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| Автономная некоммерческая организация**«Научно-исследовательский «Центр развития энергетического права и современной правовой науки имени В.А. Мусина»** |  |
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**Программа кандидатского экзамена по дисциплине**

**«Иностранный язык»**

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| Направление подготовки/научная специальность  | 5.1.2. Публично-правовые (государственно-правовые) науки5.1.3. Частно-правовые (цивилистические) науки5.1.5. Международно-правовые науки |
| Направленность (профиль) программы | Энергетическое право. Публично-правовые отношенияЭнергетическое право. Частно-правовые отношения.Энергетическое право. Международно-правовые отношения. |
| Уровень высшего образованияФорма обучения | Подготовка кадров высшей квалификацииОчная |

2024 г.

1. **Общие положения**

1.1.Программа кандидатского экзамена регламентирует содержание, порядок сдачи кандидатского экзамена, состав экзаменационной комиссии, порядок оценки уровня знаний, и включает перечень заданий и вопросов, выносимых на кандидатский экзамен

1.2.Программа кандидатского экзамена по дисциплине «Иностранный язык» разработана в соответствии с действующим законодательством, в том числе Положением о подготовке научных и научно-педагогических кадров в аспирантуре (адъюнктуре), утвержденным Постановлением Правительства Российской Федерации от 30.11.2021 № 2122, Федеральными государственными требованиями к структуре программ подготовки научных и научно-педагогических кадров в аспирантуре, условиям их реализации, срокам освоения этих программ с учетом различных форм обучения, образовательных технологий и особенностей отдельных категорий аспирантов, утвержденными приказом Министерства науки и высшего образования Российской Федерации 20.10.2021г. № 951, а также в соответствии с локальными актами АНО «Научно-исследовательский «Центр развития энергетического права и современной правовой науки имени В.А.Мусина» (далее -Центр).

1. **Порядок сдачи кандидатского экзамена**

2.1. Допуском к экзамену является зачет по дисциплине.

за выполненный реферат по темам, размещенным в Личном кабинете

 2.2 Кандидатский экзамен по дисциплине «Иностранный язык» по научным специальностям: 5.1.2. Публично-правовые (государственно-правовые) науки; 5.1.3. Частно-правовые (цивилистические) науки; 5.1.5. Международно-правовые науки проводится в два этапа: выполнение письменного задания и устная беседа по научной специальности.

 2.3 Для приема кандидатского экзамена создается комиссия (далее - экзаменационные комиссии), состав которой утверждается Директором Центра.

Состав экзаменационной комиссии формируется из числа научно-педагогических работников (в том числе работающих по совместительству) Центра включает в себя председателя и членов экзаменационной комиссии. В состав экзаменационной комиссии могут включаться научно-педагогические работники других организаций. Регламент работы экзаменационных комиссий определяется локальным актом Центра.

2.4. Экзаменационная комиссия по приему кандидатского экзамена по иностранному языку правомочна принимать кандидатский экзамен, если в ее заседании участвуют не менее 2 специалистов, имеющих ученую степень кандидата филологических наук.

2.5. Решение экзаменационных комиссий оформляется протоколом, в котором указываются шифр и наименование научной специальности и отрасли науки, по которым сданы кандидатские экзамены; оценка уровня знаний по каждому кандидатскому экзамену; фамилия, имя, отчество (последнее - при наличии), ученая степень (в случае ее отсутствия - уровень профессионального образования и квалификация) каждого члена экзаменационной комиссии.

2.6. В случае неявки на кандидатский экзамен по уважительной причине, подтвержденной документально, дата проведения кандидатского экзамена переносится на срок, установленный приказом Центра.

 Уважительными причинами неявки аспиранта на кандидатский экзамен являются: болезнь аспиранта; необходимость ухода за родственником либо смерть ближайшего родственника; авария; катаклизм и чрезвычайная ситуация; ожидание аварийных или спасательных служб; нахождение под арестом; присутствие на следственных действиях по повестке; участие в судебном заседании; работа в избирательной компании; выполнение государственных обязанностей по работе или в рамках волонтерской деятельности.

 Вышеуказанные уважительные причины должны быть подтверждены документами, оформленными в установленном порядке.

**3.Письменные экзаменационные задания**

3.1.Аспирант заранее получает текст для перевода и направляет его на электронный адрес Центра для оценки членами экзаменационной комиссии не позднее 14 дней до дня проведения устной части кандидатского экзамена.

 **Образцы текстов для перевода к кандидатскому экзамену**

**Текст 1***.* **Contracts for the sale of goods**

These contracts contain express and implied conditions and warranties which are referred to as the terms of the contract. They set out the rights and obligations of the parties under the contract. So, for example, express terms are usually included in the contract by the parties themselves, whereas implied terms are often implied into the contract by statute, e.g. the Sale of Goods Act 1979.

*Conditions*

These are important contractual terms and a breach of them may enable the injured party to treat the contract as at an end. Often this means that the goods are returned to the seller and the buyer gets his money back. For example, on he sale of a car S says to В that the car is 1196cc and was made in 1989; if either of these tatements is untrue there is a breach of an express term and an implied term-that the car will match its description.

*Warranties*

These are less important contractual terms and, in the event of a breach the buyer may be able to claim damages, e.g. the difference in value between what the buyer contracted for and what he actually got. For example, on the sale of the same car S says to В that it has been serviced in the last three months. If this statement is untrue there is a breach of warranty. The retailer may attempt, in the contract, to exclude liability for breach of conditions or warranties whether express or implied. Because this world cause hardship to the consumer who may have no choice but to accept such an exclusion if he wishes to purchase the goods, protection has been given by both the common law and statute. This prevents the seller from including in contracts clauses which are very unfair to the consumer.

In Karsales (Harrow) Ltd v. Wallis (1956) the buyer saw a Buick car in excellent condition and entered into a hire purchase agreement to buy it. A week later the 'car' was delivered to his house. It had, in fact, been towed there; the tyres had been changed, the cylinder head removed and all the valves were burnt out. The car would not go. The contract contained a comprehensive exclusion of liability clause in favour of the seller (to the effect that he would not be liable for any defects howsoever caused). It was held by the Court of Appeal that the seller could not rely on the exclusion clause in the contract. The fact was that the buyer had agreed to buy a car and the sellers had agreed to sell him one. What was eventually delivered was not a car at all and there was such a complete breach of the contract that no exclusion clause could cover it.

**Текст 2. Civil procedure**

 Civil procedure in the civil courts in England and Wales is extremely complicated, but I will just try and outline the way in which court cases come to court. In England we don't have a division between public law and private law. All cases which are not criminal, essentially, go to the same sets of courts unlike many other countries where we've got special courts for administrative law which deal with public authorities. If a government department is involved in litigation, then it is dealt with in the ordinary courts. Now if you have a civil case which is basically a case involving a prime individual either suing the government or suing another individual, then this will take place in the civil courts. Two examples of civil cases would be an accident where someone is injured or another one where someone who's sold some goods has not been paid and wants to get the money. In those cases, the person who has suffered the injury in the accident wants to claim compensation. The person who sold the goods wants to get his money.

 The person who makes the application in a civil case is called the plaintiff. And the person who is at the receiving end is the defendant. Now, in those two examples, if there would always be an attempt to settle the case without going to court by lawyers negotiating to see if a settlement could be reached, because, i think, it has to be said that the vast majority of disputes and problems never get to court. It's only the small proportion that can't be resolved actually end up in court.

If you have a civil case, then you first of all have to decide which court it is going to be dealt with in. The basic rule is that a case is dealt with in the county court, which is a local court, if the amount involved is less than 25,000 pounds. If the amount is more than 25,000 pounds, then the case is dealt with in the High Court. So the division of jurisdiction is basically at that cut-off level.

If you are in the county court which is where most cases these days will be dealt with (because most cases involve less than 25,000 pounds), the case begins by the plaintiff issuing a document what's called a summons. He goes along to the court, pays a fee, and gets a from, and issues a summons which is basically a court document, which sets out what he is claming. That is then served on a defendant who then has got 14 days in which to respond to the court. He either has to say: "I admit the claim" or "I dispute it". And if he disputes it, he has to say "why" and send to the court a document called a defence. If he doesn't do anything, he is presumed to have admitted the claim. So if a defendant wants to dispute it, he has to take positive steps to do so. If he disputes the matter and sends in a defence, then the next stage is that there will be what's called interlocutory proceedings, which is where is where the court will give directions as to how the matter is to proceed.

One feature of English civil procedure is that it is up to the parties to determine the course of the litigation. The court does not control what happens. It is not a question of the judge directing that people have to do this and do this and setting time scales. The essential feature of English procedure, at the moment, is that it is for the parties to pursue the case, and the court does not take an aggressive role in doing so. So if nobody makes an application, then the case will simply be stuck out and cancelled; and that's the only thing the court does; otherwise, it's up to the parties to make their applications, and the court there is really to do what it is asked. It is not there to direct what happens.

 So one has a case which has a defence, and there's then a whole range of intermediate procedures such as disclosing documents, exchanging witness statements. If people won't co-operate, then you get court orders to force them to do so. If documents have to be filed, they have to be filed and served.

The procedure in the High Court is very similar except that the document which starts the proceedings in the High Court is called a writ. So you use a summons in the county court and a writ in the High Court. In both cases there will be what we call interlocutory proceedings, which is where the parties progress matters before trial, and very many cases which have been started settle during this period. If a case does not settle, then steps have to be made for the trial, and assuming a case proceeds to trial, it will be heard before a judge sitting alone whether it's in the county court or in the High Court. The judge sits on his own to deal with it, just one judge.

The case starts normally by the plaintiff outlining the case. And the plaintiff then calls the evidence he wants. When the plaintiff has presented all his evidence, the defendant or his lawyer speaks and then calls all the defence evidence. There are then speeches by the lawyers when they both try to persuade the judge as to what he should do. They might refer him to legal rules and legal principles, and the judge then gives his decision.

As with other aspects of procedure, it is for the parties to present the case. The judge does not intervene to any great extent. He might ask for clarification, but the judge's role, essentially, is to listen to the evidence which the parties choose to put in front of him. Unlike many civil jurisdiction, the judge is not in control of the proceedings. The judge is not taking an active part in what he's done. He is listening to what the parties choose to put in front of him; and after he has heard the evidence, the judge will then give his judgement and make the order on the basis of what he has determined.

In the English legal system, unlike many continental systems, judges do not set out at the beginning of their legal career to become judges.

Certainly, in France and in Germany once a student leaves a University, the best students have the option to go to start in their mid-20's as junior judges, and being a judge is a career.

That is not the case in England, where you go into practice, and a judge is chosen from practicing lawyers. And in theory, it is the best and the most expert of the lawyers who are practicing and have been practicing for 20 years who are chosen to become judges.

**Текст 3. Common law systems**

Common law, or case law systems, particularly that of England, differ from continental law in having developed gradually throughout history, not as the result of government attempts to define or codify every legal relation. Customs and court rulings have been as important as statutes (government legislation). Judges do not merely apply the law, in some cases they make law, since their interpretations may become precedents for other courts to follow.

Before William of Normandy invaded England in 1066, law was administered by a series of local courts and no law was common to the whole kingdom. The Norman Kings sent traveling judges around the country and gradually a “common law” developed, under the authority of three common law in London. Judges dealt with both criminal cases and civil disputes between individuals. Although local and ancient customs played their part, uniform application of the law throughout the country was promoted by the gradual development of the doctrine of precedent.

By this principle, judges attempted to apply existing customs and laws to each new case, rather than looking to the government to write new laws. If the essential elements of a case were the same as those of previous recorded cases, then the judge was bound to reach the same decision regarding guilt or innocence. If no precedent could be found, then the judge made a decision based upon existing legal principles, and his decision would become a precedent for other courts to follow when a similar case arose. The doctrine of precedent is still a central feature of modern common law systems. Courts are bound by the decisions of previous courts unless it can be shown that the facts differ from previous cases. Sometimes governments make new laws-statutes-to modify or clarify the common law, or to make rules where none existed before. But even statutes often need to be interrupted by the courts in order to fit particular cases, and these interpretations become new precedents. In common law systems, the law is, thus, found not only in government statutes, but also in the historical records of cases.

Another important feature of the common law tradition is equity.By the fourteenth century many people in England were dissatisfied with the inflexibility of the common law, and a practice developed of appealing directly to the king or to his chief legal administrator, the lord chancellor. As the lord chancellor's court became more willing to modify existing common law in order to solve dispute, a new system of law developed alongside the common law. This system recognized rights that were not enforced as common law but which were considered "equitable", or just, such as the right to force someone to fulfill a contract rather than simply pay damages for breaking it, or the rights of a beneficiary of a trust. The courts of common law and of equity existed alongside each other for centuries. If an equitable principle would bring a different result from a common law ruling on the same case, then the general rule was that equity should prevail.

One problem resulting from the existence of two systems of justice was that a person often had to begin actions in different courts in order to get a satisfactory solution. For example, in a breach (breaking) of contract claim, a person had to seek **specific performance** (an order forcing the other party to do something) in court of equity, and damages (monetary compensation for his loss) in a common law court. In 1873, the two system were unified, and nowadays a lawyer can pursue common law and equitable claims in the same court.

Although courts continually have to find ways of interpreting existing common law for new cases, legislation has become the most important source of new law. When the government feels that existing common law, equity, or statutes are in need of revision or clarification, it passes new legislation. In this way court avoid the obligation to follow precedent. Parliament passes hundreds of new laws every year on matters that need to be regulated more precisely than the common law has been able to do and on matters that never arose when the common law was developed. For example, modern society has produced crimes such as business fraud and computer theft which require complex and precise definitions. Some modern legislation is so precise and comprehensive it is rather like a code in the Continental system.

The spread of common law in the world is due both to the once widespread influence of Britain in the world and the growth of its former colony, the United States. Although judges in one common law country cannot directly support their decisions by cases from another, it is permissible for a judge to note such evidence in giving an explanation. Nevertheless, political divergence has produced legal divergence from England. Unified federal law is only a small part of American law. Most of it is produced by individual states and reflects various traditions. The state of Louisiana, for example, has a Roman civil form of law which derives from its days as a French colony. California has a case law tradition, but its laws are codified as extensively as many Continental systems. Quebec is an island of French law in the Canadian sea of case law. In India, English common law has been codified and adopted alongside a Hindu tradition of law. Sri Lanka has inherited a criminal code from the Russian law introduced by the Dutch, and an uncodified civil law introduced by the British.

###### **Текст 4. Social morality, rules and laws**

In all societies, relations between people are regulated by prescriptive laws. Some of them are customs-that is, informal rules we accept if we belong to particular social institutions, such as religious, educational and cultural groups. And some are precise laws made by nations and enforced against all citizens within their power. This book is mainly concerned with the last kind of law, and it is important to consider to what extent such laws can be distinguished from customs and social rules. Customs need not be made by governments, and they need not be written down. We learn how we are expected to behave in society through the instruction of family and teachers, the advice of friends, and our experiences in dealing with strangers. Sometimes, we can break these rules without suffering any penalty. But if we continually break the rules, or break a very important one, other members of society may ridicule us, criticize us, act violently toward us or refuse to have anything to do with us. The ways in which people talk, eat and drink, work, and relax together are usually guided by many such informal rules which have very little to do with laws created by governments.

The rules of social institutions tend to be more formal than customs, carrying precise penalties for those who break them. They are not, however, enforceable by any political authority. Sports clubs, for example, often have detailed rules for their members. But if a member breaks a rule and refuses to accept any punishment, the club may have no power other than to ask him or her to leave the club. However, when government make laws for their citizens, they use a system of courts backed by the power of the police to enforce these laws. Of course, there may be instances where the law is not enforced against someone-such as when young children commit crimes, when the police have to concentrate on certain crimes and therefore ignore other, or in countries where there is so much political corruption that certain people are able to escape justice by using their money or influence. But the general nature of the law considered in this book is that it is enforced equally against all members of the nation.

Government-made laws are nevertheless often patterned upon informal rules of conduct already existing in society, and relations between people are regulated by a combination of all these rules. This relationship can be demonstrated using the example of a sports club.

Suppose a member of a rugby club is so angry with the referee during a club game that he hits him and breaks his nose. At the most informal level of social custom, it is probable that people seeing or hearing about the incident would criticize the player and try to persuade him to apologize and perhaps compensate the referee in some way. At a more formal level, the player would find he had broken the rules of his club, and perhaps of a wider institution governing the conduct of all people playing rugby, and would face punishment, such as a fine or a suspension before he would be allowed to play another game. Finally, the player might also face prosecution for attacking the referee under laws created by the government of his country. In many countries there might be two kinds of prosecution. First, the referee could conduct a civil action against the player, demanding compensation for his injury and getting his claim enforced by a court of law if the player failed to agree privately. Second, the police might also start an action against the player for a crime of violence. If found guilty, the player might be sent to prison, or he might be made to pay a fine to the court-that is, punishment for an offence against the state, since governments often consider anti-social behavior not simply as a matter between two individuals but as a danger to the well-being and order of society as a whole.

What motives do governments have in making and enforcing laws? Social control is undoubtedly one purpose. Public laws establish the authority of the government itself, and civil laws provide a framework for interaction among citizens. Without laws, it is argued, there would be anarchy in society (although anarchists themselves argue that human beings would be able to interact peacefully without laws if there were no government to interfere in our lives).

Another purpose is the implementation of justice. Justice is a concept that most people feel is very important but few are able to define. Sometimes a just decision is simply a decision that most people feel is fair. But will we create a just society by simply observing public opinion? If we are always fair to majorities, we will often be unfair to minorities. If we do what seems to be fair at the moment, we may create unfairness in the future. What should the court decide, for example, when a man kills his wife because she has a painful illness and begs him to help her die? It seems unjust to find him guilty of a crime, yet if we do not, isn’t there a danger that such mercy-killing will become so widespread that abuses will occur? Many philosophers have proposed concepts of justice that are much more theoretical than everyday notions of fairness. And sometimes governments are influenced by philosophers, such as the French revolutionaries who tried to implement Montesquieu's doctrine of the Separation of Powers; or the Russian revolutionaries who accepted Marx's assertion that systems of law exist to protect the property of those who have political power. But in general, governments are guided by more practical considerations such as rising crime rates or the lobbying of pressure groups.

Sometimes laws are simply an attempt to implement common sense. It is obvious to most people that dangerous driving should be punished; that fathers should provide financial support for their children if they desert their families; that a person should be compensated for losses when someone else breaks an agreement with him or her. But in order to be enforced, common sense needs to be defined in law, and when definitions are being written, it becomes clear that common sense is not such a simple matter. Instead, it is a complex skill based upon long observation of many different people in different situations. Laws based upon common sense don't necessarily look much like common sense when they have been put into words!

In practice, governments are neither institutions solely interested in retaining power, nor clear-thinking bodies implementing justice and common sense. They combine many purposes and inherit many traditions. The laws that they make and enforce reflect this confusion. The laws made by the government of one country are often very different from the laws of another country. This makes it difficult to write a general introductory book about the law today. A book about economics, for example, while mentioning different practices and aims in different parts of the world, can focus upon those aspects of economics common to most parts of the modern world. But although there is a growing body of international law - and this will be dealt with as the final chapter of the book - the law today is, to a large extent, a complex of different and relatively independent national systems.

Most of the examples in this book come from English law. Despite major revisions over the centuries, the legal system of England and Wales is one of the oldest still operating in the modern world. (Scotland and Northern Ireland have their own internal legal systems, although many laws made by the British government operate throughout Britain.) English law has directly influenced the law of former British colonies such as Australia, India, Canada and the nation where law plays a bigger part in everyday life that anywhere else, the United States. In the following chapters these countries will be referred to frequently. In addition, although the legal systems of Western Europe and Japan come from rather different traditions, there are enough similarities of principle and institution to make comparison useful here, too.

**Текст 5. The contract of employment**

This contract provides the basis of the rights, duties and liabilities of the parties to it – the employer and employee. The framework remains that of common law contract rules (as was seen in Chapter 13), but Parliament intervenes increasingly in the labour law field, and there are certain statutes which will require our attention. The contract we are to examine is that for a full time employee rather than an independent contractor (we considered this very important distinction in Chapter 12 when dealing with vicarious liability).

 There are no formal requirements for the contract of employment. It could be oral, by conduct, partly written or entirely written. The written contract is to be preferred because its provisions will be readily available for reference. A term that is written in the contract cannot be negatived evidence of what happens in practice. Furthermore, it will be easier to bring about changes if the contract is written (e.g. reduce overtime, restrict the choice of holiday dates, introduce a shift system). Written contract of employment are, however, little used today, except for higher management positions.

 Whether the contract is written, partly written or just oral, the employee who has a working week of 8 hours or more has a right to receive ‘written particulars of employment’. The details required in this written statement are provided by the Employment Protection (Consolidation) Act 1978, as amended by the Trade Union Reform and Employment Rights Act 1993:

1. Not later than two months after the beginning of an employee’s employment with an employer, the employer shall give a written statement to the employee which may, subject to s. 2(3), be given in instalments before the end of that period.
2. The statement shall contain particulars of:
3. the names of the employer and employee;
4. the date when the employment began;
5. the date on which the employee’s period of continuous employment began (taking into account any employment with a previous employer which counts towards that period).
6. The statement shall also contain particulars, as at a specified date not more than seven days before the statement or instalment of the statement containing them is given, of:
7. the scale or rate of remuneration or the method of calculating remuneration;
8. the intervals at which remuneration is paid (that is, monthly or other specified intervals).

**Текст 6. FAMILY LAW**

According to Black's Law Dictionary, family law is a branch or specialty of law, also denominated "domestic relations" law, concerned with such subjects as adoption, amendment, divorce, separation, paternity, custody, support and child care.

 In the past, family law has been closely connected with the law of property and succession, and from the records available, it must have had its principal origins in the economic and property questions created by the transfer of a woman from her father's family to the power and guardianship of her husband. Even in regard to parent and child, such legal concepts as guardianship, custody, and legitimacy were associated with family power structures and family economic interests. Family law also has to do with matters of personal status-for example, the question whether X is to be considered married or single or whether Y is to be classed as legitimate- although the incidents and importance of these distinctions often lead back to the law of property.

 Family law shares an interest in certain social issues with other areas of law (e.g., criminal law). One of the issues that has received a substantially increased amount of attention, from various points of view, is the very difficult problem of violence within the family. This may take the form of physical violence by one adult member on another (in this case the woman is almost always the victim), or by an adult on a child, or of'some other form "natural" child by a father for such purposes as inheritance or support. The family group based on concubinage has been largely neglected by the law because such unions are often transitory and difficult to define, are considered immoral, occur mainly among poorer or less educated classes (as in some parts of Latin America),or are associated with an inferior status of the female (particularly in Asian and African countries).

*Married couples: duties towards the children*

 *The duty to educate.* This extends from the age of five to sixteen. The duty is imposed upon parents, guardians and anyone else ‘in possession’ of the child. The child must receive sufficient full time education, suitable to his age, ability and aptitude – so schools are not essential provided the duty can be satisfied at home. If the local authority is not satisfied it may apply for an education supervision order. Ignoring it is a crime, and the child may be brought before the local magistrates. Furthermore, there is a duty to ensure regular attendance at school. Prolonged, repeated and unjustified absences show breach of the duty, which is also an offence. If the local authority cannot obtain compliance from the custodians the child will be taken into the authority’s care (by use of care proceedings at the magistrates’ court), and the parental powers pass to the local authority. (note also that the local authority has the power to make a resolution vesting all parental rights in itself with regard to a particular child in certain circumstances.)

 *The duty to maintain.* This is the duty to provide adequate food, clothing and shelter, if necessary by means of social security benefits. Neglect is a criminal offence, and can also lead to care proceedings. Parents in difficulty can request that the local authority take the child into care. There may be a requirement of financial contribution – but it will not exceed the boarding-out allowance paid to foster parents, no matter what the true costs may be.

 Magistrates have the power to order that payments be made to maintain children, regardless of whether they are also considering the question of custody, or of affiliation (naming the father of an illegitimate child).

 *The duty to protect.* This varies with the age of the child. The criminal law provides that it is an offence to do the following:

 1) leave a child under twelve in a room with an unguarded fire (if death or serious injury results);

 2) allow a child under sixteen to train for dangerous performances;

 3) give intoxicating liquid to a child under five;

 4) be found drunk in a public place while in charge of a child under seven;

 5) be involved in the seduction or prostitution of a daughter under 16; or

 6) leave a child with a baby-sitter who is too young or with an unregistered child-minder.

There are many others.

As far as the civil (i.e. non-criminal) law is concerned, it is possible

for a child to sue his parents for compensation if he is injured through their neglect.

 Of course, if the local authority is not satisfied with the treatment of a child, proceedings for care and/or supervision orders (under the Children Act 1989) can be instituted. This might include, for example, cases where medical treatment is denied to a child because of the religious beliefs of the parents.

**4. Беседа по научной специализации.**

Примерный перечень вопросов, которые могут быть заданы в ходе беседы: 1. What is the subject matter of your thesis? 2. What branch of law does the problem you are working on refer to? 3. What prompted your choice of this area of research? 4. Who or what played the major role in arousing your interest in this field? 5. What results do you expect to achieve in your thesis? 6. What do you think the practical value of your research could be? 7. Do you think people’s life could become more orderly and the relations fairer thanks to the results of your research?

1. **Критерии оценивания**

Оценка «*отлично*» ставится, если аспирант:

* обладает в целом глубокими знаниями в области изучаемого предмета;
* перевод точный, стилистически правильный, отсутствуют искажения содержания оригинального текста;
* ответ полный, материал изложен логично, испытуемый демонстрирует и использует способность к анализу материала;
* ответы на вопросы полные, материал изложен логично, испытуемый может рассказать о предстоящем диссертационном исследовании; знаком с терминологическим аппаратом по специальности на иностранном языке;
* цели коммуникации достигнуты в полной мере; допущено не более одной полной коммуникативной ошибки (одной речевой ошибки, или лексической, или грамматической ошибки, приведшей к недопониманию или непониманию).

Оценка «*хорошо*» ставится, если аспирант:

* обладает в целом глубокими знаниями в области изучаемого предмета;
* перевод в целом достаточно точный, допустимы незначительные стилистические погрешности, возможны неточности в переводе некоторых сложных грамматических структур;
* ответы на вопросы достаточно полные, экзаменуемый может рассказать о предстоящем диссертационном исследовании, однако допускает некоторое количество лексико-грамматических ошибок (не более 5);
* знаком с терминологическим аппаратом по специальности на иностранном языке;
* цели коммуникации достигнуты в целом; допущено не более 2-5 полных коммуникативных ошибок, приведших к недопониманию или непониманию.

Оценка «*удовлетворительно*» ставится, если аспирант:

* обладает некоторыми знаниями в области изучаемого предмета;
* перевод недостаточно точный, присутствуют стилистические и грамматические ошибки (не более 9), имеется 2-3 случая искажении смысла оригинального текста;
* ответ недостаточно полный, имеет место нарушение формальной логики, испытуемый не может проанализировать фактический материал, имеются искажения фактов;
* ответы на вопросы недостаточно полные, экзаменуемый с трудом описывает предстоящее диссертационное 5 исследование; допускает значительное число лексико-грамматических ошибок (6-8), затрудняющих понимание высказывания; слабо владеет грамматическими структурами английского языка и терминологическим аппаратом по специальности на иностранном языке;
* главные цели коммуникации достигнуты частично; допущено не более 6-8 полных коммуникативных ошибок, приведших к недопониманию или непониманию.

Оценка «*неудовлетворительно*» ставится, если аспирант:

* обладает слабыми знаниями в области изучаемого предмета;
* перевод неточный, имеется более10 стилистических и грамматических ошибок, 5 и более случаев искажения смысла оригинального текста; Ответ неполный: не указаны существенные факты; отсутствует логика изложения по основным вопросам; испытуемый не владеет фактическим материалом и не может провести анализ фактического материала
* экзаменуемый не может поддержать беседу, дает односложные ответы на вопросы, при этом допускает много лексико-грамматических ошибок (9 и более), затрудняющих понимание высказывания; слабо владеет грамматическими структурами иностранного языка, не владеет терминологическим аппаратом по специальности на иностранном языке.
* главные цели коммуникации не достигнуты; допущено 9 и более полных коммуникативных ошибок, приведших к недопониманию или непониманию.