



MASTERCLASS SHIP MANAGEMENT

Athens
10-11 November 2022

 **BIMCO TRAINING**

Day 1

- 09:00-10:30 Setting the scene – COVID, costs, carbon, connectivity, and collaboration:**
- ship management in the aftermath of COVID-19
 - costs – is the business model of doing it cheaper broken?
 - carbon – CII and EEXI – the role of ship managers in managing compliance
 - connectivity – tech breakthroughs integrating ships with shore via “The Cloud”
 - collaboration – we are all in the same boat!
- 10:30-10:45 Break**
- 10:45-11:30 Introduction to the documentary work of BIMCO:**
- drafting BIMCO standard contracts and clauses
 - update on upcoming BIMCO contracts and clauses.
 - SHIPMAN/CREWMAN within the contractual structure of international trade
 - charter parties and bills of lading
 - sale contracts and letters of credit
 - marine insurance in relation to ship management
 - the role of a ship manager set against a shipowner’s obligations within the wider structure of international trade
 - status of the 2021 update of SHIPMAN/CREWMAN and the offspring contracts, including SUPERMAN, LAYUPMAN, AUTOSHIPMAN.
- 11:30-13:00 Dispute management:**
- contract/no contract, when is the agreement binding?
 - privity of contract and the effect on third parties not part of the contractual chain; The Contracts (Rights of Third Parties) Act 1999
 - termination of the contracts in general and ship management contract in particular
 - damages and tort
 - compensation for breaches under the contracts
 - dispute resolution:
 - good document management – the key to effectively defending and pursuing claims
 - the cost and complexity of litigation – what can be expected
 - settlement, mediation, and litigation strategy; managing costs.
- 13:00-13:45 Lunch**
- 13:45-15:15 SHIPMAN/CREWMAN as an agency contract:**
- definitions of “agency” as a concept under English law
 - commencement and appointment
 - authority of the managers – “As Managers Only”
 - disputes between shipowners and third-party contractors/suppliers
 - standard of performance and the meaning of “Best Endeavours” in performing ship management contracts
 - ISM – managers as DOC holder.
- 15:15-15:30 Break**
- 15:30-17:00 Case study 1 – Walk-through of a ship management dispute with practical solutions suggested:**
- Participants will be given a case study about a common type of commercial dispute and then split into small groups to identify solutions. The groups will then return to the main session to present their ideas.
- Wrapping up and take away points, day 1**

Day 2

- 09:00-10:00 Ship management contracts in the aftermath of COVID-19:**
- the ship managers’ obligations
 - the ship owners’ (the carrier’s) obligations
 - the crew managers’ obligations
 - force majeure and “hardship” clauses; breach of contract and “frustration”
 - additional deviation for crew changes because of COVID-19.
- 10:00-10:15 Break**
- 10:15-11:30 Financial aspects of SHIPMAN/CREWMAN:**
- provisions affecting budgeting and expenditure; Annex C
 - examples of disputes related to management fees
 - ship managers’ Letter of Undertaking (LoU) – overview.
- 11:30-13:00 Termination of SHIPMAN/CREWMAN contracts:**
- termination by agreement, and without fault
 - notice periods and minimum contract periods
 - termination by cause (cl. 22a)
 - notice to party in default requiring them to remedy the default within “a reasonable time period”
 - real life example of dispute in relation to termination.
- 13:00-13:45 Lunch**
- 13:45-15:15 Contract management SHIPMAN/CREWMAN:**
- insurance provisions and the importance of being listed as co-assured when acting as a ship manager
 - ship management contracts in the energy industry and knock-for-knock liability; definitions of employees, property gross negligence
 - obligations, liabilities, and exposure of the crew manager
 - limitation of liability as the ship manager (Clause 17(b)(i) of SHIPMAN)
 - liability for acts or omissions by crew; SHIPMAN Clause 17(b)(ii) crew negligence.
- 15:15-15:30 Break**
- 15:30-17:00 Case study 1 – Walk-through of a ship management dispute with practical solutions suggested:**
- Participants will be given a case study about a common type of commercial dispute and then split into small groups to identify solutions. The groups will then return to the main session to present their ideas.
- 16:45-17:00 Wrapping up and take away points, day 2**

Speakers



Michael Elwert

Capt. Michael P. Elwert has worked within the global shipping industry his entire working life and has over two decades of international management experience within the maritime industry. He gained his education with Maersk in Copenhagen and grew his global shipping acumen and exposure working from Denmark, UK, Norway, South Africa, USA, Singapore, Korea and Japan as several other countries in Asia.

As Global Chief Operating Officer and Deputy CEO V. ships, Michael was responsible to lead cross-functional efforts to drive scale, organizational alignment, efficiency, customer advocacy and consistent flawless service delivery across the V Group's ship management BU's. Acting in addition, as Deputy CEO reporting line for V Group ship management MD's covering key critical business hubs in France, USA, UAE, Denmark and India.

Prior to joining V.Group, Michael held various senior executive positions with Maersk, Thome Group, the Danish Shipowners' Association and BIMCO to mention a few. Michael has held several BOD & Advisory roles within the maritime cluster industry including more recently Dania Ship Management, UK Based DSG and the Global CBS Executive Maritime Board Leadership Program. Michael is a founding member of the Global HR Maritime Forum, ex-Executive Committee member of the Singapore Maritime Employers Federation, acting as Chairman for the "SMEF" Strategy working Group, as well as chairman for the Singapore Industry Working Group. Likewise, Michael was the lead strategist launching the successful Blue Denmark Maritime Industry recruitment and public awareness campaign.

Currently, acting as a Senior Advisor to the industry, he offers his executive advisory services to Venture Capital, Private Equity players, various industry Associations, as Ship Owners and Ship Managers alike.

Michael holds an EMBA in Shipping & Logistics from the Copenhagen Business University and a Masters in Nautical Science and remains the Global Ambassador for the "Blue" EMBA.

Venue

Where will the course be held?

The course venue will be confirmed approximately 8 weeks before the start of the course so we can find a suitable venue for the number of participants.

Organisers



Elena Tassioula

Elena is General Manager of BIMCO for Greece and Cyprus based in Athens. She is also responsible for the execution of BIMCO training and seminars in Greece and Cyprus. Prior to joining BIMCO she worked for a shipowner in Singapore and Athens and before that in the energy sector. She has wide international commercial and managerial experience, a degree in International Marketing and Strategy and speaks 6 languages. Elena is a member of WISTA.



Peter Grube

Peter is Head of Training, responsible for developing and delivering BIMCO courses and seminars world-wide. He joined BIMCO's Support & Advice in 1990 and was later appointed Marketing & Sales Director. Prior to joining BIMCO he worked at a shipowning office in Copenhagen, as well as a sale & purchase broker in Greece.

Peter Grube is a graduate from the Danish School for International Marketing & Export and is a Chartered Shipbroker (FICS). He holds a Master's in Education and Learning from Roskilde University (RUC).



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