

FIATA

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AIRFREIGHT INSTITUTE (AFI)

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TO : **National Associations**

cc : **Delegates, Airfreight Institute (AFI)**
Extended Board
Honorary Members of the Board
Honorary Members of FIATA

CLECAT

FROM : **Sandro Consoli, Manager Airfreight Institute (AFI) on behalf of**
Herman Donker, AFI Chairman

SUBJECT : **AAMS indemnity forms distributed by individual airlines**

IMPORTANT

Dear Member,

Since AAMS (Automated Air Manifest System) is introduced in the US more and more carriers require from the freight forwarder an additional agreement to take over responsibility, if US customs fines carriers for incorrect goods description. Further carriers require freight forwarders to sign in the same agreement to indemnify the carriers if confidential HAWB information is misused by third parties.

Obviously both agreements requested by carriers are not needed because they have already the means to seek compensation from the faulty party under the existing conventions.

Article 6 — Document Relating to the Nature of the Cargo (Montreal Convention)

The consignor may be required, if necessary to meet the formalities of customs, police and similar public authorities, to deliver a document indicating the nature of the cargo. This provision creates for the carrier no duty, obligation or liability resulting there from.

Article 6 para 5 (Warsaw Convention)

If, at the request of the consignor, the carrier makes out the air consignment note, he shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

Therefore, FIATA recommends strongly not signing any document where freight forwarders take up the liability for any information received from the consignor and which they transmitted in good faith to the carrier. The carriers are sufficiently protected by the convention and existing laws.

Enclosed please find an example of an agreement which airlines send to freight forwarders for signature which should not be signed.

KOREAN AIR

LOT 04, MAS AIRCARGO TERMINAL, PENANG INT'L AIRPORT

11900, PENANG, MALAYSIA

TEL: 604-644-2099, FAX: 604-644-1859, E-MAIL: PENSU@koreanair.co.kr

11 August 2004

Attn: All Valued Customers

Dear Sir/Madam

RE: ELECTRONIC HAWB DATA TRANSMISSION (FHL2)

In regard to the mandatory advance electronic presentation of Master and House airway bill data to the US Customs effective 13 August 2004, we would like to inform that the transmission of electronic HAWB manifest data (FHL) to KE Cargo system can be done via Spectrum system or Traxon website; <http://www.traxonams.co.kr>. You may also use other intermediate EDI service providers so long as their systems can relay the FHL data to our system.

At the moment, Korean Air Malaysia **will not be imposing any charges** relating to the electronic transmission until such time when we receive fresh directive from our head office. Since we have initiated to make the transmission accessible to everybody, **you are encouraged to input on your own** without any excuse. **Korean Air reserves the right not to forward shipment/s on the intended flight if the FHL is not transmitted** before the regulation cut-off-time

Please take note that we need only the transmission of HAWB manifest data (FHL) to our system: Electronic transmission of MAWB data (FWB) is not required. The cut-off-time for the transmission of FHL shall be one hour before the schedule departure time.

As for agents who have the capability to transmit electronically the HAWB data directly to the US CBP, the transmission of FHL to our system is not required.

Once again, we wish to remind you that all MAWB and HAWB data have to be precise, complete and accurate, in particular:

1. Name and address of shipper and consignee
2. Precise commodity description
3. Pieces and weight (MAWB & Consol manifest must be identical)

Please contact us should you have any enquiries.

Yours sincerely

B.Y.Park
Regional Manager
Penang

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TEL: 604-644-2099, FAX: 604-644-1859, E-MAIL: PENSU@koreanair.co.kr

11 August 2004

Attn : All KE Appointed Agents

Dear Sir/Madam.

RE: CARGO SALES AGENCY AGREEMENT

Please be advised that an additional liability clause (ANNEX D) has been included as part of the condition of our cargo sales agency agreement, with immediate effect.

Kindly endorse on the attachment and return a copy to us for safe-keeping.

Yours faithfully

B.Y.Park
Regional Manager
Penang

ENDORSEMENT

ANNEX D

LIABILITY

In case of a penalty levied by the US Customs for the reason of inaccurate, insufficient and false data etc., the agent shall be liable for the penalty unless the agent proves that the data is accurate, sufficient and true.

For and on behalf of
(Agent Co. Stamp)

For and on behalf of
KOREAN AIR LINES CO., LTD.

Name:

Name: B.Y.Park

Signature:

Signature:

Title:

Title: Regional Manager, Penang