

Aon's Commodity Industry Practice Claims Guide



Aon's Commodity Industry Practice

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Foreword

The Insurance Policy you have bought is only truly tested when claims occur. Our client promise is a high standard of claims handling on a 24/7 basis.

Aon's claims handling strategy is focused to protect your cashflow and secure your global activities in a prompt, proactive and professional manner. We achieve this through our:

- Team of experts
- 24/7 claims service
- Claims handling strategy
- Claims data & analytics
- Proactive, efficient & effective claims support

This manual is developed to guide our clients in case of an occurrence causing loss or damage. Each insurance policy is an individual contract and may contain exceptions or additional requirements, so if in doubt please contact us.



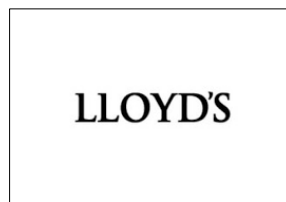
General

For all (potential) claims the following steps are essential:

1. Prompt reporting of a loss or damage to Aon
2. Timely appointing a surveyor

An immediate handling of the claim may assist in minimizing the loss or damage to the goods.

- Loss or damage in the Netherlands or Belgium: apply immediately to Aon claims.nederland@aon.nl
- Outside the Netherlands or Belgium: the nearest Lloyd's Agent or in the absence of this Agent to a competent surveyor of first class reputation. You can click on the Lloyds logo for direct access to the list of Lloyd's Agents or go to: <http://agency.lloyds.com/map>



It is the **duty of the Assured**, in any case, to take such measures as may be reasonably to averting or minimizing a loss:

- In any case immediately hold liable, in writing, the shipping company and/or the carrier and/or their agents and/or the bailee and/or any other third party that may be liable for loss of and/or damage to the goods and invite them to attend the survey; no receipt may be issued without immediate notice being given in writing of the remarks concerning loss and/or damage noticed or suspected.
- If the loss or damage is not apparent at the time of taking delivery, then notice shall be given within 3 days after delivery.
- An Assured shall in no circumstances, except under written protest, give clean receipts, where goods are in doubtful condition.

Documentation

To ensure a speedy settlement of the claim, the interested party shall when filing the claim, submit all available documents, including:

1. original certificate (policy) of insurance;
2. original invoice, specification and/or weight notes;
3. original bill of lading and/or other consignment note or copy of these documents;
4. survey report or any other document proving the extent and cause of the damage;
5. landing and weight receipts;
6. correspondence with the shipping company and/or carrier and/or their agents showing that (any of) these parties have been held liable for the loss and/or damage;
7. any further documents such as certificate of health, general average deposit receipt etc.

General Average

The carriage of goods by sea is deemed to be a joint venture between ship owners and cargo owners.

Situations may arise at sea, whereby the carrying vessel experiences a fortuity resulting in additional or extraordinary expenses being incurred by the ship owners. Typical examples being an engine breakdown, fire, collision or grounding of the vessel.

In the event of extraordinary expenses being incurred in successfully saving the venture, ship owners will look to cargo owners for a contribution towards those costs. In such circumstances ship owners declare General Average and, in doing so, automatically exercise a maritime lien on the cargo for its pro-rata share of the total extraordinary costs.

Before any cargo is released, ship owners will require from each Bill of Lading holder a signed General Average Bond, in which you guarantee to provide full information and a General Average Guarantee signed by Insurers. Your insurance policy covers General Average expenses.

To facilitate prompt release of the cargo, it is essential that Aon is immediately notified of the incident and that the following information is provided:

- Copy of the Commercial Invoice;
- Copy of the Bill(s) of Lading;
- Copy of Insurance Certificate;
- Copy of the General Average Bond;
- Copy of all correspondence received from ship owners or their appointed General Average Adjusters.

Salvage

In certain situations, the vessel may require the service of a salvage company. In such an event salvors will also require security from cargo owners and will retain a maritime lien on the cargo until acceptable security is provided.

Since your insurance policy covers salvage expenses, your Insurers will provide the required security.

Upon receipt of a demand for salvage security, immediate notice should be given to Aon and the following information provided:

- Copy of the salvage demand, together with copies of all correspondence received from ship owners and/or salvors;
- Copy of the Commercial Invoice;
- Copy of the Bill(s) of Lading;
- Copy of Insurance Certificate.

Sample Notice of Claim against Carrier

To assist you we herewith give you an example wording for claims on carriers, which can be adapted for claims on third parties in general.

On company headed notepaper

Date:

Address of Carrier

Dear Sirs,

Vessel-/carrier's name:

Bill of lading no. and date:

Voyage:

Description of Loss:

Reference no.:

We regret to inform you that upon arrival of the above shipment certain shortage and/or damages were noted.

We are currently establishing the full extent of our loss, details of which will follow at a later date.

However, in the meantime we hold you fully liable for this claim and all associated costs which may arise from it.

Your written acknowledgement of this letter is appreciated.

Yours faithfully,

Signed

Company Name

Subrogation

One of the advantages of an insurance policy is that it relieves you of the time and expense involved in pursuing recovery from the party responsible for your loss.

Once a valid claim is agreed upon, Insurers will ask you to sign a so called Subrogation Form.

This will enable Insurers to pursue the claim against those parties responsible for the loss, with the aim of seeking and obtaining a recovery of amounts paid in full or part.

Until that time however it is your duty to take all steps necessary to preserve these rights by

- Inspecting cargo upon delivery;
- Make reservations upon delivery;
- File notice with the carrier(s).

Claims Team contact details:

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