

Procedures In Regard To Cargo Claims

In terms of the contract of carriage evidenced by the Bill of Lading the Merchant (**Shipper / Consignee**) has an express obligation to notify the Carrier (**KNCooltainer – A division of Kuehne + Nagel Limited, New Zealand**) if the Cargo at out turn is received in such condition that it appears, on the face of it, that loss or Damage has occurred whilst in the care and control of the Carrier.

If this loss or damage is readily apparent, notice must be given at the point in time the loss or damage is discovered. If the loss or damage is not apparent, notice must be given to the carrier within three (3) days of delivery. Failure to provide such notice is not fatal to a claim, but it does create a presumption that the goods were delivered in good order & condition. Notice can be given in the first instance by orally however this should be followed up by notice in writing.

The cargo may have taken marine insurance cover on the goods. Irrespective of the Insurance position, the Merchant has an obligation to take reasonable steps to minimise the extent of any loss. The Merchant must also give the carrier all reasonable opportunity to appoint their own surveyor to attend joint survey of the alleged loss or damage.

Submitting Pro Forma Notice

The Pro Forma Notice should provide the following details:

- Name of Shipper
- Name of Consignee
- Bill of Lading Number (attach copy)
- Vessel Name and Voyage Number
- Port of Loading
- Port of Discharge
- Place of Delivery
- Description of the Goods:
 - (i) Description of the Goods lost or damaged with photos.
 - (ii) Brief statement of events surrounding the loss or damage, if known
 - (iii) Commercial Invoice value of the shipment
- Calculation of Claim
- Original Photographs

Oral & written notice must be given to the local Cooltainer office.

Procedures for Submitting Completed Value Claim

Once the loss has been established & it is established that there is a prima facie case against the Carrier, the Merchant should then lodge without delay the Completed Value Claim. It should be noted that the Carrier will have available to it a contractual or statutory time limit of 9 or 12 months, depending on the circumstances of the loss. This time bar may be absolute it is not therefore simply to lodge a completed value claim within this period. Steps should be taken by cargo interests to ensure that the claim remains 'in time'.

The Value Claim must provide the following details:

- Name of Shipper and contact details of person handling claim.
- Name of Consignee and contact details.
- Bill of Lading Number (attach copy).
- Vessel Name and Voyage Number.
- Port of Loading.
- Port of Discharge.
- Place of Delivery (address) after discharge where damage first was noticed. Names of witnesses of cargo condition when container doors first opened including their employer. Contact email address & phone numbers.
- Detailed analysis of the loss or damage with support docs. & photos.
- Copy of the Commercial Invoices.
- Copy of Packing Lists.
- ¶ Copy of survey reports conducted on behalf of the Merchant which must contain; -
 - Deep flesh temp probe records.
 - Images of cargo.
 - Any other documents evidencing condition of cargo
- Copies of any Government papers relating to the shipment.
- Copies of all correspondence expressly concerned with the alleged loss or damage.
- Original Photographs.
- Calculation of Claim supported by docs.
- Certified Salvage or Destruction Certificates with photos to support.
- Unloading Tally.
- Delivery Receipt.

Completed Value Claims must be submitted to:

Bruce Haines

Technical Fleet & Claims Manager

KNCooltainer

A division of Kuehne + Nagel Limited, New Zealand

Ph: +64 3 353 8506

Mobile: +64 021 572 467

Email: bruce.haines@kuehne-nagel.com