

Important information for our ocean freight customers

The latest SOLAS regulation “weighing of container“ will come into force soon:

On July 01st, 2016 the new SOLAS regulation (International Convention for the **Safety of Life at Sea**) will enter into force. This regulation determines that the shipper / his forwarder is responsible to inform the shipping company about the “Verified Gross Mass“ (VGM) – in due time before loading.

The shipping companies are specifying the definition "in due time before loading" differently. In our opinion it could be at least 48 hours before loading.

There are two procedures for the determination of the VGM:

1. Weighing of the fully loaded container on a calibrated and certified weighing station which needs to be accuracy class III (IV) of the EU Directive 2009/23/EC (from 20.4.2016 2014/31/EU).
2. Addition of all single weights of cargo, packages, auxiliary means, dunnage and summation plus the container tare. No variation is accepted. Possible penalties are for shipper's account.

Wrong indication of VGM will cause the container not to be loaded onto the vessel. If you have no possibility to weigh the cargo please inform us in advance so that we can arrange it accordingly.

We appreciate your understanding that additional costs which do occur due to weighing will be invoiced as per outlay.

Should you have further questions, please feel free to contact Mr Fabian Marufke under the telephone number +49 (661) 8300 437. Our team will gladly advise you.

Fulda, April 2016

Müller + Partner GmbH
International Logistics

- Managing Directors -

Wir arbeiten ausschließlich auf Grundlage der Allgemeinen Deutschen Spediteurbedingungen, jeweils neuester Fassung. Diese beschränken in Ziffer 23 ADSp die gesetzliche Haftung für Güterschäden nach § 431 HGB für Schäden im speditionellen Gewahrsam auf 5,- Euro/kg, bei multimodalen Transporten unter Einschluss einer Seebeförderung auf 2 SZR/kg sowie ferner je Schadenfall bzw. -ereignis auf 1 Mio. bzw. 2 Mio. Euro oder 2 SZR/kg, je nachdem, welcher Betrag höher ist. Ergänzend wird vereinbart, dass (1) Ziffer 27 ADSp weder die Haftung des Spediteurs noch die Zurechnung des Verschuldens von Leuten und sonstigen Dritten abweichend von gesetzlichen Vorschriften wie § 507 HGB, Art. 25 MÜ, Art. 36 CIM Art. 20, 21 CMNI zu Gunsten des Auftraggebers erweitert, (2) der Spediteur als Verfrachter in den in § 512 Abs. 2 Nr. 1 HGB aufgeführten Fällen des nautischen Verschuldens oder Feuer an Bord nur für eigenes Verschulden haftet und (3) der Spediteur als Frachtführer im Sinne der CMNI unter den in Art. 25 Abs. 2 CMNI genannten Voraussetzungen nicht für nautische Verschulden, Feuer an Bord oder Mängel des Schiffes haftet.

We operate exclusively in accordance with the latest version of the Allgemeinen Deutschen Spediteurbedingungen – ADSp – (German Freight Forwarders' General Terms and Conditions). These limit in clause 23 ADSp the legal liability for damage to goods in case of damage to goods whilst in the care of a forwarder to € 5/kg, in accordance with Art. 431 of the German Commercial Code (HGB), in case of multimodal transports including sea transport to 2 SDR/kg. In addition the liability is limited to € 1 Million per damage respectively to € 2 Million per event or 2 SDR/kg whichever is the greater. The parties agree subsidiary, that (1) clause 27 ADSp does neither extend the liability nor the responsibility of the forwarder for agents, servants employees or crewmembers beyond legal regulations as Art. 507 HGB, Art. 25 MC, Art. 36 CIM, Art. 20, 21 CMNI for the benefit of the principal, (2) the freight forwarder as a sea carrier is only liable for fault of his own part in case of risks provided in Art. 512 paragraph 2 no. 1 HGB such as default in navigation of the ship or fire on board and the freight forwarder as a carrier defined in CMNI is relieved of liability in compliance with the requirements provided in Art. 25 paragraph 2 CMNI such as default in navigation of the ship fire on board or defects of vessel. USt.- IdNr/VAT-Registration: DE 115311076 HR - Commercial Register: Amtsgericht Göttingen B 853 – Gerichtsstand Jurisdiction Fulda - GF/MD: Ralf Mihm, Andreas Rottmann, Ortwin H. Schmidt

