

# **CARGO CLAIMS – A GUIDELINE 2005 EDITION**

## **SUBMITTING A CLAIM (EXPORT/IMPORT)**

**This is a joint document as a guide only. It has been completed by members of the Cargo Joint Council of Canada for the benefit of CIFFA members and IATA carriers operating in Canada.**

## **INDEX**

|                   |   |
|-------------------|---|
| <b>Page 1</b>     | <b>Index</b>  |
| <b>Page 2</b>     | <b>Introduction<br/>General Guidelines</b>                  |
| <b>Page 3</b>     | <b>Parties Entitled to Claim<br/>Claimant's Obligations</b> |
| <b>Page 4</b>     | <b>Proof of Value<br/>Steps to Claim</b>                    |
| <b>Pages 4-12</b> | <b>Carrier Address/Contact Information</b>                  |

## **INTRODUCTION**

The purpose of this document is to provide Shippers and agents with a guide to Claim Processing. It is essentially generic in process but includes specific airline contact information to assist the reader. This section should be considered as part one and takes the reader from the decision to claim to initial submission of the claim.

## **GENERAL GUIDELINES**

The rules governing air carriage are not particular to one air Carrier but apply to airlines throughout the world. Carriage by Air is subject to a Contract that is to say in accordance with the Conditions shown on the AWB and detailed in the Carrier's General Conditions of Carriage for Cargo.

Requests for refunds of freight charges paid are not in themselves claims against a carrier's legal liability. By reference to the Carriers Conditions of Carriage for Cargo all freight charges are deemed as fully earned upon completion of the AWB and are not refundable.

Individual shipments are not insured by Carriers, which should not be confused with a Carriers liability. Carrier's liability is generally only engaged if the cause of the damage to, mishandling or delay or loss of cargo is directly attributable to the carrier or its agents. Under the rules, liability is usually limited by reference to the weight of the concerned cargo unless a value has been declared for carriage and a supplementary charge paid by the shipper.

## **PARTIES ENTITLED TO CLAIM**

Generally, the consignor has the right to claim against the first carrier and the consignee against the final carrier. Either the consignee or consignor can claim against a carrier known to be negligent, where one or more carriers are involved in a contract of carriage. The consignee and consignor have equal rights of claim but only one claim can be considered in relation to each contract of carriage as is evidenced by the AWB. The consignor or consignee names in the master AWB are the only persons entitled to claim.

**NOTE:** *The issuing agent acts only as the AGENT of the carrier and is NOT the person entitled to claim unless authorized to do so in writing by the consignee or consignor.*

Carriers are only required to deal with the consignor or consignee named on the AWB or their appointed representatives, or in the case of privately insured cargo the subsequent insurer or its representative.

## **CLAIMANTS OBLIGATIONS**

Time limits – under the terms of the AWB a party entitled to claim must notify the Carrier in writing of the intent to claim within certain time limits, otherwise the claim could be rejected. These time limits are:

| <b>Category of Claim</b>                     | <b>Written notice requirements</b>   |
|--|--|
| Loss of complete shipment                    | 120 days from date of issue of the AWB   |
| Loss of package from a number of Packages    | 120 days from date of issue of AWB   |
| Loss of contents from a package(s)           | 14 days from the date of receipt of the cargo<br>By the consignee                    |
| Damage to all or part of a shipment          | 14 days from the date of receipt of the cargo<br>By the consignee                    |
| Unreasonable delay in completion of Carriage | 21 days from the date on which the cargo was placed at the disposal of the consignee |

**NOTE:** *In addition to the written notice requirements all rights of claim emanating from the contract of carriage are extinguished unless legal proceedings are commenced within two years from the date on which carriage stopped.*

## **PROOF OF VALUE**

All claimants are under obligation to mitigate their losses and provide documentary evidence in support of all amounts claimed.

## **STEPS TO CLAIM**

- When acting as the legal agent for the consignee or consignor and you intend to Claim – Submit a letter of intent to claim to the carrier as soon as possible but within the time limit parameters. See Carrier address information below.
- This must be followed up with full details of the claim to include:

*COVER LETTER DETAILING SPECIFICALLY THE AMOUNT CLAIMED*

*COPY MAWB*

*COPY DELIVERY RECEIPT*

*IRREGULARITY REPORT if issued*

*DAMAGE REPORT if issued*

*SHIPPERS ORIGINAL INVOICE*

*MARKET PRICE LISTS (flowers, fruit, vegetables)*

*PACKING LIST WITH WEIGHT SPECIFICATION*

*SUBROGATION RECEIPT (if applicable)*

*REPAIR INVOICE*

*DOCUMENTS PROVING THE EXTENT OF DAMAGE*

*- Survey report of a sworn surveyor (claims over USD1000 example a Lloyd's surveyor)*

*COPY HOUSE AWB (if a consolidation)*

*PROCEEDS OF SALVAGE/AND OR AN OFFICIAL DESTRUCTION REPORT*

On receipt of this information most carriers will collate available correspondence and forward it to a centralized Claims processing centre. This centre will undertake an investigation and undertake future correspondence. This process is followed by most Air Carrier's flying to/from Canada.

**CARRIER INFORMATION**

|                    | <b>CITY</b> | <b>ADDRESS</b>  |
|--------------------|-------------|---|
| <b>AEROFLOT</b>    | YYZ         | 1 QUEEN STREET EAST<br>TORONTO, ONT<br>M5C 2W5<br>TEL 416 642 1653<br>FAX 416 642 1658  |
| <b>AIR CANADA</b>  | YHZ         | 1 BELL BLVD<br>COMP #1650<br>HALIFAX INT. AIRPORT<br>ENFIELD, NS B2T1K2<br>FAX 902 873 5255   |
|                    | YUL         | 735 STUART GRAHAM<br>PO BOX 8000<br>DORVAL, QC H4J1C3<br>FAX 514 422 2724   |
|                    | YYZ         | L.B. PEARSON INT.<br>AIRPORT<br>PO BOX 6002<br>TORONTO AMF<br>ONT. L5P1B4<br>FAX 905 694 5426   |
| <b>AIR FRANCE</b>  | YUL         | BATIMENT CARGO V<br>Suite 237<br>800, STUART GRAHAM SUD<br>DORVAL, QUEBEC H4Y 1J6<br>TEL 514 420 4300<br>FAX 514 420 4324                                       |
|                    | YYZ         | 6500 SILVER DART DRIVE<br>VISTA CARGO TERMINALS<br>CORE B<br>MISSISSAUGA, ONTARIO<br>L5P1B2<br>TEL 906 676 3297<br>FAX 905 676 5929                             |
| <b>AIR JAMAICA</b> | YYZ         | C/O NETWORK CARGO INC.<br>6500 SILVER DART DRIVE<br>VISTA CARGO TERMINALS<br>CORE D-E<br>MISSISSAUGA, ONTARIO<br>L5P1B2<br>TEL 905 676 4844<br>FAX 905 676 1021 |

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| <b>ALITALIA</b>          | YYZ     | C/O EXEL CARGO INC.<br>6500 SILVER DART DRIVE<br>VISTA CARGO TERMINALS<br>CORE C<br>MISSISSAUGA, ONTARIO<br>L5P1B2<br>TEL 905 676 3360<br>FAX 905 676 8816      |
| <b>AIR TRANSAT</b>       | YYZ     | EXPAIR CARGO<br>201 BLVD DUCHARME SUITE<br>203<br>ST. THERESE, QUEBEC<br>TEL 866 435 0011<br>FAX 514 874 9289   |
| <b>AIR NEW ZEALAND</b>   | YYZ     | C/O NETWORK CARGO INC.<br>6500 SILVER DART DRIVE<br>VISTA CARGO TERMINALS<br>CORE D-E<br>MISSISSAUGA, ONTARIO<br>L5P1B2<br>TEL 905 676 4844<br>FAX 905 676 1021 |
| <b>AMERICAN AIRLINES</b> | YYZ     | CARGO CLAIMS ADMIN<br>P.O. BOX 619616 MAIL DROP<br>4406<br>DFW AIRPORT<br>DALLAS, TX, 75261-9616<br>TEL 800 227 4622<br>FAX 817 967 2406                        |
| <b>AMERICA WEST</b>      | YYZ     | C/O EXEL CARGO INC.<br>6500 SILVER DART DRIVE<br>VISTA CARGO TERMINALS<br>CORE C<br>MISSISSAUGA, ONTARIO<br>L5P1B2<br>TEL 905 676 3360<br>FAX 905 676 8816      |
| <b>AUSTRIAN</b>          | YYZ/YUL | P.O. BOX 25<br>TORONTO AMF<br>ONTARIO, L5P1A2<br>TEL 905 676 1112 OR<br>1888 887 2266<br>FAX 905 676 0999   |

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| <b>BRITISH AIRWAYS</b> | YUL     | 705 STUART GRAHAM<br>SUITE 24<br>DORVAL, QUEBEC<br>H4Y1E7<br>TEL 514 633 9779.<br>FAX 514 633 9688                                    |
|                        | YYZ     | PO BOX 10, TORONTO AMF<br>ONTARIO, L5P1A2<br>TEL 905 676 2821<br>FAX 905 676 8174   |
|                        | YVR     | 3611 JERICHO ROAD<br>RICHMOND, BC V7B1M3<br>TEL 604 270 2921<br>FAX 604 270 2240  |
| <b>BWIA</b>            | YYZ     | C/O AIRLINE SERVICES INTL<br>5160 EXPLORER DRIVE SUITE<br>4<br>MISSISSAUGA, ONTARIO<br>L5P1B1<br>TEL 905 629 4522<br>FAX 905 629 4651 |
| <b>CATHAY PACIFIC</b>  | YYZ/YUL | P.O. BOX 59<br>TORONTO AMF<br>ONTARIO, L5P1A2<br>TEL 905 677 5110<br>FAX 905 677 6123   |
|                        | YVR     | 3166 JERICHO ROAD<br>RICHMOND<br>BC, V7B4M3<br>TEL 604 606 2988<br>FAX 604 606 2992   |
| <b>CONTINENTAL</b>     | YYZ     | CONTINENTAL CLAIMS<br>P.O. BOX 4607<br>DEPT HQSCF<br>HOUSTON, TX, 77210<br>TEL 713 324 1458<br>FAX 713 324 7601                       |
| <b>CARGOLUX</b>        | YYZ     | NORTH BOUNDARY ROAD<br>BLDG 260<br>JFK INT'L AIRPORT<br>JAMAICA, NY, 11430<br>TEL 718 656 5261<br>FAX 718 656 5603                    |

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|                       | YYC | C/O AEROGROUND<br>2100 – 78 <sup>TH</sup> AVENUE N.E. BAY<br>#27<br>CALGARY, ALBERTA<br>T2E 3W6<br>TEL 403 291 0810<br>FAX 403 291 0816                         |
| <b>CHINA AIRLINES</b> | YYZ | 3325A ORLANDO DRIVE<br>MISSISSAUGA, ONT.<br>L5V 1C5<br>TEL 905 676 8860<br>FAX 905 676 8861   |
|                       | YVR | 3611 JERICHO ROAD<br>RICHMOND, BC, V7B 1M3<br>TEL 604 244 7709<br>FAX 604 244 7730  |
| <b>CZECH AIRLINES</b> | YYZ | 401 BAY STREET<br>SUITE 1510<br>TORONTO, M5H2Y4<br>TEL 416 363 3174<br>FAX 416 363 0239   |
|                       | YUL | 2020 UNIVERSITY<br>SUITE 2210<br>MONTREAL, QC. H3A2A5<br>TEL 514 844 6376<br>FAX 514 844 5742   |
| <b>DAS</b>            | YYZ | C/O NETWORK CARGO INC.<br>6500 SILVER DART DRIVE<br>VISTA CARGO TERMINALS<br>CORE D-E<br>MISSISSAUGA, ONTARIO<br>L5P1B2<br>TEL 905 676 4844<br>FAX 905 676 1021 |
| <b>DELTA</b>          | YYZ | 6500 SILVER DART DRIVE<br>VISTA CARGO TERMINALS<br>MISSISSAUGA, ONTARIO<br>L5P1B2<br>TEL 905 676 8967<br>FAX 905 676 1021                                       |

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| <b>EL AL</b>      | YUL/YYZ | 151 BLOOR ST. WEST<br>SUITE 701<br>TORONTO, ONT. M5S1S4<br>TEL 416 967 4222<br>FAX 416 967 164  |
| <b>ETIHAD</b>     | CANADA  | C/O PLATINUM AIR CARGO<br>5915 AIRPORT ROAD SUITE<br>522<br>MISSISSAUGA, ON, L4V1T1<br>TEL 905 678 4991<br>FAX 905 678 7223           |
| <b>EVA AIR</b>    | CANADA  | P.O. BOX 6058<br>TORONTO, ONT. L5P1A2<br>TEL 905 673 1105<br>FAX 905 673 3472   |
| <b>FEDEX</b>      | CANADA  | USE FEDEX FORM ONLY<br>AND FAX<br>FAX 1 800 229 4766  |
| <b>FINNAIR</b>    | YYZ     | P.O. BOX 6039<br>TORONTO, ONT. L5P1B2<br>TEL 905 678 7331<br>FAX 905 678 8949   |
| <b>GULFAIR</b>    | YYZ     | C/O AIRLINE SERVICES INTL<br>5160 EXPLORER DRIVE<br>SUITE 4<br>MISSISSAUGA, ONTARIO<br>L5P1B1<br>TEL 905 629 4522<br>FAX 905 629 4651 |
| <b>ICELANDAIR</b> | YYZ     | FLUGVALLARVEGUR<br>101 REYKJAVIK<br>ICELAND<br>TEL 354 5050 400<br>FAX 354 5050 630   |
| <b>JAL</b>        | YYZ     | PO BOX 185<br>TORONTO, ONTARIO<br>L5P1A2<br>TEL 905 678 7313<br>FAX 905 678 7631  |

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|                        | YVR    | APO BOX 23680<br>RICHMOND, BC V7B1X8<br>TEL 604 276 5870<br>FAX 604 276 5869  |
| <b>KLM</b>             | CANADA | 500,CYPRESS CREEK ROAD<br>SUITE 360<br>FORT LAUDERDALE<br>FL 33309, USA<br>TEL 1 888 798 0085<br>FAX 800 684 8423   |
| <b>KOREAN AIRLINES</b> | YYZ    | P.O. BOX 6046<br>TORONTO AMF<br>ONTARIO L5P1B2<br>TEL 905 672 7473<br>FAX 905 672 7490  |
|                        | YVR    | 810 – 1200 W.73 <sup>RD</sup> PVL<br>VANCOUVER, BC V6P6G5<br>TEL 604 276 9273<br>604 279 8836   |
| <b>LAN CHILE</b>       | YYZ    | C/O PORTER ENTERPRISES<br>P.O. BOX 121<br>TORONTO, ONT. L5P1A2<br>TEL 905 673 1297<br>FAX 905 673 1302  |
| <b>LOT</b>             | YYZ    | C/O PORTER ENTERPRISES<br>P.O. BOX 121<br>TORONTO, ONT. L5P1A2<br>TEL 905 673 1297<br>FAX 905 673 1302  |
| <b>LUFTHANSA CARGO</b> | CANADA | LUFTHANSA CARGO<br>ATTN: CARGO CLAIMS<br>P.O. BOX 66143<br>CHICAGO, IL 60666<br>TEL 773 686 8690<br>FAX 011-49-69-69537-13123<br>EMAIL denise.rand@dlh.de |
| <b>MALEV</b>           | YYZ    | C/O AIRLINE SERVICES INTL<br>5160 EXPLORER DRIVE<br>SUITE 4<br>MISSISSAUGA, ONTARIO<br>L5P1B1<br>TEL 905 629 4522<br>FAX 905 629 4651                     |

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| <b>MARTINAIR</b>          | YYZ         | C/O NETWORK CARGO INC.<br>6500 SILVER DART DRIVE<br>VISTA CARGO TERMINALS<br>CORE D-E<br>MISSISSAUGA, ONTARIO<br>L5P1B2<br>TEL 905 676 4844<br>FAX 905 676 1021 |
| <b>MEXICANA</b>           | WEST CANADA | AIR CARGO TRADER B.V.<br>744 West Hastings St,<br>Suite 527<br>Vancouver, B.C. Canada<br>V6C 1A5<br>TEL 604 482 1120<br>FAX 604 331 0694                        |
| <b>NORTHWEST</b>          | CANADA      | CLAIMS DEPT<br>DEPT. C5616<br>5101 NORTHWEST DRIVE<br>ST. PAUL. MN 55111-3034<br>USA<br>TEL 612 726 2098<br>FAX 612 726 2028                                    |
| <b>OLYMPIC AIRLINES</b>   | YYZ         | C/O VCC CARGO<br>P.O. BOX 178<br>TORONTO, ONT. L5P1A2<br>TEL 905 673 4844<br>FAX 905 676 4792   |
| <b>QANTAS</b>             | YYZ         | C/O PORTER ENTERPRISES<br>P.O. BOX 121<br>TORONTO, ONT. L5P1A2<br>TEL 905 673 1297<br>FAX 905 673 1302  |
| <b>QATAR AIRWAYS</b>      | YYZ         | C/O EXPAIR CARGO<br>201 BLVD DUCHARME<br>SUITE 203<br>ST. THERESE, QUEBEC<br>TEL 866 435 0011<br>FAX 514 874 9289   |
| <b>PHILIPPINE AIRLINE</b> | WEST CANADA | AIR CARGO TRADER B.V.INC<br>744 West Hastings St.,<br>Suite 527<br>Vancouver, B.C. Canada<br>V6C 1A5<br>TEL 604 482 1120<br>FAX 604 331 0694                    |

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| <b>US AIRWAYS</b>             | YYZ | 2345 CRYSTAL DRIVE<br>ARLINGTON, VIRGINIA<br>22227 TEL 703 872 5324<br>FAX 703 872 5375   |
| <b>SAS</b>                    | YYZ | P.O.BOX 61<br>TORONTO AMF<br>ONT. L5P1A2<br>TEL 905 672 5600<br>FAX 905 672 2118  |
|                               | YUL | 800 STUART GRAHAM<br>SUITE 258<br>DORVAL, QC. H4Y1J6<br>TEL 514 420 0500<br>FAX 514 420 0502  |
| <b>SAUDI ARABIAN AIRLINES</b> | YYZ | C/O AIRLINE SERVICES INTL<br>5160 EXPLORER DRIVE<br>SUITE 4<br>MISSISSAUGA, ONTARIO<br>L5P1B1<br>TEL 905 629 4522<br>FAX 905 629 4651 |
| <b>SINGAPORE AIRLINES</b>     | YYZ | C/O AIRBRIDGE INTL<br>5955 AIRPORT RD<br>SUITE 137<br>MISSISSAUGA, ONTARIO<br>L4V1R9<br>TEL 905 677 4295<br>FAX 905 677 4764          |
| <b>SWISS WORLD CARGO</b>      | YYZ | P.O.BOX 6022<br>TORONTO AMF<br>ONT. L5P1A2<br>TEL 905 676 3261<br>FAX 905 676 7259  |

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| <b>TURKISH AIRLINES</b>      | YYZ | C/O AIRBRIDGE INTL<br>5955 AIRPORT RD<br>SUITE 137<br>MISSISSAUGA, ONTARIO<br>L4V1R9<br>TEL 905 677 4295<br>FAX 905 677 4764                                    |
| <b>TURKISH AIRLINES</b>      | YYZ | C/O AIRBRIDGE INTL<br>5955 AIRPORT RD<br>SUITE 137<br>MISSISSAUGA, ONTARIO<br>L4V1R9<br>TEL 905 677 4295<br>FAX 905 677 4764                                    |
| <b>UNITED</b>                | YYZ | C/O NETWORK CARGO INC.<br>6500 SILVER DART DRIVE<br>VISTA CARGO TERMINALS<br>CORE D-E<br>MISSISSAUGA, ONTARIO<br>L5P1B2<br>TEL 905 676 4844<br>FAX 905 676 1021 |
| <b>UPS</b>                   | YYZ | UPS CLAIMS<br>8203 NATIONAL TURNPIKE<br>LOUISVILLE, KENTUCKY 40214<br>TEL 800 535 2345<br>FAX 502 374 1067  |
| <b>VIRGIN ATLANTIC CARGO</b> | YYZ | CARGO BUILDING 340<br>NEWARK INT. AIRPORT<br>NEWARK, NJ 07114<br>NEW JERSEY<br>USA<br>TEL 973 961 2565<br>FAX 973 824 0020                                      |

