

# CONTENTS

|  | <i>page</i> |
|--|-------------|
| <i>Preface</i>   | vii         |
| <i>Cases</i>   | xxvii       |
| <i>Statutes</i>  | xliv        |
| <i>International Conventions and other Formulations of International Trade Law</i> | 1           |
| <i>Uniform Commercial Code</i>   | liv         |
| <i>Uniform Customs and Practice for Documentary Credits (1983 Revision)</i>        | lv          |
| <i>Abbreviations</i>   | lvi         |

## PART ONE

### THE INTERNATIONAL SALE OF GOODS

|  |    |
|--|----|
| 1. INTRODUCTION  | 1  |
| Export transactions founded on the contract of sale                                    | 1  |
| Export transactions for the construction of works and installations                    | 2  |
| Export merchants and manufacturers; bankers, insurers, carriers and freight forwarders | 2  |
| Exports and the national interest  | 3  |
| The export transaction   | 3  |
| The United Kingdom Sale of Goods Act 1979  | 5  |
| 2. SPECIAL TRADE TERMS IN EXPORT SALES   | 6  |
| Ex works, or ex warehouse, or ex store (where the goods are situate)                   | 7  |
| F.o.r. or f.o.t. (named point of departure)  | 9  |
| F.a.s. (named vessel in the port of shipment)  | 12 |
| F.o.b. (named port of shipment)  | 15 |
| Definition   | 15 |
| American practice  | 17 |
| Types of f.o.b. clauses  | 18 |
| F.o.b. values  | 21 |
| Arrangement of freight and marine insurance  | 21 |
| Responsibilities of the parties  | 22 |
| Naming a suitable ship   | 23 |

|  |    |
|--|----|
| Multi-port f.o.b. clauses  | 26 |
| Duty to procure an export licence  | 27 |
| F.o.b. airport   | 28 |
| C.i.f. (named port of destination)   | 29 |
| Definition   | 30 |
| The shipping documents   | 33 |
| The right to reject the documents and the right to reject the goods            | 36 |
| Responsibilities of the parties  | 38 |
| Payment of the price   | 40 |
| Port of shipment and port of destination                                       | 41 |
| Tender of goods afloat   | 42 |
| Loss of goods  | 44 |
| Contracts expressed to be c.i.f. but not being true c.i.f. contracts           | 45 |
| Refusal to accept the goods  | 46 |
| Variants of the c.i.f. contract  | 46 |
| c. and f. (named port of destination)  | 48 |
| c.i.f. and c., c.i.f. and e., c.i.f. and c and i.                              | 49 |
| Arrival, or ex ship (named ship and named port of arrival)                     | 49 |
| Ex quay (named port of destination)  | 51 |
| Delivered at frontier (named place of delivery at frontier)                    | 51 |
| Delivered (named place of destination in the country of importation) duty paid | 51 |
| Container trade terms  | 52 |
| Free carrier (named point of delivery to carrier)                              | 53 |
| Freight/carriage and insurance paid to (named point of destination)            | 54 |
| Freight/carriage paid to (named point of destination)                          | 55 |
| 3. STANDARDISATION OF TERMS IN INTERNATIONAL SALES                             | 56 |
| Uniform conditions of export sales   | 56 |
| United Nations Commission on International Trade Law                           | 56 |
| International Chamber of Commerce publications                                 | 58 |
| Uniform Laws on International Sales  | 60 |
| American Uniform Commercial Code   | 61 |
| General Conditions of the Council for Mutual Economic Assistance               | 61 |
| Codifications of international trade law in the socialist countries            | 62 |
| Standard Contract Forms applying to Specified International Transactions       | 63 |
| Standard conditions issued by trade associations                               | 64 |
| Model contracts sponsored by the United Nations Economic Commission for Europe | 64 |
| Model contract forms used in construction contracts                            | 65 |
| General terms of business adopted by individual exporters                      | 66 |



|  |        |
|--|--------|
| Some important clauses                                       | 66     |
| The buyer's agreement  | 68     |
| Standard terms in home transactions                          | 69     |
| Simplification of export documents                           | 69     |
| Standardisation of telecommunicated export terms             | 70     |
| <br>4. MARKET INFORMATION FOR EXPORTERS. MARKET RESEARCH     | <br>72 |
| Direct market research                                       | 72     |
| Government assisted market research                          | 72     |
| Government Services for Exporters                            | 73     |
| The Department of Trade and Industry                         | 73     |
| The British Overseas Trade Board                             | 73     |
| BOTB services offered to the exporter                        | 74     |
| Export Publications  | 76     |
| British Business   | 76     |
| Croner's Reference Book for Exporters                        | 76     |
| Commerce International                                       | 77     |
| Export   | 77     |
| Hints to Exporters   | 77     |
| Publications dealing with particular export markets          | 77     |
| <br>5. OFFER AND ACCEPTANCE                                  | <br>78 |
| The offer  | 79     |
| The acceptance   | 79     |
| The acceptance must be unconditional and unqualified         | 79     |
| Acceptance subject to seller's general conditions            | 79     |
| Communication of acceptance                                  | 80     |
| The confirmation slip  | 82     |
| Special problems relating to general conditions              | 82     |
| A verbal contractual promise may override general conditions | 82     |
| Incorporation of current edition of general conditions       | 83     |
| The battle of forms  | 83     |
| International supply contracts                               | 84     |
| <br>6. INVOICES AND PACKING                                  | <br>86 |
| The invoice must be true and correct                         | 86     |
| The commercial invoice                                       | 87     |
| Official requirements for invoices                           | 88     |
| Packing  | 89     |
| The obligation to provide suitable packaging                 | 89     |
| Packing in the sale of goods                                 | 89     |
| Packing in the law of carriage of goods                      | 90     |
| Packing in containers  | 91     |
| Packing in insurance law                                     | 92     |
| Import regulations relating to packing                       | 92     |
| Dangerous goods  | 92     |

|  |     |
|--|-----|
| 7. MODES OF PAYMENT  | 94  |
| British exchange control   | 94  |
| Foreign exchange control   | 96  |
| English judgments and arbitration awards in a foreign currency                         | 98  |
| Foreign exchange control regulations recognised but not enforced by the English Courts | 98  |
| 8. PERFORMANCE OF THE CONTRACT   | 99  |
| English and foreign sales law  | 99  |
| Delivery of the goods  | 101 |
| Passing of the property  | 101 |
| The reservation of title clause  | 104 |
| Passing of the risk  | 107 |
| Certificates of quality and of inspection  | 108 |
| Certificates of quality  | 108 |
| Certificates of inspection   | 110 |
| Liquidated damages and penalties   | 111 |
| 9. ACCEPTANCE AND REJECTION OF THE GOODS   | 114 |
| Conditions, warranties and innominate terms  | 115 |
| Conditions and warranties  | 115 |
| The innominate term  | 116 |
| Examination of goods   | 118 |
| Acceptance of goods  | 121 |
| Rejection of goods   | 124 |
| Right of rejection in c.i.f. contracts   | 124 |
| Rejection where each delivery to be treated as separate contract                       | 125 |
| Property in rejected goods   | 126 |
| Rejection and estoppel   | 127 |
| Rejection and frustration  | 127 |
| Relaxation of strict performance of contract   | 127 |
| 10. THE RIGHTS OF THE UNPAID SELLER  | 130 |
| Where the property has been reserved: the right of withholding delivery                | 130 |
| Where the property has not been reserved   | 131 |
| The unpaid seller's lien   | 132 |
| Stoppage in transit  | 133 |
| The right of resale  | 135 |
| 11. COUNTERTRADE   | 137 |
| Contracts of sale and of barter  | 137 |
| The economic background  | 138 |



|   |     |
|---|-----|
| Types of countertrade transactions  | 140 |
| Reciprocal sales agreements   | 140 |
| Barter  | 142 |
| The buy-back agreement  | 142 |
| Disposal and switch transactions  | 143 |
| Oil countertrade  | 143 |
| The framework agreement   | 144 |
| 12. FRUSTRATION OF CONTRACT   | 146 |
| Legal meaning of frustration  | 147 |
| Frustration may be a matter of degree   | 148 |
| Frustration by delay  | 149 |
| Self-induced frustration  | 150 |
| Conditions upon which a contract is frustrated  | 150 |
| Destruction of subject-matter   | 150 |
| Illegality  | 151 |
| Fundamental change in circumstances   | 154 |
| Export and import licences and quotas   | 157 |
| Partial frustration   | 160 |
| Apportionment of performance  | 160 |
| Effect of frustration   | 162 |
| In general  | 162 |
| The Law Reform (Frustrated Contracts) Act 1943  | 162 |
| Force majeure clauses   | 164 |
| Different kinds of force majeure clauses  | 164 |
| Force majeure clauses which are too vague   | 167 |
| Force majeure clauses defeated by events  | 168 |
| 13. ENGLISH LAW AND FOREIGN LAW   | 169 |
| Proof of foreign law  | 170 |
| Measures of conflict avoidance  | 170 |
| The Hague Uniform Laws and the Vienna Convention on Contracts of International Sale                 | 170 |
| The Hague Convention on the Law applicable to International Sales of Goods                          | 171 |
| The EEC Convention on the Law applicable to Contractual Obligations                                 | 172 |
| The EEC Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters | 173 |
| The law governing the contract  | 173 |
| The principle   | 173 |
| Ascertainment of the proper law   | 174 |
| Application of several proper laws to the same contract   | 174 |
| The law intended by the parties   | 175 |
| The law with which the contract is most closely connected   | 178 |
| The form of the contract  | 179 |

|   |         |
|---|---------|
| The place where the contract was concluded  | 179     |
| The place where the contract is to be performed   | 180     |
| The place where an arbitration is to be held  | 182     |
| The Foreign Limitation Periods Act 1984   | 184     |
| The EEC Convention on the Law applicable to Contractual Obligations                             | 185     |
| Money of account and money of payment; recovery in foreign currency                             | 187     |
| Foreign State immunity  | 189     |
| Extraterritorial effect of foreign State measures   | 191     |
| The Protection of Trading Interests Act 1980  | 191     |
| Rejection of foreign extraterritorial claims by the courts.                                     |         |
| Letters rogatory  | 193     |
| The exclusion of foreign law  | 194     |
| Foreign confiscatory or nationalisation laws  | 194     |
| Foreign revenue laws, penal laws and other public laws of political or administrative character | 194     |
| Other cases of public policy  | 195     |
| Foreign illegality  | 196     |
| Civil consequences  | 196     |
| Criminal consequences   | 197     |
| <br>14. THE UNIFICATION OF THE LAW OF INTERNATIONAL SALES                                       | <br>200 |
| The Uniform Laws in the United Kingdom  | 201     |
| The Uniform Laws on International Sales Act 1967  | 201     |
| Application of Uniform Laws only if adopted by the parties                                      | 202     |
| Mandatory provisions of proper law cannot be contracted out                                     | 202     |
| General limitations of Uniform laws   | 203     |
| Restrictions to contracts between parties in Convention States                                  | 203     |
| Restrictions to proper law under the Hague P.I.L. Convention                                    | 203     |
| Effect of limitations   | 204     |
| Contracts of international sale   | 204     |
| The Uniform Law on International Sales  | 205     |
| The Uniform Law on Formation  | 207     |
| U.N. Convention on Contracts for the International Sale of Goods (1980)                         | 209     |
| U.N. Convention on the Limitation Period in The International Sale of Goods (1974)              | 210     |

## PART TWO

### MARKETING ORGANISATION ABROAD

|  |     |
|--|-----|
| 15. SOLE DISTRIBUTION AGREEMENTS       | 215 |
| Nature of sole distribution agreements | 215 |



|  |         |
|--|---------|
| Sole and exclusive agreements  | 215     |
| Sole distribution agreements distinguished from contracts of sale and from agency agreements | 216     |
| Sales licences and franchise agreements  | 217     |
| Export distribution agreements   | 218     |
| Clauses in sole distribution agreements  | 220     |
| Definition of territory  | 220     |
| Definition of the price  | 221     |
| Definition of the goods  | 221     |
| Sole buying and selling rights   | 222     |
| Advertising, market information, protection of patents and trade marks                       | 223     |
| Other clauses  | 224     |
| Laws relating to restrictive practices   | 224     |
| Foreign legislation protecting sole distributors   | 225     |
| <br>16. AGENCY ARRANGEMENTS  | <br>226 |
| Self-employed agents abroad  | 226     |
| The contract of agency   | 227     |
| The legal nature of the contract of agency   | 227     |
| Disclosure of principal  | 229     |
| Actual and ostensible authority  | 231     |
| Duties of the agent  | 232     |
| Duties of the principal  | 235     |
| Exclusive trading rights   | 239     |
| Special types of agents  | 240     |
| The commission agent   | 240     |
| The del credere agent  | 241     |
| The agent carrying stock (mercantile agent)  | 242     |
| The confirming house   | 243     |
| The freight forwarder  | 249     |
| The agent of necessity   | 253     |
| Foreign agency laws  | 254     |
| International measures on the unification of agency law                                      | 256     |
| The Draft EEC Directive relating to (self-employed) agents                                   | 256     |
| The Convention on Agency in the International Sale of Goods                                  | 256     |
| <br>17. BRANCH OFFICES ABROAD  | <br>258 |
| The legal status of branch offices abroad  | 258     |
| Branch offices and subsidiaries  | 258     |
| Jurisdiction over the head office  | 259     |
| Dealings between branches  | 260     |
| The contract of employment abroad  | 260     |
| Salary and commission  | 261     |
| Accommodation abroad, payment of overseas passage  | 261     |
| Reports to the head office   | 262     |

|  |         |
|--|---------|
| Bonds and fidelity guarantees  | 262     |
| Termination of contract; security of employment  | 262     |
| Foreign legislation  | 264     |
| Foreign aliens legislation   | 264     |
| Foreign labour legislation   | 265     |
| Foreign legislation protecting security of employment  | 266     |
| Travelling representatives abroad  | 267     |
| ATA Carnets  | 268     |
| <br>18. SUBSIDIARY COMPANIES ABROAD  | <br>270 |
| The overseas subsidiary  | 270     |
| The multinational enterprise   | 271     |
| In company law   | 272     |
| Foreign law affecting overseas subsidiaries  | 274     |
| Foreign company law  | 275     |
| Foreign employment law   | 276     |
| Foreign tax law  | 276     |
| Foreign investment law   | 277     |
| Conclusions  | 280     |
| <br>19. JOINT EXPORT ORGANISATIONS   | <br>281 |
| Joint marketing organisations  | 281     |
| Consortia  | 282     |
| Joint ventures   | 283     |
| The European Economic Interest Grouping  | 285     |
| <br>20. RESTRICTIVE TRADE PRACTICES IN THE UNITED KINGDOM  | <br>287 |
| The legislation in operation in the United Kingdom   | 287     |
| Forms legislation  | 288     |
| Duty to notify restrictive agreements  | 288     |
| Reduction of exports as defence in proceedings before the<br>Restrictive Practices Court   | 291     |
| Collective price maintenance agreements  | 292     |
| Effects legislation  | 293     |
| Monopoly situations in relation to exports   | 293     |
| Anti-competitive practices   | 294     |
| Relationship between United Kingdom regulation and the<br>competition law of the European Community and the Free<br>Trade Agreements | 296     |
| Relationship to EEC law  | 296     |
| Relationship to the FTAs   | 296     |
| Restraint of trade   | 297     |
| <br>21. THE COMPETITION LAW OF THE EUROPEAN COMMUNITY  | <br>298 |
| The basic provisions   | 298     |
| Procedure  | 301     |



|  |     |
|--|-----|
| Restrictive arrangements   | 302 |
| Negative clearance and declaration of inapplicability                                | 302 |
| Power of Commission to obtain information  | 303 |
| Measures providing block exemption and notices                                       | 303 |
| Agreements of minor importance   | 304 |
| Exclusive agency contracts   | 304 |
| Exclusive distribution agreements  | 305 |
| Exclusive purchasing agreements  | 307 |
| Agreements prohibiting parallel exports and imports                                  | 307 |
| Co-operation agreements  | 309 |
| Agreements relating to standardisation, research and development, and specialisation | 309 |
| Patent licensing agreements  | 310 |
| Abuse of dominant position   | 310 |
| The competition law of the Free Trade Agreements                                     | 312 |
| Foreign national competition legislation   | 313 |

### *PART THREE*

#### *FINANCE OF EXPORTS*

|  |     |
|--|-----|
| 22. BILLS OF EXCHANGE                                | 317 |
| Payment on open account                              | 318 |
| Payment by bill exchange                             | 318 |
| Nature of the bill of exchange                       | 319 |
| Foreign bills  | 323 |
| International bills                                  | 323 |
| The claused bill                                     | 324 |
| The documentary bill                                 | 326 |
| Avalised bills                                       | 327 |
| Bills drawn in a set                                 | 328 |
| Negotiation of bills by exporter                     | 328 |
| Proceedings on bills of exchange                     | 329 |
| 23. COLLECTION ARRANGEMENTS                          | 331 |
| The documentary bill lodgment form                   | 331 |
| Uniform Rules for Collections                        | 332 |
| Delivery of documents contrary to instructions       | 334 |
| 24. LETTERS OF CREDIT                                | 336 |
| Characteristics of the letter of credit              | 336 |
| Uniform Customs and Practice for Documentary Credits | 337 |

|   |         |
|---|---------|
| The stages of a letter of credit transaction                                | 339     |
| The two fundamental principles  | 340     |
| The autonomy of the letter of credit  | 340     |
| The doctrine of strict compliance   | 342     |
| The documents tendered to the bank  | 345     |
| Instructions communicated by teletransmission                               | 351     |
| Time of opening the credit  | 352     |
| The expiry date of the credit   | 353     |
| The law applicable to the credit  | 354     |
| Damages for failure to open or pay a credit                                 | 355     |
| Kinds of letters of credit  | 356     |
| Payment at sight, deferred payment, acceptance and negotia-<br>tion credits | 356     |
| Revocable and irrevocable credits; confirmed and unconfirmed<br>credits     | 358     |
| Revocable and unconfirmed credits   | 359     |
| Irrevocable and unconfirmed credits   | 360     |
| Irrevocable and confirmed credits   | 360     |
| Standby letters of credit   | 363     |
| Revolving credits   | 364     |
| Packing credits; red-clause credits   | 365     |
| Back-to-back and overriding credits   | 366     |
| Transferable credits  | 366     |
| Anomalous letter of credit situations                                       | 371     |
| Letters of credit and bank indemnities                                      | 371     |
| Payment under reserve   | 371     |
| Short-circuiting of letter of credit  | 372     |
| Fraud affecting letters of credit   | 374     |
| <br>25. BANK GUARANTEES AND OTHER CONTRACT GUARANTEES                       | <br>379 |
| In general  | 379     |
| Guarantees in the common law and in international trade                     | 379     |
| Kinds of guarantees   | 380     |
| Bank guarantees   | 382     |
| Bank guarantees procured by the buyer                                       | 382     |
| Bank guarantees procured by the seller                                      | 383     |
| Demand performance guarantees   | 383     |
| <br>26. MERCHANT FINANCE FOR EXPORTS  | <br>385 |
| Non-recourse finance  | 385     |
| Factoring   | 386     |
| Forfaiting  | 389     |



*PART FOUR**INSURANCE OF EXPORTS*

|   |     |
|---|-----|
| 27. EXPORT CREDITS GUARANTEES   | 395 |
| The Export Credits Guarantee Department                                 | 396 |
| Insurance facilities offered by the Export Credits Guarantee Department | 396 |
| Short term credits  | 397 |
| Medium and long term credits  | 404 |
| ECGD and the provision of finance                                       | 404 |
| Performance guarantees  | 408 |
| Cover against unfair calling of demand guarantees                       | 408 |
| Project participants insolvency cover                                   | 409 |
| Joint and several cover   | 409 |
| Private credit insurance  | 410 |
| 28. MARINE AND AVIATION INSURANCE                                       | 412 |
| Marine insurance  | 412 |
| Stipulations in the contract of sale                                    | 412 |
| The assured, the insurer and the broker                                 | 413 |
| Kinds of marine insurance   | 416 |
| The contract of insurance   | 423 |
| Risks covered and risks not covered ("exclusions")                      | 433 |
| The Lloyd's Marine Policy and the Institute Cargo Clauses A, B and C    | 434 |
| General average   | 442 |
| Claims  | 446 |
| Air cargo insurance   | 453 |
| Marine clauses  | 453 |
| Air waybill cover   | 454 |

*PART FIVE**TRANSPORTATION OF EXPORTS*

|  |     |
|--|-----|
| 29. CARRIAGE OF GOODS BY SEA                             | 459 |
| The carriage of goods in export transactions             | 459 |
| Unimodal and multimodal transport                        | 459 |
| Traditional methods of transport and container transport | 460 |
| The course of business in the carriage of goods by sea   | 461 |
| The contract of carriage by sea                          | 467 |
| Carriage covered by bill of lading or charterparty       | 467 |
| Conclusion of the contract of carriage by sea            | 467 |

|   |         |
|---|---------|
| Freight   | 468     |
| Proceedings by cargo owner  | 479     |
| Carriage covered by bills of lading                                   | 481     |
| Nature of the bill of lading  | 481     |
| The international rules relating to bills of lading                   | 482     |
| Application of the Carriage of Goods by Sea Act 1971                  | 485     |
| The clause paramount  | 487     |
| Kinds of bills of lading  | 489     |
| The date of the bill of lading  | 501     |
| Description of the goods in the bill of lading                        | 502     |
| The bill of lading as a document of title                             | 508     |
| Indemnities and bills of lading                                       | 511     |
| Liability of shipowner for loss of or damage to the goods             | 513     |
| General rules of liability  | 513     |
| Excepted perils   | 516     |
| Maximum limits of shipowner's liabilities                             | 517     |
| Protection of servants and agents, but not of independent contractors | 520     |
| Claims for loss of or damage to goods                                 | 521     |
| General average claims and contributions                              | 523     |
| <br>30. CONTAINER TRANSPORT   | <br>524 |
| The course of business in container transport                         | 524     |
| Legal problems of container transport                                 | 525     |
| The contract of export sale and container transport                   | 525     |
| The liability of the container operator                               | 526     |
| The documents used in container transport                             | 528     |
| Definition of "package or unit" in container transport                | 531     |
| <br>31. CARRIAGE OF GOODS BY AIR                                      | <br>533 |
| History of the Carriage by Air Acts 1932, 1961 and 1962               | 533     |
| General introduction  | 534     |
| Basic system of liability   | 534     |
| When do the various regimes apply?                                    | 537     |
| Carriage governed by the original Warsaw Convention                   | 539     |
| Carriage governed by the amended Warsaw Convention                    | 542     |
| Non-Convention carriage   | 543     |
| IATA carriage   | 544     |
| Extension to territories overseas                                     | 545     |
| <br>32. CARRIAGE OF GOODS BY LAND                                     | <br>546 |
| Carriage by rail and road   | 546     |
| The CMR   | 547     |
| Scope of application  | 547     |
| Successive carriers   | 548     |
| The consignment note  | 549     |



|  |     |
|--|-----|
| Liability of the carrier                           | 551 |
| Time limits  | 553 |
| Nullity of stipulations contrary to the Convention | 554 |

## PART SIX

### MATTERS INCIDENTAL TO EXPORTING

|  |     |
|--|-----|
| 33. PROTECTION OF PATENTS AND TRADE MARKS ABROAD;<br>LICENSING AND FRANCHISING               | 557 |
| Patents and designs  | 557 |
| The regulation in the United Kingdom   | 557 |
| Territorial scope of patents   | 559 |
| International patent arrangements  | 559 |
| EEC Law  | 562 |
| The International Convention for the Protection of Industrial<br>Property (Paris Convention) | 562 |
| Trade marks  | 565 |
| Registered and unregistered trade marks  | 565 |
| Registration of trade marks in the United Kingdom  | 567 |
| Registration of trade marks for export only  | 570 |
| International protection of trade marks  | 570 |
| Licensing and franchising  | 572 |
| Licensing  | 572 |
| Franchising  | 573 |
| 34. ARBITRATION AND LITIGATION   | 574 |
| Extrajudicial dispute settlement and court proceedings                                       | 574 |
| Arbitration  | 575 |
| Comparison of arbitration and litigation   | 575 |
| Questions of fact and questions of law   | 575 |
| The characteristics of arbitration   | 577 |
| Ad hoc and institutional arbitration   | 580 |
| The law governing the arbitration procedure  | 581 |
| English arbitration  | 582 |
| The statutory framework  | 582 |
| The arbitration agreement and the arbitrators  | 582 |
| Disputes covered by the arbitration agreement  | 586 |
| Domestic and non-domestic arbitration  | 587 |
| The reasoned award   | 587 |
| The function of the courts in arbitrations   | 588 |
| Staying arbitration proceedings  | 589 |
| Judicial review  | 590 |
| EEC law and arbitration  | 595 |

|  |     |
|--|-----|
| International arbitration                                    | 595 |
| UNCITRAL   | 596 |
| The ICC Court of Arbitration                                 | 599 |
| The London Court of International Arbitration                | 602 |
| American arbitration   | 603 |
| The International Centre for Settlement of Investment Dis-   |     |
| putes  | 604 |
| European arbitration   | 605 |
| Arbitration in countries of State-planned economy            | 606 |
| Enforcement of awards  | 609 |
| The Geneva Protocol and Convention                           | 610 |
| The New York Convention                                      | 611 |
| Enforcement of awards in the absence of international        |     |
| regulation   | 613 |
| Litigation   | 614 |
| Original and assumed jurisdiction of the English courts over |     |
| foreign litigants  | 614 |
| Enforcement of judgments abroad                              | 620 |
| The Civil Jurisdiction and Judgments Act 1982                | 624 |
| Judgments of the Court of the European Communities           | 629 |

## PART SEVEN

### CONSTRUCTION AND LONG TERM CONTRACTS

|  |     |
|--|-----|
| 35. THE CONSTRUCTION OF WORKS AND INSTALLATIONS ABROAD | 633 |
| Types of procurement                                   | 634 |
| Procurement by tender                                  | 635 |
| The course of dealing                                  | 635 |
| The standard contract forms                            | 637 |
| The pre-contractual stage                              | 639 |
| The contract   | 640 |
| Post-contractual problems                              | 646 |

## PART EIGHT

### CUSTOMS LAW

|   |     |
|---|-----|
| 36. GOVERNMENT REGULATION OF EXPORT     | 653 |
| Export licensing                        | 653 |
| The general control of exports          | 653 |
| Control of strategic goods              | 657 |
| Powers of inquiry and search, penalties | 658 |



|   |     |
|---|-----|
| Transshipment licences                    | 658 |
| Customs regulations                       | 659 |
| Entry and pre-entry of goods              | 659 |
| Tariff requirements for exports           | 661 |
| Goods other than bonded or drawback goods | 662 |
| Bonded and drawback goods                 | 663 |
| Goods exported by parcel post             | 664 |
| Return of unused imports                  | 665 |
| Goods in transit                          | 665 |
| Free movement of Community goods          | 666 |
| Central concepts                          | 667 |
| Community Transit Certificates            | 668 |
| Transit through Austria and Switzerland   | 671 |
| EEC preference arrangements               | 671 |
| Customs offences                          | 673 |
| The concept of Customs offences           | 673 |
| Fines and forfeiture of goods             | 673 |
| Other aspects                             | 674 |
| <i>Index</i>                              | 677 |