



There is always a chance of recovery

With complex and complicated cases, the vast majority of companies do not even bother trying to resolve the situation because they consider it a waste of time, resources and money. They usually do this because given the few or no chances, they think that achieving a positive result is impossible.

In this particular case, the most challenging element was the number of parties involved (7) who divided the responsibility for a transfer and storage process that resulted in the deterioration of automobiles. In addition to this, the corresponding documentation was insufficient, therefore, it became very difficult to prove who was responsible.

However, despite this context, the BARBUSS team found a way to solve something that most of the time would have been lost. Therefore, in difficult cases, never lose faith, there are always chances of recovery.



Type of client & cargo

Important asian vehicle exporter company. 3.250 brand new vehicles.



The incident

A fleet of cars were stored on an open-air storage yard at ICO Terminals at Zeebrugge. They were contaminated by quicklime and cement dust from a wharf zone beside the terminal and had to be washed.

A truck was discharging a load of cement into a horizontal silo tank, capacity 45 m³ or 60 M/T, on the wharf of Messrs. BESIX. During the discharging operations by means of overpressure, the cement was blown into the silo. After activation of the overpressure alarm (light and sound alarm), the driver continued pumping. As a result, the over-pressure valve had opened a cloud of cement / chalk affecting the cars stored next to the zone.

Claims handling and final outcome

The strategy we used was to try to collect all the necessary documentation because the one we had wasn't enough to prove the responsibility of the parties involved.

Besides the lack of documentation, we have another issue, the quantity of parties involved (7). The survey was done by all of them but did not clarify who was actually responsible for the damage and should pay. Almost all pretended this to be solve in court.

As there were many parties involved and there was no clarity on who was actually responsible, we presented the claim to all as per contractual and extracontractual liability. By this we recollected more information about who was responsible for controlling the silo tanks and created pressure for a solution between all parties.

Our client was always informed of each step we took on the claim presentation and its possibilities. The claim entered with 0% chance of recovery under our clients view.

With the recovered information, we focused on one of the opponents, who after BARBUSS persistence, made an offer of 75% on a case were no one was expecting a friendly settlement.

If you have any casualty or any problem with your cargo, do not hesitate to contact us:

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