on Key Issues Relating to Cloud Computing Contracts 2019 Promoting Confidence in Electronic Commerce: Legal Issues in the International Use of Electronic Authentication and Signature Methods 2007

Draft provisions on cross-border recognition of identity management and credential services.

5.3. The role of documents developed by the International Chamber of Commerce ( ICC ) in regulating electronic commerce. Commission on Commercial Law and Practice ( Commission on Commercial Law and Practice ). Commission on the Digital Economy ( Commission on Digital Economy ). Commission on Intellectual Property Rights ( Commission on Intellectual Property ). General Methods for Carrying Out International Transactions Certified in Digital Form (GUIDEC). Code of Terms Used in International Trade ( ICC) eTerms ). Guide to Electronic Contracting ( ICC) Guide for eContracting ).

6. Conflict of laws regulation of relations arising in the sphere of cross-border electronic commerce.

## **Topic 2. The impact of new technologies on cross-border commercial relations**

1. Blockchain in international private law: concept, features, legal regulation.  
2. Harmonization of blockchain regulation . UNCITRAL Model Law on Electronic Transferable Records 2017, UNCITRAL Model Law on Electronic Signatures 2001, UNCITRAL Model Law on Electronic Commerce 1996.

3. International private law and digital platforms. Platform law. Conflict of laws regulation of user agreements on digital platforms.

4. Resolution of the European Parliament of 20 January 2021 on artificial intelligence: issues of interpretation and application of international law. Legislative initiative of the European Parliament on artificial intelligence.

5. European Convention on Transfrontier Television: general characteristics, information requirements, dispute resolution methods.

6. Okinawa Charter for the Information Society.

7. The territorial aspect of jurisdiction and state sovereignty in cyberspace.

Jurisdiction over disputes related to websites. Grounds for international judicial jurisdiction in cross-border consumer disputes in the digital age. Specifics of concluding agreements on international jurisdiction: protective jurisdiction for consumers in the digital age.

### **Topic 3. Current issues of regulating cross-border insolvency (bankruptcy)**

1. The problem of the term "cross-border bankruptcy." Doctrinal and legal approaches to defining cross-border bankruptcy. The relationship between the concepts of "cross-border insolvency," "international insolvency," and "international bankruptcy."

2. The relationship between the concept of "cross-border insolvency" and the terms "bankruptcy" and "insolvency." The main criteria of insolvency are: insolvency, default, and over-indebtedness .

3. Types of foreign element in relations related to cross-border insolvency.

4. Types of insolvency (bankruptcy) proceedings: single proceedings, main and secondary proceedings, parallel proceedings.

5. Main models of legal regulation of relations related to cross-border insolvency (bankruptcy). Universalism, territorialism : features, advantages, and disadvantages.

6. International legal sources governing cross-border insolvency: Regulation (EU) No. 2015/848 on insolvency proceedings, the Scandinavian (Nordic) Bankruptcy Convention of 1933 (as amended in 1977 and 1982), the Treaty of Montevideo on International Commercial Law of 1889, the Treaty of Montevideo on International Commercial Law of 1940.

7. Legal regulation of bankruptcy procedures in Russia and foreign countries (England, France, Germany, Austria, USA, Canada, Japan, China and others).

8. Specific aspects of determining international judicial jurisdiction in insolvency (bankruptcy) cases. The debtor's primary interests. The problem of delimiting the jurisdiction of states in cross-border bankruptcy (the principle of incorporation, the criterion of the location of assets, the criterion of the location of the central governing body, etc.). Competition of jurisdiction in bankruptcy and general civil cases in various states.

9. Anti - suit Injunctions : concept, possibilities, and limits of application in cross-border insolvency. Debtor migration and " bankruptcy tourism."

10. Key conflict-of-laws links used in the field of cross-border insolvency (bankruptcy). Lex fori Concursus as the primary conflict-of-laws tie. Insolvency law: concept, scope, and limits. Distinction between insolvency law and personal law, tort law, and contractual law. Exceptions to the lex principle fori concursus : payment systems, financial markets, set-off of counterclaims of the same kind, rights in rem , rights secured by collateral, contracts regarding real estate, employment contracts, liquidation netting agreements , and others. Liability of the debtor's directors and persons controlling the debtor in cross-border bankruptcy: determining the applicable law.

11. Main models of recognition of foreign bankruptcies: automatic

recognition, exequatur recognition. Retroactive recognition. Limited recognition. UNCITRAL Model Law on the Recognition and Enforcement of Judgments in Cross-Border Insolvency Cases, 2018.

12. Cross-border bankruptcy and international commercial arbitration: features of interaction, consequences of initiating insolvency proceedings for arbitration proceedings, the problem of arbitrability of a dispute and the validity and enforceability of an arbitration agreement.

13. Recognition and enforcement of foreign judicial acts and arbitral awards in insolvency (bankruptcy) cases.

#### **Topic 4. Current issues of regulating cross-border commercial relations in the context of international sanctions**

1. The impact of international sanctions on international commercial contracts. Peculiarities of choosing the applicable law to international commercial contracts under international sanctions.

2. Force Majeure Clause. Hardship Clause. Note by the Unidroit Secretariat on the Principles of International Commercial Contracts and the COVID -19 Public Health Crisis.

3. Legislative norms on measures aimed at combating the pandemic and its consequences, as supererogatory norms.

4. The impact of international sanctions on certain types of cross-border commercial contracts.

5. Sanctions issues in mergers and acquisitions transactions.

6. COVID -19, international sanctions and cross-border transfer of personal data.

#### **Topic 5. Current trends in the development of methods for resolving cross-border disputes**

1. International commercial arbitration and new technologies. Collection, verification, and creation of electronic documents. Preparation and presentation of charts and presentations. Analytical tools and mind maps. Platforms for case administration and communication between the parties to the dispute, the secretariat, and the arbitral tribunal. Audio and video conferencing. The right to an in-person hearing in international arbitration. Virtual ( VR ) and augmented ( AR ) reality tools. Electronic decision databases.

2. Cybersecurity and data protection in international commercial arbitration.

3. Peculiarities of resolving cross-border disputes by state courts in the context of the coronavirus pandemic COVID -19.

4. Arbitration and ODR in the practice of digital platforms.

of dispute resolution in a digital decentralized environment . Off - chain arbitration ) and blockchain arbitration ( blockchain arbitration ).

**Discipline (module)**  
**Б1.В.06 «International Commercial Contracts»**

**Topic 1. International contract: concept, parties, form, content**

1. The concept of an international contract. Sources of regulation of international contracts
2. Parties to an international contract
3. Contents of the international contract
4. Form and procedure for concluding an international contract

**Topic 2. Liability of the Parties. Ensuring the Fulfillment of Contractual Obligations**

1. Liability of the parties: damages, penalties, indemnity , specific performance, limitation of liability
2. Forms of security for the fulfillment of obligations: penalty , guarantee, other methods of securing obligations

**Topic 3. Purchase and sale agreement, insurance and distribution agreement**

1. The concept of a contract for the international sale of goods. Vienna Convention of 1980.
2. INCOTERMS 2020.
3. London insurers' clauses.
4. Terms of the insurance contract and the procedure for its conclusion.
5. Cross-border distribution agreement: concept, structure, relationship with competition law norms, applicable law.

**Topic 4. Contract for the international carriage of goods**

1. General characteristics of contracts for the international carriage of goods
2. Contract for the international carriage of goods by sea
  - 2.1 Charter transportation
  - 2.2 Transportation under a bill of lading
  - 2.3 The Hague- Visby Rules
  - 2.4 Hamburg Rules
  - 2.5 Rotterdam Rules
  - 2.6 Other international conventions. Electronic bills of lading.
3. Agreement on international carriage of goods by air.
  - 3.1 Warsaw Convention.
  - 3.2 Montreal Convention.
4. Agreement on international road transport of goods.
5. Agreement on international carriage of goods by rail.
6. Agreement on international multimodal transport of goods.

**Topic 5. International financial leasing, factoring, contracting and commercial brokerage agreements**

1. Unidroit Convention on International Financial Leasing
2. Conflict of laws issues in the international leasing agreement
3. Unidroit Convention on International Factoring
4. UN Convention on the Assignment of Receivables in International Trade
5. Normative regulation of international contracts. Recommended international instruments.
7. Contents of the international contract
8. Concept and characteristics of international mediation agreements.
9. Conflict of laws issues of power of attorney and representation.
10. Commission and consignment agreements in international trade.
11. Agency agreement in international trade. Rights and obligations of the principal and agent . Conflict of laws issues in the agency agreement .
12. Regulation of agency agreements in EU law. The Hague Convention on the Law Applicable to Agency Agreements of 1978.

### **Discipline (module)**

#### **B1.B.07 «International Commercial Arbitration and ADR»**

##### **Topic 1. Concept, types, and principles of international commercial arbitration. Main sources of regulation of international commercial arbitration.**

1. The concept of international commercial arbitration. Its relationship to the concepts of "court," "arbitral tribunal," "arbitration," and "arbitration court." The ambiguity of the concept of "international commercial arbitration." The term "international commercial arbitration."
2. Subjective characteristics of the parties to disputes considered in international commercial arbitration.
3. The nature of disputes that can be considered in international commercial arbitration.
4. Differences between arbitration proceedings and dispute resolution in state courts. The main advantages and disadvantages of international commercial arbitration proceedings.
5. The main theories of the legal nature of international commercial arbitration: contractual, procedural, mixed, delocalization theory .
6. Types of international commercial arbitration: institutional and isolated ( ad hoc ) arbitration. Open and closed arbitration. General and specialized arbitration (maritime, construction, investment, sports, human rights, etc.).
7. Universal and regional international treaties in the field of international commercial arbitration. Geneva Protocol on Arbitration Clauses of 1923, Geneva Convention on the Execution of Foreign Arbitral Awards of 1927, New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958, European Convention on Foreign Commercial Arbitration of 1961, Inter-American Convention on International Commercial Arbitration of 1975, Amman (Arab) Convention on International Commercial Arbitration of 1987, Washington Convention on the Settlement of Investment Disputes between States and Foreign



Nationals of Other States of 1965.

8. UNCITRAL Model Law on International Commercial Arbitration, 1985 (as amended in 2006). Interpretation of the Model Law: Article 2A "International Origin and General Principles". Unification of National Legislation on International Commercial Arbitration Based on the UNCITRAL Model Law, 1985.

UNCITRAL Arbitration Rules and other arbitration rules.

9. Recommended instruments of international organizations devoted to certain procedural aspects of arbitration proceedings: general characteristics, significance. Documents developed by the International Bar Association (IBA): Rules for the Taking of Evidence in International Arbitration (2010 and 2020 editions), Guidelines on Conflicts of Interest in International Commercial Arbitration 2014, Guidelines on Representation of Parties in International Arbitration 2013, Guide to Drafting International Arbitration Agreements 2010, Rules for the Efficient Organization of Proceedings in International Arbitration (Prague Rules).

10. National legislation in the field of international commercial arbitration: states with dualistic and unitary systems of regulation of international commercial arbitration.

11. International commercial arbitration and the constitutional right to judicial protection. Judgments of the European Court of Human Rights (ECHR) on issues related to international commercial arbitration: general characteristics and significance.

## **Topic 2. Alternative methods of dispute resolution involving foreign parties**

1. Alternative methods of resolving disputes involving foreign parties: concept, types, general characteristics, differences from international commercial arbitration proceedings.

2. The main advantages and disadvantages of alternative dispute resolution. The legal outcome achieved by resorting to alternative dispute resolution.

3. Negotiations between the parties: concept and general characteristics. Legal significance of the agreement to conduct negotiations. Consequences of failure by the parties to comply with the agreement to conduct negotiations.

4. Claims procedure: concept, requirements, relationship with the agreement on conducting negotiations.

5. Conciliation (reconciliation) procedures: general characteristics. Neutral assessment of the dispute at an early stage of the dispute (early neutral evaluations). Independent decision-making (adjudication). Expert's determination (expert Determination). Friendly intermediaries. Independent examination to establish the factual circumstances of the case (neutral). expert fact - finding). Technical arbitration. Mini - trial . Ombudsman. Private judicial system . court system ) / judge for hire ( rent - a - judge ). SCC Express ( SCC Dispute Assessment ).

6. Mediation: concept and essence. Mediation agreement. UNCITRAL Model Law on International Commercial Conciliation 2002. Singapore Convention on International Settlement Agreements Resulting from Mediation. Conciliation rules of various arbitration institutions (ICC, SCC, etc.).

International Mediation Centre of Singapore. Centre for Dispute Resolution ( CEDR ) of the United Kingdom. Centre mediation And ICC Arbitration (Centre de Mediation de Arbitrage). Mediation in labor disputes in France. Alternative Dispute Resolution Center (Rome, Italy) ( ADR) Center ). Institute permissions Disputes (CPR Institute for Dispute Resolution) ( New York ). Arbitration and Mediation Center at the Chamber of Commerce and Industry of the Russian Federation .

DOCDEX Dispute Resolution System . ICC Rules DOCDEX .

8. Combined methods of dispute resolution (negotiations - mediation, mediation - arbitration, arbitration - mediation, arbitration of the last offer).

### **Topic 3. Arbitration Agreement: Concept, Types, and Legal Consequences. Jurisdiction of International Commercial Arbitration**

1. The concept and role of an arbitration agreement. Differences between an arbitration agreement and a prorogation agreement (agreement on the choice of court).

2. Types of arbitration agreements: arbitration agreement, arbitration clause, arbitration compendium. Direct arbitration agreement.

3. Contents of the arbitration agreement: essential and optional provisions (categories of cases referred to arbitration, name of the arbitration institution, pre-arbitration procedure, number of arbitrators and requirements for them, language and place of the proceedings, law applicable to the merits of the dispute and to the arbitration agreement, "prorogation agreement", etc.). Alternative arbitration agreements.

4. Requirements for the form and procedure for concluding an arbitration agreement. Forms for recording an arbitration agreement. The concept of "written form" of an arbitration agreement in the context of the 1958 New York Convention and the 1985 UNCITRAL Model Law (as amended in 2010). Implied consent arising from the conduct of the parties. Requirements of Russian and foreign legislation for the form of an arbitration agreement.

5. Interpretation of the arbitration agreement. The principle of autonomy of the arbitration agreement.

6. Validity of the arbitration agreement. Grounds for declaring the arbitration agreement invalid and unenforceable.

7. Jurisdiction of international commercial arbitration: concept, types, and scope. The principle of "competence of competence " ( kompetenz – kompetenz ). Revision of the jurisdiction of international commercial arbitration. The Act on the Powers of Arbitrators: concept, general characteristics, and legal consequences of its signing by the parties. The deadline for filing objections to the jurisdiction of international commercial arbitration and the consequences of missing it.

7. Jurisdiction of international commercial arbitration: concept, types, scope. The principle of "competence of competence " ( kompetenz – kompetenz ). The Act on the powers of arbitrators. The deadline for filing objections to the jurisdiction of international commercial arbitration and the consequences of missing it.

#### **Topic 4. Problems of legal regulation of arbitration agreements**

1. Basic Rules for Drafting an Arbitration Agreement. Model Arbitration Clauses. Guidelines for Drafting International Arbitration Clauses, developed by the International Bar Association ( IBA ), 2010.
2. The main problems associated with the interpretation of arbitration clauses. Pathological arbitration agreements. Asymmetric ( disparate ) arbitration clauses.
3. Law applicable to the arbitration agreement.
4. Authority to sign the arbitration agreement.
5. The effect of an arbitration agreement on persons who were not parties to its conclusion. The "group of companies" doctrine. Assignment of rights under an arbitration agreement. Problems of singular succession.
6. Consequences of filing claims in a state court on the merits of a dispute covered by an arbitration agreement.
7. Multi-tier ( multimodal ) dispute resolution agreements. Legal consequences of concluding such agreements.

#### **Topic 5. Arbitrability . Key areas of interaction between international commercial arbitration and state courts.**

1. Arbitrability : concept, types (subjective, objective).  
Arbitrability criteria . Limits of the parties' autonomy in relation to the arbitrability of disputes. Legal regulation of arbitrability in Russia and other countries (England, France, Germany, the USA, Canada, China, Japan, etc.).
2. Case law of Russia and foreign countries on the issue of arbitrability :  
Resolution of the Constitutional Court of the Russian Federation of 26.05.2011 No. 10-P. Request of the Supreme Court of the Russian Federation to the Constitutional Court of the Russian Federation to review the constitutionality of the provisions of the Arbitration Procedure Code of the Russian Federation, Federal Law of 18.07.2011 No. 223-FZ "On the procurement of goods, works, services by certain types of legal entities", Federal Law of 24.07.2002 No. 102-FZ "On arbitration courts in the Russian Federation", Federal Law of 29.12.2015 No. 382-FZ "On arbitration (arbitration proceedings) in the Russian Federation".
3. The main types of interaction between international commercial arbitration and state courts: concept, types.
  - 3.1. Referral of the parties to arbitration by the state court to which the claim on the merits of the dispute was filed.
  - 3.2. The role of state courts in determining the jurisdiction of international commercial arbitration.
  - 3.3. Assistance of state courts in collecting evidence related to the conduct of arbitration proceedings.
  - 3.4. The role of state courts in issuing interim measures.
  - 3.5. Competence of state courts in matters of annulment of an arbitral award, as well as its recognition and enforcement.
  - 3.6. Other forms of interaction between state courts and international commercial arbitration.
4. The powers of the arbitration tribunal to issue interim measures. The

procedure for applying to a state court for interim measures. Grounds for granting and refusing interim measures under Russian and foreign law.

5. Doctrines of *lis pendens* and *res Judicata* in International Commercial Arbitration. International Law Association Guidelines on *Lis alibi pendens* , *res judicata* and arbitration 2006

## **Topic 6. Fundamentals of Proceedings in International Commercial Arbitration**

1. The commencement of arbitration proceedings and its legal consequences for the substantive and procedural rights and obligations of the parties.

2. Arbitration Request: Contents and Details. Alternative Claims. Notice of Commencement of Arbitration Proceedings.

3. Response to the Statement of Claim: Contents and Filing Deadlines. Exchange of Written Statements and Documents. Counterclaims. Deadline for Filing a Counterclaim and the Consequences of Missing It. Requirements for a Counterclaim and a Set-Off Claim.

4. Payment of the arbitration fee and its amount.

5. Procedural complicity. Plurality of contracts. Consolidation. Plurality of parties.

6. Formation of the arbitral tribunal. Election and appointment of arbitrators by the parties. Determination of the number of arbitrators. The appointing authority. The list of arbitrators and its significance. Election of persons not included in the list of arbitrators. Specifics of the appointment of arbitrators in disputes with multiple parties.

7. Requirements imposed on arbitrators by the national legislation of the Russian Federation and foreign countries. Requirements stipulated by the arbitration agreement. Principles of independence and impartiality of arbitrators: concept and meaning. Objective and subjective impartiality. Circumstances indicating the lack of independence and impartiality of arbitrators. Disclosure of information. Requirement for the arbitrator to have time for the hearing. Grounds, procedure, and time limits for challenging and replacing arbitrators. Self-recusal. Consequences of failure to meet the time limit for challenging. Waiver of the right to challenge.

8. Challenge to an arbitration institution: grounds, practice of various arbitration institutions.

9. Basic principles of arbitration. Principle of equal treatment of the parties. Principle of adversarial proceedings. Principle of transparency . UNCITRAL Arbitration Rules (with new paragraph 4 of Art. 1, adopted in 2013). UNCITRAL Rules on Transparency in Treaty-Based Investor-State Arbitration (New York, 2014).

10. Organization of oral hearings and examination of documents.

11. Simplified proceedings.

12. Evidence and proof in international commercial arbitration. Burden and standard of proof. Obtaining evidence. The role of the arbitral tribunal in evidentiary matters. Discovery of evidence in international commercial arbitration: the continental and Anglo-American models.

13. Peculiarities of determining the applicable law in international commercial arbitration. The principle of autonomy of the will of the parties and its limitations. The concept of "rules of law" of law) and "law" (law) in international arbitration. Methods of determining the applicable law in the absence of an agreement between the parties: determining the applicable law by referring to conflict of laws rules (indirect approach), determining the applicable law without referring to conflict of laws rules. Application of trade customs and non-governmental sources of regulation (lex mercatoria). Establishing the content of foreign law.

14. Arbitration award: procedure and time limits for making it.

### **Topic 7. Features of litigation in leading arbitration institutions**

1. Arbitration centers of general competence:

1.1. The Arbitration Institute of the Stockholm Chamber of Commerce (SCC): history, dispute resolution procedures, and general rules.

1.2. London Court of International Arbitration (LCIA).

1.3. International Arbitration Court of the International Chamber of Commerce in Paris (ICC).

1.4. German Arbitration Institute (DIS).

1.5. International Arbitration Centre of the Austrian Federal Economic Chamber (VIAC).

1.6. Swiss Arbitration Institution (SCAI).

1.7. Hong Kong Arbitration Centre (HKIAC).

1.8. Singapore Arbitration Centre (SIAC).

2. Main arbitration centers with special competence:

2.1. MAC at the Chamber of Commerce and Industry of the Russian Federation.

2.2. The Maritime Arbitration Chamber of Paris (C.A.M.P.).

2.3. London Maritime Arbitrators Association (LMAA).

2.4. International Court of Arbitration for Sport TAS / CAS.

2.5. Specialized arbitration for the America's Cup sailing regatta (The America's Cup Arbitration Panel).

2.6. Arbitration Centre at the World Intellectual Property Organization (WIPO).

### **Topic 8. Features of proceedings in the Court of Arbitration for Sport (CAS)**

1. Court of Arbitration for Sport TAS / CAS : history of creation, structure, powers.

2. Statute of the Court of Arbitration for Sport TAS / CAS.

3. Functions of the Court of Arbitration for Sport.

4. Principles for the consideration of disputes by the Court of Arbitration for Sport. Code of the Court of Arbitration for Sport.

5. The procedure for dispute resolution by the Court of Arbitration for Sport and the manner in which it is conducted. The procedure for rendering a decision by

the Court of Arbitration for Sport.

6. Appeal procedure before the Court of Arbitration for Sport.

7. Arbitration procedure in the ad hoc Chamber of the Court of Arbitration for Sport.

### **Topic 9. Recognition and enforcement of arbitral awards. Challenging decisions**

1. The principle of voluntary execution of arbitral awards.

2. Legal basis for the recognition and enforcement of foreign arbitral awards: The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958: general characteristics. Criteria for classifying an arbitral award within the scope of application of the Convention: territorial (objective) and national (subjective) criteria. Reservations upon ratification. Reciprocity clause. The "more favorable rule" rule.

3. General conditions for recognition and enforcement of international commercial arbitration awards. The procedure for recognizing and enforcing international commercial arbitration awards. Documents required for enforcement. Competent court, procedure, and timeframe for considering a petition for recognition and enforcement of a foreign arbitral award. The principle of reciprocity. Arbitral awards that do not require enforcement.

4. Grounds and procedure for challenging the decision of international commercial arbitration.

5. Grounds for refusal to recognize and enforce a foreign arbitral award. Refusal to enforce an award. Reasons related to deficiencies in the arbitration agreement and the conduct of the arbitration proceedings. Refusal to recognize and enforce an award due to arbitrability issues. Violation of public order and the overriding imperative norms of the Russian Federation as grounds for refusing to recognize and enforce foreign arbitral awards.

6. The impact of challenging an arbitral award in a state court of the country in which it was made on the possibility of enforcing such an award abroad.

### **Discipline (module)**

#### **B1.B.08. «International Business Litigation»**

### **Topic 1. International civil procedure: concept, subject and place in the system of private international law**

1. Concept and subject of international civil procedure.

2. Method of international civil procedure

3. Principles of international civil procedure

4. Contents of international civil procedure.

5. The main doctrines on the legal nature, place of international civil procedure and its relationship with international private law, civil procedural and international (public) law in the Russian Federation.

6. The place of international civil procedure in the legal system abroad.

7. Sources of international civil procedure.

## **Topic 2. Legal status of foreign persons in civil proceedings**

1. Features of the procedural status of foreign individuals and legal entities.
2. Procedural rights and obligations of foreign persons. Civil procedural legal capacity and legal capacity of foreign citizens and stateless persons.
3. Court bail. Procedural benefits.
4. Procedural capacity of a foreign organization.
5. Enforcement of court decisions on payment of legal costs and expenses in a foreign state in accordance with the 1954 Convention on International Civil Procedure and other bilateral agreements . Grounds for refusal to enforce a decision on costs and expenses.

## **Topic 3. Features of the procedural status of a foreign state**

1. Legal status of a foreign state in court.
2. State immunity and its content.
3. Theories of limited, functional, and absolute immunity. Denial of immunity.
4. International treaties on immunity issues. National legislation on immunity issues.
5. Disputes involving the state in international judicial and arbitration practice.

## **Topic 4. International judicial jurisdiction in cross-border civil cases**

1. The concept of international judicial jurisdiction in civil cases.
2. *The* main systems for determining jurisdiction in cases with a foreign element are German, Latin, and Anglo-American. *non convenience* .
3. Competition of jurisdictions.
4. Rules for determining jurisdiction of cases involving foreign persons in the Civil Procedure Code of the Russian Federation, the Arbitration Procedure Code of the Russian Federation and international treaties of the Russian Federation.
5. Change of jurisdiction: prorogation agreements.
6. Jurisdiction in cross-border consumer disputes. Agreement on changing jurisdiction in cross-border consumer disputes.

## **Topic 5. Legal assistance. Execution of foreign judicial letters rogatory**

1. The concept and content of legal assistance. The concept of "foreign letter of request." The scope of legal assistance.
2. Legal grounds for the execution of foreign judicial requests in the Russian Federation and abroad (national legislation, multilateral and bilateral treaties, reciprocity and international comity).
3. Methods of execution of foreign judicial letters rogatory.
4. Providing legal assistance within the CIS. Grounds for refusal to execute a foreign judicial request.

## **Topic 6. Recognition and enforcement of foreign judgments**

1. The concept of "recognition" and "enforcement" of a court decision.

2. Legal basis for the recognition and enforcement of foreign court decisions in the Russian Federation and abroad.
3. Systems of recognition and enforcement of foreign judgments.
4. The procedure and time limits for filing a petition for the enforcement of a foreign court decision.
5. Contents of the petition for enforcement.
6. Grounds for refusal of recognition and enforcement.
7. Recognition and enforcement of foreign court decisions within the CIS.
8. Key provisions of the Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters 2019

#### **Topic 7. Legalization of foreign official documents and apostille**

1. The concept of "legalization".
2. Consular legalization (methods).
3. Apostille. Characteristics of the Hague Convention Abolishing the Requirement of Legalization of 1961. The concept of "apostille".
4. Bodies dealing with the legalization of foreign documents.
5. Electronic apostille.

#### **Topic 8. Establishing the content of foreign law in Russian courts**

1. Institute for establishing the content of foreign law. Qualification of foreign law.
2. Methods of establishing foreign law.
3. Legal assistance and cooperation in matters of establishing foreign law.
4. Involvement of experts.
5. Consequences of failure to establish or improper establishment of foreign law.

### **Discipline (module)**

#### **Б1.В.10 «International Trade Finance»**

#### **Section I.**

#### **Topic 1. International Trade Financing Transactions. Credit Agreement and Loan Agreement**

1. Definition of a foreign trade agreement. A foreign trade agreement as a type of foreign trade transaction. Characteristics of a foreign trade agreement. Distinguishing a foreign trade agreement from other types of agreements. Types of foreign trade agreements.
2. Credit agreement in international trade: concept, features, essential conditions, special conditions (representations and guarantees, methods of security, etc.).
3. Cross-border syndicated lending: concept, regulation specifics.
4. Loan agreement in international trade: concept, characteristics, features of legal regulation.



## **Topic 2. International factoring agreement and international financial leasing agreement**

1. The concept and legal nature of international factoring agreements. The difference between factoring and assignment. The difference between factoring and other transactions (forfaiting, securitization , refinancing, etc.)
2. Unification of conflict of laws and substantive rules governing international factoring agreements. National regulation of international factoring agreements.
3. Non-governmental regulation of international factoring agreements.
4. International leasing: concept and characteristics. Legal nature of leasing.
5. Types of leasing (financial, operational, sale and purchase, leverage , etc.).
6. Unification of conflict and substantive rules governing international leasing agreements.
7. National regulation of the international financial leasing agreement.

## **Topic 3. Foreign placement of securities as a way to attract financing**

1. Depositary receipts as a method of foreign placement of securities.
2. Types of depositary receipts: American depositary receipts (ADRs), global depositary receipts (GDRs), Russian depositary receipts (RDRs).
3. Features of legal regulation of the issue of depositary receipts.
4. Eurobonds : concept and types.
5. The procedure and features of regulation of the issue of Eurobonds.

## **Section II. International monetary settlements**

### **Topic 4. General characteristics of cross-border settlement relations**

1. The concept and subject of settlement legal relations. Parties to settlement relations. The concept of non-cash money and non-cash payments.
2. Cross-border correspondent relations of commercial banks.
3. Correspondent account agreement with a foreign bank. LORO and NOSTRO accounts. SWIFT interbank telecommunications system .
4. The concept of documentary and non-documentary forms of settlements.
5. Substantive and conflict of laws regulation of settlement relations.

### **Topic 5. Basic forms of documentary settlement transactions. Letter of credit and collection**

1. The concept and legal nature of a documentary letter of credit. Legal principles of a letter of credit transaction.
2. Parties to letter of credit relationships. Obligations and responsibilities of commercial banks in international settlements using letters of credit.
3. International Uniform Customs and Practice for Documentary Credits ( UCP ).

4. Types of letters of credit. Classification of documents used in letter of credit settlements. Electronic presentation of documents under a letter of credit. Appendix to the UCP for electronic presentation of documents ( eUCP ).
5. The concept of documentary collection. Parties to international payment transactions involving collection.
6. Obligations and liability of commercial banks in the collection form of international settlements.
7. International Uniform Rules for Collections ( URC ).
8. Types of collection. Document submission and payment procedures. Financial and commercial documents. Electronic submission of collection documents. Appendix to the URC for electronic submission of documents ( eU RC ).

### **Topic 6. Use of monetary securities in international settlement transactions**

1. Concept, characteristics, and types of monetary securities. Bills of exchange and checks in international private law.
2. Form and mandatory details of a bill of exchange. Renewable and non-renewable details. Acceptance of a bill of exchange. Aval.
3. The main bill systems. Differences between the Geneva and Anglo-Saxon bill systems.
4. Substantive and conflict-of-law regulation of bill relations: Geneva Conventions on Bills of Exchange and Promissory Notes of 1930, the English Bills of Exchange Act of 1882, the US Unified Trade Code of 1962, etc.
5. Check form and required details. Differences between a check and a bill of exchange. Basic check systems.

## II. EVALUATION MATERIALS

### 2.1. Description of indicators and criteria for assessing competencies, assessment scales during the state examination

The main criteria for assessing the level of preparation and development of the relevant competencies of a graduate during the state examination are:

- degree of proficiency in professional terminology;
- the level of assimilation of theoretical knowledge by the student and the ability to use it to solve professional problems;
- logic, validity, clarity of the answer;
- orientation in normative, scientific and specialized literature;
- response culture.

**Table 1. Evaluation criteria indicators and evaluation scale**

Criterion	"Great"	"Fine"	"Satisfactorily"	"Unsatisfactory"
<b>Degree of proficiency in professional terminology</b>	The student has a fluent command of professional terminology and does not experience any difficulty in answering a modified task.	The student has a sufficient level of professional terminology and does not experience significant difficulties in answering questions when the task is modified.	The student has a minimum required level of professional terminology and experiences difficulty in answering questions when the task is modified.	The student has a poor command of professional terminology and has difficulty answering when the task is modified
<b>The level of student acquisition of theoretical knowledge and the ability to use it to solve professional problems</b>	The student demonstrates a high level of theoretical knowledge and the ability to use it to solve professional problems	The student demonstrates a sufficient level of theoretical knowledge and the ability to use it to solve professional problems	The student demonstrates a threshold level of theoretical knowledge and the ability to use it to solve professional problems	The student demonstrates a low level of theoretical knowledge and the ability to use it to solve professional problems
<b>Logic, validity, clarity answer</b>	The student presents the answer in a comprehensive, consistent, and	The student presents the answer competently, logically and	The student has mastered only the basic program material, but	The graduate does not know a significant portion of the program material, makes

	logical manner, without errors; the answer does not require additional questions.	to the point, does not make significant errors and inaccuracies in answering the questions, but the presentation is not sufficiently systematized and consistent	does not know individual features and details, makes inaccuracies, disrupts the sequence in the presentation of the program material, the material is not systematized, and is not formulated correctly enough	significant gross errors; the main content of the material is not covered
<b>Orientation in normative, scientific and specialized literature</b>	The student can navigate through regulatory, scientific and specialized literature without difficulty.	The student has some difficulty navigating through regulatory, scientific and specialized literature	A learner with difficulty is oriented in the normative, scientific and specialized literature (at the minimum required level)	The student is not familiar with regulatory, scientific and specialized literature
<b>Culture of response</b>	The student's speech is literate, concise, with the correct placement of accents, an even tone of voice, without gestures and excessive emotionality.	The student's speech is generally literate, concise, with correct placement of accents, an even tone of voice, without gesticulation and excessive emotionality	Speech is mostly literate, but poor	The speech is not literate enough for a graduate

## 2.2. Sample questions and tasks for preparing for the state exam

1. Application of lex mercatoria by state courts and international commercial arbitration.
2. Sanctions and countermeasures in international trade.
3. Jurisdiction and sovereignty of the state in cyberspace. Jurisdiction regarding disputes related to Internet sites.
4. Anti-suit injunctions: the concept, limits of their application in cross-border disputes by Russian and foreign courts.
5. International credit contract: main characteristics and regulation.

6. Recognition and enforcement of foreign judgements and arbitral awards in cases of insolvency (bankruptcy).
7. Sources of WTO law. The main WTO multilateral trade agreements.
8. The main principles of WTO law: non-discrimination rules, market access rules, unfair trade rules and exceptions to the general rules. Most favorite nation treatment regime.
9. Dispute resolution procedure in the WTO.
10. Status and functions of the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (IBRD) and the European Bank for Reconstruction and Development (EBRD).
11. International investment law (public law aspects).
12. International leasing contracts: characteristics, types and regulation. UNIDROIT Convention on International Leasing of 1988.
13. Rules of double tax treaties (DTT): purpose and general characteristics. DTT in Russian practice.
14. Tax regime in offshore jurisdictions.
15. The Court of the Eurasian Economic Union: organization, jurisdiction, practice.
16. Remedies under English contract law.
17. Liability for the breach of international contracts.
18. Contracts for the international sale of goods. Vienna Sales Convention of 1980.
19. Concept, types, principles and regulation of international commercial arbitration.
20. The European Convention on International Commercial Arbitration of 1961. Grounds for challenging (setting aside) of an arbitration award under Russian law.
21. Alternative dispute resolution (ADR): concept, types, differences from proceedings in international commercial arbitration.
22. International Factoring: main features, types and regulation. UNIDROIT Convention on International Factoring and UN Convention on the Assignment of Receivables in International Trade.
23. Concept and theories of an arbitration agreement.
24. Agency agreement in international trade. Rights and obligations of the parties. Applicable law to agency agreements.
25. Types of arbitration agreements: arbitration agreement, arbitration clause, arbitration record.
26. Content of arbitration agreements: essential and optional conditions. Alternative arbitration agreements.
27. Validity of arbitration agreements. Grounds challenging arbitration agreements as to their validity and enforceability.
28. Competence of international commercial arbitration: concept, types, scope. The "competence competence" principle (kompetenz – kompetenz).
29. Combined dispute resolution methods (negotiation - mediation, mediation - arbitration, arbitration – mediation, final offer arbitration). Multi-tiered clause

30. Legal status of foreign persons in civil procedure (litigation).
31. Procedural status of a foreign state in civil procedure (litigation).
32. International jurisdiction in cross-border civil cases.
33. Legal assistance. Execution of foreign court orders (requests). Grounds for refusal in execution.
34. Recognition and enforcement of foreign judgments under Russian law and court practice. Grounds for refusal in recognition and enforcement.
35. Legalization of foreign official documents. Apostille.
36. Fundamental principles of English contract law.
37. Establishment of the content of foreign law in the Russian courts.
38. International contract: concept, parties, form, content.
39. Settlement of international investment disputes.
40. The legal status of a foreign investor.
41. Issues of expropriation and nationalization in international investment treaties. Hidden (creeping) forms of nationalization. The amount of compensation for nationalization, "Hull formula".
42. Cross-border distribution agreement: concept, structure, competition law issues, applicable law.
43. Letters of credit in the international trade: definition, types, principles and regulation.
44. Choice of law to international contracts.
45. Contracts for international carriage of goods: concept, types, regulation.
46. Bills of exchange and Promissory notes in international trade. Geneva and English systems.
47. International construction contracts: concept, structure, regulation, applicable law.
48. Concept of prorogation agreements (choice of court agreements). The Hague convention on choice of courts agreements of 2005
49. Cross-border securities transactions. Current Russian regulation of transactions related to shares, bonds and depositary receipts.
50. Contracts for international carriage of goods by sea. Hague-Visby Rules 1924/1979. The liability of the sea carrier. Bill of lading: general characteristic
51. Damages and penalties under English and Russian law: comparative analysis.
52. International license and franchise agreements: concept, characteristics, regulation.

### **Methodical recommendations for preparing for the exam**

1. The exam, according to the curriculum, is held after completion of classes in all disciplines (modules) provided basic professional educational program of higher education «Master of International Business Law».

2. Exam questions are arranged by discipline (module) in a logical sequence for students to study them. It is recommended that students prepare their answers in this order.

3. Exam questions are included on the exam tickets. Each ticket contains two questions.

4. Having received the ticket, first of all, you should read it carefully and clearly understand the essence of each question, which aspects of it are of an essential (key) nature. If you have any doubts about the subject of a question, you should consult with your teacher to avoid a common mistake—the so-called involuntary "question substitution": the question contains one question, but the student answers another.

5. When preparing to answer the questions on the ticket, having clarified their content, it is necessary to formulate definitions of the relevant concepts or reveal other theoretical positions; actively use the provisions of the Constitution of the Russian Federation, legislative, by-laws and international treaties related to the issue. Knowledge is required not only general provisions, but also specific legal norms.

The student will be required to have not only knowledge of theoretical principles, but also the ability to navigate the system of current legal regulation, as well as knowledge of the relevant specific legal act (legal norm) on the question specified in the examination ticket.

6. When answering, you must clearly and intelligibly state your answer, using competent legal language: avoid words (expressions) such as "it seems to me," "logically," "obviously," etc.

### **III. LIST OF BASIC AND ADDITIONAL LITERATURE REQUIRED FOR PREPARATION FOR THE FINAL STATE CERTIFICATION**

#### **Regulatory legal acts (in the current version)**

1. Constitution of the Russian Federation (adopted by popular vote on December 12, 1993) // Collected Legislation of the Russian Federation. 2009. No. 4. Article 445.

2. Civil Code of the Russian Federation (part one) of November 30, 1994 N 51-FZ (as amended on February 25, 2022) // SPS "Consultant Plus".

3. Civil Code of the Russian Federation (part two) of 26.01.1996 N 14-FZ (as amended on 01.07.2021, as amended on 08.07.2021) (as amended and supplemented, entered into force on 01.01.2022) // SPS "Consultant Plus".

4. Civil Code of the Russian Federation (part three) of November 26, 2001 N 146-FZ (as amended on July 1, 2021) // SPS "Consultant Plus".

5. Civil Code of the Russian Federation (Part Four)" dated 18.12.2006 N 230-FZ (as amended on 11.06.2021) (as amended and supplemented, entered into force on 01.01.2022) // SPS "Consultant Plus".

6. Merchant Shipping Code of the Russian Federation of 1999 (with subsequent amendments).

7. Federal Law “On Currency Regulation and Currency Control in the Russian Federation” of 2003 ( with subsequent amendments) .

8. Law of the Russian Federation "On International Commercial Arbitration" of 1993 ( with subsequent amendments) .

9. Federal Law “On Electronic Signature” of 2011 (with subsequent amendments).

10. Federal Law of 22.04.1996 N 39-FZ (as amended on 16.04.2022) "On the Securities Market" // Collected Legislation of the Russian Federation. N 17. 22.04.1996. Art. 1918.

11. Federal Law of 03.08.2018 N 290-FZ (as amended on 26.03.2022) "On International Companies and International Funds" (as amended and supplemented, entered into force on 26.04.2022) // Collected Legislation of the Russian Federation. 06.08.2018. N 32 (Part I). Art. 5083.

12. Arbitration Procedure Code of the Russian Federation" of July 24, 2002 N 95-FZ (as amended on December 30, 2021) (as amended and supplemented, entered into force on January 10, 2022) // Collected Legislation of the Russian Federation. July 29, 2002. N 30. Art. 3012.

13. Federal Law of 29.12.2015 N 382-FZ (as amended on 27.12.2018) "On Arbitration (Arbitration Proceedings) in the Russian Federation" // Collected Legislation of the Russian Federation. 04.01.2016. N 1 (Part I). Art. 2.

14. Decree of the President of the Russian Federation of 22.10.2018 N 592 (as amended on 15.11.2021) "On the application of special economic measures in connection with unfriendly actions of Ukraine towards citizens and legal entities of the Russian Federation" // Collected Legislation of the Russian Federation. 29.10.2018, N 44, Art. 6706.

### **Acts of the highest judicial bodies**

1. Review of judicial practice in resolving disputes related to the establishment of claims in bankruptcy proceedings that control the debtor and persons affiliated with it (approved by the Presidium of the Supreme Court of the Russian Federation on January 29, 2020) // Bulletin of the Supreme Court of the Russian Federation. No. 7. July. 2020.

2. Resolution of the Plenum of the Supreme Court of the Russian Federation of July 9, 2019 No. 24 "On the application of the norms of private international law by the courts of the Russian Federation" // Bulletin of the Supreme Court of the Russian Federation. No. 10. October. 2019.

3. Resolution of the Plenum of the Supreme Court of the Russian Federation of 25.12.2018 N 49 "On certain issues of application of the general provisions of the Civil Code of the Russian Federation on the conclusion and interpretation of an agreement" // Bulletin of the Supreme Court of the Russian Federation. N 2. February. 2019.

4. Resolution of the Plenum of the Supreme Court of the Russian Federation of 22.11.2016 N 54 "On certain issues of the application of the general provisions of the Civil Code of the Russian Federation on obligations and their fulfillment" //



Bulletin of the Supreme Court of the Russian Federation. N 1. January. 2017.

5. Resolution of the Plenum of the Supreme Court of the Russian Federation of 23.06.2015 N 25 "On the application by courts of certain provisions of Section I of Part One of the Civil Code of the Russian Federation" // Bulletin of the Supreme Court of the Russian Federation. N 8. August. 2015.

6. Resolution of the Plenum of the Supreme Court of the Russian Federation of 23.12.2021 N 46 "On the application of the Arbitration Procedure Code of the Russian Federation when considering cases in the court of first instance" // Bulletin of the Supreme Court of the Russian Federation. N 3. March. 2022.

7. Resolution of the Plenum of the Supreme Court of the Russian Federation of June 22, 2021 No. 18 "On certain issues of pre-trial settlement of disputes considered in civil and arbitration proceedings" // Rossiyskaya Gazeta. No. 144. July 2, 2021.

8. Resolution of the Plenum of the Supreme Court of the Russian Federation of 10.12.2019 N 53 "On the performance by the courts of the Russian Federation of the functions of assistance and control in relation to arbitration proceedings, international commercial arbitration" // Bulletin of the Supreme Court of the Russian Federation. N 3. March. 2020.

9. Information letter of the Presidium of the Supreme Arbitration Court of the Russian Federation dated December 29, 2001 No. 65 "Review of the practice of resolving disputes related to the termination of obligations by offsetting counterclaims of the same kind" // SPS "Consultant Plus".

10. Information letter of the Presidium of the Supreme Arbitration Court of the Russian Federation dated February 16, 1998 No. 29 "Review of judicial and arbitration practice in resolving disputes in cases involving foreign persons" // SPS "Garant".

11. Review of the practice of considering disputes in cases involving foreign persons, considered by arbitration courts after July 1, 1995 // SPS "Consultant Plus".

12. Information letter of the Presidium of the Supreme Arbitration Court of the Russian Federation dated February 26, 2013 No. 156 "Review of the practice of arbitration courts in considering cases on the application of the public order clause as a basis for refusing to recognize and enforce foreign judicial and arbitral awards" // SPS "Consultant Plus".

13. Information letter of the Presidium of the Supreme Arbitration Court of the Russian Federation dated July 9, 2013 No. 158 "Review of the practice of considering cases involving foreign persons by arbitration courts" (together with the Review of judicial practice on certain issues related to the consideration of cases involving foreign persons by arbitration courts" // SPS "Consultant Plus".

### **Main literature**

1. Born G. International commercial arbitration: commentary and materials. - 3rd ed. - Alphen aan den Rijn, The Netherlands : Kluwer Law International B.V., 2021. - 4250 p. (online resource). - 3 vols. - ISBN 978-94-035-2643-0 (three-volume set). - ISBN 978-94-035-2644-7 (e-ISBN). – URL:

[https://megapro.msal.ru/MegaPro/UserEntry?Action=Link\\_FindDoc&id=77561&idb=0](https://megapro.msal.ru/MegaPro/UserEntry?Action=Link_FindDoc&id=77561&idb=0)

2. Carty Anthony. Philosophy of international law / A. Carty. - 2nd ed. - Edinburgh : Edinburgh University Press, 2017. - 300 p. (online resource). - ISBN 9780748675524. - ISBN 9780748675500. - ISBN 9780748675531 (epub). – URL [https://megapro.msal.ru/MegaPro/UserEntry?Action=Link\\_FindDoc&id=77551&idb=0](https://megapro.msal.ru/MegaPro/UserEntry?Action=Link_FindDoc&id=77551&idb=0)

### **Additional literature**

1. Akseli NO Availability of Credit and Secured Transactions in a Time of Crisis. Cambridge: Cambridge University Press, 2013.

2. Jürgen Basedow, International economic law and commercial contracts: promoting cross-border trade by uniform law conventions // Uniform Law Review, Volume 23, Issue 1, March 2018, Pages 1–14.

3. Burrows A. A Casebook on Contract. – Oxford and Portland, Oregon: Hart Publishing, 2007. – 801 p. – ISBN 978-1-84113-713-1. URL: [https://megapro.msal.ru/MegaPro/UserEntry?Action=Link\\_FindDoc&id=37260&idb=0](https://megapro.msal.ru/MegaPro/UserEntry?Action=Link_FindDoc&id=37260&idb=0)

4. Cartwright J. Contract Law. An Introduction to the English Law of Contract for the Civil Lawyer. – Oxford and Portland, Oregon: Hart Publishing, 2007. – URL: [https://megapro.msal.ru/MegaPro/UserEntry?Action=Link\\_FindDoc&id=37344&idb=0](https://megapro.msal.ru/MegaPro/UserEntry?Action=Link_FindDoc&id=37344&idb=0)

5. Chukwumerije O. Choice of law in international commercial arbitration. – Quorum Bks , 1994. – 234 p.

6. Cuniberti, Gilles and Cuniberti, Gilles, The Laws of Asian International Business Transactions (June 24, 2015). Pacific Rim Law & Policy Journal, Vol. 25, No. 1, 2016, URL: <https://ssrn.com/abstract=2622573>

7. Ferrari F. General Principles and International Uniform Commercial Law Conventions: A study of the 1980 Vienna Sales Convention and the 1988 UNIDROIT Conventions on International Factoring and Leasing , 10 Pace Int'l L. Rev. 157 (1998), DOI: <https://doi.org/10.58948/2331-3536.1257>, URL: <https://digitalcommons.pace.edu/pilr/vol10/iss1/6/>

8. Everson E. "Winning From the Beginning: International Electronic Discovery in Commercial Litigation and the Home Field Advantage of American Corporations." Journal of International Commercial Law and Technology, vol. 8, no. 3, 2013. – URL: <https://www.neliti.com/publications/28710/winning-from-the-beginning-international-electronic-discovery-in-commercial-liti#cite>

9. Harpole SA UNIDROIT Principles of International Commercial Contracts: An Article-By-Article Commentary. Dispute Resolution International. 2019 Oct; 13(2):189–91.

10. Scherer, Maxi, Artificial Intelligence and Legal Decision-Making: The Wide Open? Study on the Example of International Arbitration (May 22, 2019). Queen Mary School of Law Legal Studies Research Paper No. 318/2019, URL: <https://ssrn.com/abstract=3392669>

11. Szczudlik K. `On-chain` and `off-chain` arbitration: Using smart contracts to amicably resolve disputes. – URL: <https://newtech.law/en/articles/on-chain-and-off-chain-arbitration-using-smart-contracts-to-amicably-resolve-disputes>  
- Access: free

## **IV. LOGISTICS AND SOFTWARE SUPPORT FOR THE STATE FINAL CERTIFICATION**

### **4.1. Licensed software**

1. Kaspersky Anti-Virus 50 users
2. Consultant Plus 1 pc. for 5 users

### **4.2. List of electronic library systems (ELS)**

1. Electronic library system "EBS Znanium.com" (<https://znanium.com>);
2. Electronic library system "EBS Book.ru" (<https://www.book.ru>);
3. Electronic library system "EBS Yurait" (<https://biblio-online.ru>).

### **4.3. Logistics**

The following main technical means are used in the process of conducting the state final certification:

- a room equipped with technical training aids;
- computers equipped with PowerPoint, multimedia equipment for demonstrating presentations and a podium for the speaker.