




MINISTRY OF EDUCATION AND SCIENCE OF THE RUSSIAN FEDERATION  
Federal state autonomous educational institution higher education  
«Far Eastern Federal University»  
(FEFU)

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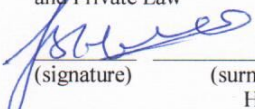
**School of Law**

«AGREED»  
Program Manager

  
(signature) Korotkikh N.N.  
(surname, name, patronymic  
Program Manager)

« 25 » July 2017 year.

«AFFIRM»  
Head of the Department of International Public  
and Private Law

  
(signature) Gavrilov V. V.  
(surname, name, patronymic  
Head of the Department)

« 25 » July 2017 year

**WORK PROGRAM OF ACADEMIC DISCIPLINE**

International Investment Law

**Direction of preparation 40.03.01 Jurisprudence**

**Form of training full-time / extramural studies**

Course 4 / 4 semester 7 / 7  
lectures 32 / 0 hours  
practical classes 32 / 12 hours  
laboratory works are not provided  
including using MAO lek. 0 / 0 hours /etc. 22 / 4 hours / lab not provided  
total hours of classroom work 64 / 12 hours.  
including using MAO 22 / 4 hours.  
independent work 80 / 128 hours  
including the preparation for the exam is not provided  
no control papers  
course work / course project is not provided  
offset 7 / 7 semester  
exam not provided

The work program is compiled in accordance with the requirements of the educational standard, independently established by the Federal State Autonomous Educational Institution of Higher Education "Far Eastern Federal University", approved by order of the rector of 07/20/2017 No. 12-13-1479 in the direction of training 40.03.01 Jurisprudence (bachelor degree).

The work program was discussed at a meeting of the Department of International Public and Private Law, Protocol No. 7/14-12 dated 25 of July, 2017.

Head of International Public and Private Law Department: Doctor of Law, Professor V. Gavrilov  
Compiler (s): Candidate of Law, Associate Professor Prisekin N. G.

The reverse side of the title sheet

I. The work program was revised at the meeting of the department:

Protocol dated " \_\_\_\_\_ " \_\_\_\_\_ 20 № \_\_\_\_\_

Head of the Department \_\_\_\_\_  
(signature) (IO Last Name)

II. The work program was revised at the meeting of the department:

Protocol dated " \_\_\_\_\_ " \_\_\_\_\_ 20 № \_\_\_\_\_

Head of the Department \_\_\_\_\_  
(signature) (IO Last Name)

## **Annotation to the work program of the discipline**

### **“International Investment Law”**

Discipline "International Investment Law" is designed for students enrolled in the direction of training 40.03.01 "Law" in full-time and distance learning.

The discipline “International Investment Law” is included in the list of disciplines for choosing the variable part of the curriculum. The total complexity of the discipline is 4 credit units, 144 hours.

The curriculum provides lectures (32 hours / 0 hours), practical exercises (32 hours / 12 hours, including 22 hours / 4 hours. Using active learning methods), independent work (80 hours. (128 hours). The form of control is offset (7/7 semester). Discipline is implemented on the 4th course in the 7th semester / on the 4th course in the 7th semester.

Place of discipline "International Investment Law". This discipline is related to such legal disciplines as “Theory of State and Law”, “International Law”, “Private International Law”, “Business Law”, etc.

The goal of mastering the discipline “International Investment Law” is to form a complete idea of the student's internal and international legal regulation of foreign investment, including the legal status (regime) and security of foreign investment.

The objectives of the discipline "International Investment Law" are:

- the theoretical-cognitive task: to develop students' sustainable skills for independent research of a complex topical problem (topic) from the point of view of law as a science; to show on the example of the principle of reciprocity of investments and the practical significance of such interaction; analyze current legislation and special literature in relation to the stated topic, highlighting the problems of scientific and practical properties, possible ways and means of their resolution.

- educational and methodical task, which involves the formation of certain knowledge and skills, as well as the skills to use them, necessary and sufficient for future independent legal work;

- the practical task of developing respect for the law and the ability to organize its execution in the practice of a lawyer (interpret and apply the sources of investment law, ensure compliance with their requirements, legally correctly qualify the facts and circumstances, correctly evaluate the existing international legal regulation);

- the task of forming legal professional awareness of lawyers, which obliges a lawyer to understand the essence and social significance of his profession by mastering civic maturity and high social activity, professional ethics, legal and psychological culture, deep respect for the law and careful attitude to the social values of the rule of law, honor and dignity citizen, high moral consciousness, humanity, firmness of moral convictions, a sense of duty, responsibility for the fate of people and assigned work, adherence to principles and independence in ensuring the rights, freedoms and lawful interests of the individual, its protection and social protection, the necessary will and persistence in the performance of legal decisions, sense of tolerance for any violation of the law in their own profession.

For successful study of the discipline "International Investment Law" the following preliminary competences should be formed for students:

- the ability to understand, use, generate and correctly express innovative ideas in Russian in discourses, publications, public discussions;

- ability to self-organization and self-education;

- the ability to solve standard tasks of professional activity on the basis of information and bibliographic culture using information and communication technologies and taking into account the basic requirements of information security;

- the ability to improve their professional competence.

As a result of studying this discipline, students form the following general professional / professional competencies (elements of competencies).

<b>Code of competence</b>	<b>Stages of competence formation</b>	
OPK-7 ability to master the skills of professional communication in a foreign language	Knows	sufficient lexical minimum of a foreign language for conducting a conversation on a professional topic, including the necessary terminology in the volume provided for by the

		standard main grammatical phenomena, culture and traditions of the countries of the language being studied in comparison with the culture and traditions of their country and region; rules of speech etiquette in everyday and business areas of communication
	Knows how	use basic lexical and grammatical means in communicative situations of formal business and informal communication; understand the content of various types of professional texts in a foreign language; independently find information about the countries of the language being studied from various sources (periodicals, Internet, reference, educational, fiction); write abstracts, make reports, reports on the topics studied
	Owens	English at a level that allows dialogue on professional topics, including the skills of reflection, self-esteem, and self-control; various ways of verbal and non-verbal communication; communication skills in the native and foreign language environment
PC-10 readiness to perform official duties to ensure law and order, security of the individual, society, state	Knows	the main provisions of the theory of legality, the categories of law and order and security, the security of the individual, society, state
	Knows how	perform official duties to ensure law and order, the security of the individual, society and the state by means of prosecutorial activities
	Owens	skills to use existing knowledge and skills to perform official duties to ensure law and order, the security of individuals, society and the state by means of prosecutorial activities

The following active learning methods are used to form the above competences within the discipline “International Investment Law”:

- Debriefing;
- Deliberation;
- Business game;
- Brainstorm.

## **I. STRUCTURE AND CONTENT OF THEORETICAL PART OF THE COURSE (32 hour / not provided)**

Section I. Globalization and its impact on the world order (10 hours)

Topic 1. Globalization: main socio-economic characteristics (5 hours)

Historical approach to globalization. Sources of globalization. General feature of globalization. Negative effects of globalization

Topic 2. New legal paradigms of the world order in the context of globalization (5 hours)

The impact of globalization on international law. Problems of state sovereignty in the context of globalization. Rapprochement of national legislations and problems of unification and harmonization

Section II. International Investment Law (22 hours)

Topic 1. Investments and Investments (2 hours)

Goals and directions of investment. Planning and selection of investment objects. Investment planning models. Forms and features of the implementation of real and financial investments. Organization of investment projects. Types of investment resources. The interpretation of the concept of "investment climate".

Topic 2. Investment relationship (2 hours)

Foreign direct investment: concepts, features, methods of regulation. The place and role of foreign direct investment among the main forms of entry into international markets. Motives and hypotheses of foreign direct investment.

Topic 3. Investment security (2 hours)

International legal aspects of property protection. Property law is the central institution of private international law. The right of foreign ownership and the principle of equality. The international contractual framework for the protection of property. Conventional protection. Diplomatic protection. Russian legislation on guarantees of foreign investment. Types and delimitation of coercive forms of withdrawal of foreign investment. Differentiation of legal acts of public administration from measures of indirect expropriation. International legal guarantees of damages in the course of foreign investment activities.

#### Topic 4. Legal content of insured risk (2 hours)

The nature and type of insurance risks. Evaluation of insurance risks. Regulation of foreign direct investment. The main provisions for the evaluation of international investment projects. Foreign direct investment in Russia.

#### Topic 5. National - legal sources (2 hours)

Constitutional and legal sources. Civil law sources. Special legal sources. Administrative and legal sources.

#### Topic 6. International legal sources (2 hours)

International multilateral treaties. International bilateral treaties. International regional cooperation in the field of legal regulation of foreign investments. Non-conventional sources.

#### Topic 7. Resolution of investment disputes (2 hours)

Features of international arbitration law of foreign investment as an institute of MIP. The international contractual framework of investment arbitration. IC LED is a transnational mechanism for resolving investment disputes. The ECT as a model of a global international arbitration mechanism for settling investment disputes. International legal mechanism for the settlement of investment disputes. International Investment Disputes :. The procedure for resolving investment disputes at various stages of foreign investment activity. Violation of the agreement by the state - recipient. Violation of the agreement by a foreign investor

#### Theme 8. Periodization of the historical development of foreign investment (2 hours)

The origin of the legal regulation of foreign investment in pre-revolutionary Russia. The Soviet period (the experience of the NEP) in the regulation of foreign investment activity. Formation of a new system of legal regulation of foreign

investments in the USSR (1987-1991) Further development of Russian investment legislation: current problems and trends

Theme 9. Access conditions and stages of economic activities of a foreign investor in the Russian Federation (2 hours)

General principles of access to foreign investment. Stages of investment activity. Pre-investment activity. Stage of direct investment. Termination of investment activities. Reinvestment activity is a special stage of investment activity.

Topic 10. Conceptual apparatus in the field of foreign investment (2 hours)

Foreign investment. Lack of a common understanding of investment. Public and private investment. Russian legislation on the concept of "investment". Bilateral agreements on the concept of "foreign investment". Direct foreign investments. International legal standards of the concept of "foreign investment".

Topic 11. Foreign investor (2 hours)

Subjects investment relationship. Foreign legal entity. Foreign citizen, stateless person. Foreign organization that is not a legal entity. International organization. Foreign state. Investment agreement

## **II. STRUCTURE AND CONTENT OF PRACTICAL COURSE**

### **Practical classes (72 hour / 12 hour)**

**Lesson 1. Globalization: basic socio-economic characteristics (6 hour / 0 hour), using the method of active learning for full-time students debriefing**

1. The historical approach to globalization
2. Sources of globalization
3. General feature of globalization
4. The negative effects of globalization



**Lesson 2. New legal paradigms of the world order in the context of globalization (4 hour / 1 hour), using active learning method deliberation**

1. Impact of globalization on international law
2. Problems of state sovereignty in the context of globalization
3. Rapprochement of national legislations and problems of unification and harmonization

**Lesson 3. International investment law (6 hour / 1 hour), using active brainstorming training method**

1. Goals and directions of investment.
2. Planning and selection of investment objects.
3. Investment planning models.
4. Forms and features of the implementation of real and financial investments.
5. Organization of investment projects.
6. Types of investment resources.
7. Interpretation of the concept of “investment climate”.

**Lesson 4. Investment relationship (6 hour / 1 hour), using active learning method debriefing**

1. Foreign direct investment: concepts, features, methods of regulation.
2. The place and role of foreign direct investment among the main forms of entry into international markets.
3. Motives and hypotheses of foreign direct investment.

**Session 5. Investment security (6 hour / 1 hour), using the method of active learning for full-time students brainstorming**

1. International legal aspects of property protection.
2. The right to property is the central institution of private international law.
3. The right of foreign ownership and the principle of equality.
4. The international treaty basis of property protection.
5. Conventional protection.
6. Diplomatic protection.

7. Russian legislation on guarantees of foreign investment.
8. Types and distinctions of compulsory forms of withdrawal of foreign investments.
9. Differentiation of legal acts of state administration from measures of indirect expropriation.
10. International legal guarantees for damages in the course of foreign investment activities.

**Lesson 6. Legal content of insurance risk (6 hour / 1 hour), using the method of active learning for full-time students deliberation**

1. The nature and type of insurance risks.
2. Evaluation of insurance risks.
3. Regulation of foreign direct investment.
4. The main provisions for the evaluation of international investment projects.
5. Foreign direct investment in Russia.

**Lesson 7. National - legal sources (4 hour / 1 hour)**

1. Constitutional and legal sources.
2. Civil law sources.
3. Special legal sources.
4. Administrative - legal sources.

**Session 8. International legal sources (6 hour / 1 hour)**

1. International multilateral treaties.
2. International bilateral treaties.
3. International regional cooperation in the field of legal regulation of foreign investments.
4. Non-conventional sources.

**Session 9. Resolution of investment disputes (6 hour / 1 hour), using active learning method business game**

1. Features of international arbitration law of foreign investment as an institution of international investment law

2. The international contractual framework of investment arbitration
3. IC LED - a transnational mechanism for resolving investment disputes
4. ECT as a model of a global international arbitration mechanism for settling investment disputes
5. International legal mechanism for the settlement of investment disputes
6. International investment disputes:
7. The procedure for resolving investment disputes at various stages of foreign investment activity
8. Breach of agreement by the recipient state
9. Breach of agreement by a foreign investor

**Lesson 10. Periodization of the historical development of foreign investments (6 hour / 1 hour)**

1. The origin of the legal regulation of foreign investment in pre-revolutionary Russia.
2. The Soviet period (the experience of the NEP) in the regulation of foreign investment activity.
3. Formation of a new system of legal regulation of foreign investments in the USSR (1987-1991)
4. Further development of Russian investment legislation: current problems and trends

**Lesson 11. Access conditions and stages of economic activities of a foreign investor in the Russian Federation (6 hour / 1 hour), using the method of active learning for full-time students brainstorming**

1. General principles of access to foreign investment
2. Stages of investment activity
3. Pre-investment activity
4. The stage of direct investment
5. Termination of investment activities
6. Reinvestment activity is a special stage of investment activity.

**Session 12. Conceptual apparatus in the field of foreign investment (4 hour / 1 hour), using the method of active learning for full-time students debriefing**

1. Foreign investment
2. Lack of a common understanding of investment
3. Public and private investment
4. Russian legislation on the concept of "investment"
5. Bilateral agreements on the concept of "foreign investment"
6. Foreign direct investment
7. International legal standards for the concept of "foreign investment"

**Lesson 13. Foreign investor (6 hour / 1 hour)**

1. Subjects of investment relations
2. Foreign legal entity
3. Foreign citizen, stateless person
4. Foreign organization that is not a legal entity
5. International organization
6. Foreign country
7. Investment Agreement

**III. TRAINING AND METHODOLOGICAL SUPPORT OF INDEPENDENT WORK OF STUDENTS**

The educational and methodological support of students' independent work in the discipline "International Investment Law" is presented in Appendix 1 and includes:

- the schedule for the performance of independent work on the discipline, including approximate norms of time for execution for each task;
- characteristics of tasks for independent work of students and methodological recommendations for their implementation;

- requirements for the presentation and presentation of the results of independent work;
- criteria for assessing the performance of independent work.

#### IV. CONTROL OF ACHIEVEMENT OF COURSE GOALS

№	Controlled sections / topics of discipline	Codes and stages of the formation of competencies	Evaluation tools		
			Current control	Intermediate certification	
1.	<p>Section I. Globalization and its impact on the world order (10 hours)</p> <p>Topic 1. Globalization: basic socio-economic characteristics</p> <p>Topic 1. Globalization: basic socio-economic characteristics</p> <p>Lesson 1-2</p>	OPK-7 PC-10	<p>Knows</p> <p>Knows how</p> <p>Owens</p>	<p>PP-2 (colloquium)</p> <p>PR-3 (essay)</p> <p>PR-11 (multi-level tasks)</p>	<p>PP-1 (interview), questions to offset: № 1-4</p>
2.	<p>Section II. International Investment Law (22 hours)</p> <p>Topic 1. Investing and investing</p> <p>Theme 2. Investment relationship</p> <p>Topic 3. Investment security</p> <p>Topic 4. Legal content of insurance risk</p> <p>Topic 5. National - legal sources</p> <p>Theme 6. International legal sources</p> <p>Theme 7. Resolution of investment disputes</p> <p>Theme 8. Periodization of the historical development of foreign investment</p> <p>Theme 9. Terms of access and stages of economic activity of a foreign investor in the territory of the Russian</p>	OPK-7 PC-10	<p>Knows</p> <p>Knows how</p> <p>Owens</p>	<p>PP-2 (colloquium)</p> <p>PR-3 (essay)</p> <p>PR-11 (multi-level tasks)</p>	<p>PP-1 (interview), questions to offset: № 5-48</p>

Federation				
Topic 10. Conceptual apparatus in the field of foreign investment				
Topic 11. Foreign investor				
Session 3-13				

Standard control tasks, methodological materials, determining the procedures for assessing knowledge and skills and (or) work experience, as well as the criteria and indicators necessary for evaluating knowledge and skills, and describing the stages of formation of competences in the process of mastering an educational program, are presented in the Appendix 2.

## **V. LIST OF EDUCATIONAL LITERATURE AND INFORMATION AND METHODICAL PROVISION OF DISCIPLINE**

### **Main literature (electronic and print)**

1. Mezhdunarodnoye investitsionnoye pravo i protsess: uchebnik / I.Z. Farkhutdinov; Institut gosudarstva i prava RAN. Moskva: Prospekt, 2014. 415 s. <http://lib.dvfu.ru:8080/lib/item?id=chamo:739782&theme=FEFU>
2. Primeneniye mezhdunarodnogo finansovogo prava v Rossiyskoy Federatsii [Elektronnyy resurs]: Monografiya / Pavlikov S.G. M.: NITS INFRA-M, 2016. 140 s. <http://znanium.com/catalog/product/533115>
3. Taxation of Income from Domestic and Cross-border Collective Investment [Elektronnyy resurs] / Andreas Oestreicher, Markus Hammer. Springer International Publishing, 2014. <http://link.springer.com/openurl?genre=book&isbn=978-3-319-00449-5>

### **Additional literature (print and electronic publications)**

1. Mezhdunarodnoye chastnoye pravo [Elektronnyy resurs]: Uchebnik / Boguslavskiy M.M. 7-ye izd., pererab. i dop. M.: Yur.Norma, NITS INFRA-M, 2016. 672 s. <http://znanium.com/catalog/product/515210>

2. China's Outbound Foreign Direct Investment Promotion System [Elektronnyy resurs] / Changhong Pei, Wen Zheng. Springer Berlin Heidelberg, 2015 <http://link.springer.com/openurl?genre=book&isbn=978-3-662-45631-6>

3. Responsible Investment Banking [Elektronnyy resurs] / Karen Wendt. Springer International Publishing, 2015 <http://link.springer.com/openurl?genre=book&isbn=978-3-319-10311-2>

4. Pravovoye regulirovaniye vneshneekonomicheskoy deyatel'nosti (rossiyskoye grazhdanskoye i mezhdunarodnoye chastnoye pravo) [Elektronnyy resurs]: Uch. pos. / L.M. Pozdnyakova. 2-e izd., pererab. - M.: Norma, 2014. 192 s. <http://znanium.com/catalog/product/474629>

5. Mezhdunarodnoye i zarubezhnoye finansovoye regulirovaniye [Elektronnyy resurs]: instituty, sdelki, infrastruktura / pod red. A.V. Shamrayeva: v 2 ch. Chast' vtoraya. M.: KNORUS: TSIPSiR, 2014. 640 s. <http://znanium.com/catalog/product/522030>

#### **The list of resources information and telecommunications network "Internet"**

1. State and Law <http://www.igpran.ru/journal/biblio/index.php>

2. Law and Policy <http://www.nbpublish.com/lpmag/>

3. Moscow Journal of International Law <http://www.mjil.ru>

4. Eurasian Law Journal <http://www.eurasialaw.ru>

5. Legal Scientific Library of Spark Publishing House <http://www.lawlibrary.ru>

6. Website of the Hague Conference on Private International Law [www.hcch.net](http://www.hcch.net)

7. Website of the London International Arbitration Court <http://www.lcia.org/>

8. Website of the International Chamber of Commerce  
<http://www.iccwbo.org/>

9. International Monetary Fund website  
<http://www.imf.org/external/index.htm>

10. The official site of the World Trade Organization  
<http://www.un.org/ru/wto/>

11. Official website of the Organization of Petroleum Exporting Countries  
<http://www.opec.org/>

12. Electronic Help System on International Law <http://www.eisil.org>

13. European Journal of International Law <http://ejil.org/index.html>

### List of information technology and software

<b>The location of the computer equipment on which the software is installed, the number of jobs</b>	<b>List of software</b>
690922, Vladivostok, Russky Island, Saperny Peninsula, Ajax Village, 10. Building 20 (D), classrooms for practical training, for group and individual consultations, current control and interim certification, "For practical training" - D574, 25 jobs	Microsoft Office - Standard Enrollment license number 62820593. End date 2020-06-30. Campus 3 parent program 49231495. Reseller: JSC "Softline Trade" Reseller order number: Tr000270647-18 ESET NOD32 Secure Enterprise Contract No. EA-091-18 dated 04.24.2018
690922, Vladivostok, Russky Island, Saperny Peninsula, Ajax settlement, 10, building A - level 10, room for independent work - room. A1042, Reading Room of the Humanities with open access of the Scientific Library	EUU0198072_EA-667-17_08.02.2018_Art-Line Technology ADOBE, EU0201024_EA-091-18_24.04.2018_Softline ESET NOD32_O_Projects, EU0205486_EA-261-18_02.08.2018_SoftLine Trade Trade_PO
690922, Vladivostok, Russky Island, Saperny Peninsula, Ajax settlement, 10, building A - level 10, room for independent work - room. A1042, Reading Room of Periodicals with Open Access of the Scientific Library	

## VI. METHODOICAL INDICATIONS ON THE DEVELOPMENT OF DISCIPLINE

### Guidelines for the development of discipline



For the discipline "International Investment Law" curriculum lectures are provided only for full-time students. Thus, for part-time students, students learn most of the information themselves. In this regard, practical exercises occupy an important place in the study of this discipline, being the only form of classroom work that allows the teacher not only to test and evaluate knowledge, but also to correct the gaps and shortcomings in learning the material on their own in the absence of lectures, and also allow to consolidate the understanding of internal relations in the structure of the studied phenomena through the internal residence of a theoretical content in the process of solving practical tasks.

Lecture classes for full-time students are focused on the most important theoretical and problematic issues of international investment law, are designed to guide students in the proposed material, to lay the scientific and methodological foundations for the further independent work of students, to promote the further development of their analytical thinking, to develop their own position on the issues discussed .

Practical (seminar) classes are designed to orient students not only to acquire new knowledge, but also to improve their professional competencies.

Of particular importance for the professional training of students is independent work on the course. It includes: preparing for practical exercises, solving practical (situational) tasks, writing an essay, preparing for a test.

For a deeper study of the issues of each topic, the student is recommended to use the recommended sources in the list of references.

Practical classes are held with the group and are built in the form of a teacher's interview with students on each question of the plan. When studying a course, it is necessary to study the topics in the sequence in which they are given in the program and plans for practical training. It is advisable to start working through each of the questions with an introduction to the content of the relevant section of the course program and reference to the sources indicated in the list of references.

In the practice of organizing practical (seminar) classes in the discipline "International Investment Law", both traditional and interactive methods are used:

- Debriefing;
- Deliberation;
- Business game;
- Brainstorm.

Methods of testing students' knowledge:

1. Colloquium (PP-2) - a means of controlling the learning material, organized as a training session in the form of an interview with the teacher and students.

2. Writing an essay (PR-3) involves analyzing the problem posed on the basis of studying the regulatory legal acts, basic literature, additional literature, materials of judicial practice in the discipline “International Investment Law”, identifying existing gaps, problems, legal contradictions regulation, their assessment, as well as proposing their own ways of resolving them.

3. The solution of practical (situational) tasks (PR-11), which shows the degree to which students have practical skills. Problem solving is the traditional and most important method of conducting practical classes, therefore, it is necessary to dwell in greater detail on the consideration of the main approaches to problem solving.

In the process of solving problems, algorithms of legal thinking are mastered, without mastering which successful solution of practical problems is impossible. These algorithms include:

- 1) the study of the specific situation (relationship), requiring a legal justification or decision;
- 2) legal assessment or qualification of this situation (relationship);
- 3) search for relevant regulations and judicial practice;
- 4) interpretation of legal norms to be applied;
- 5) the decision to resolve a specific given situation;
- 6) the rationale for the decision, its formulation in writing;
- 7) projecting the decision on the reality, forecasting the process of its execution, the achievement of the goals for which it was made.

Task conditions include all the factual circumstances necessary to make a definite decision on a controversial issue formulated in the text of the problem. The solution of the problem must be recorded in a notebook intended for making such records. When solving a problem, its condition need not be rewritten; it is enough to indicate the number of the task, and then formulate your answers to the questions posed in the problem.

In response to the question (s) posed in the task, it is necessary to give a reasonable assessment of the proposed situation from the point of view of the current legislation. When solving problems, it is unacceptable to be limited to an unambiguous answer "yes" or "no."

A form of final control of students' knowledge is a test (in the 7/7 semester).

When preparing for a test, a student may use a list of sample test questions for self-examination as a guide.

The residual knowledge test allows you to:

- find out the level of mastering students' curriculum;
- assess the formation of students of certain knowledge and skills to use them, necessary and sufficient for future independent legal work;
- to evaluate the ability of students to think creatively and logically correct the answers to the questions posed.

In preparation for offset goes the repetition of the material covered. To simplify the preparation process, we recommend preparing and recording the answers to the questions, as well as mentioning the most difficult ones, which cause difficulties in preparation. It is also advisable to make a glossary of basic terms (concepts) for each topic.

During preparation for the test, the student must systematize the whole body of knowledge obtained both in the course of the discipline "International Investment Law" and in other related disciplines (theory of state and law, international law, international private law, etc.) .

The test is held in the form of an oral survey - interview (PP-1)

Interview (UO-1) is a means of control, organized as a special conversation between a teacher and a student on topics related to the discipline being studied, and designed to ascertain the student's knowledge of a specific section, topic, problem, etc.

Oral survey (interview) includes at least two questions with the preliminary preparation of the student (no more than 30 minutes).

## VII. MATERIAL AND TECHNICAL SUPPORT OF DISCIPLINE

<b>The location of the computer equipment on which the software is installed, the number of jobs</b>	<b>List of software</b>
690922, Vladivostok, Russian Island, Saperny Peninsula, Ajax Village, 10. Building 20 (D), classrooms for lecture-type classes, for group and individual consultations, monitoring and interim certification, "For lecture lessons" - D 212 (D348)	Projection screen ScreenLineTrimWhiteIce, 50 cm. Workspace size 236x147 cm; Multimedia Projector, Mitsubishi EW330U, 3000 ANSI Lumen, 1280x800; Acoustic system Extron SI 3CT LP (pair); Document Camera Avervision CP355AF; Extron XPA power amplifier 2001-100v; Sennheiser EW 122 G3 Microphone Radio System;
690922, Vladivostok, Russky Island, Saperny Peninsula, Ajax Village, 10. Building 20 (D), classrooms for practical training, for group and individual consultations, current control and interim certification, "For practical training" - D333, D334, D336, D340, D343, D427, D434, D435, D438, D442, D443, D446, D581, D589	Digital Audio Processor, Extron DMP 44 LC; Extension for Extron IPL T CR48 Controller; Extron IPL T S4 network controller; DVI 4x4 matrix switcher. Extron DXP 44 DVI PRO; Distribution Amplifier DVI Signal, Extron DVI DA2; LCD panel 47M, Full HD, LG M4716CCBA
690922, Vladivostok, Russky Island, Saperny Peninsula, Ajax Village, 10. Building 20 (D), classrooms for practical training, for group and individual consultations, current control and interim certification, "For practical training" - D574	Projection screen ScreenLine Trim White Ice, 50 cm. Workspace size 236 x 147 cm; Multimedia Projector, Mitsubishi EW330U, 3000 ANSI Lumen, 1280x800; LCD panel 47M, Full HD, LG M4716CCBA; monoblock Lenovo C360G-i34164G500UDK, RAM 4G, HDD 500G, DVDRW, OS FreeDOS, 19.5 LED - 25 workstations, MS Office 7.0 software, network equipment, with Internet connection
690922, Vladivostok, Russky Island, Saperny Peninsula, Ajax settlement, 10, building A - level 10, room for independent work - room. A1042, Reading Room of the Humanities	Lenovo C360G-i34164G500UDK monoblock - 115 pcs. Integrated touchscreen display Polymedia FlipBox

with open access of the Scientific Library	<p>Copier-printer-color scanner in an e-mail with 4 trays Xerox WorkCentre 5330 (WC5330C)</p> <p>Full-color Xerox WorkCentre 7530 copier-printer-scanner (WC7530CPS)</p> <p>Equipment for people with disabilities and people with disabilities:</p> <p>Display Braille Focus-40 Blue - 3 pcs.</p> <p>Braille display Focus-80 Blue</p> <p>Lenovo ThinkCentre E73z Workstation - 3 pcs.</p> <p>Video magnifier ONYX Swing-Arm PC edition</p> <p>Touch Recorder Memo Digital</p> <p>The device is portable for reading flat-printed texts PEarl</p> <p>Scanning and reading machine for blind and visually impaired SARA users</p> <p>Emprint SpotDot Braille Printer - 2 pcs.</p> <p>Braille Everest Printer - D V4</p> <p>Video magnifier ONYX Swing-Arm PC edition</p> <p>Video magnifier Topaz 24 " XL stationary electronic</p> <p>Learning system for children tactile-speech, or for people with disabilities</p> <p>RUBY Handheld Video Enlarger Portable - 2pcs.</p> <p>Samsung S23C200B screen</p> <p>Touch Recorder Memo Digital</p>
690922, Vladivostok, Russky Island, Saperny Peninsula, Ajax settlement, 10, building A - level 10, room for independent work - room. A1042, Reading Room of Periodicals with Open Access of the Scientific Library	<p>Monoblock Lenovo C360G-i34164G500UDK - 5 pcs.</p> <p>Copier-printer-color scanner to an e-mail with 4 trays Xerox WorkCentre 5330 (WC5330C)</p>

In order to provide special conditions for the education of persons with disabilities and persons with disabilities in FEFU, all buildings are equipped with ramps, elevators, lifts, specialized places equipped with toilet rooms, information and navigation support signs.



MINISTRY OF EDUCATION AND SCIENCE OF THE RUSSIAN FEDERATION  
Federal state autonomous educational institution higher education  
«Far Eastern Federal University»  
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**School of Law**

**TRAINING AND METHODOLOGICAL SUPPORT OF INDEPENDENT  
WORK OF STUDENTS**

**on the subject "International Investment Law"  
Direction of preparation 40.03.01 Jurisprudence  
Form of training full-time / extramural studies**

**Vladivostok  
2017**

**Schedule of the independent work on the discipline**

<b>№</b>	<b>Date / Time of completion</b>	<b>Type of independent work</b>	<b>Estimated time to run</b>	<b>Form of control</b>
<b>1.</b>	During the semester	Preparation for practical exercises	20 h. / 32 h.	PP-2 (colloquium)
<b>2.</b>	During the semester	Solving practical (situational) tasks	20 h. / 32 h.	PR-11 (multi-level tasks)
<b>3.</b>	At the end of the 7 <sup>th</sup> / 7 <sup>th</sup> semester	Writing an essay	20 h. / 32 h.	PR-3 (essay)
<b>4.</b>	During the semester	Preparation for offset	20 h. / 32 h.	Credit in the form of PP-1 (interview)

**Methodical recommendations in preparation for practical exercises**

In preparation for the practical classes in the course “International Investment Law” you should familiarize yourself with the topic of the practical lesson, study sources from recommended and additional literature.

Students' speeches at practical classes represent interviews of a teacher with students (PP-2 - colloquium) using handwritten outline, report outline, outlines, etc. In the course of the report, the student should state the main points of the question under consideration, pay attention to its debatable aspects, be ready to answer additional questions from the teacher and the audience. It is not considered as a report and the continuous reading of a previously prepared outline cannot be appreciated. It is necessary to process the studied material and highlight the

important. The latter should form the basis of the notes. For convenience, the student can make graphs, tables, etc.

The student's speaking time is determined by the teacher, but cannot be longer than 15 minutes.

Approximate topics for discussion at the colloquium and criteria for evaluating the oral response to the course "International Investment Law" are given in Appendix 2.

### **Guidelines for solving problems**

In order to correctly solve problems on a specific topic of the discipline "International Investment Law" a student must first study the current legislation, lecture and educational materials, monographic literature recommended by the plan of seminars and practical classes. The solution of tasks in a practical lesson consists in the student's statement of the circumstances of the case, the main question of the problem, the questions on which the decision depends, the answers to them. The decision should be detailed, consistent, reasoned, supported by references to the actual circumstances of the case. The answer to the question of the problem involves proving the student's chosen solution.

If the task has already given the decision of the court or other authority, it is required to evaluate its validity and legality.

In addition, it is necessary to answer the theoretical questions posed in the problem in connection with the proposed situation.

The solution of the problem should contain:

- a summary of the circumstances of the case;
- legal assessment of a legal matter;
- references to specific norms;
- conclusions and their rationale for the issue decided in the task.

The solution of practical (situational) tasks is made in writing and is submitted to the teacher for verification.

**The approximate list of practical (situational) tasks:**



### **Task 1.**

The Interdistrict Inspectorate of the Federal Tax Service No. 2 for the city of Chita attracted Tantalum Limited Liability Company to a tax liability in the form of a fine for failure to pay VAT on the grounds that it served as the customer-developer and general contractor and received monetary sums from individuals for apartments in a residential building under construction. The tax inspectorate believed that subparagraph 4 of paragraph 3 of Article 39 of the Tax Code of the Russian Federation was not applicable, since for tax purposes the object of the legal relations under consideration was the execution of construction and assembly works by the company, and not the transfer of property (apartments) on the basis of concluded contracts. Since the company conducted construction and installation work at the expense of funds transferred under participation agreements in shared construction, it was obliged to calculate VAT from the cost of work performed. Disagreeing with this decision, Tantalum Limited Liability Company appealed to the arbitration court.

What are the functions of the investor, the customer-developer and the general contractor? Are the funds received by the company performing the functions of the customer-developer and general contractor from individuals under contracts of participation in the construction of a dwelling house, shops and garage boxes, investments? Who is the investor in this case? Does the equity agreement have an investment character? Can a limited liability company Tantal be an investor?

### **Task 2.**

Between the city of St. Petersburg and the investment company an agreement was signed for the construction of a bridge across the Neva. In the preamble of the agreement, which was named as an investment agreement, it was stated that the agreement was concluded in accordance with the Law of St. Petersburg "On Public-Private Partnership". During the implementation of the project, a dispute arose on both sides, which, at the initiative of the investment company, was referred to arbitration. In formulating its claims, the investment

company indicated that, despite the fact that the preamble of the contract referred to the St. Petersburg Law on Public-Private Partnership, the contract contains all the essential conditions that allow qualifying the contract in accordance with the Federal Law “On concession agreement” as a concession agreement and apply the relevant provisions to the relations of the parties.

Analyze the correlation of federal and regional laws. What arguments should the court use in resolving a dispute, justifying the applicable law?

Criteria for assessing practical (situational) tasks are given in Appendix 2.

### **Guidelines for writing an essay**

Writing an essay involves analyzing the problem posed on the basis of studying regulatory legal acts, basic literature, additional literature on the discipline “International Investment Law”, identifying existing gaps, problems, contradictions of legal regulation, evaluating them, and proposing their own ways permissions.

The volume of the essay should not exceed 10 pages. The interval is 1.5, the font size is 14, the margins: left - 3 cm, right - 1.5 cm, upper and lower - 1.5 cm. Pages should be numbered. Paragraph indent from the beginning of the line is 1.5 cm.

The deadline for submitting an essay is the penultimate practical lesson in the discipline. The essay is given to the teacher. After checking the text, the student submits an essay in a class held during the week. According to the results of the test a certain grade is given to the student

In evaluating the essay, the correspondence of the content to the chosen topic, the clarity of the structure of work, the ability to work with scientific literature, the ability to pose a problem and analyze it, the ability to think logically, proficiency in professional terminology, and literacy are taken into account.

Approximate topics and criteria for an essay on the course "International Investment Law" are given in Appendix 2.

### **Methodical recommendations to prepare for offset**

In preparation for offset goes the repetition of the material covered. To simplify the preparation process, we recommend preparing and recording the answers to the questions, as well as mentioning the most difficult ones, which cause difficulties in preparation. It is also advisable to make a dictionary of basic terms (concepts) for the course "International Investment Law" for each topic.

During the preparation for the test, the student must systematize the entire body of knowledge obtained both in the course of the International Investment Law discipline and in other related disciplines (theory of state and law, civil law, international law, etc.).

An exemplary list of questions for offset for the discipline "International Investment Law", as well as criteria for evaluating the oral response to the offset are given in Appendix 2.



Appendix 2

MINISTRY OF EDUCATION AND SCIENCE OF THE RUSSIAN FEDERATION  
Federal state autonomous educational institution higher education  
«Far Eastern Federal University»  
(FEFU)

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**School of Law**

**ASSESSMENT FUND**  
**on the subject "International Investment Law"**  
**Direction of preparation 40.03.01 Jurisprudence**  
**Form of training full-time / extramural studies**

**Vladivostok  
2017**

**Passport Fund Assessment Funds**

<b>Code of competence</b>	<b>Stages of competence formation</b>	
OPK-7 ability to master the skills of professional communication in a foreign language	Knows	sufficient lexical minimum of a foreign language for conducting a conversation on a professional topic, including the necessary terminology in the volume provided for by the standard main grammatical phenomena, culture and traditions of the countries of the language being studied in comparison with the culture and traditions of their country and region; rules of speech etiquette in everyday and business areas of communication
	Knows how	use basic lexical and grammatical means in communicative situations of formal business and informal communication; understand the content of various types of professional texts in a foreign language; independently find information about the countries of the language being studied from various sources (periodicals, Internet, reference, educational, fiction); write abstracts, make reports, reports on the topics studied
	Owns	English at a level that allows dialogue on professional topics, including the skills of reflection, self-esteem, and self-control; various ways of verbal and non-verbal communication; communication skills in the native and foreign language environment
PC-10 readiness to perform official duties to ensure law and order, security of the individual, society, state	Knows	the main provisions of the theory of legality, the categories of law and order and security, the security of the individual, society, state
	Knows how	perform official duties to ensure law and order, the security of the individual, society and the state by means of prosecutorial activities
	Owns	skills to use existing knowledge and skills to perform official duties to ensure law and order, the security of individuals, society and the state by means of prosecutorial activities

№	Controlled sections / topics of discipline	Codes and stages of the formation of competencies	Evaluation tools		
			Current control	Intermediate certification	
1.	Section I. Globalization and its impact on the world order (10 hours) Topic 1. Globalization: basic socio-economic characteristics  Topic 1. Globalization: basic socio-economic characteristics  Lesson 1-2	OPK-7 PC-10	Knows	PP-2 (colloquium)	PP-1 (interview), questions to offset: № 1-4
			Knows how	PR-3 (essay)	
			Owens	PR-11 (multi-level tasks)	
2.	Section II. International Investment Law (22 hours) Topic 1. Investing and investing  Theme 2. Investment relationship  Topic 3. Investment security  Topic 4. Legal content of insurance risk  Topic 5. National - legal sources  Theme 6. International legal sources  Theme 7. Resolution of investment disputes  Theme 8. Periodization of the historical development of foreign investment  Theme 9. Terms of access and stages of economic activity of a foreign investor in the territory of the Russian Federation  Topic 10. Conceptual apparatus in the field of foreign investment  Topic 11. Foreign investor  Session 3-13	OPK-7 PC-10	Knows	PP-2 (colloquium)	PP-1 (interview), questions to offset: № 5-48
			Knows how	PR-3 (essay)	
			Owens	PR-11 (multi-level tasks)	

## The scale of assessment of the level of formation of competencies

Code of competence	Stages of competence formation		criteria	indicators
OPK-7 ability to master the skills of professional communication in a foreign language	knows (threshold level)	sufficient lexical minimum of a foreign language for conducting a conversation on a professional topic, including the necessary terminology in the volume provided for by the standard; main grammatical phenomena, culture and traditions of the countries of the language being studied in comparison with the culture and traditions of their country and region; rules of speech etiquette in the household and business areas of communication	Knowledge of elementary grammatical structures, dialogue on common topics	Ability to use elementary grammatical structures, dialogue on common topics
	able (advanced)	use basic lexical and grammatical means in communicative situations of formal business and informal communication; understand the content of various types of professional texts in a foreign language; independently find information about the countries of the language being	Ability to use knowledge of complicated grammatical structures, proficiency in vocabulary, sufficient to conduct a dialogue on various topics	Ability to use sophisticated grammatical structures, vocabulary proficiency sufficient for dialogue on various topics

		studied from various sources (periodicals, Internet, reference, educational, fiction); write essays, make reports, reports on the topics studied		
	owns (high)	English at a level that allows dialogue on professional topics, including the skills of reflection, self-esteem, and self-control; various ways of verbal and non-verbal communication; communication skills in the native and foreign language environment	Possession of skills of all grammatical structures, proficiency in vocabulary, sufficient to conduct a dialogue on any topics of interest, including using special terminology in the profession	Ability to apply proficiency in all grammatical structures, vocabulary proficiency, sufficient to conduct a dialogue on any topics of interest, including using special vocabulary
PC-10 readiness to perform official duties to ensure law and order, security of the individual, society, state	knows (threshold level)	the main provisions of the theory of legality, the categories of law and order and security, the security of the individual, society, state	Knowledge of the provisions of the theory of legality, categories of law and order and security, security of the individual, society, state	The ability to characterize the provisions of the theory of legality, categories of law and order and security, security of the individual, society, state
	able (advanced)	perform official duties to ensure law and order, the security of the individual, society and the state by means of prosecutorial activities	Ability to perform official duties to ensure law and order, the security of the individual, society and the state by means of prosecutorial activities	Ability to perform official duties to ensure law and order, the security of the individual, society and the state by means of prosecutorial activities
	owns (high)	skills to use existing knowledge and skills to perform official duties to ensure law and order, the security of	Possession of skills to use knowledge and skills for the performance of official duties in professional activities	Ability to use knowledge and skills to perform official duties in professional activities



		individuals, society and the state by means of prosecutorial activities		
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## **METHODOLOGICAL RECOMMENDATIONS DETERMINING THE PROCEDURES FOR ESTIMATING THE RESULTS OF DISCIPLINE MASTERING**

The current attestation of students in the discipline "International Investment Law" is conducted in accordance with the local regulations of FEFU and is mandatory.

The current certification for the discipline "International Investment Law" is carried out in the form of control measures (colloquium, writing an essay, solving situational problems) for evaluating actual student learning results and is carried out by the lead teacher.

Methods of testing students' knowledge:

1. Colloquium (PP-2) - a means of controlling the learning material, organized as a training session in the form of an interview with the teacher and students.

2. Writing an essay (PR-3) involves analyzing the problem posed on the basis of studying the regulatory legal acts, basic literature, additional literature, materials of judicial practice in the discipline "International Investment Law", identifying existing gaps, problems, legal contradictions regulation, their assessment, as well as proposing their own ways of resolving them.

3. The solution of practical (situational) tasks (PR-11), which shows the degree to which students have practical skills.

Objects of evaluation are:

- academic discipline (activity in the classroom, timeliness of performing various types of tasks, attendance of all types of classes in a certified discipline);
- degree of assimilation of theoretical knowledge;
- the level of mastery of practical skills in all types of academic work;

- results of independent work.

Intermediate certification of students in the discipline "International Investment Law" is carried out in accordance with the local regulations of FEFU and is mandatory.

Intermediate certification is carried out in the form of a test (in 7 / 7 semester).

The test is held in the form of an oral survey - interview (PP-1)

Interview (UO-1) is a means of control, organized as a special conversation between a teacher and a student on topics related to the discipline being studied, and designed to ascertain the student's knowledge of a specific section, topic, problem, etc.

Oral survey (interview) includes at least two questions with the preliminary preparation of the student (no more than 30 minutes).

### **ASSESSMENT FACILITIES FOR INTERMEDIATE CERTIFICATION**

<b>№</b>	<b>Code and name of the estimated means</b>	<b>Brief description of the evaluation tool</b>	<b>Representation estimated funds in the fund</b>
<b>1.</b>	PP-1 (interview)	Special conversation of the teacher on the topics of the course, which are displayed as questions to offset	A sample list of questions to offset

#### **Sample list of questions to offset**

1. The concept of globalization and its sources
2. The concept and types of consequences of globalization
3. The impact of globalization on international law: its causes and consequences
4. Problems of state sovereignty in the context of globalization
5. The concept of investment in legal and economic terms
6. Signs of foreign investment in international law

7. The concept of foreign investment under Russian law
8. Types of investments
9. Collective investment
10. The formation of international investment law
11. The place of international investment law in the legal system
12. Sources of international investment law
13. Codification of international investment law
14. Principles of international investment law
15. World standard investment
16. Legal regimes of foreign investments
17. Investment legal relationship
18. Subjects of investment legal relations
19. Operators of investment legal relations
20. Features of state participation in investment legal relations
21. The activities of transnational corporations in the investment process
22. Grounds for a global investment legal relationship
23. Legal nature of investment contracts
24. Foreign Investment Movement
25. Tax regulation of foreign investments
26. Foreign exchange regulation of foreign investment
27. Export and re-export of foreign investment
28. Capital operations and foreign investment
29. Investment legal personality
30. Legal status of foreign investments
31. Security of foreign investment
32. Dynamics of ownership of investment objects
33. Expropriation and nationalization of investment
34. Ways to protect the rights of investors in the expropriation of investments
35. Investment risks and ways to minimize them

36. The activities of international organizations in the mechanism of the international mechanism for guaranteeing foreign investment
37. National mechanisms for guaranteeing foreign investment
38. Private insurance systems for international investment
39. Lending investment process
40. International Investment and Privatization
41. The system of bodies to resolve investment disputes
42. Jurisdiction of ICSID
43. Washington Convention for the Settlement of Investment Disputes between States and Individuals or Legal Entities of Other States of 1965.
44. Alternative ways to resolve investment disputes
45. Political settlement of investment disputes
46. State structures for the resolution of investment conflicts
47. Protection of foreign investors in the European Court of Human Rights
48. Investment legislation of the Russian Federation

### **Criteria for grading the student's oral response in the standings**

<b>Points (rating)</b>	<b>Credit rating (standard)</b>	<b>Requirements for the generated competencies</b>
61 points or more	“done”	The grade “done” is given to the student, if he has learned the program material, exhaustively, consistently, clearly and logically coherently expounds it, knows how to closely link theory with practice, freely copes with tasks, questions and other types of knowledge, and is not difficult to answer when modifying assignments, uses in the response the material of monographic literature, correctly substantiates the decision made, has diverse skills and techniques for performing practical tasks.
60 points or less	“not done”	The grade “not done” is given to a student who does not know a significant part of the program material, makes significant mistakes, hesitantly, and does practical work with great difficulty. As a rule, the grade “unsatisfactory” is given to students who cannot continue their studies without additional studies in the relevant discipline.

### **ASSESSMENT TOOLS FOR CURRENT CERTIFICATION**

<b>№</b>	<b>Code and name of the estimated</b>	<b>Brief description of the</b>	<b>Representation</b>
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	<b>means</b>	<b>evaluation tool</b>	<b>estimated funds in the fund</b>
<b>1.</b>	PP-2 (colloquium)	A means of controlling the mastering of educational material of a topic, section or sections of a discipline, organized as an educational lesson in the form of an interview with a teacher and students	Sample questions on topics of discipline
<b>2.</b>	PR-3 (essay)	A written statement of understanding the reading of the literature from the specified list of literature on the topics of the course, provided by the teacher	Sample essay topics
<b>3.</b>	PR-11 (multi-level tasks)	Shows the degree of practical skills students have	Approximate set of multi-level tasks

### **Sample Questions for Colloquium**

#### Lesson 1. International Investment Law

Issues for discussion:

1. Goals and directions of investment.
2. Planning and selection of investment objects.
3. Investment planning models.
4. Forms and features of the implementation of real and financial investments.
5. Organization of investment projects.
6. Types of investment resources.
7. Interpretation of the concept of “investment climate”.

#### Session 2. Investment Relationship

Issues for discussion:

1. Foreign direct investment: concepts, features, methods of regulation.
2. The place and role of foreign direct investment among the main forms of entry into international markets.
3. Motives and hypotheses of foreign direct investment.

#### Lesson 3: Investment Security

Issues for discussion:

1. International legal aspects of property protection.
2. The right to property is the central institution of private international law.
3. The right of foreign ownership and the principle of equality.
4. The international treaty basis of property protection.
5. Conventional protection.
6. Diplomatic protection.
7. Russian legislation on guarantees of foreign investment.
8. Types and distinctions of compulsory forms of withdrawal of foreign investments.
9. Differentiation of legal acts of state administration from measures of indirect expropriation.
10. International legal guarantees for damages in the course of foreign investment activities.

#### Lesson 4. Legal content of insurance risk

Issues for discussion:

1. The nature and type of insurance risks.
2. Evaluation of insurance risks.
3. Regulation of foreign direct investment.
4. The main provisions for the evaluation of international investment projects.
5. Foreign direct investment in Russia.

#### Lesson 5: Resolving Investment Disputes

Issues for discussion:

1. Features of the international arbitration law of foreign investment as an institute MIP
2. The international contractual framework of investment arbitration
3. IC LED - a transnational mechanism for resolving investment disputes

4. ECT as a model of a global international arbitration mechanism for settling investment disputes

5. International legal mechanism for the settlement of investment disputes

6. International investment disputes:

7. The procedure for resolving investment disputes at various stages of foreign investment activity

8. Breach of agreement by the recipient state

9. Breach of agreement by a foreign investor

Lesson 6. Access conditions and stages of economic activity of a foreign investor in the Russian Federation

Issues for discussion:

1. General principles of access to foreign investment

2. Stages of investment activity

3. Pre-investment activity

4. The stage of direct investment

5. Termination of investment activities

6. Reinvestment activity is a special stage of investment activity.

Lesson 7. Conceptual device in the field of foreign investment

Issues for discussion:

1. Foreign investment

2. Lack of a common understanding of investment

3. Public and private investment

4. Russian legislation on the concept of "investment"

5. Bilateral agreements on the concept of "foreign investment"

6. Foreign direct investment

7. International legal standards for the concept of "foreign investment"

Session 8. Foreign Investor

Issues for discussion:

1. Subjects of investment relations
2. Foreign legal entity
3. Foreign citizen, stateless person
4. Foreign organization that is not a legal entity
5. International organization
6. Foreign country
7. Investment Agreement

### **Evaluation criteria for an oral response at a colloquium**

100-85 points - if the answer shows a solid knowledge of the basic processes of the subject area being studied, it is distinguished by the depth and completeness of the disclosure of the topic; possession of terminological apparatus; the ability to explain the essence, phenomena, processes, events, draw conclusions and generalizations, give reasoned answers, give examples; fluency in monologue speech, consistency and consistency of response; ability to give examples of current problems of the studied area.

85-76 points - the answer that reveals a solid knowledge of the basic processes of the studied domain, is distinguished by the depth and completeness of the disclosure of the topic; possession of terminological apparatus; the ability to explain the essence, phenomena, processes, events, draw conclusions and generalizations, give reasoned answers, give examples; fluency in monologue speech, consistency and consistency of response. However, one or two inaccuracies in the response are allowed.

75-61 point - the answer is evaluated, which testifies mainly about the knowledge of the processes of the studied subject area, which is characterized by insufficient depth and completeness of the topic disclosure; knowledge of the main issues of the theory; poorly formed skills of analyzing phenomena, processes, insufficient ability to give reasoned answers and give examples; not enough fluency in monologue speech, logic and consistency of response. Several errors in



the content of the response are allowed; inability to give an example of the development of a situation, to connect with other aspects of the studied area.

60-50 points - the answer that reveals the ignorance of the processes of the studied subject area, characterized by a shallow disclosure of the topic; ignorance of the main issues of the theory, unformed skills of analyzing phenomena, processes; the inability to give reasoned answers, weak possession of monologue speech, lack of consistency and consistency. Serious errors are made in the content of the response; ignorance of modern problems of the studied area.

### **Sample essay topics**

1. Subjects of investment legal relations.
2. Operators of investment legal relations.
3. Features of the participation of states in investment legal relations.
4. The activities of transnational corporations in the investment process.
5. Grounds for the emergence of a global investment legal relationship.
6. The legal nature of investment contracts.
7. The movement of foreign investment.
8. Tax regulation of foreign investments.
9. Foreign exchange regulation of foreign investment.
10. Export and re-export of foreign investment.
11. Capital flow operations and foreign investment.

### **Essay Assessment Criteria**

- the assessment is “credited” to the student if: the essay is characterized by semantic integrity, coherence and consistency of the stated problem; the student is able to express a reasoned opinion on the formulated problem, accurately determining its content and components; the student is not only able to state the meaning of the read literature, but also has the skills to analyze it; the student has the skills of independent research work on the research topic; the essay is based on current legislation, does not contain factual errors related to understanding the

problem; The essay is equipped with the necessary bibliographic apparatus and is designed in compliance with the requirements of GOST for students' written work.

- the mark “not read” is put to the student, if: the essay is a retold or completely rewritten text of the used literature without its analysis, author's commentary; highlighting problems, gaps, contradictions; the structure and theoretical components of the topic are not disclosed; used inactive legislation; Three or more than three mistakes were made in the semantic content of the disclosed problem, in the design of the essay.

### **Approximate set of situational tasks**

#### **Task 1.**

On August 12, 1994, following an auction held by the Bank of Estonia, an agreement was concluded on the sale of an insolvent (bankrupt) branch of the Estonian Social Bank Limited to the financial institution Estonian Innovation Bank (ETB) incorporated in Estonia for EEK 3,000,000 . The main shareholders of ETB were:

1) Estonian company A.S. Baltoil, wholly owned by Eastern Credit Limited, Inc .;

2) Eastern Credit Limited, Inc., established by the law of the State of Texas, USA, and owned by US citizen A. Genin;

3) Eurocapital Group Ltd. incorporated in the Isle of Man. On September 9, 1997, Bank of Estonia revoked the license from ETB Bank. As a result, US citizen A. Genin, Eastern Credit Limited, Inc. and Estonian company A.S. Baltoil turned to the International Center for the Settlement of Investment Disputes.

What are investments? Does the Washington Convention on the Settlement of Investment Disputes between States and Citizens of Other States contain a definition of investments?

Does the question of the legality of license revocation relate to the subject of an investment dispute?

Determine the right of the state to be applied in this task.

Does Bank of Estonia have the right to demand the provision of information and other actions to exercise banking control? Is this a restriction of the investor's right to carry out investment activities and, accordingly, can this be equated with expropriation?

Could the revocation of a license be unconditionally viewed as a violation of the rules of a bilateral international treaty banning expropriation?

## **Task 2.**

The Tokios Tokeles commercial enterprise, established by the law of Lithuania and owned by Ukrainian citizens, established a subsidiary Taki Spravy in Ukraine with the purpose of carrying out advertising and publishing activities. Tokios Tokeles initially invested \$ 170,000. For the period 1994 - 2002. total investment amounted to \$ 6.5 million. In 2002, Tokios Tokeles turned to the International Center for the Settlement of Investment Disputes, finding that Ukraine had violated a bilateral international agreement with Lithuania on mutual encouragement and protection of investments of February 8, 1994 by committing the following actions:

- 1) conducting a huge number of tax audits;
- 2) prosecution of an enterprise in courts;
- 3) the imposition of an administrative arrest on the property of the enterprise;
- 4) unreasonable seizure of financial documents;
- 5) false accusation of the company in the commission of illegal actions.

Ukraine contested the jurisdiction of the International Center for the Settlement of Investment Disputes, stating that Tokios Tokeles is owned by Ukrainian citizens and, therefore, is not a foreign investor.

On what legal norms is the competence of the International Center for the Settlement of Investment Disputes?

In what form can the parties agree to transfer the dispute to the International Center for the Settlement of Investment Disputes?

Is Tokios Tokeles a foreign investor and, accordingly, is the dispute to be considered at the International Center for the Settlement of Investment Disputes?

Does the dispute in question directly stem from investment in Ukraine?

Determine the right of the state to be applied in this task.

**Criteria for evaluating the solution of a practical problem (including as an independent work)**

100-86 points are awarded if the student has expressed his opinion on the formulated task, argued it, having precisely defined its content and components. Demonstrated knowledge and proficiency in independent research work on the research topic. There are no actual errors related to understanding the problem of the problem.

85-76 points - the student's decision is characterized by semantic integrity, coherence and consistency of presentation; no more than 1 error was made when explaining the meaning or content of the problem of the task. Demonstrated research skills. There are no actual errors related to understanding the problem of the problem.

75-61 point - a rather independent analysis of the main stages and the semantic components of the task was carried out. Involved the main sources on the subject. There are no more than 2 errors in the meaning or content of the problem.

60-50 points - if the solution of the problem is an incomplete analysis of the main problem. Three or more than three errors of the semantic content of the disclosed problem of the problem were made.