

## 1. GENERAL CLAIM INFORMATION FOR OUR CUSTOMERS

### 1.1. Where to File a Claim?

A claim may be filed at the office of any Eucon location, or at the office of any Eucon agent, but it is preferable to direct your notice of a claim in writing to: [claims@eucon.nl](mailto:claims@eucon.nl)

### 1.2. Notice of Loss or Damage

In order that the carrier might have an opportunity to inspect the goods and thereby properly verify claims, any loss or damage discovered after delivery should be reported to the carrier immediately upon discovery, or **within 72 hours** after receipt of the goods by the consignee. Failure to notify the carrier may jeopardize claimant's right to recovery.

### 1.3. Time Limits

Claims must be filed **within 9 months** from date of delivery or, in the event of non-delivery 9 months from date delivery should have taken place. Time limits can be extended upon request. All requests for extensions must be confirmed in writing to [claims@eucon.nl](mailto:claims@eucon.nl)

### 1.4. Minimum requirements to constitute a Claim

A claim must be **in writing**. A written notice containing sufficient information to identify the shipment, stating a specific or determinable amount claimed and holding the carrier liable for that amount will constitute a claim.

### 1.5. Documentation

#### 1.5.1. Documents to be submitted

Pictures pertaining to the claim, Booking Confirmation, Shipper's Invoice, Packing List, Trailer Interchange Receipt, Delivery Receipt, (Inspection or Survey Report, or Salvage Returns, if any) and your statement of claim stating a specific amount claimed and detailed explanation of how that amount is arrived at. Claimants are urged to submit claims promptly and not to delay in filing claim if all information or documents are not readily on hand, but to submit as much information that is on hand that will help carrier understand the nature and extent of the loss. All amounts claimed must be supported before the claim can be paid.

#### 1.5.2. Pictures pertaining to the Claim

It is important to take photographs of the damage in order to help the carrier to determine the cause and the extent of the claimed damage. In cases of cargo damages: photographs should be taken of the damage goods as found inside the container and the condition of the container as well.

## 1.6. The Eucon Shipping & Transport Ltd. Multimodal Transport Waybill

The Eucon Waybill and the tariff under which the carrier accepted the goods for carriage will govern the determination of the claim. The terms and conditions of the Eucon Waybill and the tariffs will not be waived except in writing, and not waived or modified by any statement found on this form.

## 1.7. Provisions of Law

Carriers are **bound by** provisions of law in processing and concluding claims. All claims will be processed on their merits and will be processed fairly and impartially in accord with the applicable law and terms and conditions of the Eucon Waybill and tariffs.

## 1.8. Reminders to Claimant

### 1.8.1. Shortages

On claims for shortages on container load deliveries, claimants are reminded to supply seal records from the time of receipt of the container at the destination rail ramp or carrier's pier up to unloading of the container. Claims for shortages must be supported by an unloading or receiving report that records the seal number present on the trailer at the time of unloading, date and time unloading commenced, date and time of any interruption of, and commencement of, the unloading, a tally of the count and the description of all discrepancies discovered. The report should be signed and dated by the unloading supervisor. The form used is not important provided the information mentioned above is recorded.

### 1.8.2. Damage Claims

If the carrier was notified of the damage, please identify the particulars of this notice, submit any inspection report made by the carrier or surveyor and photographs, if any, and any other information that will help the carrier determine the cause or extent of the damage, final disposition of the goods, salvage returns, etc.

## 2. WHAT A CUSTOMER SHOULD DO IN A CLAIM SITUATION

### 2.1. Notify carrier promptly

- Identify the shipment by the Eucon Booking Number of the consignment.
- Give the container number.
- Describe the nature of the loss or damage.
- Give an estimate of the loss.
- Advise carrier of location where goods can be inspected.

### 2.2. Notify your cargo insurer

- Timely notification of loss or damage is pre-requisite of recovery under most insurance policies.
- Carrier's responsibility for the loss cannot be determined until after an investigation. The right to reimbursement under an insurance policy can be established as soon as the loss is quantified.
- Carrier may not be liable for the loss or, if liable, the carrier's liability may be limited and thus full recovery can only be obtained under the insurance coverage.

### 2.3. The carrier upon notice of loss or damage will:

- Arrange for an inspection or a survey.
- Give suitable instructions as the situation calls for.
- Waive inspections.

### 2.4. While waiting for the inspection or survey:

- Take photographs.
- Leave damaged goods in place if convenient.
- If container must be unloaded, segregate sound cargo from damaged cargo.
- Preserve all wrappings and packaged materials.
- Take steps to mitigate damage.

### 2.5. Keep records of the notification

- Record the name and location of the notified carrier's employee.
- Record the time and date of notification.
- Record the name of your employee who notified the carrier.
- Record any instruction received from the carrier, particularly if carrier waived inspection.
- Confirm telephone notifications in writing.

### 2.6. Reminders

- Under the Eucon Waybill you have **72 hours** after delivery to notify the carrier of any loss or damage. If after the initial inspection the loss or damage substantially greater than first reported, especially if the carrier has waived inspection, re-notify the carrier of the changing situation.

## 3. Hints on Receiving Procedures

Well supervised unloading procedures prevent claims and expedite claim handling. Keep reliable receiving records.

- Instruct your pickup trucker to verify that the seal on the container is intact and conforms with the seal number recorded on the CMR.
- Upon arrival of the trucker at the unloading site, have your employee verify that the seal is intact and conforms with the seal number recorded on the CMR and POD (Proof of Delivery).
- Instruct your employee to tug on the seal to verify that it is actually engaged, and examine the seal for signs of tampering.
- Obtain a signed delivery receipt from the trucker that records the seal number at the time of receipt of the trailer.
- Be explicit. On all handling documents, record the complete seal number, including all letters and numbers. Avoid notations such as "seal intact" or "seal okay." Do not take shortcuts by recording the last four or so numbers. Record the complete seal number, including the prefix letters.
- At time of unloading the container and/or trailer: If the trucker must stop several feet away from the unloading platform in order to open the doors, insist that your employee step down from the platform to verify the integrity of the seal. Security experts point out that the reluctance of platform employees to step down from the platform is taken advantage of by the larcenous to go through the motions only of breaking a seal already breached.
- Unloading Supervisor
  - Supervisor to pull seal to verify seal is actually engaged and inspect for any signs of tampering.
  - Preserve the seal.
  - Record full seal number with prefix letters on the unloading report.
  - Record the date and time unloading commenced.
  - Record the date and time of any interruption in the unloading (date and time stopped, date and time work commenced.)
  - Control the unloading by tally.
  - A stroke tally is best; one stroke for each parcel unloaded.
  - If parcels are palletized, keep stroke tally for each pallet, enumerate number of pieces on each pallet.
  - If a container and/or trailer is unloaded by lots, keep stroke tally of each lot.
  - At completion of unloading, have supervisor complete an unloading report showing complete outturn and recording all discrepancies.
  - Have supervisor sign the Proof of Delivery (POD).
- Proof of Delivery (POD) - the Proof of Delivery report need not be on a special form (POD). Each receiver, knowing what he expects to receive, will control the unloading in a form most convenient to his business. Whatever form or means used to control the receipt of the goods, it should record the full seal number, the date and time of any interruption in the unloading, date and time unloading recommenced, date and time completion; a tally of number of pieces received, note all discrepancies, and signed by unloading supervisor.

## 4. On Discovering a Shortage

A claim for shortage will be honoured or declined depending to a great extent on the promptness of your notice and the reliability of your receiving records.

Many containers and/or trailers are unloaded by contractors, distant from the named consignee or party who will file claim. Often, by the time the contractor notifies his principal, and they in turn notify the carrier, several days have elapsed.

Unloading personnel should be instructed to give notice of any discrepancy within **24 hours** and be placed on notice that they will be held responsible for any shortages or damages not reported within that time.

Some unloading contractors report to their principals by fax and/or email. This is an excellent procedure as it is not only prompt, but also records the date and time the report was made and thus establishes beyond cavil when the shortage was first discovered.

### 4.1. In filing a claim for shortage, attach to your claim:

- a. The POD (Proof of Delivery). This is the actual working paper prepared by your supervisor at the time of unloading.
- b. A copy of the commercial invoice, highlighting the items claimed as short.
- c. A copy of the packing list, if any.
- d. CMR, POD and other seal records that will establish the seal history of the container from time of pickup at the destination rail ramp or carrier's pier to the unloading platform.
- e. Identify the short items by lot, style or order number, and highlight the items claimed on the invoice. This will facilitate the carrier in determining the correctness of the amount claimed and the items claimed.

***Remember that all amounts claimed must be supported. Carriers cannot pay claims for items not supported.***

## 5. Report Damage Promptly / Filing A Claim for Damage

- A claim for damage will be honoured or declined, depending to a great extent on the promptness of notice and the reasonable steps taken to mitigate damages.
- Upon discovery of damage, stop unloading, take photographs if possible, and notify carrier and your cargo insurer, and follow their instructions. The carrier will arrange for an inspection or will waive inspection.
- If it is necessary to continue unloading, segregate the sound goods from the damaged goods.
- Take reasonable steps to prevent additional damage.
- Consignees have an obligation to accept damaged goods unless the damaged goods are of minimal value, or are damaged to the extent that they are completely unfit for their intended purposes.

- Consignees have an obligation to take reasonable steps to mitigate damages by repacking, resorting, reconditioning, repairing, salvaging, etc. The costs incurred in mitigating damages, if reasonable, are reimbursable by the carrier if the carrier is liable for the damages.
- In a damage situation, the consignee's cargo insurer and the carrier have an interest in the goods, and should work together in mitigating damages, in arranging for salvage and agreeing on the final disposition of the goods. The amicable cooperation of these three parties will mitigate the loss for whoever eventually must bear it.

## 5.1. Filing a Damage Claim

- a. Submit a statement of claim, itemizing the items claimed and the amount claimed.
- b. Submit a copy of the survey report or the inspection report.
- c. Submit photographs pertaining to the claim.
- d. Submit the commercial invoice and packing list, highlighting the items that are claimed.
- e. Submit supports for cost of sorting, reconditioning, repacking, etc.
- f. Advise carrier of the disposition made of the damaged goods, and of salvage recovery.

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1.	March 8 <sup>th</sup> , 2004		Initial version
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