

COMPLAINTS PROCEDURE

All transport damages are dealt with in cooperation with insurance companies with which the carrier's liability is insured or goods insurance is taken out. The limited liability of the shipper/carrier is governed by international conventions and bill of lading conditions. The limited liability of carriers under international conventions does not usually cover the full amount of the damage incurred and does not cover all risks, therefore it is strongly recommended to take out goods insurance for the shipments carried.

The customer can arrange the insurance himself at his own discretion with the insurance company of his choice or he can use our services and arrange the insurance through us as part of ordering our services. In this case, the transport is insured by UNIQA (the insurance conditions can be found on our website).

In the case of separately negotiated insurance, we recommend that you study the insurance terms and conditions, as the procedures for claim solutions may differ – the claim should be made in accordance with the insurance terms and conditions of the insurance company concerned. Depending on the eventual amount of damage, it is advisable for the damaged party to discuss with the insurer the possible dispatch of a claim's commissioner when damage to the shipment is discovered.

Shipment insurance (cargo insurance) does not usually cover, in particular, damage caused by defective or inadequate packaging of the goods, damage to the packaging, damage caused by internal deterioration or the inherent nature/decay of the goods, damage caused by design, manufacturing or material defects, for damage caused by scratching and abrasion, for damage caused by delay in delivery, for damage caused by humidity and/or temperature fluctuations, for damage caused by breach of customs or other official regulations, for war and political risks, for indirect damage of all kinds.

I. Making a claim

Notification of the damage and the claim must be made by the injured party in writing immediately after the damage has been discovered, but no later than within the time limit according to the terms of the bill of lading (according to international conventions).

II. Essentials of a claim

In addition to the written notification, the complainant shall provide the following:

- Bill of lading (copies)
- Signed proof of delivery of shipment
- Commercial invoice for the shipment
- Packing list containing the number of pieces, dimensions, weight with the goods to which the claim relates marked

- Packaging regulations - exact description of the packaging, including a description of the internal security of the goods
- Report of the Independent Surveyor
- Photodocumentation of the damaged shipment at the place of its discovery, in the means of transport, to show the loading and cargo fixation, photo documentation of packaging condition, product fixation, security elements inside the package

The written notice must specify the damage, including the claim being asserted. If the customer has insured the transport with us, in order to make a claim, the following must be provided in addition to the above:

- **The damage letter of the damaged party** (PDF document) must contain the following information:
 - Detailed information about the victim - company name, business name, business name, ico/dic, registered office address, contact person including telephone and email
 - detailed description of the damage
 - quantification of damage
 - information about the location and condition of the damaged goods (including contact details of the person to inspect them)
 - the total value of the shipment
 - account number where to send any insurance claim with the currency of the account
- **Attachments:**
 - dated photographs of the shipment at the time the damage was discovered (unpacked shipment)
 - dated photographs of the shipment at the time the damage was discovered (unpacked shipment)
 - dated photographs of the damage in detail and from a distance
 - damage report
 - transport order and invoice for transport (to the injured party)
 - the other documents listed above as an attachment to the claim letter

All documents supplied must be correctly named (according to what they contain as listed above), dated photographs must be named according to the list above and "dated" - i.e. the date taken must also be recorded in the title. All supporting documents for the claim must be sent in one email all as attachments, only then can they be forwarded for investigation by the insurance company.

III. Prevention of Transportation Damages

The sender is obliged to submit the shipment for transport properly packed and marked. The transport packaging must:

- Enable safe and optimal handling, transport and storage of the product
- Protect the environment from the influence of the product (co-transported shipments, handlers)
- Including external (e.g. tightening or taping) and internal securing (fixing and barrier protection of the product in the packaging), to protect the product from the negative effects of mechanical and climatic external influences

- Provide information on the destination (address of the consignee or consignor and, in the case of split consignments, identification of the whole consignment), handling (handling marks on the vertical perimeter sides) and, where required by the transport regulations, the nature of the contents (e.g. dangerous goods)
- Design, material and sizing, including external and internal securing, to be in accordance with the product requirements and the risks of the transport route and chain.
- The transport packaging must correspond to the weight of the contents.

For example (from the experience of a packaging expert):

Fragile goods - such as electronics, glass, ceramics, art objects and other goods sensitive to breakage, scratches, mechanical damage, tears, creases, etc. require internal protection for safe transport, i.e.:

- Properly fixing the contents of the shipment and using sufficient cushioning material to prevent the contents from moving/scratching/damaging when the shipment is handled
- To ensure that each item is packed separately
- Ensure that each item is surrounded by at least 5 cm of cushioning material and placed at least 5 cm from the walls of the box/pit. This prevents the risk of mutual damage or scratching and protects the contents from vibrations and shocks that may originate from the outside of the box/bin and be transmitted to the contents
- Separation of items from each other and from the corners, sides, top and bottom of the box/bin
- Use of the correct cushioning material combined with a rigid outer transport package. Recommended material for damping and protection: bubble wrap (small or large bubble wrap), inflatable packaging (air bags), technical foam packaging, etc.

The basic condition for the creation of a proper transport package is the manufacturer's regulations for the packaging of the product. In addition to an exhaustive description of the individual packaging activities (packaging assembly, fixation and climate protection, including product storage, closure and external securing of the packaging), it must also include a technical drawing of the packaging, fixation of the product in the packaging and a schedule of material sizing. Simply everything necessary to ensure reproducibility of the packaging design.

Each handling unit of the consignment must be legibly (at a distance of 0,6 m) and durably marked with the address of the destination, the identification of the consignment and, where appropriate, the number of the piece in the consignment (preferably, in the case of cuboid packages, on three sides).

The markings and numbers on the B/L must be exactly the same as on the shipment or the carrier will not be responsible for substitution or release to another consignee. In many countries, it is mandatory that the markings and numbers be shown on the B/La on the goods manifests and packing slips.

It is also useful to prescribe loading in transport vehicles as the shipper should have a comprehensive knowledge of the resistance of the packaging to transport risks.

A similar approach must be taken in the case of shipments in higher handling (transport) units (pallet and container) and possibly full-cargo transport, where the precise identification of loading and fixing, or at least the established principles of loading and fixing the cargo in the transport or transport means, contributes to the

prevention of transport damage.

IV. Complaint handling

The claim is settled by forwarding the solution to the insurance company - at this point we continue to offer assistance, or we are the contact person if the shipment is insured through us.

In the case of uninsured shipments, the claim is settled by a final statement - acceptance or rejection of the claim. In the case of acceptance of the claim, the subsequent compensation of damages is governed by international conventions according to the rules of the bill of lading.

Austromar rejects claims for damage to shipments if:

- They are caused by improper labelling of shipments or incorrect handling orders
- They are caused by insufficient packaging of goods or insufficient fixation of goods inside the package, which has not withstood the rigours of consolidated combined (multimodal) overseas transport
- Caused by internal deterioration or the inherent nature/defect of the goods, design, manufacturing or material defects, caused by scratches and abrasion
- They are caused by delays in the delivery of the goods
- They are caused by humidity and/or temperature fluctuations
- They are caused by a breach of customs or other official regulations

The sender/shipper is always responsible for packing the goods for shipment. The sender/shipper is obliged to pack the goods in such a way as to **protect them from damage, destruction or loss during transport, handling or storage**. The sender is liable for any damage caused during transport, handling or storage due to defective or insufficient packaging or inadequate labelling.

If the shipment is non-stackable or has other handling or storage specifics, this information must be processed in the shipping order and must also be marked with international signage on all vertical sides of the shipment to prevent oversight.

Neither Austromar / the carrier nor its agents are specialist packing companies. Neither the carrier nor the warehousekeeper shall examine whether the goods by their nature require packaging or whether the packaging used is proper or sufficient. The suitability and sufficiency of the packaging for the mode of carriage chosen must be assessed by an independent inspector. The report of the independent inspector must be included in the complaint.

The Sender shall be liable for any damage to other shipments or other property caused by improperly packed shipments or goods that have damaged the surroundings due to inadequate packaging or internal deterioration, defects in the goods, design, material or manufacturing defects.

All shipping dates are assumed, the injured party is not entitled to damages due to delayed shipment.

The injured party is not entitled to damages for loss of profit or other indirect damages.



[REKLAMAČNÍ ŘÁD](#)

[TUDNIVALÓK SÉRÜLT ÁRU ÜGYINTÉZÉSE ESETÉN](#)

The Complaints Procedure was updated on 22 May 2023.

Austromar Obchodní a dopravní spol. s r.o.
Františka Diviše 988
104 00 Praha 10 - Uhřetěves
Czech Republic
60471841 / CZ60471841

Austromar Transportagentur Ges.m.b.H
Seitenhafenstrasse 17, Objekt 31
A-1020 Wien
Austria
FN 254410h / ATU61247537

Austromar SK, s.r.o.
Kutlíkova 17
851 02 Bratislava
Slovakia
36677515 / SK2022252166

Austromar Szállítmányozási és Kereskedelmi Kft.
Árpád út 51-53, Building B, 1st Floor
H-1042 Budapest
Hungary
10407594-2-41 / HU10407594

www.austromar.com