

Customer Service Loss Damage or Delay

Understanding responsibilities
when claiming from carrier
(sea or air) for Loss, Damage or Delay

LOST CARGO



LOST CARGO

Let's start with an easy one first

Air or Sea – 99% of the time it is easy to determine the loss value due to:

Invoices/Packing list/conventions/carriers liabilities

- **Usual Liability by Sea** – 2 SDR's (USD 2.80 approx) per kilo or 666.67 SDR's (USD 920.00 approx) per package (whichever is greater)
- **Liability Air** – Warsaw-\$10 per kilo MC99 19 SDR's (USD 26.00 approx) per kilo)

DAMAGED CARGO – not so easy!!



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Damage is not so easy to determine the value (surveyors? – who pays?)

What is “damage” – depends on the item
(motor bike spare parts, cloth/material that’s wet?)

Invoice Packing List and weight/packages should be able to define liability of carrier.

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DELAYED CARGO – hardest battle to fight



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Is an upset Shipper/Consignee cause for claim to the carrier? -- NO

Sea Freight – Slow mode of transport, next to no chance for claim, conditions on bill of lading protects them.

Airfreight – better chance if a delicate shipment, not so much if it is general cargo.

You must define the damage caused by delay and prove “damages” *caused* by the delay. Carrier B/L or AWB conditions will prevail.

CLAIMS PROCEDURES BY SEA



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Sea – time limit – 1 year to submit for Loss, damage or delay. (not recommend to wait)

Whose is entitled to claim?

Need clear copies of shipping docs

Clear copies of invoice packing list

Clear copies of any other documents re: the shipment

Surveyors report (damage or delay)

Clear explanation of reasons for claim

CLAIMS PROCEDURES BY AIR



CLAIMS PROCEDURES BY AIR

Air – time limit – (BE CAREFUL! On the Letter of Intent to claim), once filed, gives you 2 years.

Who is entitled to claim?

(The person entitled to delivery must file the claim against the carrier)

Letters of Intent time limits

- Loss – Under Carrier usually 120 days, we recommend 2 weeks to claim so it's not forgotten and is then time barred.
- Damage – Warsaw: 7 days / Warsaw-Hague or MC 99 – 14 days
- Delay – Warsaw 14 days /Warsaw-Hague or MC 9 – 21 days



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Thank you, please contact as below if you would like any further information.

Membership Services

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