

Important!

TR 9282/01

Instructions to be followed in case of loss or damage
(Failure to comply with these instructions may prejudice any claim under the policy)

1. Inspect goods immediately

Even if loss or damage is only suspected, do not give a clean receipt but mark documents (e.g. shipping documents) by stating extent of damages suspected or noticed.

When delivery is made by container, ensure that the container and its seals or locks are examined immediately by the responsible officials of the shipowners or the carrier. If the container is delivered damaged or with seals or locks other than as stated in the shipping documents, clause the delivery receipt accordingly, stating the assumed loss or damage, and retain all defective or irregular seals and locks for subsequent identification.

The following losses or damages have to be immediately reported to the relevant police authorities:

- when transporting goods with own vehicles:
accident, fire, burglary, theft, robbery or embezzlement
- during an exhibition:
fire, explosion, theft and offence against property (also to be reported to exhibition authorities).

2. Secure rights of recovery from third parties

Shipowners, rail authorities, postal authorities, Courier-, Express-, Parcel-Services, lorry owners, other carriers, forwarding agents, warehouses, customs and port authorities must be

- requested to attend a joint survey,
- requested to certify the loss or damage, and
- held liable in writing

where loss or damage is apparent - before taking delivery of the goods, where loss or damage is not apparent - immediately upon discovery of said loss or damage, at the latest, however, before termination of time-limits of the day.

The time-limits in the Federal Republic of Germany are as follows:

Postal sendings 24 hours following receipt of the goods,
Rail transport 7 days following receipt of the goods,
Road transport 7 days following receipt of the goods.

In respect to shipments to or from countries outside the Federal Republic of Germany, the time-limits prescribed in the country of destination for filing claims against third parties must be observed.

In case of shipments with own vehicles the driver and his companion thoroughly have to put on record time, cause, extension and kind of loss or damage. In case of total loss or disappearance enquiries concerning the whereabouts of the goods have to be made.

As soon as a third party/other person could be blamed or liable to pay compensation chances of recourse must be guaranteed. As far as possible witnesses to the accident must be ascertained and police authorities must be notified.

3. Care must be taken to minimize loss or damage and to avert further loss or damage.

4. Immediately contact the claims surveyor named in the policy or certificate of marine insurance.

On proving substantial reasons the nearest Lloyd's agent may be called in instead of the claims surveyor named.

5. Do not alter condition and packing of goods before arrival of the claims surveyor, unless required by measures as under Clause 3.

6. Immediate notice of claim must be given to Underwriters.

7. A full set of claim documents must be presented to underwriters, in particular:

- a) claim bill
- b) policy or certificate of marine insurance
- c) survey report
- d) original invoice
- e) documents of carriage (original way-bill) or other original contracts of carriage or storage
- f) Documents showing number, measurements or weight at time of shipping and arrival
- g) certificate of loss or damage, correspondence regarding liability to third parties according to clause 2
- h) subrogation form issued in favour to underwriters signed by the party holding rights under the contract of carriage
- i) police-report
- j) in case of shipments with own vehicles:
 - driver's report on details of the loss or damage
 - police report, as far as no copy is attainable, address of police office to which the loss or damage was reported must be named
 - copy of loading list and proof of total contents of the vehicle at time of claim occurrence
- k) in case of exhibition claims:
 - taking down of the facts by the exhibition authorities
 - list of lost goods
 - proof of value (i.e. original invoice) as far as available.

Prompt settlement of claims can only be effected by underwriters in cases where the documents enumerated under Clause 7 have been presented to underwriters. Immediate presentation to underwriters is therefore fore in the own interest of the party claiming damages or losses under the policy or certificate of insurance issued.

In any case the documents mentioned must be submitted to underwriters well before expiry of any time-limits of carriers etc. as under Clause 2 to leave sufficient time for claims against third parties.

8. No claim will be considered by underwriters unless submitted within 15 months after termination of the insurance.

The claims surveyor to be called in is:
(name, address)