简明法律与商务英语系列教程①

The Short English Course in Law & Business Series ①

An English Course in International Trade Practice & Documentation

国际贸易实务与单证英文教程

主　编　杨德祥　姚文振

副主编　王晓红 张晓梅 赵永平

甘肃民族出版社

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前 言

《简明法律与商务英语系列教程1：国际贸易实务与单证英文教程》是为了培养涉外实务部门所需的既能熟练掌握外贸专业知识，又能熟练运用专业英语从事进出口业务的复合型人才而专门编写的法律与商贸英语系列教材，旨在帮助高等学校经贸类学生或相关从业人员提高专业英语水平，也有助于英语专业学生学习国际贸易实务与单证的相关知识。

本书是甘肃政法学院首批校级重点教学团队“法律商贸英语教学团队”的建设成果，编写与出版工作得到了甘肃政法学院副校长李玉基教授的鼓励与支持，教务处处长魏克强教授、科研处处长郑高键教授也给予许多帮助。教材编写以内容依托式教学理论为指导，将语言教学构建于专业知识学习过程，尝试在讲授某一专业学科知识的同时，进一步提高学生的认知能力和语言实际应用能力。本书最大的特点是用英语将国际贸易实务与单证结合起来讲解。因此，本教材首先具有很强的针对性：充分考虑到了西北地区普通高校学生英语基础较为薄弱的实际情况，在英语语言把握上尽量通俗易懂、言简意赅，确保学生能够接受。其次，本教材又有极强的实用性：在比较系统地阐述国际贸易实务基本知识的基础上，提供了大量的国际贸易单证样本，对其中用英语难以解释清楚的部分做了必要的汉语解释，从而有效地帮助学生提高实务操作能力。所以，无论是英语专业学生，还是经济管理类学生都会在本教材的学习中受益匪浅。

本书共三部分，第一部分为实务篇，共十三章，内容涉及国际贸易的各个方面，包括：国际贸易简介、进出口贸易的一般程序、国际商品的买卖合同、贸易术语、货物的品质、货物的数量、货物的包装和标志、货物定价、货物的装运、国际货物运输保险、货款的支付、纠纷、索赔和仲裁、贸易形式等。每章按照外贸业务交易发展的规律用英文系统地阐述了国际贸易中的各个重要环节，并提供了有针对性的练习。第二部分为单证篇，提供了国际贸易运输和支付及其他各种常见的英文单证样本，并对实务中常见的重要贸易单证的缮制提供详细的汉语解释。内容包括销售合同、货运单、装船通知、提单、装箱单、重量单、尺码单、汇票、本票、支票、信用证、汇款单、保证函、商业发票、商检证书、保险单等。第三部分是与贸易有关的法律文件，包括和国际贸易密切相关的三个文件：2010年国际贸易术语解释通则、联合国国际货物销售合同公约、中华人民共和国进出口商品检验法。

本书由杨德祥、姚文振主编，王晓红、张晓梅、赵永平参与编写，具体分工如下：杨德祥：Part One: Chapter 10, Part Two：Section 2, Section 3, Section 4, Part Three：Appendix 1、2；姚文振：Part One: Chapter 8, Part Two：Section 1；王晓红：Part One: Chapter 1、2、7、9、11，

Appendix 3; 张晓梅: Part One: Chapter 3、4、5、6、13; 赵永平: Part One: Chapter 12。团队负责人姚文振教授对本书的编写与出版工作提供了很多有益的意见和帮助。由于水平有限,不足之处在所难免,恳请各位专家、读者不吝赐教,批评指正。

编　者

2012年3月

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Part One Practice

Chapter One Introduction to International Trade

International trade is the exchange of capital, goods, and services across international borders or territories. It is also known as world trade, foreign trade or overseas trade. It concerns trade operations of both import and export and includes the purchase and sale of both visible and invisible goods. There are many ways to do import and export business, directly or indirectly. Whatever it is, transaction crossing national borders becomes more and more popular. In most countries, it represents a significant share of gross domestic product (GDP). While international trade has been present throughout much of history, its economic, social, and political importance has been on the rise in recent centuries.

Section 1 What Is International Trade?

International trade is in principle not different from domestic trade as the motivation and the behavior of parties involved in a trade do not change fundamentally regardless of whether trade is across a border or not. The main difference is that international trade is typically more costly than domestic trade. The reason is that a border typically imposes additional costs such as tariffs, time costs due to border delays and costs associated with country differences such as language, the legal system or culture.

Another difference between domestic and international trade is that factors of production such as capital and labour are typically more mobile within a country than across countries. Thus international trade is mostly restricted to trade in goods and services, and only to a lesser extent to trade in capital, labor or other factors of production. Then trade in goods and services can serve as a substitute for trade in factors of production.

Instead of importing a factor of production, a country can import goods that make intensive use of the factor of production and are thus embodying the respective factor. An example is the import of labor-intensive goods by the United States from China. Instead of importing Chinese labor the United States is importing goods from China that were produced with Chinese labor.

International trade is also a branch of economics, which, together with international finance, forms the larger branch of international economics.

The fundamental characteristic that makes international trade different from domestic trade

is that international trade involves activities that take place across national borders. Without international trade, nations would be limited to the goods and services produced within their own borders.

1. Special problems in International Trade

Special problems may arise in international trade that are not normally experienced when trading at home. In particular:

1) Deals might have to be transacted in foreign languages and under foreign laws, customs and regulations.

2) Information on foreign countries needed by a particular firm may be difficult to obtain.

3) Foreign currency transactions will be necessary. Exchange rate variations can be very wide and create many problems for international trade.

4) Numerous cultural differences may have to be taken into account when trading with other nations.

5) Control and communication systems are normally more complex for foreign than for domestic operations.

6) Risk levels might be higher in foreign markets. The risks include political risks (of the imposition of restrictions on imports, etc.); commercial risks (market failure, products not appealing to foreign customers, etc.); financial risks (of adverse movements in exchange rates, high rates of inflation reducing the real value of a company's working capital, and so on); and transportation risks.

7) International managers need a broader range of management skills than managers who are only concerned with domestic problems do.

8) Large amount of important work might have to be left to intermediaries, consultants and advisers.

9) It is more difficult to observe and monitor trends and activities (including competitors' activities) in foreign countries.

2. Concept in International Trade: Visible and Invisible Trade

International trade can be divided into two forms, visible trade and invisible trade. Visible trade is the import and export of goods and the invisible trade is the exchange of services or assets between countries such as advertising, banking, construction, tourism, transportation, retailing, wholesaling and mass communication, etc.

Transportation service across national borders is an example of invisible trade. For instance, Brazilian coffee is often transported by ocean vessels because these steamships are the cheapest method of transportation. Nations such as Greece and Norway have large maritime fleets and provide transportation service. When an exporter arranges for this kind of transportation, he rents space in the cargo compartment of a ship for one voyage. Insurance is another important kind of invisible trade. Goods being transported in international trade must be insured against loss of

damage. Large insurance companies provide services for international trade and earn fees for insuring other nations' foreign trade. Tourism is another important form of invisible trade. Some countries depend heavily on tourism for their foreign exchange earnings, and many countries are making great efforts to develop their tourism.

Invisible trade can be as important to some nations as the export of raw materials or commodities is (important) to others. In both cases, the nations earn money to buy necessities. In reality, the kinds of trade nations engage in are varied and complex, often a mixture of visible and invisible trade.

3. Brief Introduction of WTO

WTO was established on 1 January 1995. It is the legal and institutional foundation of the multilateral trading system. It provides the principal contractual obligations determining how governments frame and implement domestic trade legislation and regulations. And it is the platform on which trade relations among countries evolve through collective debate, negotiation and adjudication.

It is based in Geneva, Switzerland.

Its essential functions are:

* administering and implementing the multilateral and plural-lateral trade agreements which together make up the WTO;

* acting as a forum for multilateral trade negotiations;

* seeking to resolve trade disputes;

* overseeing national trade policies;

* cooperating with other international institutions involved in global economic policy-making.

The structure of the WTO is dominated by its highest authority, the Ministerial Conference, composed of representatives of all WTO members, which is required to meet at least every two years and which can make decisions on all matters under any of the multilateral trade agreements.

Section 2 Reasons for International Trade

Although some countries may be capable of producing all the food, manufactured products or services needed by their population, they will normally specialize in the production of only some of these goods or services. By specializing, surpluses are created which can be traded with other countries. There are several reasons why nations trade with one another:

1. Resource Reasons

The uneven distribution of resources around the world is one of the basic reasons why nations began and continue to trade with each other. In the complex economic world, no country can be completely self-sufficient. The different distribution of the world's resources determines the patterns of world trade. Some countries or regions are abundant in natural resources; else-

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where, reserves are scarce or nonexistent.

(1) Favorable Climatic Conditions and Terrain

Climatic conditions and terrain are very important for agricultural produces. The difference in these factors enables some countries to grow certain plants and leaves other countries with the only choice to import the produces they consume. For example, Colombia and Brazil have the ideal climate for growing coffee beans but other countries don't. Colombia and Brazil have the opportunity to export coffee beans to countries worldwide and this has made them big coffee exporters. Another example is that the US Great Plains states have the ideal climate and terrain for raising wheat. This has made the US a big wheat exporter.

(2) Natural Resources

Some countries are the major suppliers of certain natural resources because the distribution of natural resources around the world is somewhat haphazard. The Middle East, for instance, has rich oil reserves and is therefore the main source of oil supply to the world. It has over 50% of the world total reserves and produces about 40% of the world output. Over 2/3 of the oil that West Europe and Japan need is imported from Middle East and the US oil military consumption in Europe and Asia is largely purchased from that area. Although the United Kingdom has discovered and used North Sea oil, it lacks reserves of many minerals such as iron ore. The UK will therefore have to obtain what it lacks naturally from other countries, again by trading its own surplus products.

(3) Capital Resources

Developing countries need to modernize their industries and economies with advanced machinery, equipment and plant that they are not yet able to manufacture because of the lack of capital. This has given rise to the need for developing international trade.

(4) Skilled Workers

The developed countries are full of skilled labor and capital, while developing countries which are lack of skilled workers and capital need to import technology-intensive products from these countries. For example, The Japan and Western European countries have skilled workers who are able to manufacture sophisticated equipment and machinery such as jet aircrafts and computers, etc. Other countries, since they don't have well-trained engineers and workers, must import the equipment from these countries.

(5) Favorable Geographic Location and Transport Costs

There are many examples that countries have developed close economic relationship chiefly because they are geographically close to each other. Sino-Japanese trade relationship is to some degree determined by geographic proximity and low transport cost. The US and Canada have a very close trade relationship for similar reasons. EU can be another example.

(6) Insufficient Production

Some countries cannot produce enough items they need. The UK, for instance, does not

have a large enough agricultural population. In fact, only 5% of its population is engaged in agriculture and they mainly grow fruits and flowers. The UK then has to import 60% of its total agricultural consumption. Developing countries normally do not have enough manufactured goods as they need and therefore have to import them.

2. Economic Reasons

In addition to getting the products they need, countries also want to gain economically by trading with each other. It is made possible by varied prices for the same commodity around the world, reflecting the differences in the cost of production.

(1)Reduce Costs

Manufacturers and distributors seek out products and services as well as components and finished goods produced in foreign countries. Sometimes this is to reduce their costs: for example, Lucasfilm used studios in the United Kingdom in the filming of *Star Wars* and Kenner manufactures its Laser Pistol in Hong Kong. The potential effects on profits are obvious. The profit margin may be increased, or cost savings may be passed on to consumers, thereby permitting more people to buy the products. Sometimes foreign procurement is done to gain some unique capability not readily available within one's own country, such as the use of the Arctic snow fields for filming *The Empire Strikes Back*. Such a strategy may allow firms to improve their product qualities or at least differentiate them from their competitors, thus increasing their market shares and profits.

a. Absolute Advantage—by Adam Smith in The Wealth of Nations (1776)

Smith assumed that each country could produce one or more commodities at a lower real cost than its trading partners. It then follows that each country will benefit from specialization in those commodities in which it has an "absolute advantage " (i.e. being able to produce at a lower real cost than another country), exporting them and importing other commodities which it produces at a higher real cost than does another country.

Absolute-Cost Example:

Country	Days of Labor Required to Produce	
	Cloth (1 bolt)	Wine (1 barrel)
Scotland	30	120
Italy	100	20

From this example, we can see clearly that Scotland should specialize in the production of cloth on which it has a cost advantage. Instead of spending 120 days of labor to produce a barrel of wine, Scotland should import wine from Italy. Similarly, Italy should concentrate on the production of wine and import cloth from Scotland.

b. Comparative Advantage—by David Ricardo in Principles of Political Economy and Taxation (1871)

Ricardo showed that absolute cost advantages are not a necessary condition for two nations to gain from trade with each other. Instead, trade will benefit both nations provided only that their relative costs, that is, the ratios of their costs, are different for two or more commodities. In short, trade depends on differences in comparative cost, and one nation can profitably trade with another even though its real costs are higher (or lower) in every commodity.

A country has a comparative advantage if it can make a product relatively more cheaply than other countries. A country should make the product that yields the greatest advantage or the least comparative disadvantage. This theory is the basis of specialization and trade.

Comparative-Cost Example:

Country	Total Output		Ratio of Costs Within the Country
	Rice	Copper	
A	2	4	1R:2C or 1/2 R:1C
B	1	1	1R:1C

Assume that the costs of production are the same for both products in both countries, but, as we have seen, the price of one product in terms of the other or the comparative costs of rice and copper are different in A and B. In such a case, there should be a gain for both countries if they trade with each other.

(2) Expand Sales

Sales are limited by the number of people interested in a firm's products and services and by customers' capacity to make purchases. Since the number of people and the degree of their purchasing power is higher for the world as a whole than for a single country, firms may increase their sales potentials by defining markets in international terms. Ordinarily, higher sales mean higher profits. Lucasfilm, for example, receives a percentage of the sales made by companies marketing *Star Wars* merchandise; thus Lucasfilm's revenues increase with each additional toy that Parker Kenner sells in the United Kingdom. In fact, profits per unit of sales may increase as sales increase. *Star Wars* cost approximately $10 million to produce; as more people see the film, the average production cost per viewer decreases. International sales are thus a major motive for firms' expansion into international business. A United Nations study indicated that among the largest industrial firms in the world, about 40 per cent of their sales come from outside their home market.

(3) Diversification

Companies usually prefer to avoid wild swings in their sales and profits; so they seek out foreign markets and procurement as a means to this end. Lucas film has been able to smooth its yearlong sales somewhat because the summer vacation period (the main season for children's film attendance) varies between the northern and southern hemispheres. It has also been able to make large television contracts during different years for different countries. Many other firms

take advantage of the fact that the timing of business cycles differs among countries. Thus while sales decrease in one country that is experiencing a recession, they increase in another that is undergoing recovery. Finally, by depending on supplies of the same product or component from different countries, a company may be able to avoid the full impact of price swings or shortages in any one country that might be brought about, for example, by a strike.

3. Political Reasons

Political objectives can sometimes outweigh economic considerations between countries. One country might trade with another country in order to support the latter's government which upholds the same political doctrine. Or trade with some countries is banned or restricted just not to benefit a government with political disagreements. In those cases, more considerations are given to political objectives rather than economic motivation. Trade sometimes can be interrupted by such events as change of government, political unrest, military clashes and formation of new trade unions. Sometimes the exporter may incur a loss because of these occurrences. Most governments have their own trading policies and regulations that affect the importing prospect. For example, a government can impose restrictions on the importation of certain goods to protect their own industries from foreign competition or impose restrictions for sanitary or other social reasons.

4. Other Reasons

Some countries may not be able to produce sufficient of a particular product and have to import some to meet their needs. Even though a country can produce enough of an item at reasonable costs to its own demand, it may still import some from other countries for innovation or variety of style. Some times, trade may be based on different consumption preferences rather than on differences in the production capabilities of the two countries.

Section 3 Benefits of International Trade

1. Cheaper Goods or Services

For one thing, countries trade because there is a cost advantage. This has been explained in the section of "economic reason" for international trade. Further, competition in the world market remains constant. This has made prices even lower. Last, if the quality of the imported goods is better but the price is not higher compared with the domestic cost, there is still a cost advantage.

2. Greater Variety When Goods Come from More Countries

Anyone who has experienced China's economic development in the past decades can tell the changes in the variety of both capital goods and consumer goods. These changes have not only improved the quality of our life but also increased the productivity of our industries. Let's take the United States for example, a great deal of its high standard of living depends on international trade. Without international trade the United States cannot become a kingdom of auto-

mobiles because most of its oil is imported from abroad. Without international trade the United States cannot have enough tin, tungsten and chromium for certain industrial process because the United States has no deposits of them. Remember no country is able to produce everything it needs. That is an important reason for international trade.

3. Wider Market with Increasing Number of Trading Partners

International trade can greatly expand the market. The expansion enables manufacturers to take advantage of economies of scale in both research and production. Besides, since markets around the world are often in different development stages, newly expanded markets can help extend the life of products. In addition, through foreign trade a country can learn more about the economic situation, legal system, culture and customs of its partners. Business people of different countries become friends by trading with one another.

4. Economic Growth

Foreign trade has become more and more important for many countries as it creates jobs that both have economic and political significance. Thus, countries have attached increasing importance to foreign trade, it is crucial for them to keep foreign trade growing to ensure the development of the economies. Here is a case in point. In 1970 living standards in Ghana (well-known for its cocoa) and South Korea were roughly comparable. Ghana's GNP per capita was $250, and South Korea's was $260. By 1995, the situation had dramatically changed. South Korea had a GNP per capita of $9, 700 while Ghana's only $390, reflecting vastly different economic growth rates. Between 1968 and 1995, the average annual growth rate in Ghana's GNP was under 1.4%. In contrast, South Korea achieved a growth rate of about 9% annually in the same period of time. Why the sharp difference? Of course there is no easy answer because many factors affect a country's growth. But one thing is certain, that is, the South Korea government implemented policies that encouraged companies to engage in international trade, while the actions of the Ghanaian government discouraged domestic producers from becoming involved in international trade. That's why some economists say foreign trade can be compared to the engine of economic growth.

Section 4 Trade Restrictions

Despite the benefits that all countries can benefit from international trade, various restrictions on trade among countries are very common today. The restriction measures taken by governments are also barriers to trade which can be divided into tariff barriers and non-tariff barriers.

1. Reasons for Trade Restrictions

First, many countries want a diversified economy to be less dependent on foreign countries both economically and politically.

Then, it is crucial for countries to protect their vital industries, which are closely related

to stability and economic development. For instance, during 18th–19th centuries, Britain's production cost of cotton products was greater than China's and India's, but Britain protected and continued its textile industry. Right after the Second World War, Japan's cost of steel industry was greater than that of the US. Now the US's cost of steel production is bigger than Japan's. Yet neither of them has allowed free competition in this crucial industry.

Thirdly, there is an infant industry argument which maintains that a new industry needs to be protected until the labor force is trained, the production techniques are mastered and the operation becomes large enough to enjoy the economies of scale and to be able to compete in the market. It is not fair to let an industry in its infant stage to compete with a mature industry.

Furthermore, domestic jobs need to be protected from cheap foreign labor, especially for labor-intensive industries such as textile industry, since employment is crucial to a cuntry's stability.

Last, there are pure political reasons. There have been always examples that some countries refuse to do business with other countries because of political reasons.

2. Kinds of restrictions

(1) Tariff Barriers

Tariff barriers are the most common form of trade restriction. A tariff is a tax levied on a commodity when it crosses the boundary of a customs area which usually coincides with the area of a country. It can be a revenue tariff which is collected mainly for income purpose, or a protective tariff which is collected in order to protect the domestic market. A protective tariff is often used by governments to attempt to control trade between nations to protect and encourage their noncompetitive or undeveloped local industries, businesses, unions etc. giving them time to become competitive.

According to the methods in which tariffs are collected, there are four types of duties.

* **Specific duty** is collected per physical unit according to weight, volume, measurement and quantity, etc.

* **Ad valorem duty** is collected according to value or price, i.e. at a percentage of the price.

* **Mixed or compound duty** is collected according to either specific duty or ad valorem duty first, then the other.

* **An alternative duty** is collected whichever the higher between specific duty and ad valorem duty.

The duties discussed above are not independent of each other, i.e., a duty can be an import, a protective and a compound duty at the same time.

According to the flow of goods, duties can be divided into import duties and export duties. Import duties are taxes levied on goods entering a country while export duties are taxes levied on goods leaving a country. The former is more common than the latter as most nations want to ex-

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