



Claims Procedure



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Cargo Claims Procedures may assist in overcoming difficulties that may be encountered in issuing claims for loss or damage.

In dealing with cargo claims it is important to remember that international rules (liability regimes) apply to the carriage of goods by sea such as the Hague-Visby Rules



Claims Procedure

- 1. Immediate **notification**
- 2. Appoint a **surveyor** and arrange for **joint/bilateral inspections**
- of the damaged cargo
- 3. **Mitigation**: minimize and prevent further losses
- 4. Collect **documents**
- 5. Submit a **substantiated and quantified claim**
- 6. Protect against **time bar**
- 7. **Lessons Learnt analysis**



1. Immediate notification

- Notify your cargo insurer *
- Notify and hold Torcargo responsible for the loss and invite for inspection/survey
- If the damage was not apparent at the time of delivery of the cargo, notice should in any event be given *within 3 days of delivery*.

** It should be noted that your claims are being reviewed under limited liability per Bill of Lading terms and conditions and International Conventions. This means that when your cargo is not insured by you, your claim will solely be dealt with on the basis of Torcargo's liability as carrier.*



2. Survey

- Appoint a surveyor to act on your behalf
- It is important that your surveyor liaises intensively with our surveyor in order to prevent discussions afterwards when the claim is finally presented
- Surveys should be carried out jointly with our surveyor;
- if possible, the survey should take place while the cargo is still untouched



3. Mitigation

- You have a legal obligation to minimize your loss and this obligation lies entirely on your side
- Your surveyor will be able to assist you herewith and should communicate this with our surveyor
- The costs hereof are, insofar that they are reasonable, part of your total claim towards Torcargo



4. Collect Documents

- Proof of title to claim
 - (e.g. bills of lading etc.)
 - Evidence of ownership of the cargo to prove that the party presenting the claim is indeed the rightful claimant and the one that suffered the damages.
- Proof of claim
 - (e.g. survey reports, commercial invoices, documentation showing quantity a/o value, photographs, invoices of additional mitigation costs etc.)
 - Any evidence or documentation, that provides evidence of the claim and that reasonably supports the extent and the amount of the claimed loss.



5. Substantiated and quantified claim:

- A formal claim must be submitted before any settlement can be considered and should include:
 - Claim statement and calculation of the specific value of the cargo damage or loss
 - Details of causation and this all supported by the collected documents as described.



6. Time Limit

- In most cases your claim will be subject to an one-year time bar (Hague Visby Rules)
- If the claim is not resolved within 1 year after the date of unloading you are to:
 - start legal proceedings or
 - request Torcargo in writing to extend the time limit.
 - Torcargo will normally, in consultation with their insurers, grant an extension



7. Lesson learnt

- Any incident that leads to damage must be treated as an indication that something is wrong with the system.
- Torcargo will use the lessons learnt to reduce the probability of a similar incident happening again.

