

# FONASBA MEMBERSHIP ENQUIRY



## ENQUIRY RESPONSE FORM

<b>ORIGINATING ASSOCIATION:</b>	<b>Jordan Shipping Association</b>
<b>ENQUIRY DETAILS:</b>	<i>The operator of the container terminal in the port of Aqaba is limiting liability for damage to containers (the box only) whilst in the terminal of US\$ 750.00 per container, irrespective of the age or condition of the container. Is a fixed liability limit common practice in ports in your country, or are container damage claims assessed on an individual basis?</i>
<b>REPLY TO:</b>	<a href="mailto:admin@fonasba.com">admin@fonasba.com</a>
<b>COPY REPLY TO:</b>	
<b>CLOSING DATE FOR REPLIES:</b>	<b>18<sup>th</sup> January 2019</b>
<b>RESPONDING ASSOCIATION:</b>	

### RESPONDING ASSOCIATION COMMENTS: (Please include any attachments)

Angola	In Angola there are no strict rules for what concerns the liability of the Ports and Terminals in relation to container damages.
Argentina	There is no limit in Argentinean Law for damages to container equipment. Damages should be paid according each case. Mutually agreed limits can be set, but to our knowledge do not apply.
Australia	The main container terminals in Australian ports are operated by private contractors. Limits on liability for container damage are therefore covered in the contracts between the carrier and the line.
Brazil	In such cases, damage assessment and liability are discussed individually. There's no predetermined value agreed.
Croatia	In Croatia Container damage claims are assessed on an individual basis.

Cyprus	<p>There is not a fixed liability limit common practice in Cyprus ports.</p> <p>Each case is considered on its own merits and once the liability lies with the container terminal operator an official assessment is effected by a Lloyd's surveyor assessing both the damages of the container and its contents and the insurance company of the operator should reimburse the interested parties accordingly.</p>
Denmark	<p>The container terminal operators in Denmark generally limit liability according to standard business terms called DHAB 2016, which limits the liability to maximum Special Drawing Rights (SDR) 666.67 per empty container box.</p>
Egypt	<ol style="list-style-type: none"> <li>1. In Egypt we have two different forms of Container Terminal Operators: State owned Terminal such as Alexandria Container Terminal ACTC – Port Said Container and Cargo Handling Co PCCHC – and Damietta Container Terminal DCTC and Private ones such as SCCT in Port Said East (A P Moller Co.), Sokhna (DP World) and Alexandria International Container Terminal (Hutchison)</li> <li>2. For the private terminals the Liability is not limited but in accordance to the special contract with each carrier.</li> <li>3. For the state owned ones, there is no fixed amount for the liability and it is always part of amicable settlement between the carrier and the terminal.</li> </ol>
France	<p>No fixed liability limit set by terminal operators in France.</p> <p>In case of damage to the container, claims are solved after a private negotiation or between insurance companies.</p>

Hungary	<p>Hungary is a landlocked country, so we are operating inland terminals. Such fixed limit is very unusual in Hungary. We have to divide liability of damage at laden and empty units.</p> <p>There is a replacement value of each type of the containers. Each Container provider has a list of replacement value, but common values are followings:</p> <p>20' Dry Cargo - US\$ 3,000.00</p> <p>40' Dry Cargo - US\$ 5,000.00</p> <p>40' High Cube - US\$ 5,500.00</p> <p>20' Full High Open Top - US\$ 4,500.00</p> <p>40' Full High Open Top - US\$ 7,500.00</p> <p>40' High Cube Open Top - US\$ 7,800.00</p> <p>20' Flat Rack - US\$ 5,000.00</p> <p>40' Flat Rack - US\$ 8,500.00</p> <p>40' Flat Rack High Cube - US\$ 10,000.00</p> <p>40' Platform - US\$ 8,000.00</p> <p>20' Reefer - US\$ 25,000.00</p> <p>40' High Cube Reefer - US\$33,000.00</p> <p>There is also a linear depreciation of 5% per annum from a.m. container value, month to month, starting from the manufacture date, but at least 50% of the replacement value of the container have to pay in case of heavy damage or loss of container.</p>
Israel	<p>Container damage claims are assessed on a case by case basis, and reimbursed by the proven assessment. Reimbursement pertains only to damages occurred by the terminal.</p>
Italy	<p>In Italy there is a fixed liability limit common practice in ports, but with a different tariff from terminal to terminal and from port to port, on the basis of the contract between the Line and the Port Terminal concerned.</p> <p>The tariff, variable, is around € 350/500.</p>

Japan	There is not set liability limit for container own damage during operation in Japanese ports. Claims for damage must therefore be taken up with the liable party and repair cost recovery will be assessed on a case by case basis.
Lebanon	No, there is no fixed liability limit as common practice in Lebanon.  Container damage claims are assessed case-by-case.
Malta	The local Association is not aware that the local Terminal has a fixed limit on liability in the case of a claim. However from practice the Terminal assesses claims on a case by case basis.
Mexico	In Mexico each terminal is managed through implementation rules, and in these assumptions it depends on each case and the client.
Morocco	There is no maximum rate regarding damage liability in our ports. The container damage is assessed on the ascertained extend of damage to the box as well as to the cargo in case of damage and/or shortages occurred in the container terminals.
Mozambique	Container claims are assessed on a case by case basis.
Netherlands	Claims are dealt on individual basis, based on commercial agreements between terminal and contracting party (most of the times the shipping line).
Portugal	On individual basis.
Slovenia	Container damage claims assessed on an individual basis.
Spain	In Spain, terminals are responsible of repair of unit, if possible. In case of total loss, they proceed to pay depreciated value of unit upon agreed survey.  There is not a fix amount established limiting the responsibility.
Sweden	They are claimed on an individual basis! Also different in different Swedish ports.
UK	No fixed or national rule. As most UK container ports are privately owned/operated they have their own commercial rules, conditions and contracts etc in place - it is very likely that this will be different for each customer.