

一 索 賠

Claims

索赔是指合同的一方向合同的另一方提出赔偿要求。索赔的对象主要有卖方、买方、承运人和保险公司。索赔的原因有货物品质规格不符、数量短少、包装有缺陷、延期交货、拖延付款、拖延接货、货物出现残损短缺、承保范围内的货物损失等。

1. 专家的提示 Suggestions from Experts

· 按照合同规定出具必要的索赔证件、证据，包括商检机构出具的证书，检验证书的内容应与合同中检验条款的要求相一致。

- 检明原因，分清责任，严格按合同办事。
- 言之有理，持之有据，但绝不能咄咄逼人。
- 态度诚恳，措词温和，但立场不能改变。
- 索赔解决的是眼前的问题，影响到的则是以后的生意，所以友好协商是关键。

2. 基本句型 Essential Sentences

1. This lot of goods is not up to the standard stipulated in the contract. We're now lodging a claim with you.

这批货的品质低于合同规定的标准，现向你方提出索赔。

2. The quality of your shipped goods has been found to be not in conformity with the agreed specifications. We're to claim on you for £800.

**贵方交付的货物品质不符合商定的标准，为此，我方要求
索赔 800 英镑。**

3. The goods arrived to our ports all right, but we regretted to find that each of the drums was leaking slightly.

**货物按期到达了我们的港口，但遗憾地是我们发现每一桶
均有轻度渗漏。**

4. The damage is chiefly due to poor packing which was not adequately reinforced.

损坏主要是由于没有很好的固定，包装极差造成的。

5. The goods have been so discoloured and heavily saturated by rain that they're unsaleable.

货物被雨水严重浸湿和污染，无法出售。

6. All the damage seems to have happened during transit.
所有损坏看来都是在运输中造成的。

7. We examined the goods and found that about half of them were badly damaged.

我们检查了所有货物，发现近一半严重受损。

8. It was found that there was a difference of 30 tons between the actual landed weight and the invoiced weight.

经查明实际卸货数量与发票应卸数量相差 30 吨。

9. The goods are short landed by 500 kilos; therefore we raise a claim against you.

货卸完后少了 500 公斤，因此我们向你方提出索赔。

10. According to the surveyor's report, there was a shortage of 400 lbs.

据公证行的报告，短缺 400 磅。

11. We consider that the suppliers are responsible for the short weight, because 51 bags were found broken when unloaded.

我们认为供货人应对短重负责，因为卸货时发现破包 51 个。

12. It's clearly stated in the contract that the maximum allowance for natural loss is 2%. But the actual loss is 5%.

合同中明确规定，自然损失的最大限度为 2%，但实际短缺已有 5%。

13. We regret to tell you that Case No. 5 did not contain the goods we ordered.

我们遗憾地告诉你方，5号箱内所装货物不是我方所订货物。

14. This is not the first time a delay in delivery has occurred, and this has compelled us to point out that it has brought about adverse effect on our future business.

这已不是第一次延误交货，因此我们不得不指出，这已给我方今后的交易带来了不良的影响。

15. I'm surprised to find 300 cases of iron nails terribly rusty.

发现 300 箱铁钉生锈得很严重，这使我感到很吃惊。

16. I'm sorry to tell you that the machine tools I purchased from you do not work well.

很抱歉，我从你方购买的机床不能运转。

17. The goods were found seriously damaged. I think the insurance company shall be responsible for the damage.

这批货破损严重，我想保险公司应负责赔偿。

18. The seller should be responsible for his improper packing.

卖方应对其包装不当负赔偿责任。

19. We regret the loss you have suffered and agree to compensate you by £800.

我们对贵方所受损失深表歉意，同意赔偿贵方 800 英镑。

20. We decided to compensate you 5% of the total value and you should bear the inspection fee.

我方决定赔偿贵方 5% 的损失，但贵方应负担商检费用。

21. As the liability rests with both parties, it would not be fair if the loss be totally imposed on us. We are ready to pay 50% of the loss only.

所有损失都加到我方头上是不公平的。责任应由双方承

担,我方愿支付 50% 的损失。

22. Such a claim, as is without foundation, cannot be accepted.

这一索赔没有根据, 不能受理。

23. The packing of our goods has for many years proven to be fully satisfactory. We're surprised about your complaint.

我公司产品包装多年来均令人十分满意, 对贵公司的抱怨, 我们甚感惊讶。

24. We wish to point out that you lodged a claim without sufficient evidence to support it.

我方想指出, 你方提出索赔没有充分理由证明。

25. The documents submitted by you to support the claim for compensation are insufficient. Therefore, we cannot take your claim into consideration.

你方为索赔出具的文件不够充分, 因此, 对你方索赔要求, 我方不予考虑。

26. Your claim for indemnity for the loss you sustained should, in our opinion, be referred to the shipping company, as the liability rests with them.

我方认为, 由于责任在船运公司, 故贵方应向他们索赔遭受的损失。

27. We have to point out that the consignment was

carefully inspected before shipment, and we fail to understand how the damage could have happened.

我们必须指出，在装运前货物已经仔细检验过，故我方无法理解破损发生的原因。

28. Claims concerning insurance or transportation should be referred to the insurance company or the shipping company.

涉及保险或运输的索赔，请与保险公司或船运公司交涉。

3. 技巧性句型

Sentence Patterns for Negotiation Skills

1. We're to file a claim on you.

我们不得不向贵方提出索赔。

2. You shipped bulk goods not corresponding in quality with the sample.

你方运来的这批货与样品的品质不相符。

3. This consignment was not up to your own standard.

这批货没有达到你们自己的标准。

4. Since the loss is not a small figure, we have to claim this amount of shortage.

由于损失不是个小数目，我们不得不要求对这么多的短缺进行索赔。

5. This consignment is much inferior in quality to our samples. In such a case, you have invited trouble for both yourselves and us.

这批货的品质与我们的样品相差太多，这样一来给你我双方都造成了麻烦。

6. We regret to inform you that one of the cases of your consignment arrived in a badly damaged condition. The lid was broken, and the case with its contents was crushed.

遗憾地通知你方，运来的箱子中，有一箱到达时严重破损。箱盖破碎，箱子里面的东西都已压坏。

7. The damage may have been caused by many factors.

损坏或许是由许多因素造成的。

8. According to the surveyor's report, the damage was due to careless handling during transit.

据公证处报告，损坏是由于运输中操作不慎造成的。

9. The goods were in good order when they left here, and the damage must have occurred during transit.

货物离岸时状况良好，必定是在运输过程中损坏的。

10. A shortage of 50 tons is a big loss for us. We have to lodge a claim against you.

50 吨重的短缺对我们来说是个不小的损失，我们不得不向你方提出索赔。

11. It's our hope that you will waive the claim and we shall then see if we can do something for your orders which are to follow.

我方希望贵方撤回索赔。对贵方日后的订单我方会考虑适当优惠。

12. We're prepared to make you a reasonable compensation but not the amount you claimed.

我方准备给你方合理的赔偿，但不是你方索赔的数目。

13. If we were at fault, we should be very glad to compensate for your losses.

如果责任在我方，我们当然乐于赔偿你方损失。

14. The shortage you alleged might have occurred on route, and that is a matter over which we can exercise no control.

贵方提出的短缺很可能发生在运输途中，这种事我们是无法控制的。

15. As the damage is apparently due to rough handling in transit, it is only appropriate for you to put in your claim with the insurance company concerned.

显而易见，损坏是由于粗暴装运所致，你方宜向有关的保险公司索赔。

16. As it is a matter concerning the insurance, we hope

that you will refer the claim to the insurance company of their agent at your end.

由于这是一个涉及保险的问题，希望贵方向保险公司或其在贵地的代理提请索赔。

17. We would be glad to know what you are supposed to do in the matter, as we cannot use them for our purpose.

我们无法使用货物，故极愿意知道贵方打算如何处理此事。

18. We trust you will do your best to have this matter straightened out at once.

我方信任你方会立即尽力处理好此事。

4. 情景对话 Situational Dialogues

● 对 话 I : 水果罐头损坏索赔

Dialogue I : A Claim for Fruit Tins Damage

A: Mr. Charles, we regret to inform you that the last consignment of 40 cases of Arbutus was seriously damaged. Careful inspection by the Health Officer showed that the contents were considered unfit for human consumption.

B: Just a minute, if you please, Mr. Jackson. Have your people in Tokyo discovered what were the exact causes

of the damage? It was rather a singular case, for thousands of tons of this product have been exported and this seems to be the only case of having been damaged on route.

A: I'm sorry I have to say it was not on route. It was definitely damaged prior to loading onto the S. S. Butler. Here, I have brought along with me the certificate issued by the Tokyo Health Officer. It speaks for itself. As to the causes, closer inspection and examination by our cargo handling people revealed that the leakage of juice was brought about by damaged tins. They were evidently broken through careless handling while being loaded into the ship's hold in Paris dock.

B: As I've said before, the whole business is most unfortunate. We have never come across such a case of damage during loading.

A: Mr. Charles, I've to remind you that our terms are CIF Tokyo port. While we have full confidence in your Commodities Inspection Bureau in its capacity of quality inspection, this is a case which occurred after their sampling and analysis at the works. And the

broken tins through careless handling and deterioration of contents on route necessarily brought about this state of affairs. Now, Mr. Charles, I'm sure you will think it fair on our part when we suggest that the total value of the parcel should be reduced by 50% and that you should give us an allowance by way of credit for the amount to be set against our future purchases of canned fruits from you.

B: Your proposal is reasonable. We can accept it, but please give us a certificate issued by your Health Department.

A: I'm so glad to hear of your ready agreement. Your fairness in business dealings is really unsurpassed. Shall we send you a letter confirming this?

B: As soon as you send us a letter confirming this conversation, we'll send you a reply immediately.

A: Thanks ever so much for your cooperation, Mr. Charles. Good-bye.

B: Good-bye, Mr. Jackson. Come over here when you're through with your business and we'll have a friendly chat.

.....

A: 查尔斯先生, 我们遗憾地通知你, 最后一批 40 箱杨梅

损坏严重，经卫生检疫所官员仔细检查，认为内装的食物不可再供人食用。

B: 请等一等，杰克逊先生，我请问，在东京你们有人发现损坏的确切原因是什么？这是罕见的事情，我们已出口了几千吨，在中途损坏的看来仅此头一回。

A: 很抱歉，我得说明，损坏不是发生在运输途中，而是在装上巴特勒轮之前。我这里有东京卫生检疫所官员发的证书，上面写得很清楚，我们经办装卸的人仔细检查过，看出果汁漏出的原因是罐头损坏了。很明显，当货在巴黎码头搬运装船时，因操作不慎造成损坏货物。

B: 我刚才讲过，整件事实在是很不幸。我们从没遇到罐头在装船时发生损坏的事。

A: 查尔斯先生，我得提醒你，我们成交的条款是东京到岸价。虽然我们相信你们商检局检验品质的能力，可损坏是在工厂中抽样化验之后发生的，操作不慎、罐头损坏、中途货物变质，必然会造成这种状况。现在，查尔斯先生，我建议这批货从总价中削减 50%，我肯定这是公平的，请你方给予补贴，此款项就用于将来向你们订购水果罐头时报销。

B: 你的建议是合理的，我们接受它，但你方要给我们你们卫生检疫部门发的证书。

A: 听到你这么痛快地同意,我很高兴。做生意这么公平,真的谁也比不上你。我方将寄信给你证实这个协议,行吗?

B: 你方寄出确认这次谈话的信之后,我方立刻作出答复。

A 万分感谢你的合作,查尔斯先生,再会。

B: 你办完业务后就到这儿来,我们可以叙叙友情,杰克逊先生,再会。

● 对 话 II : 医疗器械生锈索赔

Dialogue II : A Claim for Rusty Medical Instruments

A: Mr. White, We're surprised to find 30 sets of medical instruments terribly rusty. We've sent you by air two photos to back our findings.

B: We were also surprised, Mr. Vogt. I've been sent here to settle the claim.

A: We'll show you not only more photos but also the defective instruments.

B: Well, Mr. Vogt, we would like to tell you that before we left, we checked up on the condition of the first shipment and found nothing in our record indicating any rusty instruments.

A: Then how could it happen that 30 sets of medical instruments got rusty?

B: I guess dampness at sea might be the cause of the rust, the sea water got into the wooden cases and damaged the goods.

A: Sorry, but I can't agree.

B: You may take it from me that every instrument was subjected to strict inspection before shipment. I believe that rust could occur in transit.

A: Sorry, I don't quite follow. It seems to me your points are groundless. Let's look at the facts.

B: All right, I'm willing to hear them.

A: The damage didn't occur during transit. When we unpacked the goods, we found the wooden cases dry and the inside paper lining without water stains. Yet the instruments inside were terribly rusty, it's obvious that they were rusty before shipment.

B: May I suggest that we go to the warehouse together? We want to see the instruments ourselves.

A: That's fine. Let's go there now.

(In the warehouse)

B: I've seen the rusty instruments. It seems they should

be replaced by new ones.

A: Thank you for getting this matter sorted out for us.
How soon can we have the replacements?

B: Next month, I suppose.

.....

A 怀特先生,我们发现 30 套医疗器械锈得很厉害,我们对此感到惊讶,已用航空寄给你们两张照片,用以证明我们调查的结果。

B: 我们也很奇怪,沃格特先生,我就是被派到这儿来解决这个问题。

A: 我们不但将给你看更多的照片,而且还要给你们看有毛病的器械。

B 好,沃格特先生,我们想跟你说,在我们动身之前,调查了第一批货的情况,在我们的记录里找不到什么生锈的器械。

A: 那为何会有 30 套器械生锈呢?

B: 我猜想海洋潮湿或许是生锈的原因。海水漏进了木箱,损坏了货物。

A: 很抱歉,我不能同意你的意见。

B: 你可以相信我,每套器械在装运前,都经过了严格检查,我相信生锈可能发生于运输途中。

A: 对不起,我不明白你的看法,在我看来你的观点似乎