

涉外经贸英语系列

涉外经贸谈判

陈永生等 编著



青岛海洋大学出版社

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International Trade Negotiation

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青岛海洋大学出版社

(鲁)新登字 15 号

责任编辑 李曦聪

封面设计 王鸿翔

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青岛海洋大学出版社出版发行

青岛市鱼山路 5 号

邮政编码 266003

新华书店经销

山东日照印刷厂印刷

*

1998 年 4 月第 1 版 1998 年 4 月第 1 次印刷

开本 850×1168 1/32 印张 11.375 字数 280 千

印数 1—5000

ISBN 7-81026-792-2

H·92 定价:15.60 元

前 言

为满足广大涉外经贸人员及高等院校涉外经贸专业学生的需要,我们编写了英汉对照《涉外经贸谈判》一书。

本书除导言外,共有 15 个单元,内容涉及会见贸易代表团、建立商贸关系、询盘及还盘、议价和定购、支付条款、信用证、商品包装、商品的交付与保险、争议与索赔、仲裁、代理、贸易合同等。每单元包括引言、会话和注释三部分。引言部分对该单元的主要内容及谈判人员应注意的事项做了概述;会话部分则以该单元涉及内容为线索,突出了谈判实务与谈判技巧;注释部分除对较难理解的句子作了注释外,主要对相关实务及谈判人员应采取的对策作了介绍。为使广大读者熟悉有关贸易合同,本书第 15

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单元还列举了12个不同类型的合同。本书所附参考译文力求简明、准确、忠实于原文。

本书内容丰富,不仅可作高等院校涉外经贸专业的教材,还可供从事涉外经贸工作的人员参考,对那些有一定英语基础又有志于投身涉外经贸事业的人员来说,也是一本很好的自学读物。

本书由陈永生、陈震、范玉庆、陈晓鹏共同策划,由陈永生同志执笔。在编写过程中,我们参阅了大量的国内外教材、专著及工具书,山东财政学院国际经济系的周振邦、朱庆华、张淑静等同志对书稿提出了许多宝贵意见。在此,对有关作者、编者及所有给予本书编写以大力帮助的同志们表示衷心的感谢。

由于水平所限,不当之处在所难免,敬请读者批评指正。

编著者

1998年1月

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出版者的话

我们为什么要组织编写《涉外经贸英语系列》丛书？其理由十分简单，因为涉外经贸业务，不论是国际贸易、国际金融，还是国际经济合作、国际市场营销、国际经贸通讯，无一例外地离不开英语这一工具；同时，毫无疑问，没有较高的经贸英语水平，也做不好涉外经贸工作。

《涉外经贸英语系列》丛书的主要特色是什么？我们试图从经贸专业和实务工作及英语语言的角度，比较全面地介绍涉外经贸的主要业务范畴、形式、特征和内涵以及在阅读、理解和翻译等方面的基

本知识和技巧,以便使我们中国人能够更加自如、更有信心地去迎接涉外经贸领域里的各种挑战与机遇。

《涉外经贸英语系列》丛书由周振邦同志主编,编辑委员会成员如下:

周振邦 陈永生 朱庆华 张淑静

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Foreword

—*Negotiation on International Business and Economy*

Anyone engaged in foreign trade knows that negotiation is a very important component in international business activities. As far as international investment, import and export of products, machinery, equipment, technology are concerned, negotiation on international business and economy is a consultative process between governments, trade organizations, multinational enterprises or private firms. In brief, it is a process between the buy-

ers and the sellers. So negotiation is one of the important steps taken towards completing import and export trade agreements.

Generally speaking, the negotiation which takes place in international business activities mainly involves the following elements:

- price;
- ✓ quality;
- terms of payment;
- packing and shipping;
- insurance;
- agency;
- complaints, disputes and claims;
- arbitration;
- processing and assembling trade;
- compensation trade;
- technology importation;
- joint venture, etc..

In practical negotiations of international business and economy, the following three steps are usually adopted:

- preparation for negotiation;
- process of negotiation;
- signing a business contract.

A. The Preparation for Negotiation

In order to reach the desired purpose or achieve certain results, the negotiators of both sides should make efficient preparations, which can be divided into three aspects: establish-

ing the target for negotiation; getting as much information as possible; and making a feasible negotiation plan.

① *Establishing the Target for Negotiation*

Establishing the target for negotiation means that negotiators should know well their desired results according to their own practical conditions, and should not be wilfully manipulated by their counterparts.

Everyone knows that price will directly concern the economic benefits of both sides, so it is usually the key point in international business negotiations. Naturally, both sides will do their best to seek their desired results.

The desired results, which should be decided in business negotiations, have three different targets: the best target; the intermediate target; and the acceptable target.

The best target is to achieve all desired results planned at the beginning of the negotiation, which will benefit you best. If the world market is beneficial to you and you can firmly maintain the desired objectives to the end, then you will probably obtain the best target.

Usually it is not easy for the negotiator to get the best target, so when such a target could not be achieved, you had better make a good preparation to achieve your second target — the intermediate target, which is fair for both sides, although it is slightly lower than the best target.

When you find that you do not have the advantage in the world market, you have met a skillful negotiator in the business

activities or you have to export or import some products, you have to face the reality—to accept the acceptable target gradually. However, you should always remember that this should not be known to your counterpart until the last minute.

②Getting Information Concerned

In foreign trade activities, it is very important for negotiators to learn as much as possible about the market which they want to enter, the potential client or partner they will deal with before the negotiation. Only when they have known them quite well can they have the initiative in business negotiations.

In order to obtain the information concerned, market research should be made, which involves:

① The negotiators should use trade statistics published by most countries to narrow down the scope of their research.

② They must bear in mind the cultural and social backgrounds of the target market, such as the language, religion and local people's aesthetical viewpoints, etc. .

③ They must know the relevant government policies.

④ They should be familiar with the geographical conditions and features of different countries, because temperature, altitude and humidity extremes may affect the proper functioning of some equipment.

⑤ They should know the target market conditions, such as the commodities, the price, the competitors, etc. .

Besides what have been mentioned, the negotiators should get the knowledge of a particular executive's background, hob-

bies, and even family status, because all these will be a great advantage to them in negotiation. Every skillful negotiator knows that knowing who you will be bargaining with is far more important than most average people can assume.

③ *Making a Feasible Negotiation Plan*

Having set up the hoped-for target and made the market research, the negotiation plan should be made out. When you draw up the plan, the following points should be paid attention to:

① The agenda, which will be most suited to you, should be designed, and all members of the negotiating delegation should be very familiar with the plan.

② Once you have got the counterpart's agenda, you should compare it with yours and consider the strategies and tactics you will adopt. But the tactics should be used with caution as they may result in great discomfort for your counterpart.

③ Choosing the location of negotiation is also very important. When you have got the "home court" opportunity, the situation of negotiation will be of advantage to you, for the home team will have all its information resources readily available. Alternatively, the traveling team brings the minimum necessary information resources, and the negotiators will stay in hotels. The factors mentioned above will influence the negotiators of both teams.

In the event that neither side gives in to the other's suggestions on choosing the location of negotiation, it is time to suggest that negotiations be held in a neutral location which is equally convenient to both sides, because the negotiators of both sides

are subject to the same expenses, information, and time constraints.

B. The Process of Negotiation

In international business negotiating activities, the process of negotiation is complicated, arduous, and of course joyful.

The complication and arduousness of negotiation are manifested in the following aspects:

- You will do business with clients from different countries in the world. Maybe you are not familiar with the policies of their governments, the market conditions, or their life styles. What is more important, you will meet with different negotiation styles and tactics, which may bring you some difficulties in your negotiations.

- Business negotiations involve different respects and the contents are very complicated. For example, you will talk with your counterpart about the price, terms of payment, modes of transportation, agency, claim, compensation trade, etc. .

- When you go abroad to have talks with your counterpart, you will have some unexpected difficulties, such as the language, and living conditions, which will bring you some inconvenience. All the inconvenient conditions of course will influence your sentiments of negotiation.

In view of the above-mentioned facts, if the negotiators want to reach the desired results, they must know quite well the relevant trade policies of each government. They should have good manners and speak foreign languages, especially English,

fluently. They should have a profound knowledge of professional technology and international trade, and familiarize themselves with domestic and international markets. They should know the specifications, packing, features and advantages of the products and be able to use idiomatic and professional terms. They should know something about the counterparts, such as their habits and customs in order to easily find harmony with them when negotiating.

At the negotiation table, the price is usually the key point. So you should know well whether your first quotation is high or low if it is generally accepted by your counterpart. Usually both sides have a few bargains before acceptance. Therefore, at the beginning of negotiation, make a high offer and do your utmost to negotiate for the best target.

When the best target could not be obtained, you had better prepare to make some necessary concessions so as to achieve the intermediate target. But do not begin negotiating at too low a price. Your quotation should be a little lower each time and do it step by step. Each time you reduce the price, you should remain serious about the desired results. On this situation, your counterpart may well accept your quotation as the best price. If you meet with negotiators using harsh language, do not be angry. This indicates that they want to buy your commodities. At this very moment, you should be patient and friendly, using soft words and moderate speaking speed and tone, knowing well what not to say, what to say and when to say it. In the event that the negotiation is to go into a deadlock, it is suggested that you request a break or rest. Then readjust your plan and continue the negotia-

tion. In this way ,you may get your desired results.

C. Signing a Business Contract

It is well known that a business contract is an agreement concluded between the sellers and the buyers, enforceable by law. So the contract, which is generally adopted in international business activities, is always the formal one written down between them.

The contracts related to the import and export mainly involve:

- commercial contract;
- sales and purchase contract;
- sales agency agreement;
- contract for processing with supplied materials and contract for assembling;
- licence contract for international business;
- joint venture contract.

As to the structure of a business contract, a complete contract usually includes the following items:

(1) *Title*

(2) *Preamble*

- ① Date of signing,
- ② Signing parties,
- ③ Applicable law,
- ④ Place of signing,
- ⑤ Recitals or whereas clause;

(3) *Body*