

**MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE  
WEST UKRAINIAN NATIONAL UNIVERSITY  
FACULTY OF LAW**

**Approved**

Acting Dean of the Faculty of Law

WUNU

 Nadia MOSKALYUK

«          » 2023



**Approved**

Acting vice-rector for scientific and pedagogical work

 Victor OSTROVERKHOV

«          » 2023



**WORK PROGRAM**

discipline

**«Legal regulation of transactions on international markets»**

Higher education degree – master

Field of knowledge – 29 International relations

Specialty – 293 International law

Educational and Professional Program - International Law

**Department of international law and migration policy**

Form of study	Study year	Semester	Lectures	Practical classes	Individual work	Training	Student-self study	Total	Exam/ Credit
Full-time	1	2	30	15	5	4	96	150	Credit

Ternopil – WUNU, 2023

The work program was prepared by professor of the Department of International Law and Migration Policy, Sc.D., prof. Kostyantyn FLISSAK

The work program was considered and approved at the meeting of the Department of International Law and Migration Policy, Minutes № 3 dated October 3, 2023

Head of Department  
PhD., Assoc. prof.



Yaryna ZHUKORSKA

Considered and approved by Support group of specialty 293 International Law, Minutes № \_\_\_ dated October \_\_\_, 2023

Head of Support Group  
of specialty, PhD., Assoc. prof.



Yaryna ZHUKORSKA

Guarantor of the Educational and  
Professional Program "International law"  
PhD., Assoc. prof.



Yaryna ZHUKORSKA

**STRUCTURE OF THE WORK PROGRAM OF THE DISCIPLINE**  
**«Legal regulation of transactions on international markets»**

**1. Description of the discipline «Legal regulation of transactions on international markets»**

<b>The discipline – «Legal regulation of transactions on international markets»</b>	<b>Field of knowledge, specialty, educational and professional program, higher education degree</b>	<b>Characteristics of the educational discipline</b>
Quantity of ECTS credits – 5	Field of knowledge - 29 «International relations»	Discipline status: selective Language of study: English
Quantity of credit modules – 3	Specialty – 293 «International law»	Year of study - 1 Semester – 2
Number of content modules – 2	Educational and Professional Program - 293 International Law	Lectures – 30 hours. Practical classes – 15 hours.
Total number of hours – 150 hours.	Higher education degree – master	Student-self study – 100 hours, of which the training is 4 hours. Individual work – 5 hours.
Weekly hours – 10 hours, of which classroom hours – 3 hours		Type of final control – credit

**2. Purpose and objectives of the discipline «Legal regulation of transactions on international markets».**

**2.1. Purpose of studying the discipline**

In the modern world, the development of relations between states contributes to integration and economic processes, the purpose of which is to most effectively use the results of the international division of labour, scientific, technological and managerial achievements for the growth of their economies. These complex, versatile, contradictory relations are regulated by states exclusively through negotiations on the basis of the norms and principles of international economic law.

**2.2. The task of studying the discipline**

Students should gain a deep and comprehensive knowledge of the history of the development of international economic law and its institutions, as well as the role of the principles and norms of international law in regulating complex, contradictory interstate economic relations.

### **3. PROGRAM OF THE ACADEMIC DISCIPLINE «LEGAL REGULATION OF TRANSACTIONS ON INTERNATIONAL MARKETS»**

#### **Content module 1.**

##### **Topic 1. Basics of contractual regulation of international economic relations.**

World economy and modern international economic relations. The concept of globalization and its impact on the development of international economic relations.

General characteristics of contractual relations in international commercial turnover. Contract in private international law. Unification of material norms of private international contract law.

##### **Topic 2. International commercial contract in providing of international transactions.**

The concept of an international commercial contract. Methods of legal regulation of international commercial contracts.

Structure and types of conflict-of-laws rules. Conflict-of-laws norms of national law and conflict-of-laws norms of international unified documents regulating international commercial contracts.

The concept of a contractual charter covers the expression "law applicable to a contract".

##### **Topic 3. General characteristics of the autonomy of the will of the parties of international commercial contracts.**

Autonomy of the will of the parties in the law of individual countries and international unified documents.

Methods of choosing a law or what may indicate that the parties have made a choice of law.

##### **Topic 4. Content of the agreement on the choice of law applicable to an international commercial contract.**

The range of issues that will be regulated by the chosen law.

Law governing the selected range of issues.

Doctrine and practice on the possibility of electing non-state legal norms as law applicable to international commercial contracts.

##### **Topic 5. Restriction of freedom's autonomy.**

The presence of a foreign element as a condition for choosing the law applicable to the contract.

Restriction of the autonomy of the will by the requirements for the legal norms that can be chosen, as well as the legal order of certain states.

Mandatory norms as a limiting factor of freedom of choice of law.

#### **Content module 2.**

##### **Topic 6. Conflict-of-laws rules applicable to international commercial contracts, in the absence of an agreement between the parties on the choice of applicable law.**

General characteristics of bindings of conflict-of-laws rules applied to international commercial contracts. The principle of close connection.

Fixed collision bindings.

Definition of the right to mixed and unnamed contracts.

**Topic 7. The peculiarities of creating separate sources regulating international commercial contracts.**

Unification of norms governing international commercial contracts.

Harmonization of norms governing international commercial contracts.

**Topic 8. International (interstate) agreement as a source of regulation of international commercial contracts.**

Conditions for applying interstate agreements to international commercial contracts.

Interpretation of interstate treaties applicable to international commercial contracts.

**Topic 9. Soft law - a source of regulation of international commercial contracts.**

The concept of soft law, the reasons for its creation and use to regulate international commercial contracts.

UNIDROIT principles as a source of soft law.

Trans-Lex principles as a source of soft law.

Model agreements and contractual terms developed by international organizations as sources of soft law.

**Topic 10. Search for a unified model of legal regulation of contractual obligations in the EU.**

Principles of European contract law (PECL). Principles of European law (PEL). Principles of European insurance contract law (PEICL). Acquis Principles.

Draft Common Frame of Reference (DCFR). Draft European Code of contract law.

European treaty law: materials for general approaches (terminology, guidelines, Model Rules).

Trends in the development of legal regulation of contractual obligations in the EU.

**Topic 11. Legal regulation of negotiations on the conclusion of an international commercial contract.**

Classification of agreements on the basis of which negotiations take place.

Conducting negotiations in accordance with the principles of UNIDROIT. Negotiating according to PECL. Conducting negotiations according to DCFR.

The concept of standard (general) contract terms in the UNIDROIT, PECL and DCFR principles.

Obligation to draw attention to the standard (general) conditions of the side to which they are proposed and the consequences of its violation in accordance with the DCFR, UNIDROIT and PECL principles.

Consequences of not drawing the counterparty's attention to standard conditions under the law of individual countries.

**Topic 12. Conclusion of international commercial contracts.**

Methods of concluding contracts in accordance with some international unified documents. Requirements for the offer.

Entry into force of the offer. Cancellation or withdrawal of the offer. Irrevocable offer. Rejection of the offer.

Acceptance requirements.

#### 4. Structure of the credit in the discipline «Legal regulation of transactions on international markets»

Topics	Hours					Control measures
	Lect ures	Practical classes	Self stud y	Indiv idual stud y	Trai ning, CPIT	
<b>Content module 1.</b>						
<b>Topic 1.</b> Basics of contractual regulation of international economic relations.	2	2	8	2	2	Current survey, cases
<b>Topic 2.</b> International commercial contract in providing of international transactions.	4	2	8			Current survey, cases
<b>Topic 3.</b> General characteristics of the autonomy of the will of the parties of international commercial contracts.	4	2	8			Current survey, cases
<b>Topic 4.</b> Content of the agreement on the choice of law applicable to an international commercial contract.	2	1	8			Current survey, cases
<b>Topic 5.</b> Restriction of freedom's autonomy.	2	1	8			Current survey, cases
<b>Content module 2.</b>						
<b>Topic 6.</b> Conflict-of-laws rules applicable to international commercial contracts, in the absence of an agreement between the parties on the choice of applicable law.	2	1	8	3	2	Current survey, cases
<b>Topic 7.</b> The peculiarities of creating separate sources regulating international commercial contracts	2	1	8			Current survey, cases
<b>Topic 8.</b> International (interstate) agreement as a source of regulation of international commercial contracts.	2	1	8			Current survey, cases
<b>Topic 9.</b> Soft law - a source of regulation of international commercial contracts.	2	1	8			Current survey, cases
<b>Topic 10.</b> Search for a unified model of legal regulation of contractual obligations in the EU.	2	1	8			Current survey, cases
<b>Topic 11.</b> Legal regulation of negotiations on the conclusion of an international commercial contract.	3	1	8			Current survey, cases
<b>Topic 12.</b> Conclusion of international commercial contracts.	3	1	8			Current survey, cases
<b>Total</b>	<b>30</b>	<b>15</b>	<b>96</b>	<b>5</b>	<b>4</b>	

## **5. Topics of practical classes in the discipline «Legal regulation of transactions on international markets»**

### **Practical class № 1**

#### **Topic. Basics of contractual regulation of international economic relations.**

**The purpose:** To gain knowledge about the basics of contractual regulation of international economic relations.

Issues for discussion:

1. World economy and modern international economic relations.
2. The concept of globalization and its impact on the development of international economic relations.
3. General characteristics of contractual relations in international commercial turnover.
4. Contract in private international law.
5. Unification of material norms of private international contract law.

### **Practical class № 2**

#### **Topic. International commercial contract in providing of international transactions.**

**The purpose:** Get acquainted with the place of an international commercial contract in securing international transactions.

Issues for discussion:

1. The concept of an international commercial contract.
2. Methods of legal regulation of international commercial contracts.
3. Structure and types of conflict-of-laws rules.
4. Conflict-of-laws norms of national law and conflict-of-laws norms of international unified documents regulating international commercial contracts.
5. The concept of a contractual charter covers the expression "law applicable to a contract".

### **Practical class № 3**

#### **Topic. General characteristics of the autonomy of the will of the parties of international commercial contracts.**

**The purpose:** To study the general characteristics of the autonomy of the will of the parties to international commercial contracts.

Issues for discussion:

1. Autonomy of the will of the parties in the law of individual countries and international unified documents.
2. Methods of choosing a law or what may indicate that the parties have made a choice of law.

### **Practical class № 4**

#### **Topic. Content of the agreement on the choice of law applicable to an international commercial contract.**

**The purpose:** Read the content of the choice of law agreement applicable to an international commercial contract.

Issues for discussion:

1. The range of issues that will be regulated by the chosen law.
2. Law governing the selected range of issues.
3. Doctrine and practice on the possibility of electing non-state legal norms as law applicable to international commercial contracts.

#### **Topic. Restriction of freedom's autonomy.**

**The purpose:** Find out the possibilities of limiting the autonomy of the will when making international transactions.

Issues for discussion:

1. The presence of a foreign element as a condition for choosing the law applicable to the contract.
2. Restriction of the autonomy of the will by the requirements for the legal norms that can be chosen, as well as the legal order of certain states.
3. Mandatory norms as a limiting factor of freedom of choice of law.

#### **Practical class № 5**

**Topic. Conflict-of-laws rules applicable to international commercial contracts, in the absence of an agreement between the parties on the choice of applicable law.**

**The purpose:** Investigate conflict-of-laws rules applicable to international commercial contracts, in the absence of an agreement between the parties on the choice of the applicable law.

Issues for discussion:

1. General characteristics of bindings of conflict-of-laws rules applied to international commercial contracts.
2. The principle of close connection.
3. Fixed collision bindings.
4. Definition of the right to mixed and unnamed contracts.

**Topic. The peculiarities of creating separate sources regulating international commercial contracts.**

**The purpose:** To investigate the specifics of creating separate sources regulating international commercial contracts.

Issues for discussion:

1. Unification of norms governing international commercial contracts.
2. Harmonization of norms governing international commercial contracts.

#### **Practical class № 6**

**Topic. International (interstate) agreement as a source of regulation of international commercial contracts.**

**The purpose:** Find out the role and place of an international (interstate) treaty as a source of regulation of international commercial contracts.

Issues for discussion:

1. Conditions for applying interstate agreements to international commercial contracts.
2. Interpretation of interstate treaties applicable to international commercial contracts.

**Topic. Soft law - a source of regulation of international commercial contracts.**

**The purpose:** Get acquainted with soft law as a source of regulation of international commercial contracts.

Issues for discussion:

1. The concept of soft law, the reasons for its creation and use to regulate international commercial contracts.
2. UNIDROIT principles as a source of soft law.
3. Trans-Lex principles as a source of soft law.
4. Model agreements and contractual terms developed by international organizations as sources of soft law.

#### **Practical class № 7**

**Topic. Search for a unified model of legal regulation of contractual obligations in the EU.**



**The purpose:** To investigate the problem of finding a unified model of legal regulation of contractual obligations in the EU.

Issues for discussion:

1. Principles of European contract law (PECL).
2. Principles of European law (PEL).
3. Principles of European insurance contract law (PEICL).
4. Acquis Principles.
5. Draft Common Frame of Reference (DCFR).
6. Draft European Code of contract law.
7. European treaty law: materials for general approaches (terminology, guidelines, Model Rules).
8. Trends in the development of legal regulation of contractual obligations in the EU.

**Topic. Legal regulation of negotiations on the conclusion of an international commercial contract.**

**The purpose:** Find out the specifics of legal regulation of negotiations on the conclusion of an international commercial contract.

Issues for discussion:

1. Classification of agreements on the basis of which negotiations take place.
2. Conducting negotiations in accordance with the principles of UNIDROIT.
3. Negotiating according to PECL.
4. Conducting negotiations according to DCFR.
5. The concept of standard (general) contract terms in the UNIDROIT, PECL and DCFR principles.
6. Obligation to draw attention to the standard (general) conditions of the side to which they are proposed and the consequences of its violation in accordance with the DCFR, UNIDROIT and PECL principles.
7. Consequences of not drawing the counterparty's attention to standard conditions under the law of individual countries.

### **Practical class № 8**

**Topic. Conclusion of international commercial contracts.**

**The purpose:** Investigate the specifics of the procedure for concluding international commercial contracts.

Issues for discussion:

1. Methods of concluding contracts in accordance with some international unified documents.
2. Requirements for the offer.
3. Entry into force of the offer. Cancellation or withdrawal of the offer. Irrevocable offer. Rejection of the offer.
4. Acceptance requirements.

### **6. Complex practical individual task in the discipline «Legal regulation of transactions on international markets»**

Complex practical individual task (CPIT) in the discipline «Legal regulation of transactions on international markets» provides for the implementation of various forms of individual work by students and the formation of an individual student portfolio, including:

- abstract presentation of the material with a presentation on one of the topics of independent work;
- presentations at student conferences and round tables;

- writing abstracts on course topics and problems;
- development of one of the topics of the practical lesson;
- drawing up an explanatory dictionary for the course, etc.

The type of CPIT is agreed with each student separately.  
CPIT topics are also agreed upon individually.

### **Variants for individual tasks (CPIT) in the discipline «Legal regulation of transactions on international markets»**

1. The emergence of international economic law and its development.
2. Influence of the league of Nations on the formation of the principles of international economic law.
3. Development of international economic law in the period before the Second World War.
4. Development of international economic law in the second half of the 20th century.
5. The concept and subject of international economic law.
6. The concept and classification of basic principles of international economic law.
7. The concept and classification of special principles of international economic law.
8. The state is the main subject of international economic law.
9. International economic organizations are subjects of international economic law.
10. Historical conditions and sequence of creation of the International Monetary Fund.
11. International Monetary Fund-Structure, main functions and goals of creation.
12. Ukraine and the International Monetary Fund current state of cooperation.
13. International Bank for reconstruction and development main goals and directions of activity in Ukraine.
14. Activities of the World Bank Group.
15. International Finance Corporation, legal status.
16. European bank for reconstruction and development: strategy of cooperation in Ukraine.
17. Legal nature of international economic organizations, their competence, functions, legal personality, contractual legal capacity.
18. Multinational corporations and international legal regulation of their activities.
19. Transnational corporations and their role in the system of international economic relations.
20. International economic treaties, their role in the development of Economic Cooperation.
21. Characteristics of types of international economic treaties.
22. Procedure for concluding and entering into force of international economic treaties.
23. Means of ensuring the implementation of international economic treaties.
24. International arbitration is one of the legal means of resolving international economic disputes.
25. Structure and sources of European Union law.
26. Legal Regulation of External Relations of the European Union.
27. International trade law is an integral part of international economic law.
28. Procedure for concluding international trade agreements and their entry into force.
29. International Trade Agreements, their role in determining the mutual rights and obligations of contracting parties.
30. The concept and sources of International Monetary Law.
31. Procedure for concluding international economic agreements by Ukraine.
32. Legal Regulation of foreign economic activity in Ukraine.
33. Legal Regulation of customs affairs.
34. Legal issues of currency regulation in Ukraine.
35. Features of the legal regime of foreign investment in Ukraine.
36. Legal Regulation of foreign investment in Ukraine.

**7. OUTCLASSES WORK IN THE DISCIPLINE**  
**«Legal regulation of transactions on international markets»**

<b>Topics</b>	
1	Topic 1. Basics of contractual regulation of international economic relations.
2	Topic 2. International commercial contract in providing of international transactions.
3	Topic 3. General characteristics of the autonomy of the will of the parties of international commercial contracts.
4	Topic 4. Content of the agreement on the choice of law applicable to an international commercial contract.
5	Topic 5. Restriction of freedom's autonomy.
6	Topic 6. Conflict-of-laws rules applicable to international commercial contracts, in the absence of an agreement between the parties on the choice of applicable law.
7	Topic 7. The peculiarities of creating separate sources regulating international commercial contracts
8	Topic 8. International (interstate) agreement as a source of regulation of international commercial contracts.
9	Topic 9. Soft law - a source of regulation of international commercial contracts.
10	Topic 10. Search for a unified model of legal regulation of contractual obligations in the EU.
11	Topic 11. Legal regulation of negotiations on the conclusion of an international commercial contract.
12	Topic 12. Conclusion of international commercial contracts.

**8. Training in the discipline «Legal regulation of transactions on international markets»**

Training in the discipline «Legal regulation of transactions on international markets» is conducted during the academic week, contains a combination of independent work of students and classroom work under the guidance of a teacher and is based on the topic of independent work and materials of complex practical individual tasks.

**9. Assessment tools and methods for demonstrating learning outcomes**

In the process of studying the discipline «Legal regulation of transactions on international markets», the following assessment tools and methods for demonstrating learning results are used:

- standardized tests;
- current questioning;
- testing and surveys;
- research papers, essays;
- presentations of the results of completed tasks and research;
- evaluation of CPIT results;
- student presentations and performances at scientific events;
- rector's control work;
- other types of individual and group tasks.

**10. Criteria and forms of current and final control**

The final score (on a 100-point scale) in the discipline «Legal regulation of transactions on international markets» is defined as a weighted average value, depending on the specific weight of each component of the credit score:

Credit module 1	Credit module 2	Credit module 3	Overall
30%	40%	30%	100%
1. Verbal survey during classes (4 topics with 6 points – 24 points) 2. Written work – 76 points	1. Verbal survey during classes (8 topics with 4 points – 32 points) 2. Written work – 68 points	1. Writing and presentation of CPIT – 80 points 2. Completing tasks during the training – 20 points	

**Rating scale:**

By the WUNU scale	By the national rating scale	By the ECTS scale
90–100	excellent	A (excellent)
85–89	good	B (very good)
75-84		C (good)
65-74	satisfactory	D (satisfactory)
60-64		E (sufficient)
35-59	unsatisfactory	FX (unsatisfactory with the possibility of re-examination)
1-34		F (unsatisfactory with a mandatory repeat course)

**11. Tools, equipment and software that the academic discipline provides for**

№	Description	Topic number
1.	Flipchart	Topics 1-12
2.	Laptop	Topics 1-12
3.	Projector	Topics 1-12
4.	Set of presentation materials	Topics 1-12

**RECOMMENDED SOURCES OF INFORMATION**

**Basic literature (normative legal acts):**

1. Афі́нська конвенція про перевезення морем пасажирів та їх багажу, 13 грудня 1974 р. // Міжнародне приватне право. Т1, К.: Port-Royal, 1999.
2. Бернська конвенція про міжнародні залізничні перевезення КОТІФ, 9 травня 1980 р. // Міжнародне приватне право. Т1, К.: Port-Royal, 1999.
3. Варшавська конвенція для уніфікації деяких правил стосовно міжнародних повітряних перевезень, 1929 рік. // Міжнародне приватне право. Т1, К.: Port-Royal, 1999.
4. Вашингтонська конвенція про єдиний закон стосовно форми міжнародного заповіту від 26 жовтня 1973 року.
5. Віденська конвенція про консульські зносини від 24 квітня 1963 року.
6. Віденська конвенція про право міжнародних договорів 1969 р. // Відомості Верховної Ради Української РСР. – 1986. – № 17. – Ст. 343.
7. Віденська конвенція про правонаступництво держав стосовно договорів від 23

- серпня 1978 року // Відомості Верховної Ради України. – 1992. – № 41. – Ст. 601.
8. Господарський кодекс України від 16.01.2003р. // ВВР, № 18-22, ст.144.
  9. Декларація про державний суверенітет України // Відомості Верховної Ради України. – 1990. – № 31. – Ст.429.
  10. Європейська конвенція про зовнішньоторговий арбітраж (Женева 21 квітня 1961 р.) // Міжнародне приватне право. Т1, К.: Port-Royal,1999.
  11. Женевська конвенція про договір міжнародного перевезення вантажів (КДПВ), 19 травня 1956 р. // Міжнародне приватне право. Т1, К.: Port-Royal,1999.
  12. Женевська конвенція про цивільну відповідальність за шкоду, заподіяну при перевезення небезпечних вантажів автомобільним, залізничним та внутрішнім водним транспортом, 1 лютого 1990 р. // Гуреев С.А., Копынов М.А. Международное транспортное право. Сборник международно правовых актов.М., 1987.
  13. Кодекс торгового мореплавства України // ВВР. 1995. №47-52. Ст.349.
  14. Конвенція ООН про виконання та приведення до виконання іноземних арбітражних рішень (Нью-Йорська конвенція 10 червня 1958р.) // Международное частное право: Учебное пособие / под ред. Задыхайла Д.В.,-Х.: Фирма “Консум”, 1998.-752с. Міжнародне приватне право. Т1, К.: Port-Royal,1999.
  15. Конвенція ООН про міжнародні змішані перевезення вантажів, 24 травня 1980 р. // Гуреев С.А., Копынов М.А. Международное транспортное право. Сборник международно правовых актов.М., 1987.
  16. Конвенція про договори міжнародного дорожнього перевезення вантажів автомобільним транспортом (Женева, 1956р.) // Міжнародне приватне право. Т1, К.: Port-Royal,1999.
  17. Конституція України від 28 червня 1996 року
  18. Міжнародний пакт про громадянські й політичні права 1966 року.
  19. Міжнародний пакт про економічні, соціальні та культурні права 1966 року
  20. Повітряний кодекс України // ВВР. 1993. №25. ст.274.
  21. Про автомобільний транспорт: Закон України від 5 квітня 2001 року (в редакції 2006 року) // Відомості Верховної Ради України, 2001, №22, ст.105.
  22. Про залізничний транспорт: Закон України від 4 липня 1996 року // ВВР. 1996. №40. Ст.183.
  23. Про зовнішньоекономічну діяльність: Закон України від 16 травня 1991 року // Відомості Верховної Ради України. – 1991. – № 29. – Ст. 377.
  24. Про міжнародне приватне право: Закон України від 23 червня 2005 року // Відомості Верховної Ради України. -2005, N 32, ст.422
  25. Про міжнародний комерційний арбітраж: Закон України від 24 лютого 1994 року // Відомості Верховної Ради України. – 1994. – № 25. – Ст.198.
  26. Про міжнародні договори України: Закон України від 29 червня 2004 року // Відомості Верховної Ради України. – 2004. – № 50. – Ст.540.
  27. Про порядок здійснення розрахунків в іноземній валюті: Закон України від 23 вересня 1994 року // Відомості Верховної Ради України, 1994, N 40, ст.364.
  28. Про режим іноземного інвестування: Закон України від 19 березня 1996 року // Відомості Верховної Ради України. – 1996. – № 19. – Ст. 80.
  29. Про транспорт: Закон України від 10 листопада 1994 року // ВВР. 1994. №51. Ст. 446.

30. Типовой закон ЮНСИТРАЛ о международном торговом арбитраже (Комиссия ООН по праву международной торговли, Вена, 30 мая 1997 года) .

31. Умови і правила здійснення внутрішніх і міжнародних перевезень пасажирів і вантажів морським і річковим транспортом та контроль за їх дотриманням // Затв. наказом Міністерства транспорту України від 5 серпня 1994 року.

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#### **Literature:**

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