

Module Handbook  
**NEGOTIATIONS & CLAIMS**

Scheme & Program	M.Sc. Shipping Management		
Module Title	Negotiations & Claims		
Module Code			
Module Start Date/ Cohort	2021-22		
Module Level	Level 7	Credit Rating	[5 ECTS credits]
Total study time	24 hours academic directed time 3 hours lecture per week	Hours of independent Learning and time for assessments	12 hrs. teaching and time of exercises
Module Leader& Lecturer:	Demosthenes Papaconstantinou & Capt. N. Pentheroudakis		
Email:	<a href="mailto:pap.seminars@gmail.com">pap.seminars@gmail.com</a> & <a href="mailto:nickpenth@yahoo.com">nickpenth@yahoo.com</a>		
Room:			
Office Hours:			
Seminar Tutor(s):			
Program Director:	Professor Angelos Pantouvakis		
Administrator contact:	Mrs. Maria Varoucha, 2104142504		
Administrator e-mail:	<a href="mailto:shipman@unipi.gr">shipman@unipi.gr</a>		
Lecture day & time:	Weekdays 18.00-21.00		
Seminar day & time:			

## 1. Welcome Note

Welcome to the course of M.Sc. Shipping Management Program, University of Piraeus. In this module the students will develop, improve and understand better the captivating world of negotiations.

We are constantly negotiating. We are negotiating all our life. Every business activity is a negotiation. Many people do not realize it. We negotiate for everything that needs the consent or the agreement of the another side.

## 2. Module aims

- Students should familiarized with the elements and process of negotiation
- Provide them with the skills to communicate effectively, break down barriers and change mindsets
- Have knowledge on developing or building negotiation capabilities to translate into actionable results
- Equip a negotiation framework proven to achieve the greatest possible results
- Prepare them to deal with different types of negotiation situations

## 3. Learning Outcomes–what you will gain from taking the module:

By the end of this module, students should be able to:

1. Close more deals, faster, and at better margins
2. Have agreements that satisfies both sides in a business environment that is complex, uncertain and changing
3. Apply skillfully company policies while maintaining good relations without disturbing good communication
4. Use appropriate Negotiation strategies
5. Develop tactics and techniques for best results
6. Reduce costs with auspicious agreements
7. Neutralize "surprises" of the other side
8. Leverage your power and you will know how to neutralize any power of the other side
9. Collaborate more effectively internally and externally
10. Overcome obstacles even when the situations are not as you want

## 4. Indicative Module Content:

The module develops the classic framework as well as the contemporary empirical and research findings in negotiations. The module will utilize flexible, responsive and interactive learning environments using lectures, exercises, workshops, self - assessment tests.

### 1st week

Understanding the nature and the process of negotiation.

Parts of preparation

Communication: Dominating the talks and powerful tactics

### 2nd week

Understanding & Defining the interests of the parties.

B.A.T.N.A's and their importance. Their influence in the negotiation.

### 3rd week

Targets, Limits, Openings.  
Realistically set and achieve the negotiating targets  
Defend the limits  
What after the first offer?

4th week  
Deciding the strategy  
Detect other's side strategy  
Advantages & disadvantages of their applications  
Closings

### **1. Welcome Note**

Welcome to the "Cargo and Speed Claims" course of M.Sc. Shipping Management Program, University of Piraeus. This module helps students learn and understand how these usual disputes between Ship Owners and Charterers/Shippers/Receivers begin, proceed and the way to prevent.

### **2. Module aims**

This course is intended to introduce the basic theory, concepts and practice of Ship's Claims and to enable students to understand the Charter Party Terms and their interpretation in deep, so to effectively apply practical legal knowledge on the Charter Party drafting during negotiation stage. Also to take all precautions to avoid such claims and know all parties involved in procedure. It will also be emphasized the commercial and legal consequences of such claims.

### **3. Learning Outcomes--what you will gain from taking the module:**

By the end of the course, students should be able to:

- Analyze Ship's particulars;
- Critically interpret the Charter Party wording in relative clauses;
- Evaluate the necessity of most accurate description of speed and consumption in Time Charter;
- Understand how to train Master, Officers and Crew to minimize or even avoid such claims;
- Know what services the Protection and Indemnity Clubs can render;
- How to manipulate disputes with Shippers/Receivers of the cargo

### **4. Indicative Module Content:**

- Ship's Particulars and detailed Time Charter description in order to avoid claims;
- Commentary on relative clauses of the new Time Charter Party " N.Y.P.E." 2015;
- Bill of Lading - Drafting/Signing importance to avoid cargo claims;
- Agreeing Speed/Consumption clause in Time Charter Party;
- Definition of "Average Speed/Consumption";
- Beaufort and Douglas Scales;
- Time Charterers' option for "Slow Speed"
- Speed/Consumption in "Maneuvering in restricted waters, rivers..."

- Co-operation of Master with Chief Engineer and Chief Mate
- Role of P & I Club - Guidelines to Members - Preloading Survey - Draft Survey
- Bimco Dispute Resolution Clause, Arbitration/Mediation
- Court Cases

**5. How the module is taught, attendance and the teaching schedule:**

The module will utilize flexible, responsive and interactive learning environments using real speed and cargo claims among lectures, and workshops to encourage students' ability to think objectively and creatively. Thus, critical thinking will be achieved through case studies, day-to-day scenarios and multiple guidelines given to the Members of Protection and Indemnity Clubs.

**Weekly Content**

<b>Week</b>	<b>Topic</b>
Week 1	<p><b><u>Cargo Claims</u></b></p> <p><i>"Clean on Board" Bs/L, Quantity/Quality Claims, Watertight hatchcovers, preloading Survey, P&amp;I Club role, Limitation of Liability, "Interclub Agreement", procedure, Detention, H-V Rules</i></p>
Week 2	<p><b><u>Speed Claims</u></b></p> <p><i>What is Speed Claim and when applicable, underperformance, Beaufort/Douglas Scales, Speed and performance analysis, Weather routing Companies, Calculating Speed claims, "NYPE/15" Clauses 12+38 analysis, Slow Steaming option</i></p>

**Assessment of the module**

The module will be assessed as follows:

- A) Individual performance (30%): class participation, assignments, cases, exercises, tests
- B) Written exams (70%): A 2-hour written exam test.

Assessment Title and Brief Description	Word count/ Hrs where applicable	Weight	Submission deadline	Submission method	Feedback date	How feedback is provided
Individual performance (class participation, assignments, cases, exercises, tests)	-	30%	Continuous	In class	TBD	-
Written exams	2hrs	70%	TBD	In class	TBD	-

Any changes to the assessment schedule will be communicated by e-mail and/ or announcement on e-class.

### Recommended Reading

**1. Main Textbook for the Course:**

"Chartering Manual by Practitioners" 2019 , by T.Pagonis and N.Pentheroudakis - Practitioners Book Avenue,London (www.practibooks.co.uk)

Thomas' Stowage - The Properties and Stowage of Cargoes  
8<sup>th</sup> edition 2018

**2. Supplementary :**

**COURT CASES**

<https://www.supremecourt.uk/cases/docs/uksc-2016-0219-judgment.pdf> **(Volcafe v Compania Sud Americana De Vapores - COFFEE shipments)**

<https://www.ukpandi.com/knowledge-publications/article/1002-10-14-update-and-overview-of-bulk-cargo-shortage-claims-morocco-130636/>  
**(The "SUPERBA" CASE)**

**WEB SITES**

<https://www.ukpandi.com/knowledge-publications/article/circular-11-18-new-charterparty-clause-promoting-the-use-of-the-inter-club-new-york-produce-exchange-agreement-1996-as-amended-september-2011-145661/>  
**(New Charter Party Clause)**

<https://www.londonpandi.com/media/1460/5438.pdf>  
**(Inter-Club New York Produce Exchange Agreement 1996(as amended September 2011)).**

[https://www.ukpandi.com/fileadmin/uploads/uk-pi/LP%20Documents/Large\\_Claims\\_Analysis/Anatomy%20of%20Major%20Claims.pdf](https://www.ukpandi.com/fileadmin/uploads/uk-pi/LP%20Documents/Large_Claims_Analysis/Anatomy%20of%20Major%20Claims.pdf)  
**(The Anatomy of Major Claims - A Mariners' guide)**

[https://www.american-club.com/files/files/steel\\_cargo\\_guide.pdf](https://www.american-club.com/files/files/steel_cargo_guide.pdf)  
**(Steel Cargo Guidance)**

[https://www.ukpandi.com/fileadmin/uploads/uk-pi/LP%20Documents/LP\\_Bulletins/Chinese\\_Translations/Stowage%20of%20breakbulk%20cargo%20.pdf](https://www.ukpandi.com/fileadmin/uploads/uk-pi/LP%20Documents/LP_Bulletins/Chinese_Translations/Stowage%20of%20breakbulk%20cargo%20.pdf)  
**(Stowage of Breakbulk Cargoes)**

<http://www.gard.no/web/updates/content/51943/major-cargo-claims-analysis-general-highlights>  
**(Major Cargo Claims Analysis)**

[https://www.swedishclub.com/media\\_upload/files/Publications/Loss%20Prevention/Claims\\_at\\_a\\_Glance\\_2019%20WEBnew.pdf](https://www.swedishclub.com/media_upload/files/Publications/Loss%20Prevention/Claims_at_a_Glance_2019%20WEBnew.pdf)  
**(Claims Prevention)**

<https://gcaptain.com/ship-speed-consumption-disputes-resolved/>  
**(Ship Speed and Consumption Disputes – How Are They Resolved?)**

<https://www.ukpandi.com/knowledge-publications/article/speed-and-consumption-disputes-under-english-law-1917/>  
**(Speed and consumption disputes under English law)**

<https://www.westpandi.com/globalassets/about-us/claims/claims-guides/west-of-england---defence-guide---speed-and-consumption.pdf>

**(Defence Guide)**

<https://docobook.com/understanding-performance-claims-lmaa.html>

**(London Maritime Arbitrators Association - Understanding Performance Claims)**

<https://www.weather.gov/mfl/beaufort>

**(Beaufort Wind Scale)**

<http://dragdevicedb.com/appendix-viii-beaufort-wind-and-douglas-sea-scales>

**(Beaufort - Douglas - Swell)**

<https://www.steamshipmutual.com/publications/Articles/SlowSteaming1113.htm>

**(Slow Steaming)**

[https://www.swedishclub.com/upload/Loss\\_Prev\\_Docs/Machinery/MAN%20PrimeServ%20-%20Slow%20Steaming%20Rapport%202012%5B1%5D.pdf](https://www.swedishclub.com/upload/Loss_Prev_Docs/Machinery/MAN%20PrimeServ%20-%20Slow%20Steaming%20Rapport%202012%5B1%5D.pdf)

**(Global Shipping Practices - "MAN" engines web Survey)**

<http://oceanroute.com/>

**(Ship Routing Services)**

<https://www.stormgeo.com/solutions/shipping/>

**(Weather routing Services Plus...)**

<https://ww2.eagle.org/content/dam/eagle/publications/brochures/Vessel%20Performance.pdf>

**("ABS" Vessel's Performance)**

<https://www.sciencedirect.com/science/article/pii/S2468013315300127>

**(Fuel Consumption and Speed Curve)**