MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE
National Technical University of Ukraine
"Igor Sikorsky Kyiv Polytechnic Institute"

S.V. Saloid, K.Yu. Redko,

INTERNATIONAL ECONOMIC LAW: LECTURES

Recommended by the Methodical Council of Igor Sikorsky Kyiv Polytechnic Institute as a textbook for foreign students studying in the specialty 051 «Economy»

Kyiv
2020

Reviewer Fartushnyy Ivan, candidate of physical and mathematical sciences. Assistant Professor. National Technical University of Ukraine “Igor Sikorsky Kyiv Polytechnic Institute”

Responsible editor Dergachova Viktoriia, Head of Management Department Professor, Doctor of Sciences (Economics), Professor. National Technical University of Ukraine “Igor Sikorsky Kyiv Polytechnic Institute”

The Grief is provided by the Methodical Council of Igor Sikorsky Kyiv Polytechnic Institute (protocol number 9 from 30.04.2020 year) on submission of the Academic Council of the Faculty of Management and Marketing (protocol № 8 from 27.04. 2020).

Electronic network educational edition

Saloid Stanislav Vasylovuch, PhD, accossiate professor

Redko Kateryna Yuriivna, PhD, senior lecturer

International economic law: lectures

International economic law: lectures [Electronic Resource]: Teaching manual for the students Specialty 051 "Economics" / S.V. Saloid, K. Yu. Redko; Igor Sikorsky Kyiv Polytechnic Institute - Electronic text data (1 file: 76 KB). – Kyiv: Igor Sikorsky Kyiv Polytechnic Institute, 2020. - 50 p.

Interdisciplinary Relations: The discipline "International Economic Law" is based on the discipline "International Economic Activity of Ukraine"

International Economic Law, in turn, is the basis for teaching such courses as International Consulting and International Insurance.

CONTENTS

Topic 1. Subject matter, methods and system of international economic law 4

Topic 2. Principles of international legal regulation of international economic relations 7

Topic 3. International economic organizations..... 13

Topic 4. International economic agreements 24

Topic 5. International currency law 30

Topic 6. International customs law 36

Topic 7. Legal regulation of foreign economic activities in ukraine..... 41

References 50

TOPIC 1. SUBJECT MATTER, METHODS AND SYSTEM OF INTERNATIONAL ECONOMIC LAW

Educational issues

1. The concept of international economic law and modern doctrines of international economic law.
2. The subject of international economic law.
3. Methods of international economic law.
4. The system of international economic law.
5. Institutions of International Economic Law.

Basic concepts: international economic relations, international economic law, state cooperation, international legal regulation, subject and methods of international economic law, system and institutions of international economic law

1. The concept of international economic law and modern doctrines of international economic law

The progressive intensification of the expansion and deepening of diverse economic relations between peoples, states and continents has led to the emergence and rapid formation of a relatively new branch of modern international law - international economic law. As a concept, it is a set of principles and norms that govern the various economic relations of international character.

International law is an indispensable tool for organizing international economic relations. It is a conscious coherent influence of states on their development in the right direction.

International economic law is an area of public international law that is a set of principles and norms governing relations between states and other entities of international law and is their agreed will.

The rules of international economic law are aimed at facilitating the free exercise by States of their sovereign rights in the field of international economic relations, equal cooperation of states irrespective of socio-economic systems and political regimes, economic progress of the planet as a whole and developing countries, in particular.

Subjects of International Economic Law

- the State and similar entities;
- Legal intergovernmental organizations

The objectives of international economic law are:

- Promoting the free exercise by States of their sovereign rights in international economic relations.
- Equal cooperation between states, regardless of their socio-economic systems and political regimes.

There are two concepts of international economic law.

According to the first concept, international economic law is an area of public international law, and the economic relations of subjects of international law is its subject. G. Schwarzenberger, J. Brownlee (UK) adhere to this concept,

P. Verloren van Temaat (Netherlands), V. Levy (USA), P. Weil (France), P. Picone (Italy), I. Peretersky, M. Boguslavsky, G. Tunkin, D. Feldman, E. Usenko, G. Buvailik, V. Lisovsky (Russia).

According to Schwarzenberger, international economic law has the following components: the possession of natural resources and their use; production and distribution of goods; "Invisible" international agreements of an economic or financial nature; loans and finances; appropriate services; the status and organization of the entities engaged in such activities. International economic law covers only those economic aspects which are the subject of influence of public international law.

The Dutch lawyer P. Temaat believed that international economic law cannot be counted against the rules of national foreign economic law and the rules of private international law.

The second concept is more common. According to her, international economic law is regarded not only as a branch of public law, but also of international private law, as a branch not only of public international law, but also part of national law. Proponents of this concept believe that international economic law extends not only to public law but also to private entities involved in commercial relations; that go beyond one state. Known adherents of this concept are, for example, A. Levenfeld (USA), G. Eller, V. Fiktsensher, P. Fisher (Germany), V. Friedman, E. Petersman (United Kingdom), and P. Reiter (France). etc. The second concept has a lot in common with the theories of transnational law aimed at equalizing states and transnational corporations as subjects of international law.

2. The subject of international economic law

International law is an indispensable tool for organizing international economic relations. It is a conscious concerted influence of states on their development in the right direction. At the beginning of XX century. International public law in the field of economics has elaborated a number of specific principles, institutions and international legal doctrines.

Special principles:

- level opportunities;
-open doors;
- most favored mode;
- national regime;
- surrender.

With the emergence of new forms of international economic cooperation, new (except trade) types of international economic agreements have emerged. Numerous international economic organizations have been established. In the second half of XX century. Two international organizations have been set up in Europe with the aim of economically integrating their members, the Council of Economic Mutual

Assistance and the European Economic Community. In October 1947, for the first time in human history, a multilateral trade agreement - the General Agreement on Tariffs and Trade (GATT) - was concluded.

Some international experts believe that international economic law in the early 70's of XX century. was an independent area of public international law. Although there are other opinions: some believe that international economic law, as an area of public international law, is in the making.

The subject of international economic law is international economic relations: both bilateral and multilateral. Within the framework of international economic law, international relations are considered relations between states and other subjects of public international law.

Economic relations are commercial in the broad sense. Therefore, all relations in the field of public international law, where a commercial element is present, are within the scope of international economic law.

The subject of international economic law are the following groups of relations:

- international contractual relations;
- international monetary relations;
- international credit relations;
- international customs relations;
- international investment relations;
- international transport relations;
- relations of cooperation in the sphere of industry and agriculture;
- relations in the field of scientific and technical cooperation.

3. Methods of international economic law

There are two methods in international economic law: the conflict method, the substantive method.

Conflict method - does not regulate the legal relations of the entities in essence, but only specifies the rules of which legal system is subject to application. Conflict method involves the application of the law of one of the contracting states or refers to the legislation of a third state.

The substantive legal method is a set of ways and means of re-regulating international relations by means of the principles of international law, norms of international treaties, trade customs, court and arbitration practices.

4. The system of international economic law

The system of international economic law is an internal form of international economic law, its structure by industries and institutions.

- The totality, interconnection and interaction of international legal institutions.

- The internal structure, unification and placement of the rules of international economic law in a specific relationship and consistency are objectively determined.

System of International Economic Law:

- Common part of the concept and methods of international economic law, principles and legal forms; the legal status of the state, international organization and transnational corporation as subjects of international legal relations; concepts and types of international economic treaties.

- A special part of international trade law; international monetary law, international investment law, international transport law, international customs law, international cooperation in industry and agriculture.

5. Institutions of International Economic Law

The norm of international economic law is a formally defined rule of conduct of states and international organizations in the field of international economic relations.

The Institute for International Economic Law is a set of norms of international economic law governing homogeneous international economic relations.

International economic law consists of the following legal institutions:

- An institutional mechanism for the regulation of international economic relations, which includes the basic principles of the activities of the UN General Assembly on the regulation of international economic relations, the provisions of the GATT / WTO activities; international IMF, IBRD, EBRD financial institutions; Organization of Petroleum Exporting Countries (OPEC) and other specialized international economic organizations; regional economic organizations of the European Union and European Communities, CIS, Eurasian Economic Community, etc.

- International economic treaties, their classification and implementation.

- Legal regulation of foreign economic activity.

- International Trade Law, Its Principles and Sources.

- International Monetary Law and its organizational and legal mechanism.

- International transport law, including international legal regulation of maritime, rail, aviation, road and mixed transport.

- International customs law and organizational and legal forms of international customs cooperation.

- International legal regulation of cooperation in industry, agriculture.

Questions for self-control

1. What is international economic relations?
2. How is the concept of "international economic law" defined?
3. Describe the doctrines of international economic law?
5. What are the methods of legal regulation in international economic law?
6. What are the parts of the system of international economic law?
7. What is an Institute for International Economic Law?

TOPIC 2. PRINCIPLES OF INTERNATIONAL LEGAL REGULATION OF INTERNATIONAL ECONOMIC RELATIONS

Educational issues

1. The concept and system of principles of international economic law;
2. The place of general international legal principles in the normative system of international legal regulation of international economic relations;
3. Legal content of special principles of international legal regulation of international economic relations;
4. Normative consolidation of the principles of international legal regulation of international economic relations.

Basic concepts: the principle of international economic law; general international legal principles; sovereign equality of states; territorial integrity; peaceful coexistence; peaceful settlement of disputes; special principles of international legal regulation of international economic relations.

1. The concept and system of principles of international economic law

Principle (beginning, foundation) is the basic, definite position of a certain theory, teaching, as well as the guiding idea, the basic rule of activity.

The system of principles of international economic law consists of:

- basic (general) principles;
- special principles.

The basic principles of international economic law include the basic principles of public international law:

• The principle of peaceful coexistence is one of the leading and important principles of international law, its branches, including international economic law. Compliance with this principle obliged the states of the world to refuse to use force or threat by force, to settle disputes peacefully, etc.

• The principle of peaceful coexistence has been embodied in many international legal acts that regulate relations between individual countries of the world. It is firmly rooted in the political and legal terminology of the UN, in a number of resolutions of its General Assembly, and in other international legal instruments. Thus, the Charter of Economic Rights and Duties of States, adopted by the General Assembly of the United Nations in 1974, provides for the sovereign right of each state to freely choose its socio-economic system (Article 1), to prohibit discrimination against states in international trade for signs of belonging to a particular socio-economic system (Article 4).

• The principle of sovereign equality of states is recognized by the UN Charter and enshrined in international treaties and declarations. The term "sovereignty" in French literally means "supremacy", "supreme power". In a broader sense, it signifies the independence of the state, its right to independently resolve its internal and external affairs, without the interference of any other state.

State sovereignty is one of the main features of the state. If it is not, then there can be no state itself. Therefore, many states officially declare their sovereignty.

The importance and importance of this principle in international relations in general and in international economic relations in particular is indicated by the fact

that it found its legal foothold primarily in the UN Charter. "The organization is based on the principle of the sovereign equality of its Members," - said in item 1 of Art. 2 of this Statute. This means that all states, regardless of their socio-economic system, their size, population size and composition, economic or military power, as well as other characteristic features, are equal, sovereign sub-states. acts of international relations, including international economic relations. As noted at the 1964 Geneva Conference, economic relations between countries should be based on respect for the principles of sovereign equality of states. The principle of sovereign equality is of particular importance to developing countries, since it impedes to some extent the pursuit of the policies of neo-colonialism and the excessive exploitation of their natural resources.

• The principle of restraining in its international relations from the threat or use of force against the territorial integrity and political independence of any state. In carrying out its international relations, any State is obliged to refrain from threatening or using force against both the territorial integrity and the political independence of another State. Such a threat or use of force is a violation of international law and the UN Charter. They should not be used as a means of regulating international affairs. Aggressive war is a crime against peace, which entails responsibility for international law. In accordance with the goals and principles of the UN, states are obliged to refrain from propagating aggressive wars.

Each state is obliged to refrain from organizing incitement, assistance or participation in acts of civil war, or in acts of terrorism in another state.

The territory of the state should not be subject to military occupation as a result of the use of force in violation of the provisions of the UN Charter. It must not be the object of acquisition by another State as a result of the threat or use of force. It cannot be declared legal,

On the basis of generally recognized principles and norms of international law, all States must fulfill their obligations in a conscientious manner to maintain international peace and security and strive to enhance the effectiveness of the security system under the UN Charter.

2. The place of general international legal principles in the normative system of international legal regulation of international economic relations

The Declaration on the Principles of International Law, adopted in 1970 (hereinafter, the Declaration of 1970), gives an extended interpretation of sovereign equality, which is as follows:

1) States are legally equal;

2) each State exercises its rights in accordance with its full sovereignty;

3) each state is obliged to respect the legal personality of other states;

4) the territorial integrity and political independence of the states are inviolable, inviolable;

5) Each state has the right to freely choose and develop its political, social, economic and cultural systems;

6) Each state is obliged to fulfill its international obligations fully and voluntarily and to live in peace with other states.

• The principle of equality and self-determination of the people is enshrined in the UN Charter and its content is that all peoples have the right to freely determine without interference their political, economic, social and cultural development, and every state is obliged to respect it. right. Each state is obliged to promote, through joint and autonomous action, the implementation of this principle in accordance with the provisions of the UN Charter, in order to promote friendly relations and cooperation between the states, and to immediately put an end to colonialism, while respecting the will of the peoples concerned.

The creation of a sovereign independent state, the free accession to or association with an independent state, or the establishment of any other political status determined by the people, is a way of exercising this right of self-determination by that people. Every state is obliged to refrain from any acts of violence that deprive peoples of their right to self-determination, freedom and independence.

• The principle of state co-operation is the basis for building and developing international relations in various fields and sectors. It is quite clear that without this principle normal international relations, in particular in the economic sphere, are impossible. A special section of the 1970 Declaration, called the "Duties of States that cooperate with each other under the Charter", states that States are obliged to cooperate with each other, regardless of the differences in their political principles, economic and social systems, in various fields of international relations, with the aim of maintaining international peace, security and promoting international economic stability and progress, and the general welfare of peoples.

3. Legal content of special principles of international legal regulation of international economic relations

Special principles of international economic law:

• development of economic and scientific-technical relations between the states;

• legal equality and inadmissibility of economic discrimination against states;

• freedom to choose the form of foreign economic relations organization;

• the inherent sovereignty of States over their natural and other resources, as well as economic activity;

• the nations most favored; w national regime;

• the principle of reciprocity.

In addition to the above, the special principles of international economic law include:

• The principle of non-interference is somewhat derivative of principles such as respect for the sovereignty and sovereign equality of States. The UN Charter (para. 2, art. 2) forbids interference with matters that concern the internal competence of any state, even the UN. This is also emphasized in the Declaration of 1970 and other international legal instruments. Compliance with this principle

excludes the possibility of using pressure, all kinds of economic sanctions, imposing embargoes and other restrictions on a particular state. The principle has been enshrined in the constitutions of many countries. But, unfortunately, this international legal principle is often violated by individual states. Suffice it to recall the military intervention of the SINA against the Dominican Republic, the economic blockade of Cuba. It is not unfortunate, but today we must admit that the former USSR and some other socialist countries committed gross violations of this principle. As stated by the leaders of the USSR, Bulgaria, Hungary, GDR and Poland at a meeting on December 4, 1989, the introduction of troops into Czechoslovakia in 1968 was nothing but an interference in the internal affairs of a sovereign state. These misconducts are known to have long lasting negative effects. The Second Congress of People's Deputies of the former USSR and the decision to introduce Soviet troops into Afghanistan gave a proper political assessment.

- The principle of honest fulfillment of international obligations is still sometimes regarded as a principle of respect for international obligations. And this is understandable, because if there is no respect for existing international obligations, there is little hope of their proper fulfillment. The importance of this principle is also increased due to the fact that there are practically no bodies (apparatus) in international relations that would take measures to enforce international obligations. Undoubtedly, the conscientious attitude of a state to fulfill its obligations, especially in international economic relations, plays a crucial role in the conclusion of long-term treaties and agreements.
- The principle of mutual benefit is one of the generally recognized principles of international law, most often guided in international economic relations. This principle is closely linked to the principle of sovereign equality of states. It is only within the limits of equality that mutual interests can be taken into account and mutual benefits can be achieved. Therefore, in the Charter of 1974, these principles are regarded as complementary. Failure to adhere to this principle in international economic relations causes neo-colonialism, discrimination, inequality and inequality in exchange, which ultimately leads to political and economic dependence, especially in the underdeveloped countries.

At the same time, it should not be regarded as a derogation from the principle of mutual benefit of establishing, as an exception, for developing countries certain privileges, the most favored-nation regime. These are so-called preferences (from Latin - I prefer) that apply only to the countries to which they are granted and do not extend to other countries, even if they are in the most favored-nation regime. This "breach" of the principle of mutual benefit ensures actual equality and actual mutual benefit in economic relations between developed and developing countries.

- The principle of mutual benefit is enshrined in many international legal instruments: the principles of international trade relations and trade policies that promote development, adopted at the First Conference on Trade and Development in 1964, the Declaration on the Establishment of a New International Economic Order VI Special Session of the United Nations General Assembly in 1974, Charter of Economic Rights and Duties of States, Final Act of the Pan-European Meeting.

- The principle of the settlement of international disputes by peaceful means obliges the state to resolve all its international disputes with other states in such a way that international peace, security and justice are not endangered. States should strive for a swift and fair resolution of their international disputes, through negotiations, surveys, mediation, reconciliation, arbitration, litigation, appeals to regional authorities or other peaceful means of their choice.

States should strive for a swift and fair resolution of their international disputes, through negotiations, surveys, mediation, reconciliation, arbitration, litigation, appeals to regional authorities or other peaceful means of their choice. States should agree on such peaceful means as are appropriate to the circumstances and nature of the dispute. They should refrain from any action that could impair the situation so much that it would endanger the maintenance of international peace and security. Peace disputes shall be settled on the basis of the sovereign equality of States and in accordance with the principles of the freedom to choose the means of peaceful settlement of disputes.

4. Normative consolidation of the principles of international legal regulation of international economic relations

The Charter of Economic Rights and Obligations of States of December 12, 1974 sets out in Chapter 1 the following principles:

♦ sovereignty, territorial integrity and political independence of states;
♦ sovereign equality of all states;
♦ non-aggression;
♦ non-interference;
♦ peaceful coexistence;
♦ equality and self-determination of the people;
♦ peaceful settlement of disputes;
♦ honest implementation of international treaties;
♦ respect for human rights and fundamental freedoms;
♦ promoting international social justice;
♦ international development cooperation;
♦ free access to and from the sea for landlocked countries within the stated principles.

The legal significance of the Charter and other documents establishing a new economic order is that, despite the advisory nature of the rules of these documents, these rules are recognized by the states. These principles are enshrined in bilateral and multilateral economic agreements. Principles are gaining the status of universally recognized.

Compliance with the principle of non-interference eliminates the possibility of any sanctions, embargoes or other restrictions imposed on a particular country or group of states. The principle of non-interference is also enshrined in the constitutions of individual countries. In practice, this international legal principle is often violated.

The principle of non-use of force is at the forefront of the UN Charter system. This principle is considered a development of the principle of non-aggression. The principle has been endorsed, developed and specified in numerous bilateral and multilateral international instruments.

The principle of the inherent sovereignty of States over their natural resources is the specification of the principle of sovereign equality of States. This principle presupposes the full permanent sovereignty of States with regard to all their natural resources and economic activity; grants States the right to own, use and exploit their wealth and resources.

The principle of the national regime presupposes that, on the basis of reciprocity, natural and legal persons of a foreign state are wholly or partly equated with the rights of individuals and legal entities of a particular state. The national regime for certain types of rights may be granted unilaterally by a state on the basis of its domestic law.

Questions for self-control

1. Describe the Declaration of Principles of International Law.
2. What does the concept of "sovereignty" mean?
3. What criterion underlies the classification of the principles of international economic law into general and special?
4. What is the content of the principle of territorial integrity?
5. How is the principle of peaceful settlement of disputes enforced?
6. Describe the principle of equality and self-determination of peoples.
7. What is the principle of promoting international social justice in the system of principles of international economic law?
8. What is the content of the principle of free access to and from the sea for landlocked countries?

TOPIC 3. INTERNATIONAL ECONOMIC ORGANIZATIONS

Basic concepts: international economic organization, international economic organizations in the UN system, international financial and credit organizations, specialized international eco-economic organizations, regional economic organizations.

Educational issues

1. The concept of international economic organization and its legal status;
2. International economic organizations in the UN system;
3. International financial and credit organizations;
4. Organization of Petroleum Exporting Countries (OPEC) and other specialized international economic organizations;
5. Regional economic organizations

1. The concept of international economic organization and its legal status

International economic organizations are a variety of international organizations and institutional mechanisms for coordinating and regulating cooperation in virtually all areas of international economic relations.

Today, there are more than 4,000 international organizations in the world, of which more than 300 are intergovernmental.

The first international economic organizations (commissions, unions, committees, associations) emerged in the XIX century. Thus, commissions for the operation of international rivers, such as the Rhine (1814) and the Danube (1856), the World Postal Union (1874), the International Committee of Weights and Weights (1875), and the International, were established. Association of Railway Congresses (1885) and others.

The first most generalized division of international organizations by the so-called organizational principle gives the opportunity to distinguish them into four groups:

• universal international organizations, members of which are countries of different socio-economic systems;

• international organizations of which socialist countries were members;

• international organizations that bring together developed (capitalist) countries;

• international regional organizations, typically members of developing countries.

There is another classification in the literature, where international economic organizations are divided into three groups:

• international economic organizations within the UN system;

• non-UN international economic organizations;

• regional economic organizations.

It is possible to divide international economic organizations depending on the direction of international economic cooperation:

• cooperation in the field of international trade;

• cooperation in the monetary and financial sphere;

• cooperation in the field of transport;

• industrial cooperation;

• cooperation in the field of agriculture;

• cooperation in the field of investment;

• scientific and technical cooperation;

• cooperation in the field of intellectual property

• cooperation in the field of product standardization and certification

International organizations, including economic organizations, can also be classified by name:

• Organization (United Nations, Organization for Security and Co-operation in Europe, International Civil Aviation Organization, International Maritime Organization);

• Union (World Postal Union, International Telecommunication Union);

• Union (International Road Transport Union, European Broadcasting Union);

• Fund (International Monetary Fund);
• Center (International Trade Center);
• the Council (Council of Europe);
• Bank (International Bank for Reconstruction and Development); Commission (International Electrotechnical Commission, Danube Commission, Antarctic Marine Living Resources Conservation Commission, Commission for Conservation of New Plants);
• Assembly (Parliamentary Assembly of the International Economic Community), Agency (International Atomic Energy Agency);
• Conference (United Nations Conference on Trade and Development European Conference of Ministers of Transport); initiative (Central European Initiative).

The system of rules and principles that determine the legal status of international organizations, their bodies, is called the law of international organizations. This system of law consists of two subsystems:

• primary law. The founding treaties of international organizations (mostly charters) are the legal basis of their activities and are the essence of primary law.
• secondary law. Its system is the legal norms that reflect the content of legal acts adopted by international organizations and their structures within the competence enshrined in international treaties. In other words, secondary law is an "internal" right, because it is more aimed at regulating internal organizational relationships that arise in the course of an organization.

Therefore, international economic organizations should be understood as those organizations which are created on the basis of international treaties and carry out their activities aimed at organizing and implementing international economic cooperation.

The capacity of international economic organizations enables them to enter into agreements with both individual states and international organizations within the framework of the tasks and objectives set out in their constituent instruments.

International economic organizations enjoy immunity that is essential to their activities. In accordance with the Convention on the Legal Status, Privileges and Immunities of International Economic Organizations of 5 December 1980, the property and assets of such organizations are immune from any form of administrative or judicial interference, except where the organization itself waives immunity.

2. International economic organizations in the UN system

One of the important goals of the UN universal organization is to cooperate in solving international problems of economic, social, cultural and humanitarian character (Article 1 of the UN Charter). This is achieved through the activities of international organizations within the UN system.

Specialized agencies are intergovernmental independent, autonomous organizations associated with the UN through a special agreement through ECOSOR.

A specialized institution shall only be considered to meet the following requirements:

1) the organization must be constituted by governments (ie excluding all non-governmental organizations);

2) it must be global, universal in nature (ie even regional intergovernmental organizations are excluded);

3) the organization has to act in a certain sphere of international cooperation: economic, social, cultural, education, health care, etc .;

4) it must sign an agreement with the UN on cooperation, coordination and cooperation with it and other specialized agencies coordinated by ECOSOR. There are 17 specialized institutions.

Classification of specialized institutions:

Financial - IRF, IBRD, IFC, MAT, BATI, IFAD

Economic - FAO, UNIDO

Technical - ICAO, ITU, INO, Air Force, WMO

Social - ILO, WIPO

Humanities - UNESCO, WIPO

Relations between the United Nations and the specialized agencies are based on the agreements signed by the Economic and Social Council. Each such agreement has its own peculiarities depending on the specifics of the SU. However, specialized agencies are in no way controlled by ECOSSR. These are completely independent and autonomous organizations that have their charters, structures, budgets.

UNIDO is the youngest of the UN's specialized agencies for industrial development. It was founded in 1975. UNIDO is composed of 168 countries. Ukraine has also been a member of this organization since 1985. UNIDO Headquarters is located in Vienna, Austria.

Direction of UNIDO's activities: assist developing countries in their industrial development. During its functioning, the organization provides the services of expert consultants, technical experts in the supply of equipment, conducts seminars, facilitates training.

On October 29, 1993, at its meeting in Vienna, the Industrial Development Board approved a large-scale reform of UNIDO.

UNIDO's main objects are: development and competitiveness of industry and technology; human resources development, sustainable economic growth through industrialization, environmentally sound industrial development and international cooperation in industrial investment and technology.

The main bodies of UNIDO are:

• A biennial General Conference that sets out the principles and policies of UNIDO's activities, approves the budget, monitors the use of financial resources;

• The Industrial Development Council (RPD), consisting of 53 UNIDO members (33 - developing countries, 15 from developed countries, 5 - from transition economies), which develops UNIDO principles and policies; adopts the program of activities of the Organization, discusses the coordination of the activities of the United Nations system in the field of industrial development, controls the

efficiency of use of the resources of the Organization, prepares and submits to the UN General Assembly through the ECOSSOR an annual report on the activities of UNIDO;

• Secretariat;

• UNIDO field offices.

FAO, the United Nations Food and Agriculture Organization, established in Quebec on October 16, 1945, has the status of a specialized agency. At the end of 2003, Ukraine became a member of FAO

FAO's goals are to:

1) the constant rise in real standards of nutrition and, consequently, the corresponding improvement in the standard of living of countries around the world;

2) improving production cycles and marketing;

3) improving the efficiency of agricultural production;

4) improvement of mechanisms of distribution of food and agrochemical products;

5) promoting local development and improving the level of infrastructure for agriculture;

6) improving living conditions in the countryside.

The FAO's governing body is the Conference of the Nations, which meets once every two years. The main functions of the Conference are:

1) FAO review;

2) adoption of the Action Program and the budget for the next 2 years;

3) Develop recommendations for members and international organizations on any issues related to the objectives of FAO.

The Conference elects a Board (Temporary Executive Body), consisting of 49 Member States (for three years), the Director-General. Dr. Jask Diouf (Senegal) was appointed CEO in 1994 for a 6-year term, re-elected to the next 6-year term in 2000. The Council shall exercise the powers delegated to it by the Conference and shall hold at least a meeting between sessions of the Conference. The independent chairman of the Council is appointed by the Conference for 2 years (with an extension of time).

There are 8 departments within FAO:

• Management and Finance;

•Agriculture;

• Economics and social issues;

• Fisheries;

• Forestry;

• General Affairs and Information;

• Sustainable development and technical cooperation.

FAO has 5 regional, 5 sub-regional offices, 5 representative offices and more than 78 national offices. FAO Headquarters is located in Rome. There are 3,700 employees in FAO, including 1,500 skilled workers and 2,200 general service personnel.

3. International financial and credit organizations.

The institutional support of the international financial-credit system is primarily reduced to international financial-credit organizations.

The main financial and credit institutions are:

•The International Monetary Fund
• World Bank Group
• Bank for International Settlements
• External debt management organizations
• Regional banks

The International Monetary Fund is a specialized agency of the United Nations, established in 1944 to streamline monetary and financial relations between countries, to support exchange rates and to provide credit assistance in balancing the balance of payments. Acts as a joint stock company. IMF capital is made up of Member States' contributions in accordance with their quotas. The latter, in turn, take into account the share of countries in the world economy and trade. Voting procedures take into account the size of Member States' quotas. This fund provides short- and medium-term loans to cover the balance of payments deficit and to support the economic and structural restructuring of the Member States' economic mechanism.

The IMF Charter was amended in 1969 (with the introduction of special borrowing rights - SDR), in 1976-1978 (with the elimination of the Bretton Woods monetary system) and in November 1992 (with the inclusion of a sanction ™ suspension of voting rights against states that have not paid off their debt to the IMF).

The purpose of the IMF is to:

• promoting international monetary cooperation through consultations and cooperation on currency issues;

• creating favorable conditions for the expansion and balanced growth of international trade;

• promoting exchange rate stability, maintaining orderly currency relations, preventing currency devaluation and competition;

• assisting in the establishment of a multilateral payment system and the removal of restrictions on currency exchange that impede the development of world trade;

• providing, on a temporary basis, funding to Member States to adjust their balance of payments without applying measures that are destructive to prosperity at national and international levels;

• reducing the duration and magnitude of Member States' international balance of payments deficits.

The World Bank is an international investment institute founded (under the name of the International Bank for Reconstruction and Development) at the same time as the International Monetary Fund, following the approval of the International Monetary and Financial Conference held in Bretton Woods in 1944.

The World Bank Group has two major independent entities:

The International Bank for Reconstruction and Development (IBRD);

International Development Association (IDA).

Among the main organizations of the World Bank Group are: The International Finance Corporation (IFC), the Multilateral Investment Guarantee Agency (BATI), the International Center for Settlement of Investment Disputes (ICRIS).

The International Bank for Reconstruction and Development is a specialized UN financial assistance institution for the reconstruction and development of member economies. The IBRD has been in operation since 1945. Only those countries that have joined the IMF can be members of this credit institution.

The IBRD operates in the form of long-term loans. As a rule, loans are granted for a period of 15-25 years.

The International Bank for Reconstruction and Development provides loans mainly for:

- infrastructure development;
- implementation of agricultural projects;
- industry development, but not more than 20% of the total loan amount, and mainly for small business development.

The International Development Association is an international intergovernmental organization which, like the IBRD, is a specialized body of the United Nations. Established in 1960 to promote the economic development of the least developed countries by providing them with preferential loans.

International Finance Corporation is also an international intergovernmental organization, a specialized UN agency. Established in 1956 to encourage private enterprise, mainly in the developing countries of IFC.

IFC provides loans to private companies and purchases securities without competing with private investors (its share in equity does not exceed 20%). IFC promotes joint investment by local and foreign capital and invests only in private sector profitable enterprises. The loan period is 5-15 years. The level of interest is set depending on money market rates.

A multilateral investment guarantee agency is a specialized agency whose purpose is to encourage investment in developing countries through their insurance against non-commercial risks.

International Center for the Settlement of Investment Disputes (is a specialized legal institution aimed at stimulating private investment through the settlement of conflicts between foreign investors and local governments. Created by ICRIS in 1966. This organization includes more than 130 countries

An important role in the global market for loan capital is played by the system of group and regional international financial institutions. A special place among such institutions is the Bank of International Settlements - BIS, founded in 1930 as an intergovernmental financial institution.

The Paris Club (PC) Ragiz SIII (RS) is an informal association of creditors, the nucleus of which is the Group of Ten Countries that entered into a General Loan

Agreement in 1962 in Paris with the International Monetary Fund. The group of ten included Belgium, the United Kingdom, Italy, Canada, the Netherlands, the United States, Germany, France, Sweden, Switzerland. At the end of XX century. the group was already 19 member states.

The Paris Club addresses issues related to the regulation and deferral of payments on sovereign debt of developing countries. Representatives of the International Monetary Fund, the International Bank for Reconstruction and Development (World Bank), the Organization for Economic Co-operation and Development, and the United Nations Industrial Development Organization take part in the meetings of the Paris Club.

London club. The problems of private external debt of debtor countries (that is, debt arising on loans not obtained under government guarantees) are dealt with by the London Club. It is an association of more than 400 major commercial lending banks. It was created in the early 80's due to the aggravation of the problem of international debt.

Regional banks are important financial institutions, which include:

• The Asian Development Bank (ADB) was established in 1965 and has been operating since 1966.

• The African Development Bank (ABB) was established in 1964 and has been operational since 1966.

• The Inter-American Development Bank (IDBR) was established in 1959 with headquarters in Washington. In the late 1990s, MABR had 46 members.

• The European Bank for Reconstruction and Development (EBRD) was established in 1990 and has been operating since 1991. The EBRD Headquarters is located in London.

• Black Sea Trade and Development Bank - BSTDB. Started operations since 1999.

The purpose of establishing regional banks and the main tasks:

- financing of developing countries' development programs;
- promoting foreign trade of the Member States;
- providing financial, technical and economic assistance;

4. Organization of Petroleum Exporting Countries (OPEC) and other specialized international economic organizations

The organization was established in the following countries: Algeria, Ecuador, Indonesia, Iraq, Iran, Kuwait, Libya, Nigeria, Saudi Arabia, United Arab Emirates and Venezuela.

Because OPEC controls about half of the world's oil trade, it is able to significantly influence world prices. The oil cartel, which was registered with the UN in 1962 as a full-fledged intergovernmental organization, accounts for about 40% of the world's oil production.

The main goals of the OPCB are:

• coordination and unification of Member States' oil policies. Identify the most effective individual and collective means of protecting their interests.

• ensuring price stability in world oil markets.

• attention to the interests of oil producing countries and the need to ensure: sustainable oil producing countries' income; efficient, cost-effective and regular supply of consumer countries; fair income from investments in the oil industry; environmental protection for the benefit of present and future generations.

• Collaboration with OPEC non-member countries to implement initiatives to stabilize the global oil market.

At the end of 1973, OPEC member countries raised oil prices four times in three months. OPEC consolidates single selling prices for oil, promotes increased revenues from the sale of extracted oil, and promotes the exploration of national oil sources by participating countries.

OPEC's impact on world oil prices weakened as Norway and the United Kingdom began operating their own oil fields from the bottom of the North Sea. In addition, the industrialized countries of the world are engaged in the search for alternative sources of energy and its economical use.

Only founding members and those countries whose applications for admission have been approved by the conference may be full members. Any other country that exports large quantities of crude oil and has interests substantially similar to those of the Member States may become a full member, provided that its approval is approved by a majority of 3/4 votes, including the votes of all founding members.

The supreme body of OPEC is the Conference convened twice a year. The governing bodies are the Governing Council and the Secretary-General

OPEC Headquarters is located in Vienna, the capital of Austria.

Specialized international organizations include:

• International Maritime Organization,

• World Postal Union,

• International Telecommunication Union,

• World Meteorological Organization,

• International Fund for Agricultural Development,

• International Civil Aviation Organization,

• Food and Agriculture Organization,

International Maritime Organization (IMO)

It is an international intergovernmental organization with the status of a specialized agency of the United Nations. It was founded in 1958 to promote international cooperation in the field of maritime transport and maritime trade. It began to function in 1959. Until May 22, 1982, it was called the Intergovernmental Maritime Advisory Commission. Currently, 150 countries are part of the IMO.

The highest body of the IMO is the Assembly, to which all Member States belong. It is convened once every 2 years. During the inter-session period, the work of the IMO is managed by the Council. The organization is headquartered in London.

World Meteorological Organization (WMO)

In 1873, a non-governmental International Meteorological Organization was established. In 1947, an intergovernmental World Meteorological Organization was founded. It began operations in 1951. It received the status of a specialized agency

in the same year. WMO is a member of more than 170 countries and 5 territories. The latter have limited voting rights.

The purpose of WMO activities is to promote worldwide cooperation on the establishment of a network of meteorological observation stations and centers providing meteorological services. The organization promotes the establishment of a system of prompt exchange of meteorological information, as well as the application of meteorology in aviation, navigation, agriculture. Much attention is paid to the promotion of meteorological research (in particular, the World Climate Program and the Global Atmospheric Research Program) and the training of experts. Within WMO there is an international exchange of weather reports. The Organization assists States in the establishment and operation of meteorological services, as well as in the application of meteorology and hydrology to the implementation of economic development projects.

International Civil Aviation Organization (ICLO)

The organization is a specialized agency of the United Nations. The Convention on International Civil Aviation (hereinafter referred to as the Convention) was concluded in 1944 and is considered to be the date of establishment of the organization, although it began operations in 1947.

The purpose of this Organization is to develop the principles and methods of international air navigation, to promote the planning and development of international air transport, to improve flight rules and to ensure the safety of flights.

International Telecommunication Union (SME)

This organization was founded in Paris in 1865 as the International Telegraph Union.

In 1934 the International Telecommunication Convention was concluded and the name of the organization was changed to the International Telecommunication Union. The organization received the status of a specialized agency of the United Nations in 1947.

The Statute of the ITU has been in force since 1 June 1994. The main objective of the ITU is to support and expand international cooperation with a view to improving and rationalizing telecommunication, to assist technical assistance to developing countries in the field of telecommunication and the development of technical means. and their optimal exploitation to increase the efficiency of telecommunication services and to encourage cooperation with other international organizations. The Secretariat General organizes world telecommunication exhibitions (TELECOM) every 4 years and participates in regional exhibitions.

World Postal Union (UPU)

This intergovernmental organization was established in 1874 to ensure the organization and improvement of the international postal service. The status of the UN specialized agency was granted in 1947. The main legal bases of the activity are the Charter, the General Regulation and the World Postal Convention.

About 190 countries are members of the Air Force. The highest authority is Congress. It meets once every 5 years and is composed of representatives of all Member States. Extraordinary Congress is convened.

Congress elects the Director General of the Air Force and the Executive Board. The Board meets once a year. Ongoing work is managed by the International Bureau, which serves as the Secretariat of the Air Force.

Council commissions deal with various aspects of the postal service of the world.

The Postal Research Advisory Board examines technical, manufacturing, economic issues, as well as issues of technical cooperation, training and retraining that are of interest to developing countries.

The Union shall endeavor to maintain the competitiveness of Member States' postal services. The official language of the Air Force is French. The headquarters are located in Berne (Switzerland).

5. Regional economic organizations

The breakup of the former Soviet Union led to the search for new forms of political, economic, humanitarian and other cooperation between the independent states, which were union republics at one time. Yes, the following regional organizations were created:

• Commonwealth of Independent States (CIS),

• Eurasian Economic Community (EurAsEC),

• GUUAM

Regional economic organizations may also be referred to as the Black Sea Economic Cooperation (BSEC), which was established in 1992.

The objectives of the Black Sea Economic Cooperation (BSEC):

• Development of economic cooperation between Member States;

• Promoting economic, technological, social progress as well as free enterprise;

• Optimizing the use of all opportunities for expanding and diversifying cooperation;

• Protection of the specific economic interests of the Member States;

• Liberalization and harmonization of foreign trade regimes with WTO practices;

• Enhanced BSEC cooperation with the EU and the gradual creation of a Euro-Black Sea economic space.

The purpose of the BSEC is to transform the Black Sea into a sea of stability, peace through the development of friendly and neighborly relations.

Questions for self-control

1. Are international organizations subject to international economic law?
2. Expand the concept of "international economic organization".
3. What do you know about international economic organizations in the UN system?
4. Name the major international financial institutions.
5. What are specialized international economic organizations?
6. Describe regional economic organizations.

7. Which of the international economic organizations is Ukraine a member of?

TOPIC 4. INTERNATIONAL ECONOMIC AGREEMENTS

Educational issues

1. The concept and meaning of international economic treaties;
2. Legal regulation of relations within the framework of international economic treaties;
3. Types of international economic treaties and their classification;
4. International legal regulation of the procedure for concluding international economic treaties;
5. Ensuring fulfillment of obligations arising from international economic treaties;
6. Means of settlement of disputes arising from international treaties;
7. International arbitration as a way of resolving international economic disputes.

Basic concepts: international economic treaty, types of international economic treaties, conclusion of international economic treaties, offer, acceptance, enforcement of obligations, forfeit, guarantee, international disputes, means of dispute resolution, negotiations, mediation, international arbitration.

1. The concept and meaning of international economic treaties

A contract is an agreement of two or more parties aimed at establishing, changing or terminating their rights and obligations. An international treaty means a voluntary agreement between two or more equal states or international organizations on their mutual rights and responsibilities in political, economic, cultural and other relations. An international economic treaty is first and foremost a kind of international treaty.

Foreign economic agreement (contract) - a substantially executed agreement of two or more entities of foreign economic activity and their foreign counterparts, aimed at establishing, changing or terminating their mutual rights and obligations in foreign economic activity

International economic treaties are extremely important both to the economies of the participating countries and to the world economy as a whole. With the growing interdependence of different countries and entire regions, there is an urgent need for economic cooperation. In turn, economic cooperation positively contributes to addressing the compatibility of national economies of different countries. It is precisely here that problems arise, for example, with standardization and unification in industry, agriculture, science and technology.

There is no need to prove that the separation of the economy of any country from the world economy does not contribute to its socio-economic development, the

growth of human well-being. The conclusion of international economic treaties, on the one hand, affects the efficiency of economic development, meeting the social needs of the national economy and the population of the country concerned, and on the other hand, economic cooperation between countries enhances the ability to solve all emerging problems peacefully. The development of international economic relations through the conclusion of appropriate treaties between countries stabilizes their economic ties on a mutually beneficial basis.

An international economic treaty is a voluntary agreement between two or more states, international organizations, according to which their mutual rights and obligations are established, modified or terminated.

The main tasks of international economic treaties:

- Regulation of economic relations between different entities.
- Establishment of the applicable law and reference to the authority empowered to hear disputes arising from such contract.
- Establishing ways to ensure that obligations and measures of legal liability that will be applied in case of non-performance or improper fulfillment of the terms of the international economic treaty.
- Fixing the range of rights and responsibilities of subjects.

The main features of the international economic treaty:

- Free will of the parties.
- Legal equality and independence of the parties.
- Conclusion of an agreement between the entities only within the limits of their effectiveness and capacity.
- The terms of the contract should not violate public order.

The International Economic Treaty should be considered not only as a legal form of relevant economic relations between different countries, a source of international economic law, but also as a major source of obligations. Their legal affirmation enables, if necessary, to protect in a proper way certain rights and interests, if they are violated in connection with the improper fulfillment of obligations arising from international economic treaties.

An international economic treaty should also be seen as a tool to identify the will of the parties, whereby obligations related to the relationship are established, modified or terminated.

2. Legal regulation of relations within the framework of international economic treaties

The specificity of the entities (counterparties) among which there are international economic relations, the variety of subjects that underlie these relations, and other factors cause some complexity of legal regulation in this field. Moreover, international treaties are based on various treaties in the fields of trade, finance, transport, industrial and agricultural cooperation, scientific and technological progress, etc. Even within one variant of the contract, as a rule, there is a

considerable variety of contract items, cost, terms, economic position of the counterparties, etc.

Therefore, the complexity of international economic relations determines the complexity of their legal regulation.

The main sources through which the legal regulation of relations in the field of international economic treaties is carried out:

- 1974 Convention on the Limitation of Claims on the International Sale of Goods
- Vienna Convention on the International Sale of Goods of 1980
- The Convention on the Representation in International Agreements on the Sale of Goods of 1983
- The Convention on the Law Applicable to the International Sale of Goods - sets out the main forms of attachment.
- Convention on International Financial Leasing (1988).
- Convention on International Factoring (1988).
- Act on International Commercial Arbitration.

The main WTO regulatory instruments in the field of international economic treaties are the General Agreement on Tariffs and Trade (GATT); General Agreement on Tariffs and Trade in Services (GATTS); Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIGIS)

International agreements in the field of intellectual property:

- Agreement on the company name and geographical indication of origin of goods.
- Agreement on protection against unfair competition.
- Agreement on inventions and industrial designs.

Main contracts in the field of trade in goods:

- Agreement on technical barriers to trade.
- Agreement on pre-shipment inspection.
- Agreement on the use of sanitary and phytosanitary.
- Security Agreement.
- Textile and clothing agreement.
- Rule of Origin Agreement.

3. Types of international economic treaties and their classification

The basis of international legal regulation of economic relations between states is bilateral and multilateral treaties. They are different in terms of content and name.

Types of internationaleconomic treaties:

- Trade agreements - establish a legal regime that the parties "mutually provide each other with respect to regulating the order of import and export of goods, customs taxation, merchant shipping, other modes of transport, transit, activities of legal and natural persons of each party in the territory the other.

- Contingent agreements between the governments of the countries concerned on the supply of goods. Contingents of mutual supplies of goods are listed in the annexes to the agreements.

- Credit agreements, on the basis of which states (creditors) lend to other states (debtors) a certain amount of money, and recipients of funds undertake to repay the debt on the terms stipulated by the agreements (hard currency, bank metals, supplies of goods, etc.).

- International factoring - is carried out with the purpose of financing by some organization (factor) of export of another person (you-'producer of production), provided that the factor is transferred by the producer to receive payment from the importer-debtor.

- International leasing - an agreement whereby one party (lessor), in accordance with the specifics and conditions approved by the other party (lessee), concludes a supply contract with a third party (supplier) under which the lessor purchases industrial installation, means of production or other equipment and enters into a lease agreement with the lessee, giving him the right to use the equipment in exchange for periodic payments.

- International forfeiting - is a kind of contract-the thief of international factoring, which are not just the right to pay, but simple and by means of redemptive promissory notes (drafts) endorsement and forfeiter (factor).

- Long-term comprehensive agreements on economic, industrial and scientific-technical cooperation.

4. International legal regulation of the procedure for concluding international economic treaties

The following stages are crucial in the contracting process:

1) offer - offer to conclude a contract;

2) acceptance - consent to its conclusion.

An offer to conclude a contract that is addressed to one or more persons is an offer. It specifies the product, its quantity and price. The offer takes effect when it is received by the addressee. Until the contract is concluded, the offer may be withdrawn by the offer or, but provided that the notice of withdrawal is received by the addressee of the offer before the acceptance is accepted.

There are two types of offers in international practice: solid and free.

5. Ensuring fulfillment of obligations arising from international economic treaties

International economic law does not provide for international institutions that would enforce law. The parties to international economic treaties should act in such a way that the contracts they conclude are executed independently.

Means of assurance of fulfillment of obligations:

- The amount of money or other property that the debtor must transfer to the creditor in the event of default by the debtor is a penalty.

- Guarantee - under guarantee, the bank, other financial institution, insurance organization (guarantor) guarantees to the creditor (beneficiary) the performance of the debtor (principle) of his duty.

- Mortgage - by virtue of the pledge, the creditor (pledge holder) has the right in case of default by the debtor (pledger) of the obligation secured by the pledge, to obtain satisfaction from the pledged property mainly before other creditors of this debtor.

The Charter of Economic Rights and Duties of States (adopted in 1974 at the 29th Session of the UN General Assembly) states that no State may exercise or threaten another State with economic, political or any other compulsory measures. aimed at suppressing its sovereign rights or gaining any benefit.

The final act of the Conference on Security and Co-operation in Europe (August 1975) stated that the participating States:

• resolve disputes between them by peaceful means so as not to jeopardize international peace, security and justice;

• use, in good faith and in a cooperative manner, such means as negotiation, examination, mediation, conciliation, arbitration, litigation or other peaceful means of their choice, including any settlement procedure agreed to by the parties to which they have arisen;

• refrain from any action that may worsen the situation in such a way as to endanger the maintenance of international peace and security and thereby make peaceful settlement of disputes difficult.

6. Means of settlement of disputes arising from international treaties

The main means of dispute resolution are:

- Negotiations are a procedure for the peaceful settlement of a dispute between the conflicting parties.

- Good services are a situation where a third party intervenes in the conflict of states. The Party organizes contacts between the conflicting parties and endeavors to bring them to the negotiating table. Once the negotiating parties have started the negotiation process, the third party may consider itself free.

- Shuttle Diplomacy - Transferring oral or written points of view of negotiating parties who do not want to sit at the same table in the same room with their opponent

7. International arbitration as a way of resolving international economic disputes

International arbitration is an arbitral tribunal for the settlement of disputes between States, created by agreement of the parties, the decision of which is binding on them.

International Arbitration - A special procedure for the settlement and settlement of an international dispute, as well as an international body created by the mutual agreement of States to resolve a particular dispute, a dispute of a certain category or any dispute between the parties to the dispute, should they arise .

In public international law, arbitration often understands the form of peaceful settlement of inter-state conflicts known to ancient human beings from Ancient Greece and Ancient Rome, and sometimes the term "arbitration court" is used in the sense of a form and means of settlement between parties. legal, and "technical" issues related to the implementation of civil agreements. Such a court was characterized as a "quasi-arbitral tribunal" because its decisions were not enforceable in the manner established for the enforcement of decisions on legal disputes. This is a dispute resolution based on expert judgment.

The recognition of an arbitral tribunal by international law depends on whether it has the right to hear disputes with a foreign element (the parties, the subject of the claim, the facts from which the legal relationship arose).

The basic principles of international arbitration are the principle of integrity and the principle of reasonableness.

The principle of good faith in fulfilling an obligation to settle an international dispute through arbitration requires that the parties do not deviate for various reasons from fulfilling the letter and spirit of the obligation. This includes not only the refusal to conclude the arbitration agreement and participate in the formation of the arbitral tribunal, but also the unlawfulness of the reference to the non-legal nature of the dispute (in cases where the jurisdiction of the arbitral tribunal falls only disputes of a legal nature) or the jurisdiction of the arbitral tribunal. .

The principle of reasonableness - the court in resolving the dispute should be guided by the rules of international law, and in their absence or insufficiency - international legal principles, as well as take into account the behavior of the parties to the weight of their obligations.

Types of International Arbitration (Arbitration)

- Isolated arbitration created by special agreement of the disputing parties to resolve a particular dispute without resorting to the assistance of international institutions.

- institutional (permanent) arbitration, which is carried out by a permanent arbitration body. Such arbitration presupposes the existence of a special agreement between the States, under which they undertake in advance to submit disputes between them for the resolution of a third (disinterested) party.

The advantages and disadvantages of international commercial arbitration should be taken into account when deciding whether to apply to an international arbitral tribunal or to a national tribunal.

Questions for self-control

1. Define the term "international economic treaty".
2. At what stages is an international economic treaty concluded?
3. Describe the main features of an international economic treaty.
4. What types of treaties are most commonly used in international economic relations?
5. What are your knowledge of ways to enforce the obligations of an international economic treaty?

6. What is the difference between mediation and good services?
7. What does the term "shuttle diplomacy" mean?
8. Name the types of international arbitration (arbitration).
9. What principles of international arbitration are you aware of?

TOPIC 5. INTERNATIONAL CURRENCY LAW

Educational issues

1. The concept and sources of international monetary law.
2. The legal mechanism of the international monetary system.
3. The European Monetary System.
4. International monetary relations.

Basic concepts: currency, currency, demonetization, calculation, devaluation, convertibility, currency system, monetary relations.

1. The concept and sources of international monetary law

The term currency (translated from the Italian currency means value, value) has several meanings, namely:

• these are the currencies of countries participating in international economic cooperation;

• it is a means of calculating and measuring the value of goods, works and services;

• these are foreign currency notes, as well as credit and payment documents in foreign currency used in international payments;

• This is foreign money that pays tribute to international payments.

After the World Economic Crisis 1929 - 1933 all currencies are paper money. The last country to halt currency exchange for precious metals in 1971 was the United States, meaning demonetisation.

Demonization is the deprivation of gold coins by the state of legal tender and circulation status.

Currencies are divided into:

- Convertible (exchangeable);
- Restricted convertible (exchangeable for certain currencies only);
- Closed (country-specific)

Convertibility can be full or partial: external or internal.

In the case of external convertibility, the free conversion to other currencies applies only to foreigners, and special permission of the country's currency authorities is required for the currency area citizens.

By internal convertibility, free conversion used by citizens of a particular country, and foreigners need it is urgent to obtain a special permit.

Until December 1958, the convertible currencies were: US dollar, Swiss franc, Portuguese escudo.

In December 1958, most Western European currencies were converted. Members of the International Monetary Fund (IMF) switched to the multi-currency system under the 1976 Jamaican Agreement.

Foreign currency reserves are gold in bullion and coins, foreign currency, as well as foreign currency funds in accounts with foreign banks. This belongs to a particular state in the person of its treasury or central bank.

Money has been around for a long time and the world cannot be imagined without it. In ancient times, there was already a currency exchange from one country to the currency of another. This was primarily done by private individuals (changed).

International Monetary Law has international public and private law with its origins. The system of law has the following hierarchy:

- Norm.
- The Institute.
- The industry.
- The industry.

The subject of legal regulation of international monetary law is international monetary relations. These relations are to be understood as “between nations” (in other words, interstate monetary relations).

International monetary law is an area of international economic law, and the subject of its legal regulation are international monetary relations.

The rules of international monetary law have certain sources. These sources are legally recorded. Sources of international monetary law are:

- international agreements;
- judicial and arbitration practice;
- international customs.

2. The legal mechanism of the international monetary system

Developed countries of the world have created their own legal mechanism of monetary relations. Its structural units are the states or their authorized state bodies

Today, there is a tendency to increase the influence of individual states on international monetary relations. In order to avoid crisis, states are trying to combine the spontaneous development of monetary relations with their state regulation. The government of these countries plays a significant role in defining national monetary policy and implementing it through its state-owned banks. Example:

• In the US, this policy is implemented by the Federal Reserve System
• in England - the Bank of England
• in France - French Bank
• to the Federal Republic of Germany - German Federal Bank
• in Ukraine - the National Bank

The world monetary system is a form of organization of international monetary relations that are conditioned by the development of the world economy and are legally fixed in international agreements.

In its historical development, the world monetary system has gone through three main stages:

The first is the gold standard (from 1867 to the First World War).

The second is Bretton Woods s System (1944-1973).

The third is the Yamaha monetary system (from 1976 to the present.).

Given the long-standing and leading role of the US dollar, the gold-currency standard was in fact the gold-dollar standard. The gold and currency standard began to form in the 30's and ended in the 50's and 60's. This system was legally formalized in 1944 at the Bretton Woods Conference. In accordance with its decisions, the IMF and the IBRD were created.

The Fund is intended to promote:

- international cooperation in the monetary sphere;
- the expansion and balanced growth of international trade and the corresponding increase in employment;
- improving the economic conditions of Member States and more. Article 1 of the Agreement establishing the International Monetary Fund states the following purpose of its activities:
- promotion of international monetary cooperation through permanent establishments that constitute a mechanism for consultation and cooperation on international currency problems;
- facilitating the steady expansion of international trade and thereby facilitating the expansion and maintenance of high levels of employment and real incomes, and the development of productive forces of all Member States, as the main goals of economic policy;
- promoting currency stability, maintaining orderly relations between Member States and preventing the devaluation of currencies for the purpose of competition;
- assisting in the creation of a multilateral system for the settlement of current transactions between Member States and the elimination of currency restrictions that impede the expansion of world trade.

In the late 1960s, the gold and currency system ceased to meet the needs of the internationalized economic life of the planet. In the 1970s, after the conclusion of the Jamaican Agreement, the gold-dollar system ceased to exist.

The Jamaican agreement is an agreement on the basic principles for the formation of a new world monetary system instead of the Bretton Woods gold and currency system. The agreement was reached at a meeting of IMF member countries in 1976 in Kingston, the capital of Jamaica. The Jamaican Agreement introduced Special Drawing Right (SDR) as the basis for the new currency system, legally fixed the demonetisation of gold and legalized floating exchange rates. Special borrowing rules have been called "paper gold".

Special Borrowing Rules ~ are International Monetary Funds of the IMF member countries intended to cover the balance of payments deficits.

They were first introduced in 1970 under an IMF decision adopted in 1969 as an adjunct to international payments.

They were first introduced in 1970 under an IMF decision adopted in 1969; year as an aid to international payments.

International organizations and foundations are divided into 6 groups (regional attribute):

- Organizations and Funds as UN Specialized Institutions: IMF, IBRD, United Nations Special Fund - SF, United Nations Development Fund - FCF, IFC International Finance Corporation
- International organizations of the European continent: Bank for International Settlements - BMP, European Monetary System - EMU, European Investment Bank - EIB, Northern Investment Bank - PIB, International Cooperative Bank - IBC, European Federation of Associations of Credit Institutions - EFACI.
- Asian International Organizations: Asian Development Bank-ADBR, Islamic Development Bank - IBD, Asian Clearing Union - AKC, ASEAN Finance Corporation
- African International Organizations: African Development Bank-AFBR, African Development Fund - AFR, West African Development Bank - ZBR and Central African Development Bank - BRCA, West African Clearing House - ZAKP
- Latin American International Organizations: Inter-American Development Bank - MABR, Caribbean Development Bank - CBD, Central American Bank for Economic Integration-JBER, Andean Group Organizations: Development Corporation, Reserve Fund, Foreign Trade Bank
- International organizations of Arab countries: Arab Investment Company - AIC, Arab Bank for African Economic Development - ABERA, Arab-African International Bank - AAMB, Arab-Latin Bank - ALB, Union of Arab and French Banks - SAFB, Arab Fund for Economic and Social Development - AFESR, Saudi Development Fund - SFR, Special Fund for Arab Assistance to Africa

International credit institutions and funds are created on the basis of agreements concluded by the respective states and operate on the basis of international legal aspects. Such organizations and foundations have international legal personality and, on their own behalf, conclude treaties with participating countries and with other states and international organizations. Countries around the world are constantly working to improve their monetary systems and find the best ways to coordinate their monetary policy.

3. The European Monetary System

The European Monetary System began operations in 1979 and replaced the then-currency snake. its main purpose was to ensure the stability of the exchange rates of the Member States of the Community.

The European Monetary System is based on three elements:

- European Currency Unit-ECU.
- Course-integration mechanism.
- Credit mechanism

The key element of the EMU was the European Monetary Unit (ECU). The ECU was only a unit of account, it had no material form (banknotes, coins). The ECU was a basket consisting of the currencies of the Member States of the Community.

The amount of Member States' currencies in the ECU basket depends on:

- The share of GDP of a Member State in the total GDP of the Community.
- Member States' exports and imports of intra-Community trade
- The value of this currency as a denominator of the Capital and Money Market Instruments.

Common Currency Goals (EURO)

- Creating a zone of economic stability.
- Facilitation of exchanges.
- Harmonization of Member States' economic policies.

Advantages of the EURO

Reducing currency exchange costs

Creating competition for the US dollar

Reducing the level of currency risks

Increase in international trade in EU countries

Strengthening Europe's competitive position in the world

The euro consists of 100 euro cents. The euro denominations of the following denominations were introduced: banknotes - 5, 10, 20. 50, 100. 200 and 500 euros, coins - 1 and 2 euros, 1, 2, 5, 10, 20 and 50 euros.

EU member states introduce the euro into their territories and also fulfill the criteria of the convention.

The European Monetary System provides for a single currency (Euro).

The conditions of transition are indeed very harsh, but without their implementation, financiers are convinced that the transition to a single currency is useless, as the transfer of national wealth from more developed countries to less prosperous ones will begin, which entails depreciation and, in the long run, the threat of complete collapse as a currency, and the system itself.

4. International monetary relations

International monetary relations are those arising between the entities of the world economy concerning the international migration of capital, that is, about the movement from one country to another of value in commodity or monetary form for profit, loan interest or other benefits.

International economic cooperation has produced a number of types of monetary relations.

Types of monetary relations

1. For trade and payment-transactions, which involve the execution of credit operations; This form of monetary and credit relations is based on the relevant terms of interstate agreements. Pursuant to these agreements, banks authorized by the state to clear clearing accounts are obliged, in the absence of funds from the clearing accounts of the states, to make payments on credit.

2. Under agreements on economic and industrial-technical cooperation. Used for the supply of equipment, machinery and technology for the construction of large objects.

3. Under intergovernmental agreements on the supply of goods on a compensation basis. They are invested in large-scale, cross-sectoral work and services. A characteristic feature of these agreements is that for the equipment, machinery, technical services, etc. received by the lender, the product, which is manufactured by the lending entity, is supplied by the creditor for an appropriate amount.

4. Under special loan agreements. Provides that the creditor country lends to the borrowing country a certain amount of credit. These agreements specify the loan amount, interest rate, loan repayment term and other terms.

Exports of capital are carried out in three forms:

1. Export of entrepreneurial capital. It is an investment in foreign investments in the form of branches, subsidiaries, joint ventures and simply in the form of participation in capital.

2. Export of loan capital. It is a system of market relations that provides for the accumulation and redistribution of loan capital between countries.

3. International Economic Assistance. Financial Aid is a free loan facility. Material assistance is the free transfer of goods and services of industrial and domestic use to entities of one country by entities of other countries.

The international credit facility is a form of loan capital in the sphere of MeV related to the provision of foreign exchange and commodity resources on terms of repayment, urgency and interest payment.

Forms of international credit:

- Leasing.
- Factoring.
- Loans on compensation agreements.

The international credit facility is a form of loan capital in the sphere of MeV related to the provision of foreign exchange and commodity resources on terms of repayment, urgency and interest payment.

Forms of international credit:

- Leasing.
- Factoring.
- Loans on compensation agreements.

Functions of international credit:

- Provides redistribution of financial and material resources between countries.
- Transfers funds temporarily available from one country to finance investments in others.
- Accelerates worldwide implementation, pushing the boundaries of extended play.

Credit term:

- Short term (up to 1 year).
- Medium term (1 -5 years, and in some countries and more).

- Long-term (beyond the maturity of medium-term loans).

Forms of international credit:

- Preferential loan, that is, a loan with certain urgency benefits, interest payments and more.
- Ordinary foreign loan, that is, a loan of a fixed type, which is granted abroad to a repaid entity and payment there.
- Portfolio investment is an investment in debt-securities.

The international monetary system consists not only of international monetary relations, but also of institutions without which these relations would not exist.

Questions for self-control

1. Define the term "currency".
2. What types of currencies are you aware of?
3. Expand the stages of becoming a European monetary system.
4. What are the disadvantages and advantages of the euro?
5. What types of international monetary relations are enshrined in multilateral agreements?
6. Which international monetary organizations are known to you?
7. Describe the forms of international credit.

TOPIC 6. INTERNATIONAL CUSTOMS LAW

Educational issues

1. The concept of international customs law and its place in the system of international economic law.
2. Sources of international customs law.
3. Organizational and legal forms of international customs cooperation.
4. International legal regulation in the field of customs cooperation

Basic concepts: customs, customs, customs policy, declaration, customs area, customs regime, customs tariff, customs border, international customs law, customs cooperation, customs union, customs convention.

1. The concept of international customs law and its place in the system of international economic law

Customs is the procedure for moving goods and vehicles across the customs border of Ukraine, customs regulation related to the establishment and collection of customs taxes and duties, procedures for customs control and clearance, combating smuggling and violations of customs rules.

Permanent movement of citizens, goods, values across borders of states requires the application of:

• national legislation;

• international law.

International economic cooperation, especially between states, necessitates cooperation in the field of organization and implementation of customs. This area of cooperation is aimed at solving the system of economic, organizational, legal and other issues, which provide favorable conditions for development and protection of economic interests of the respective states, protection of the rights of business entities and citizens. Each state carries out its customs policy as a system of principles and directions of its activity in the sphere of ensuring its economic interests and security by:

- customs and tariff regulation measures;

- non-tariff regulation measures.

Customs policy underlies the organization of customs, as a separate line of activity of the state.

In customs, Ukraine adheres to the internationally recognized classification and coding systems, the only form being:

- declaration of goods;

- export of goods;

- import of goods;

- customs information;

- other international norms and standards.

Approaches, different points of view of scientists on the definition of international customs law, its place in the system of international law:

Thus, summarizing all of the above, we can conclude that international customs law is a sub-branch of international economic law, which includes a system of rules and principles governing relations between states on customs and related other issues of international economic cooperation.

2. Sources of international customs law

The norms and principles of any branch, sub-branch of international law and their institutions find their legal expression and consolidation in appropriate forms, namely in the sources of international law. With regard to international customs law, the main sources of international customs law are:

• international treaty;

• international custom;

• acts of international organizations:

• judicial and arbitration precedent. An international agreement is a voluntary agreement between two or more subjects of international law, according to which their rights and obligations are established, changed or terminated. The international treaty is considered to be the most important source of international customs law.

The international legal custom is the unwritten, self-evident rules of organization and implementation of international economic relations. They are used with the tacit consent of the parties (tacit agreement) and, as a rule, do not have their

formal (written) fixation in any contract or agreement. International customs, as some regulators of international relations, are often used in the field of merchant shipping.

An equally important source of international customs law is the International Customs Organizations, adopting various legal acts. Yes, the World Customs Organization is developing recommendations that ensure the uniform interpretation and application of the Conventions concluded as a result of the work of the Council. and the nomenclature for the classification of goods in customs tariffs and the valuation of goods for customs purposes. These recommendations were prepared by the European Customs Union Study Group. In addition, recommendations are being developed for the reconciliation of disputes on the interpretation and application of the Conventions. The parties to the dispute may agree earlier to consider the recommendations of the Council binding. International organizations that deal with customs issues in addition to other functions should include the World Trade Organization, the United Nations Conference on Trade and Development (UNCTAD), and regional organizations (such as the European Communities).

3. Organizational and legal forms of international customs cooperation

The organizational and legal forms of international customs cooperation include the creation of:

- Free zone.
- Free Trade Zones.
- The Customs Union.

The Free Trade Area, as one of the legal forms of international customs cooperation, is created on the basis of an agreement of two or more states, which eliminates all obstacles in trade relations between them. At the same time, these agreements give the right to determine their own policy towards states that are not parties to such agreements. An example of such an agreement would be the Agreement on the Creation of a Free Trade Area between the CIS Member States, which was signed on April 15, 1994.

According to Art. 1 of the said Agreement, a free trade area is created for the purpose of eliminating the duties related to the abolition of duties, as well as the taxes and charges having equivalent effect, and quantitative restrictions; removal of other obstacles to the free movement of goods and services; creation of effective system of mutual settlements and system of payments in trade and other transactions; cooperation in the conduct of trade economic policy to achieve the objectives of this Agreement in the fields of industry, agriculture, transport, finance, investment, social sphere, as well as in the development of fair competition, etc .; promotion of inter-sectoral and intra-industry cooperation and scientific and technical cooperation; harmonization and harmonization of the laws of the Contracting Parties to the extent necessary for the proper and effective functioning of the free trade area.

A free zone is an enclave within a national customs territory, which is usually located near an international seaport or airport. This zone, without customs formalities, receives equipment, equipment and other goods of foreign origin. These

imported products are processed in the zone and then exported outside it without the intervention of the customs authorities of the zone country. Today, these zones are mostly called special customs zones, free economic zones, and other names also occur. Legal regulation of their functioning is carried out by the Law of Ukraine "On General Principles of Creation and Functioning of Special (Free) Economic Zones" of October 1992, the Customs Code of Ukraine and other normative legal acts. Yes, a special customs zone is a customs regime according to which goods imported into the territories of the respective types of special (free) economic zones from outside the customs territory of Ukraine, as well as to goods exported from the territory of the specified zones for borders of the customs territory of the country, measures of tariff and non-tariff regulation shall not apply, unless otherwise provided by law.

Special customs zones are part of the territory of Ukraine, where a special customs regime is introduced. These zones are created in accordance with the legislation of the country on special (free) economic zones by adopting a separate law for each special customs zone, defining its status, the territory, the term for which it is created, and the peculiarities of application of the legislation of Ukraine in its territory. The Law establishes requirements for the creation of a special customs zone, the types of goods allowed to be imported into such a zone, and the nature of the operation carried out with the goods within the zone. The law also specifies the requirements for the organization of the work of the special customs zone and the duties of the zone administration bodies to fulfill the requirements of customs legislation during customs control.

The Customs Union is also a form of cooperation between states. It shall be established by the States Parties for the purpose of pursuing a common policy in the field of foreign economic relations and customs legislation and removing obstacles to trade between the countries concerned. Thus, on January 6, 1995, an Agreement was signed between the Government of the Republic of Belarus and the Government of the Russian Federation on the creation of the Customs Union, to which the respective Agreements were signed, on January 20, 1995, the Republic of Kazakhstan, and on March 29, 1996, the Kyrgyz Republic. This Agreement defines the goals and principles of forming a single Customs Union. The purposes for which the Customs Union was created are:

• providing joint actions for the socio-economic progress of their countries by eliminating the barriers that divide them for free economic interaction between business entities;

• guaranteeing sustainable development of the economy, free trade and fair competition;

• strengthening the coordination of trade policies of their countries and ensuring the comprehensive development of the national economy;

• creating conditions for the formation of the common economic space;

• Creating conditions for active entry of the Customs Union member states into the world market.

The Customs Union as an economic union of states is based on appropriate principles. One such principle is the existence of a single customs territory of the

countries - members of the Customs Union. Its implementation is achieved by the abolition in trade between States of goods originating in their territory, customs duties and taxes having equivalent effect, as well as quantitative restrictions. It also provides for the establishment and application of a common trade regime, common customs tariffs and measures for non-tariff foreign trade regulation in relations with third countries. Finally, a mechanism for the relationship of the Customs Union with third countries and international organizations is envisaged, based on the provisions of the Agreement between the governments of the Member States on a single procedure for the regulation of foreign economic activity.

The second principle is based on the existence of a single mechanism of regulation of economies, which is based on market principles of management and unified legislation. In particular, it envisaged the unification of foreign trade, customs, monetary and financial, tax and other legislation related to economic conditions of economy, price policy, currency regulation, currency control, expert control, unfair competition, restriction of business practice and intellectual property.

4. International legal regulation in the field of customs cooperation

Universal multilateral treaties include the Convention on the Establishment of the Customs Cooperation Council of 15 December 1950 (Brussels), the Convention on the Nomenclature for the Classification of Goods in Customs Tariffs of 15 December 1950 (Brussels), the Customs Convention on Imports Commercial Vehicles for a Limited Time of 18 May 1956 (Geneva), Customs Convention on the Material of Maritime Life of 1 December 1964 (Brussels), International Convention on the Simplification and Harmonization of Customs Procedures of 18 May 1973 ., in home as the Kyoto Convention, the Customs Convention on the International Carriage of Goods by Application of the ITD Book of 14 November 1975 (Geneva), the International Convention on Mutual Administrative Assistance, in the Prevention, Investigation and Suppression of Violations of Customs Law of 9 June 1977, (Nairobi Convention), United Nations Convention on the International Carriage of Goods by Cargo of 27 May 1980.

Among the sources of international customs law are also multilateral agreements concluded at the regional level between the countries concerned. An example would be the Customs Cooperation and Mutual Assistance Agreement of April 15, 1994, which was concluded under the SAP. There are many agreements between states and bilateral agreements concerning customs. With the participation of Ukraine more than 30 agreements and treaties have been concluded on specific issues of customs affairs, for example: Agreement on customs clearance of transit cargoes and baggage of citizens of Ukraine and Georgia; Agreement on mutual recognition of customs documents and customs security; Agreement on cooperation in combating smuggling and violation of customs rules, etc.

Questions for self-control

1. What is the place of international customs law in the system of international economic law?

2. What is the content of customs?
3. What are the main sources of international customs law.
4. What is the procedure for customs declaration of goods?
5. How is a free trade area different from a free trade area?
6. What is the legal regime of the customs union?

TOPIC 7. LEGAL REGULATION OF FOREIGN ECONOMIC ACTIVITIES IN UKRAINE

Educational issues

1. The concept and legal basis of foreign economic activity.
2. Principles of foreign economic activity.
3. Subjects of foreign economic activity.
4. State regulation of foreign economic activity.

1. The concept, meaning and principles of foreign economic activity.

Foreign economic activity - the activity of economic entities of Ukraine and foreign economic entities, built on the relationship between them, which takes place both on the territory of Ukraine and abroad.

In the process of foreign economic activity there is a wide range of social relations that need legal regulation. These are relations related to the legal status of the subjects of foreign economic activity, the legislative consolidation of its types, the order of conclusion of contracts, contracts, state regulation of foreign economic activity, taxation issues, distribution of profits resulting from such activities, customs regulation, licensing and quoting foreign trade operations, etc.

During the years of independence, a system of legislation was created in Ukraine aimed at ensuring the legal regulation of foreign economic relations. The basis of such legislation is primarily the provisions of Art. 18 of the Constitution of Ukraine that the foreign policy activity of Ukraine is aimed at securing its national interests and security by maintaining peaceful and mutually beneficial cooperation with members of the international community in accordance with generally recognized principles and rules of international law. The principles of foreign economic activity are determined solely by the laws of Ukraine.

Relations that arise in the sphere of foreign economic activity are governed by laws and by-laws, including: Law of Ukraine "On Foreign Economic Activity" of 16.04.91, Civil Code of Ukraine, Economic Code of Ukraine, Customs Code of Ukraine, Law of Ukraine "On procedure for making payments in foreign currency "from 09/23/94, Law of Ukraine" On International Commercial Arbitration "from 24/02/94, Law of Ukraine" On Transactions with Giving Raw Materials in Foreign Economic Relations "of 15/09/95, Decree K of the Cabinet of Ministers of Ukraine "On the system of currency regulation and currency control" of 19.02.93, Decree of the President of Ukraine "On the application of International Rules for Interpretation of Commercial Terms" of 04.10.94, Decree of the President of Ukraine "On measures to streamline settlements under contracts, which are concluded by the

subjects of business activity of Ukraine "from 04.11.94, Resolution of the Cabinet of Ministers and the National Bank of Ukraine" On typical payment terms of foreign economic agreements (contracts) and typical forms of protective reservations to foreign economic agreements (contracts), which provide for payments in foreign currency ”of 21.06.95, Regulations on the form of foreign economic agreements (contracts), approved by the order of the Ministry of Foreign Trade of Ukraine of 05.10.95 and several others.

At the same time, it should be noted that among the norms of various branches of legislation of our state (constitutional, administrative, civil, economic, labor, financial, banking, criminal, etc.), there are many that are used to regulate relations in the sphere of foreign economic activity.

2. Principles of foreign economic activity.

The subjects of economic activity of Ukraine and foreign subjects of economic activity, carrying out foreign economic activity, are guided by the following principles:

1) the principle of sovereignty of the people of Ukraine in carrying out foreign economic activity, which consists in:

- the exclusive right of the people of Ukraine to independently and independently carry out foreign economic activity in the territory of Ukraine, guided by the laws in force in the territory of Ukraine;
- Ukraine's obligation to comply with all treaties and obligations of Ukraine in the field of international economic relations;

2) the principle of freedom of foreign economic enterprise, which consists in:

- the rights of foreign economic operators to voluntarily enter into foreign economic relations;
- the right of subjects of foreign economic activity to carry it out in any forms not expressly prohibited by the current laws of Ukraine;
- the obligation to observe in carrying out foreign economic activities the order established by the laws of Ukraine;
- the exclusive ownership of the subjects of foreign economic activity on all the foreign economic activity obtained by them;

3) the principle of legal equality and non-discrimination, consisting in:

- equality before the law of all subjects of foreign economic activity, irrespective of ownership, including the state, in the course of foreign economic activity;
- prohibition of any actions, other than provided for by this Law, of the state, which result in the restriction of rights and discrimination of subjects of foreign economic activity, as well as of foreign economic entities by ownership, location and other characteristics;
- inadmissibility of restrictive activity on the part of any of its subjects, except in cases provided by this Law;

4) the principle of the rule of law, which is:

- regulation of foreign economic activity only by the laws of Ukraine;

- prohibition of the use of by-laws and acts of management of local bodies, which in any way create conditions for the subjects of foreign economic activity less favorable than those established by the laws of Ukraine;

5) the principle of protection of interests of subjects of foreign economic activity, which is that Ukraine as a state:

- provides equal protection of interests of all subjects of foreign economic activity and foreign economic entities in its territory in accordance with the laws of Ukraine;

- provides equal protection of all subjects of foreign economic activity of Ukraine outside Ukraine in accordance with the rules of international law;

- protects the state interests of Ukraine both within its territory and beyond its borders only in accordance with the laws of Ukraine, the terms of international treaties signed by it and the rules of international law;

6) the principle of equivalence of exchange, inadmissibility of dumping during the import and export of goods.

3. Subjects of foreign economic activity.

Foreign economic entities are participants in relevant economic relations in the exercise of these activities, which are vested with the relevant subjective rights and obligations.

The subjects of foreign economic activity include:

1) natural persons - citizens of Ukraine, foreign citizens and stateless persons, who have civil capacity and capacity according to the laws of Ukraine and permanently reside in the territory of Ukraine;

2) legal entities registered as such in Ukraine and having a permanent place of business in the territory of Ukraine (enterprises, organizations and associations of all kinds, including joint-stock and other types of companies, associations, unions, concerns, consortia, trading houses, intermediary and consulting firms, cooperatives, credit and financial institutions, international associations, organizations, etc.), including legal entities whose property and / or capital is wholly owned by foreign entities;

3) unification of natural, legal, natural and legal persons who are not legal entities according to the laws of Ukraine, but who are permanently located in the territory of Ukraine and which are not prohibited by the civil laws of Ukraine from conducting business activities;

4) structural units of foreign economic entities that are not legal entities in accordance with the laws of Ukraine (branches, branches, etc.) but have a permanent location in the territory of Ukraine;

5) joint ventures with participation of economic entities of Ukraine and foreign economic entities, registered as such in Ukraine and having a permanent place of business in the territory of Ukraine;

6) other subjects of economic activity provided for by the laws of Ukraine.

The subjects of foreign economic activity carry out the following types of foreign economic activity:

- export and import of goods, capital and labor;

- rendering services of foreign economic activity of Ukraine to foreign economic entities, including: production, freight forwarding, insurance, consulting, marketing, export, intermediary, brokerage, agency, consignment, management, accounting, auditing, legal, tourists and others that are not directly and exclusively prohibited by the laws of Ukraine; rendering the above-mentioned services to foreign economic entities to the subjects of foreign economic activity of Ukraine;

- scientific, scientific-technical, scientific-production, industrial, educational and other cooperation with foreign subjects of economic activity; training and training of specialists on a commercial basis;

- international financial transactions and securities transactions in cases stipulated by the laws of Ukraine;

- credit and settlement transactions between the entities of foreign economic activity and foreign economic entities; creation of subjects of foreign economic activity of banking, credit and insurance institutions outside Ukraine; creation by foreign entities of economic activity of the mentioned establishments in the territory of Ukraine in cases stipulated by the laws of Ukraine;

- joint business activity between the subjects of foreign economic activity and foreign economic entities, including the creation of joint ventures of different types and forms, conducting joint business operations and joint ownership of property both on the territory of Ukraine and abroad;

- business activity in the territory of Ukraine related to the granting of licenses, patents, know-how, trademarks and other intangible objects of property by foreign economic entities; similar activity of foreign economic entities outside Ukraine;

- organizing and conducting activities in the field of exhibitions, auctions, auctions, conferences, symposia, seminars and other similar events, carried out on a commercial basis, with the participation of subjects of foreign economic activity; organization and implementation of wholesale, consignment and retail trade in the territory of Ukraine for foreign currency in cases stipulated by the laws of Ukraine;

- commodity exchange (barter) operations and other activity, built on forms of counter-trade between the subjects of foreign economic activity and foreign economic entities;

- leasing, including leasing, transactions between entities of foreign economic activity and foreign entities of economic activity;

- transactions in the purchase, sale and exchange of currency at foreign exchange auctions, foreign exchange markets and the interbank foreign exchange market;

- works on a contractual basis for natural persons of Ukraine with foreign economic entities both on the territory of Ukraine and abroad; the work of foreign individuals on a contractually paid basis with the subjects of foreign economic activity both within the territory of Ukraine and abroad;

- other types of foreign economic activity, which are not prohibited directly and in an exclusive form by the laws of Ukraine.

4. State regulation of foreign economic activity.

The regulation of foreign economic activity is carried out in order to: ensure the balance of economy and equilibrium of the internal market of Ukraine; stimulation of progressive structural changes in the economy, including foreign economic relations of the subjects of foreign economic activity of Ukraine; creation of the most favorable conditions for involvement of the Ukrainian economy in the system of world division of labor and its approximation to the market structures of developed foreign countries.

The regulation of foreign economic activity in Ukraine is carried out by: Ukraine as a state represented by its bodies within their competence; non-governmental economic management bodies (ie securities, stock exchanges, currency exchanges, chambers of commerce, associations, unions and other coordinating organizations) acting on the basis of their charter documents; by the subjects of foreign economic activity on the basis of the respective coordination agreements concluded between them.

The regulation of foreign economic activity in Ukraine is carried out by means of: laws of Ukraine; the acts of tariff and non-tariff regulation provided in the laws of Ukraine, which are issued by the state bodies of Ukraine within their competence; economic measures of operational regulation (monetary, financial, credit, etc.) within the laws of Ukraine; decisions of non-governmental economic management bodies, which are made according to their statutory documents within the limits of the laws of Ukraine; agreements concluded between subjects of foreign economic activity that do not contradict the laws of Ukraine.

It is forbidden to regulate foreign economic activity directly by the envisaged acts and actions of state and non-state bodies.

In addition, foreign entities are also subject to legal regimes: national, most-favored, and special.

The national regime means that foreign economic entities have a volume of rights and obligations not less than economic entities of Ukraine. The national regime applies to all types of economic activity of foreign entities of that activity, related to their investments in the territory of Ukraine, as well as to export-import operations of foreign entities of economic activity of those countries that join the economic unions with Ukraine.

Most-favored-nation treatment means that foreign economic entities have the amount of rights, preferences, and privileges for duties, taxes, and fees that are enjoyed and / or will be enjoyed by a foreign economic entity of any other state to which it is referred. regime, except where the duties, taxes, charges and privileges specified therein are subject to the special treatment defined below. The most-favored-nation regime is granted by mutual agreement to the entities of other states in accordance with the relevant treaties of Ukraine and is applied in the field of foreign trade.

The special regime shall apply to the territories of the special economic zones as well as to the territories of the customs unions to which Ukraine is a party, and in

the case of the establishment of any special regime in accordance with international treaties with the participation of Ukraine in accordance with applicable law.

Ukraine independently forms the system and structure of state regulation of foreign economic activity in its territory. This regulation should ensure: protection of the economic interests of Ukraine and the legitimate interests of the subjects of foreign economic activity; creating equal opportunities for foreign economic operators to develop all types of entrepreneurial activity, regardless of ownership, and all areas of use of income and investment; promotion of competition and elimination of monopoly power in the sphere of foreign economic activity.

It is important to note that the state and its bodies have no right to interfere directly with the foreign economic activity of the subjects of this activity, except when such intervention is carried out in accordance with the laws of Ukraine.

Any activity in any field is ensured through a system of relevant bodies. Such bodies include the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Ministry of Economy and European Integration of Ukraine, the National Bank of Ukraine, the State Customs Service of Ukraine, the Antimonopoly Committee of Ukraine, and others. Some powers are vested in local governments and their executive bodies.

Control questions:

1. Define the concept of "foreign economic activity", how is it different from economic activity?
2. Describe the current legislation of Ukraine governing foreign economic activity?
3. Discover the basic principles of foreign economic activity?
4. Make a comparative analysis of the principles of international economic law and the principles of foreign economic activity of Ukraine.
5. What are the entities entitled to carry out foreign economic activities? Are there any restrictions on engaging in foreign economic activities?
6. Which authorities regulate foreign economic activity?
7. Which State's law applies to foreign economic treaties (contracts) concluded by foreign economic operators?
8. Describe the procedure for concluding foreign economic agreements under the legislation of Ukraine?

1. The generally recognized basic principles of public international law:

a) are not applicable to the regulation of international economic relations as they are subject to special principles;

(b) are applicable to the regulation of international economic relations and are of paramount importance to special principles;

c) apply in part to the regulation of international economic relations, unless they are contrary to specific principles;

(d) apply to the regulation of international economic relations and are of secondary importance to special principles.

2. The mode of greatest assistance is:

a) the granting of trade privileges, first and foremost, in respect of duties on all or some goods acting in relations between individual countries and not applicable to goods from other countries;

b) the granting by one State to another of certain privileges which are or may be granted to third States;

c) when the state equals in whole or in part the rights of individuals and / or legal entities of a foreign state with domestic ones;

d) giving priority to the conclusion of international economic treaties.

3. The Charter of Economic Rights and Obligations of the States of 12 December 1974 was adopted:

a) the United Nations;

b) the World Trade Organization;

c) the International Institute for the Unification of Private Law (UNIDROY);

d) the Eurasian Economic Community (EurAsEC).

4. Customs law:

a) is a source of international economic law as well as any other field of public international law;

b) is not a source of international economic law;

c) is an auxiliary means of establishing the rules of international economic law;

d) is a secondary source of international economic law.

5. The purpose of the establishment of the World Trade Organization (WTO) is to promote:

a) security and cooperation in Europe;

b) promoting democracy, human rights and the rule of law;

c) liberalization of foreign trade in the world;

d) the effectiveness of foreign economic relations.

6. The supreme body of the World Trade Organization shall be:

a) the WTO General Assembly;

b) WTO Economic and Social Council;

c) the Conference of Ministers of the WTO Member States;

d) WTO Council on Trade in Goods.

7. Disputes between WTO Members on the application of multilateral WTO trade agreements shall be resolved by:

a) the International Court of Justice;

b) the International Economic Court of the WTO;

c) the WTO Dispute Settlement Body;

d) The Arbitration Institute of the Stockholm Chamber of Commerce.

8. The settlement of disputes on economic issues between the CIS states shall be carried out by:

a) CIS Intergovernmental Commission for Economic and Social Issues;
b) CIS International Chamber of Commerce;
c) Economic Court of the CIS;
d) CIS Commission on International Trade Law.

9. The United Nations Commission on International Trade Law (UNCITRAL) is:

a) a specialized UN agency;
b) a subsidiary body of the UN General Assembly;
c) a subsidiary body of the United Nations Economic and Social Council;
d) a subsidiary body of the United Nations Security Council.

10. The International Chamber of Commerce (ICC) at the United Nations Economic and Social Council:

a) has advisory status of category "A";
b) has advisory status of category "B";
c) has advisory status of category "C";
d) does not have any advisory status.

11. International economic law is:

a) an independent legal system;
b) the field of public international law;
c) polysystem complex of legal norms;
d) the Law Institute;
e) the field of private international law.

12. According to Article 1 of the Charter of Economic Rights and Obligations of States, the right to choose their economic system independently is:

a) every state except the WTO members;
b) every country except the countries that received loans from the IMF;
c) each state except the EU Member States;
d) each state;
e) there is no right answer.

13. A commodity international organization is:

a) UNCTAD;
b) the International Sugar Organization;
c) the International Maritime Organization (IMO);
d) International Chamber of Commerce;

e) North American Free Trade Agreement (NAFTA).

14. The TNC Center was established within:
a) OECD;
b) CIS;
c) ECOSOR;
d) the IMF;
e) REV.

15. The Code of Conduct for TNCs has been developed within:
a) ECOSOR;
b) the Council of Europe;
c) the OSCE;
d) OECD;
e) the European Union.

16. Pursuant to Article 4 of the Charter of Economic Rights and Obligations of States, States may participate in international trade:
a) Member State of the WTO;
b) every country except the countries that received loans from the IMF;
c) each state except the EU Member States;
d) each state;
c) Member State of the United Nations.

17. The specific principles of international trade are enshrined in:
a) the UNCTAD Final Act of 1964;
b) Declarations on the Principles of International Trade Law;
c) Declarations on the Principles of International Law;
d) Declarations on the Principles of International Economic Law;
e) Declarations on the principles of legal regulation of international trade relations.

REFERENCES:

1. *Journal of International Economic Law* (Oxford Univ. Press), information available at: https://www.asil.org/topics/international-economic-law

2. Joel Trachtman, *The Economic Structure of International Law* (Harvard, 2008).

3. Jan Kleinheisterkamp 'Overriding Mandatory Laws in International Arbitration' (2018) 67(4) International and Comparative Law Quarterly 903-930 available at: https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly/article/overriding-mandatory-laws-in-international-arbitration/C186068881E25462C6AA094A0A6E33C2

4. Andrew Lang The judicial sensibility of the WTO Appellate Body' European Journal of International Law (2017) 27 (4) pp.1095-1105 available at: https://academic.oup.com/ejil/article/27/4/1095/2962221

5. Jan Kleinheisterkamp 'Investment Protection in TTIP: Three Feasible Proposals' (with Lauge Poulsen), in European Yearbook of International Economic Law 2016 (Bungenberg et al eds, Springer 2016), pp. 527-541. [link to underlying policy paper] available at: https://link.springer.com/chapter/10.1007%2F978-3-319-29215-1_23

6. Jan Kleinheisterkamp 'Investment treaty law and the fear for sovereignty: transnational challenges and solutions'Modern Law Review (2015) 78 (5) pp.793-825 available at: https://onlinelibrary.wiley.com/doi/abs/10.1111/1468-2230.12144

7. Andrew Lang 'The double movement of law and expertise' in Erin Hannah, James Scott, Silke Trommer (eds) Expert Knowedlge in Global Trade (Routledge: 2016) available at: https://www.routledge.com/Expert-Knowledge-in-Global-Trade-1st-Edition/Hannah-Scott-Trommer/p/book/9781138787773

8. Andrew Lang 'New Legal Realism, Empiricism, and Scientism: The Relative Objectivity of Law and Social Science'Leiden Journal of International Law (2015), 28, pp. pp.231–254 available at: http://eprints.lse.ac.uk/62022/1/New_legal_realism.pdf

9. Andrew Lang 'Twenty years of the WTO Appellate Body's "fragmentation jurisprudence"' Journal of International Trade Law and Policy (2015) 14 (3) pp.116-125 available at: http://eprints.lse.ac.uk/64810/1/WTO20.pdf

10. Solene Rowan 'Conditions – Art 5.3.1-5.3.5' in S Vogenauer (ed), Commentary on the UNIDROIT Principles of International Commercial Contracts (Oxford University Press, 2015/

11. Jan Kleinheisterkamp 'Financial Responsibility in European International Investment Policy' (2014) 63:2 International and Comparative Law Quarterly pp. 449-476 available at: https://www.cambridge.org/core/journals/international-and-comparative-law-quarterly/article/financial-responsibility-in-european-international-investment-policy/CD5DF95979E240BE76A22988EB5230B7

12. Andrew Lang 'The Consequences of Brexit: Some Complications From International Law' LSE Law: Policy Briefing Papers 3/2014 available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2482323

13. Andrew Lang 'Governing "As If": Global Subsidies Regulation and the Benchmark Problem' Current Legal Problems (2014) Volume 67, Issue 1 pp. 135-168. available at: http://eprints.lse.ac.uk/59897/1/__lse.ac.uk_storage_LIBRARY_Secondary_libfile_shared_repository_Content_Lang,%20A_Lang_Governing_global_%20subsidies_2014_Lang_Governing_global_%20subsidies_2014.pdf

14. Andrew Lang 'Reflecting on 'linkage': cognitive and institutional change in the international trading system'. In: Steger, Debra, (ed.) The World Trade Organization. Critical Perspectives on the World Economy (Routledge, Taylor & Francis 2014)

15. Andrew Lang 'The Hidden World of WTO Governance: A Rejoinder to Richard H. Steinberg' European Journal of International Law 2009 20 (4):1073-1076 [reprinted in Steger, Debra P, The World Trade Organization: Critical Perspectives on the World Economy (London: Routledge 2014) pp.575-614] (with Joanne Scott) available at: http://www.ejil.org/pdfs/20/4/1946.pdf

16. Chris Thomas, Book Review: 'Isabel Feichtner, The Law and Politics of WTO Waivers: Stability and Flexibility in Public International Law' (2011) 82(1) British Year Book of International Law 515-18

17. Jan Kleinheisterkamp 'Investment Protection and EU Law: The Intra- and Extra-EU Dimension of the Energy Charter Treaty' (2012) 15 (1) Journal of International Economic Law 85-109 available at: https://academic.oup.com/jiel/article-abstract/15/1/85/2193654?redirectedFrom=fulltext

18. Jan Kleinheisterkamp 'European policy space in international investment law'ICSID Review 2012, 27(2), 416-431 available at: https://academic.oup.com/icsidreview/article-abstract/27/2/416/639337?redirectedFrom=fulltext

19. Andrew Lang 'Legal regimes and professional knowledges: the internal politics of regime definition' in Young, Regime Interaction in International Law: Facing Fragmentation (Cambridge UP, 2012) available at: http://www.cambridge.org/catalogue/catalogue.asp?isbn=113921134X