



“十二五”普通高等教育规划教材·国际经济与贸易学系列

国际贸易实务 双语教程

主编◎杨春梅 赵宏

Practice of International Trade

理论与实务并重，强调实务性、操作性

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内 容 简 介

本书内容以进出口交易磋商、订立合同和履行合同这一基本程序为主线,全面系统地介绍了品名、品质、数量、包装、价格、交货条件(包括国际货物运输与保险)、支付条件7个主要交易条件和商检、索赔、仲裁、不可抗力4个一般交易条件。

本书突出全英文浸泡式的教学模式,引入最新的国际贸易惯例和法规。同时,注重互动式教学内容设计和应用性特色,力求与外贸公司的实际业务紧密相连,强调案例分析,以提高学生分析问题、解决问题的能力。本书既是一本专业的贸易教材,也是外贸英语的语言教材,适合高校商务英语专业的学生、贸易类大专院校的学生和从事外贸业务需要强化外贸英语语言的学习者使用。

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丛 书 序

我国改革开放 35 年成就卓越、举世瞩目，取得如此的经济成就，可以归因于成功地抓住了世界经济的梯度转移契机。一次发生在 20 世纪七八十年代，中国以“市场换技术”战略，全面承接了国际制造业巨头们的“制造产业”，中国人的勤劳和智慧充分发挥，通过“引进、消化、吸收和创新”，中国迅速成为“世界工厂”，进而成为了“世界制造中心”。21 世纪初，随着新信息技术、全球网络技术的发展，又一次发生了世界范围内的产业转移。作为新兴产业的现代服务业加快了从发达国家向发展中国家的转移速度，其中与全球化进程紧密联系的服务外包产业发展迅速，同时它也推动着全球化进程的深化。

在经济全球化浪潮的推动下，我国于 2001 年加入世界贸易组织，13 年来我国面临的国际经济与贸易环境发生了天翻地覆的变化。正是在这样的历史大背景下，党中央高瞻远瞩，审时度势，宣布成立中国（上海）自由贸易实验区。上海自贸试验区是我国改革开放史上的一件大事，必将在金融创新、商务服务等各方面大有作为。

面对纷繁复杂、千变万化的外部世界，我国国际经济与贸易专业的人才培养必须适应时代的变迁、适应时代的需要。国际经济与贸易人才培养经历过 20 世纪八九十年代的大发展期，2001 年加入 WTO 后的机遇期，以及 2005 年以来人民币升值后的困难期，该专业人才培养不仅仅是掌握国际经济与贸易知识和惯例就能解决问题，更重要的是要结合时代的变迁，培养出适合时代要求的专业人才。

“‘十二五’普通高等教育规划教材·国际经济与贸易学系列”丛书的编写正是适应了我国国际经济与贸易专业人才培养的时代需要，侧重强调对基础理论知识的把握，同时注重对高素质应用型人才能力的培养，兼顾专业发展前沿动态。具体来说主要有以下特色。

一、内容新颖，专业动态前沿介绍，体系完整

丛书关注国际经济与贸易专业发展的最新动态，关注前沿发展，介绍国际经济与贸易的新变化和新发展。例如，在《国际贸易理论与政策》中，强调对服务贸易和服务外包内容的介绍，增加上海自由贸易区的内容；在《国际贸易实务》、《国际贸易单证实务》和《国际结算》中，对 INCOTERMS 2010 和 UCP600 等作重点介绍。另外，丛书还采用其他形式，介绍专业动态和前沿发展。

二、注重互动式教学内容设计和应用性特色

丛书编写体例统一，每章均以开篇案例的形式出现，用实际案例切入，引起学生的学习兴趣，提高学生思考问题的能力。为了加强互动式教学，我们在每章中都穿插了案例。为体现应用性和实用性强的特点，教材编写时与国际经济与贸易类资格考试密切联系，每章后均有练习题，对目前我国经济类各种资格考试有一定的帮助，对学员参加全国国际商务单证资格考、国际货运代理从业人员资格考、助理国际商务师和外销员资格考均有参考价值。为了方便教师高效、便捷地使用丛书，我们将通过清华大学出版社数字教学服务平台，建设“‘十二五’普通高等教育规划教材·国际经济与贸易学系列”教材网站，主要提供 PPT 课件、每章思考题参考答案、案例讨论、练习题以及实训模拟模块等，并及时跟踪国际贸易最新发展动态，及时更新网站内容。

三、突出特色，强化应用

丛书围绕培养应用型人才的目标，构建应用型本科教材特色，编写遵循“特色鲜明、应用务实”的基本精神，完全符合 2014 年 6 月 24 日教育部在北京召开的全国职业教育工作会议《关于加快构建中国特色现代职业教育体系》有关教育改革的相关精神。参与编写教材的好几位作者都是双师型老师，编写内容对学生参与本专业的考证很有帮助，与教育部提出的职业教育要培养“双证书”的学生之理念一致。

清华大学出版社在这样的时代背景下，高瞻远瞩，具有前瞻性眼光，邀请我组织全国高等院校相关老师编写这套应用型特色鲜明的系列教材，他们为这套教材的面世倾注了极大的心血，在此我代表丛书编写组表示衷心感谢！

当然，我们这套丛书也难免有不尽如人意之处，由于丛书的编写者来自不同高校，在编写风格等方面可能存在一些差异，加之水平有限，请全国各地院校使用本丛书的同仁多提宝贵意见，我们将在以后修订的过程中进一步完善。在此我代表丛书编写组和出版社向大家表示诚挚的谢意！

丛书总主编

上海对外经贸大学 吴国新教授

2014 年 6 月 26 日

前言

国际贸易实务是一门与实际工作密不可分的应用学科，随着科学技术的发展与进步，以及我国经济与世界经济接轨的加速，国际贸易各个环节的运作方式也在与时俱进地发生着改变，客观上需要大量的拥有全面丰富的专业知识、应变能力较强的复合型外贸专业人才。要求他们具备良好的英语听、说、读、写、译及对外交流与沟通的能力，同时熟知外贸专业知识及国际贸易惯例。所有这些对高等院校在人才培养方面提出了新的挑战。

《国际贸易实务双语教程》特别注重国际贸易专业知识、实际业务操作和专业英语运用这三者之间的有机联系与密切配合，以进出口交易磋商、签约和履行这一基本程序为主线，贯穿应遵循的国际惯例和法规。内容涵盖面广、深入浅出，注重理论与实践相结合，突出应用性和实践性，有利于培养学生的综合应用能力，与高校应用型、技能型、复合型人才的培养目标和社会人才需求的实际相吻合。具体表现在以下几个方面：

1. 内容全面翔实，体系完整。本书内容涵盖国际贸易中的各项交易条件以及出口前的准备工作、建立业务联系、交易磋商、订立合同和履行合同等一系列必要的进程。而且每章都有小结和重要概念，便于学生学习，每章开篇均有案例引入，章后均有复习思考题和案例分析题，便于学生把握重点，加深对教材内容的吸收和消化，有利于提高学生分析问题和解决问题的能力。

2. 全新的视角和内容。本书选用了目前最新的国际贸易惯例与规则，例如 INCOTERMS®2010 和 UCP600 等，反映我国对外贸的新做法，使本教材更贴近目前外贸的实际，有利于提升学生适应工作的能力。同时，英文原文的引入，便于学生准确掌握专业术语的英文表述。

3. 注重互动式教学内容设计，可操作性强。每章内容力求与外贸公司的实际业务紧密相连，强调案例分析，以提高学生运用专业知识和专业英语思考问题、解决问题的能力。为了方便教师高效、便捷地使用本教材，我们制作了配套的电子课件，内容包括了每章 PPT 课件、每章案例讨论与练习题的参考答案。

4.注重系列教材的匹配,方便灵活使用。本书与同系列教材中的《国际贸易实务(第2版)》在内容与体系上均保持了协调一致,在教学中,既可以用于单独开设的国际贸易实务英文授课,也可以两本教材共同用于国际贸易实务的双语授课。

本书由杨春梅、赵宏主编,马涛、马晓红、刘媛参编。全书共分12章,其中,第1、11章由赵宏编写;第5章由马涛编写;第6章由马晓红编写;第7、8章由上海应用技术学院刘媛编写;第2、3、4、9、10、12章由杨春梅编写。由杨春梅对全书进行修改、总纂和定稿。

在本书的编写过程中参考了很多文献和资料,特向这些作者表示由衷的感谢。同时,由于编者水平有限,书中难免存在错误与疏漏之处,敬请读者批评指正。

本书主编

杨春梅 赵宏

2014年3月


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Section 1 Definition and Role of International Trade

Chapter 1 Introduction

International trade is the worldwide exchange of goods and services among nations. International trade is just like any other trade except that it crosses international boundaries. To be more exact, it is the exchange of goods and services produced in one country for goods and services produced in another. Why is international trade necessary? Why can't



Learning objectives

The distribution of natural resources in the world is uneven. Some nations of the world

1. Learn the course nature and content.
2. Be familiar with the relevant laws and practices applicable to international trade.
3. Master the basic procedures of import and export business.



Case & Analysis

Different countries have their own different land, climate and general conditions. Some countries can

Case: A British businessman (A) makes an offer to a federal Germany businessman (B) on May 3rd to sell a certain number of goods. B is in the receipt of this offer on May 4th, and makes a complete answer to accept the offer on the morning of May 4th. After A sends the offer, he finds the commodity prices upward, hence he cabled B to withdraw the offer in the afternoon of May 5th. It is in the morning of May 6th that A receives the acceptance from B. Question: (1) According to the British law, is it legal for A to withdraw the offer? (2) If the case is applied to the CISG, whether both sides exist contract relationship?

Analysis: (1) According to the British law, it is illegal for businessman A to withdraw the offer. According to the British law: an acceptance once sent out, it is effective immediately, and in this case B makes a promise on the morning of May 4th, the contract between them has come into effect.

(2) According to the CISG, both parties have the contract relationship. According to the CISG, an offer can be withdrawn before the offeree advises the commitment. However, in this case, B has made a commitment before A makes the withdrawal advice. So A cannot withdraw. The commitment made by B has come into effect when it reaches A in the afternoon of May 8th. The contract is formed.

Section 1 Definition and Role of International Trade

International trade is the worldwide exchange of goods and services among nations. International trade is just like any other trade except that it crosses international boundary lines. To be more exact, it is the exchange of goods and services produced in one country for goods and services produced in another. Why is international trade necessary? Why can't people be self-sufficient, capable of living exclusively on the goods and services produced within their countries? There are several reasons.

The distribution of natural resources in the world is uneven. Some nations of the world have natural deposit in excess of their own requirement while other nations possess none. For example, the Middle East countries have vast oil deposit but lack many minerals such as coal, nickel, copper, aluminum, etc. If a country has abundance of natural resources, it is common to find these resources being exported.

Different countries have their own different land, climate and general conditions for agriculture, forestry, husbandry, etc. Some countries can produce more relevant products than their own needs while other nations are unable to produce sufficient products to meet their large demand. For example, Colombia and Brazil have the year-round weather conditions to grow coffee beans, while the United States, with the exception of Hawaii, does not. As a result, the United States must import coffee.

Different level of manufacturing and technology, with the development of manufacturing and technology, arose another incentive in producing certain industrial products which are better received by the customer in other nations. For instance, Japanese automobiles are more saleable than those made in some other Asian countries.

International trade involves the use of two or more currencies. Overall, it produces a more efficient employment of the productive forces of the world. Hence it embraces two basic elements. First, it is carried out between two or more nations. Thus when trade is executed beyond national frontiers, it is invariably subject to political, social, economic and environmental policies introduced by nations from time to time. To a large extent, such policies have either somewhat encouraged or hampered the free flow of merchandise in international trade. The second factor is the use of different currencies with their inherent exchange rate differentials; the terms of trade, or alternatively the balance of trade. This produces a favorable result in some countries but is unfavorable to others.

International trade increases competition and prevents the monopolistic control of the home market by local exporters. It also provides a stimulus to economic growth, developing

technology and raising living standards. Overall, it provides wealth to the economy and extends opportunities to exchange ideas and develops the infrastructure of a country or region and its resources. Trade develops beneficial links among countries and encourages tourism and education. This brings both political and economic stability to a country or region.

There are more benefits for enterprises in the international trade, especially for export business.

(1) There is a potential for greatly increased company turnover.

(2) The product or service offered is more competitive. It reflects that international market needs and conforms to a wider legal environment. So the company becomes more competitive in all areas of the business: product specification, management skill, and value added benefit transmitted to the buyer in both price and non-price areas—the latter featuring servicing warranty.

(3) Economies of scale are achieved through a larger order book and better utilization of company resource, especially in the areas of production, design, administration and procurement.

(4) Companies become more integrated with the market they serve. On one hand, it can spread the risk and opportunities, on the other hand it can increase the use of high technology, which would not obtain when serving only the domestic market, an environment which may be shielded through high import tariffs imposed to protect local manufacturers.

Section 2 Differences between International Trade and Domestic Trade

The fundamental characteristic that makes international trade different from domestic ones is that international trade involves activities that take place across national borders. Thus when trade is executed beyond national frontiers, it is invariably subject to the political, social, economic and environmental policies of nations. Such policies can either encourage or hamper the free flow of merchandise in international trade. Special problems that are not normally experienced when trading at home may arise in international trade. In particular:

(1) Unlike domestic transactions in which only domestic currency is needed, international transactions might involve foreign currencies. As exchange rate fluctuations can be very significant, there will be many problems and risks for international trade. A wise trader should have a good prediction of the fluctuation of exchange rate as well as a sound interpretation of its relation to currencies used for pricing and settlement.

(2) International trade brings together people of different languages and cultures. So a

qualified trader must take into consideration different language habits, meanings and cultural differences so as to avoid unnecessary disputes when trading with other nations.

(3) In international trade, deals might have to be transacted under foreign laws, customs and regulations or subject to international rules. As these rules and regulations are largely different from country to country and international rules adopted by some countries may not be accepted by other countries. Before a specific transaction, it is wise for businessmen to be aware of these laws, customs or rules with a view to facilitating trading.

(4) Risk levels might be higher in foreign market than in domestic market. The risks include political risks of the imposition of restrictions on imports, etc.; commercial risks of market failure, products not appealing to foreign customer, etc.; financial risks of adverse movements in exchange rate, high rates of inflation reducing the value of a company's working capital; and transportation risks. So a good trader needs to be sensitive to various risks in international trade and learn ways to minimize the negative impacts on his business.

(5) Compared to domestic trade, it is more difficult for dealers in international trade to get the necessary information of a particular firm in a foreign country. Control and communication systems are normally more complex for foreign than for domestic operations. It is also far more difficult to observe and monitor trends and activities in foreign countries. Therefore, managers engaged in international trade need a broader range of management skills than those involved only in domestic trade.

Section 3 Laws and Practices Applicable to International Trade

To sign a sales contract, we need to base on the international trade practices, international treaties and related legislation. Therefore, to understand and be familiar with the relevant conventions, treaties and laws are significantly important for people dealing with international business.

As for the application of the law, China Contract Law No. 126 stipulates that parties to a contract involving foreign interests can choose the applicable law to process the contract dispute except as otherwise stipulated by law. If parties to a contract involving foreign interests have not made such a choice, the most connected country laws shall apply to the contract.

Court of justice or arbitration agencies usually makes ruling according to the customs when disputes arise during the contract execution. Thus the customs are influential to some extent. Especially lately, some international conventions and laws endow the customs legality. China's laws indicate what the law fails to cover is subject to international trade customs.

United Nations Convention on Contracts for the International Sale of Goods (1980) [CISG] Article 9: (1) The parties are bound by any usage to which they have agreed and by any practices which they have established between themselves. (2) The parties are considered, unless otherwise agreed, to have impliedly made applicable to their contract or its formation a usage of which the parties knew or ought to have known and which in international trade is widely known to, and regularly observed by, parties to contracts of the type involved in the particular trade concerned.

Therefore, it is of great significance to get familiar with the customs and carry out trade practices.

International trade customs are universally recognized customary ways of doing business and explanation evolved in the long process of trade development. They have been compiled by relative international organizations into rules and regulations which are acquainted, recognized and adopted by many trading organizations in most countries. The most influential and most important customs are Uniform Custom and Practice for Documentary Credits, 2007 Revision, I. C. C. Publication No. 600 (UCP600), and International Rules for the Interpretation of Trade Terms (INCOTERMS® 2010). The nature of international trade customs as follows:

(1) International trade customs are not compulsory since they are not legislations or laws for all countries, neither legislations nor laws of a certain country.

(2) When both parties cite one international custom, it becomes legally valid and both parties are subject to it.

(3) Even if the contract does not indicate which custom the contract is subject to, the custom still has binding force.

(4) If the contract clauses conflict with customs, the contract to be followed is as a basic principle.

(5) Both parties could make out some clause different from customs when signing a contract on the principle of contract first and contract freedom.

Section 4 Procedures for International Trade

Among the various forms of international trade, export trade and import trade are the two most frequently referred trade forms in the world. They are actually two sides of the same transaction. Generally speaking, from the beginning to the end of a transaction, the whole operation undergoes five stages, namely the preparation of a transaction, the negotiation of the contract, contract signing, the performance of the contract and finally the settlement of disputes (if any). Most of the export transactions in our country are under CIF term with payment by

L/C. For import transactions, they are usually under FOB term with payment by L/C.

An export/import transaction is very complicated and it may take quite a long time to complete it. Its operation covers many links that are a constitute part of the transaction. No matter what kind of commodity you deal with, generally, the whole operation usually undergoes four steps: preparation for exporting/importing, business negotiation, conclusion of a contract, and implementation of contract. Each step covers some specific links.

Briefly, the import and export procedure are indicated in the following two figures respectively(See Figure 1-1and 1-2). For more details, Please see Chapter 12 Performance of Import and Export Contract.

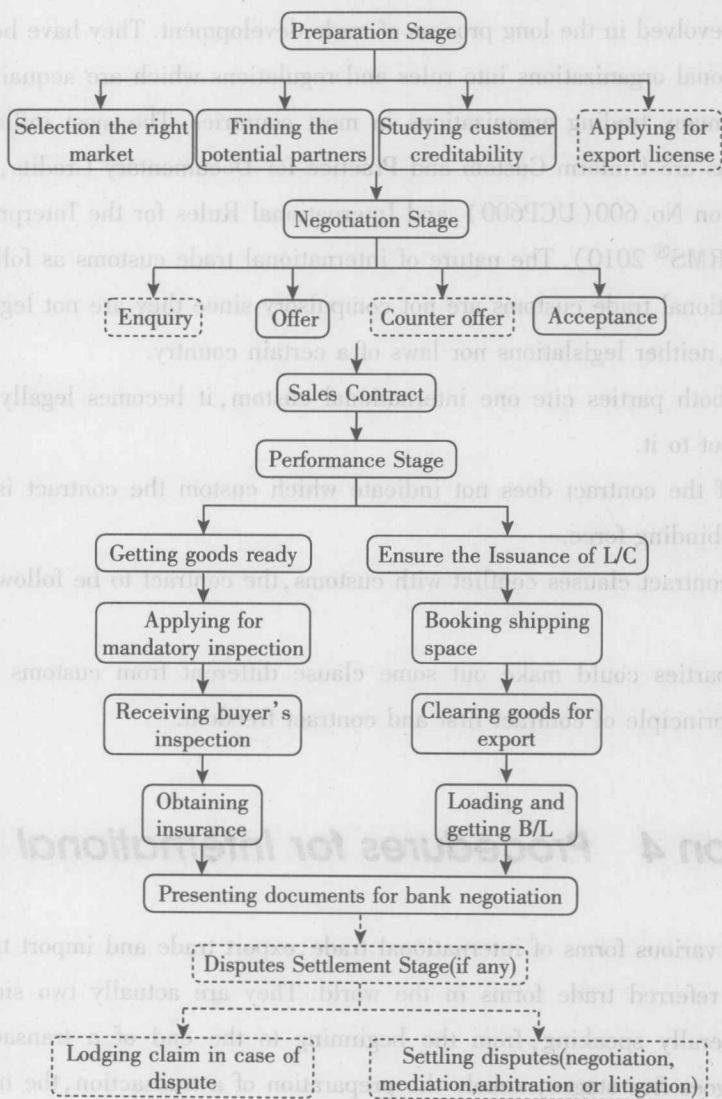


Figure 1-1 Flowchart of Export Procedure

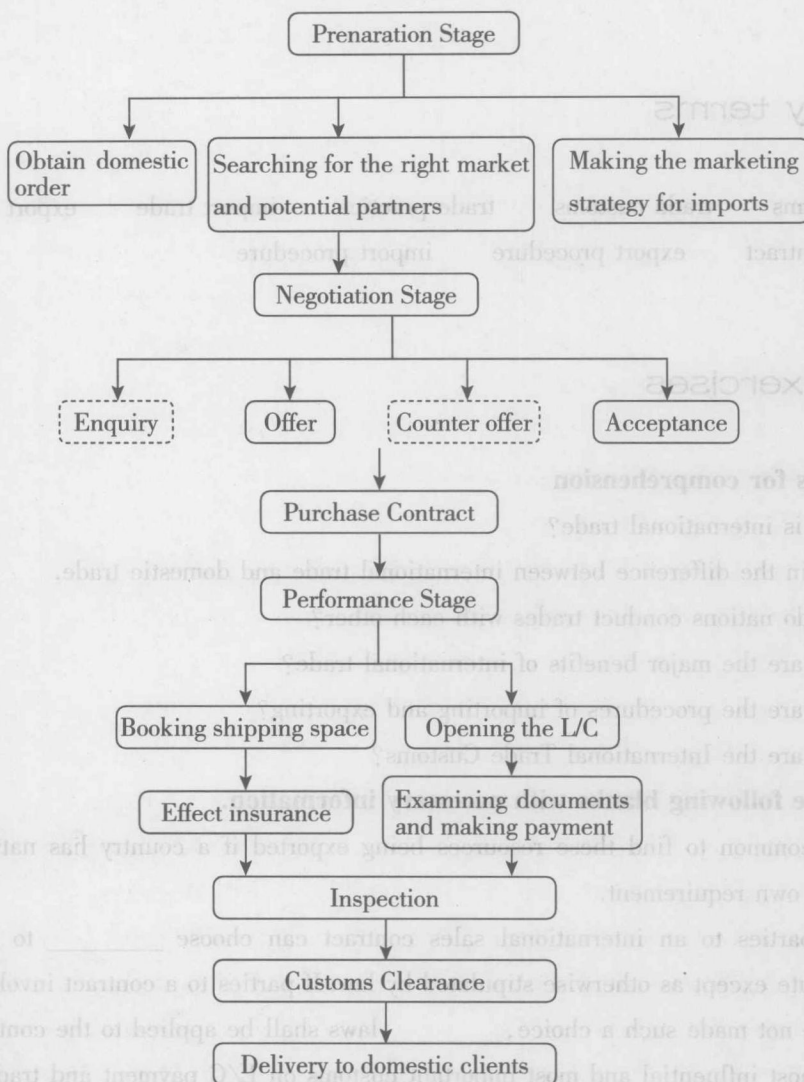


Figure 1-2 Flowchart of Import Procedure



Summary

International trade procedure usually consists of the following steps: the preparation of a transaction, the negotiation of the contract, signing the contract, the performance of the contract and the settlement of disputes if applicable. “International Trade Practice” is a course with strong practicality. Besides introducing international trade theories, practices, and laws, it also emphasizes on practical skills and application. The objective of this course is to enable students to possess the practical skills for international trading business operation.