

OPINION

on the Final Qualification Work of WAN SUE,
a student at St. Petersburg State University, level of education – Master,
main educational program: BM.5848.2020
«Transnational Legal Practice (in English)

“THE BREAKTHROUGH OF MIRROR IMAGE RULE UNDER THE UNITED NATIONS
CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS AND
CHINESE CONTRACTUAL LEGISLATION”

The author of the Final qualification work, Wan Sue, has chosen an important and up-to-date research topic in the field of international sales contracts – the role of the mirror image rule for the conclusion of sales contracts and Chinese contract law. The mirror image rule is a concept known in both common law and continental law systems, however, economic developments in the last decades caused deviations from this rule by virtue of the use of contract forms by parties to a sales contract. This may lead to the problem of a “battle of the forms”, which is now a much-debated topic in contract law.

The author begins with the explanation of the mirror image rule and the emergence of form contracts, which are widely used in contemporary economic transactions. She analyzes the phenomenon of the battle of the forms and names possible solutions for such situations (like the last-shot rule or the knock-out rule). Then the author turns to the United Nations Convention on Contracts for the International Sale of Goods (CISG) and discusses its rules in respect of the mirror image rules and provisions on contract forms.

Then, using comparative methods, the author investigates legislative breakthroughs of the mirror image rule in the United States and Germany, and after that turns to the Chinese experience. Wan Sue did not only present and discuss Chinese legislative provisions relating to the mirror image rule, but also analyzed the judicial interpretation of the Contract Law of the People's Republic of China on this matter.

The author used numerous academic publications and legal texts in different languages. A special attention shall be paid to the chapter devoted to the Chinese approach, as it is a valuable analysis of some areas of Chinese contract law, which is not easily available to foreign researchers.

The author conducted an independent research, was open to discussion and ready to work on further improvements and developments of the text. The author's conclusions are original and well-grounded ideas, which can be used in theory and practice.

The Final qualification work of Wan Sue meets all necessary requirements for such papers, can be admitted to the public defence and deserves a high grade.

Recommended grade – «excellent».

24 May 2022

Associate Professor, Ph.D.



M.P. Trunk-Fedorova