



## NOTICE OF TRANSPORTATION DAMAGE

Dear Customers, dear Business Partners,

In the following, we would like to provide you with some important pieces of information that need to be observed in the event of a complaint caused by transportation damage. In your own interest, we suggest that you adhere to these points as otherwise any claim for compensation cannot be fulfilled.

Generally, we deliver our goods in accordance with Incoterms 2010<sup>1</sup>. When the logistics company delivers our product to you, you are obligated to examine the product for any possible damage that is externally visible. Experience has shown that generally there is no time for any such examination as the driver will have to proceed to the next customer. Therefore we suggest that you always accept the delivered product with reservations. As soon as the product has been delivered, the following will apply according to § 438 HGB:

- If the damage is externally visible, the receiver must immediately furnish information on the damage, as per § 438 Abs. 1 HGB. If the receiver fails to do so when the product has been delivered, it will be assumed that the product has been delivered in a condition that meets the requirements of the respective contract.
- Any complaint after delivery must be made in writing. It can also be made using telecom methods (fax or email). A signature is not required as long as the sender is clearly definable.
- If the damage was not externally visible, the same as above shall apply if no (written) notification has been received within 3 working days after delivery.

There are no significant differences between the CMR (Accord on the Delivery Agreement on International Road Transportation of Goods, Germany and France both being contracting countries already) and the corresponding applicable German Law (see regulations according to Art. 30 CMR).

We also kindly ask you to proceed as follows when receiving a product in the future:

1. Upon delivery of the product, please examine the product for any possible damage and only accept it with reservations (in writing in detail on the POD). If possible, take a picture of the damage.
2. If you discover any damage after delivery only, notification of such damage must be made in writing by registered mail to the logistics company that has delivered the product to you. A corresponding specimen letter has been attached to this letter.
3. Also send a facsimile copy of the letter sent to the logistics company to your MPO consultant. We will then contact you.

We do hope, of course, that product damages will not occur during transportation. However, in the event that any such damage does occur, we would like to thank you in advance for your cooperation.

Yours sincerely,

Your MPO team

---

<sup>1</sup> [DAP – delivered at place, (named place of destination)]

Seller pays for carriage to the named place, except for costs related to import clearance, and assumes all risks prior to the point that the goods are ready for unloading by the buyer.]

➔ To (name of logistics company)

.....  
.....  
.....  
.....

➔ Fax copy to MPO: ++49-(0)221-921670-3

**Notification of damage**

Name of customer/Receiver: \_\_\_\_\_

MPO catalogue number: \_\_\_\_\_

In accordance with § 438 HGB, this is to inform you that the product which we have carefully examined after your delivery on \_\_\_\_\_ unfortunately shows the following damage:

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

Delivery of the product was made by order of MPO France, F-53700 Averton. This delivery comprises \_\_\_\_\_ (number of palettes/boxes), with a gross weight of \_\_\_\_\_ (gross weight as per delivery note). When receiving the delivery, we had accepted and signed the acceptance of the same on your delivery note with reservations.

MPO France will contact you to inform you about compensatory payments, if any, arising from this damage.

\_\_\_\_\_, dated \_\_\_\_\_  
Place Date

\_\_\_\_\_  
Signature/Company stamp