

Letter No. 0462-2022-APMTC/CL

Callao, August 8th, 2022

**MAERSK LINE A/S - SEALAND**

502 & 503, 5th Floor, Godrej 2,  
Pirojshah Nagar, Eastern Express Highway,  
Vikhroli (E), Mumbai - 400079.

**Attention** : **Abilash Sumithran**  
Adjuster – Vessel Claims  
**Subject** : Resolution No. 01  
**Case file** : **APMTC/CL/0225-2022**  
**Claim matter:** Vessel Damage Claim  
**Reference** : MERIDIAN // SDR 024/2021

**APM TERMINALS CALLAO S.A.**, (“APMTC”) with Taxpayer Registration No. 20543083888, with registered office at Av. Contralmirante Raygada No. 111, Callao, by virtue of the fact that **MAERSK LINE A/S – SEALAND** (“MAERSK” or the “Claimant”) has filed its claim the term established in article 2.3, you have not complied with submitting the requirements established in article 2.4 of the APMTC User Claims Attention and Solution Regulation (the “Regulation”), we proceed to state the following:

**I. BACKGROUND**

- 1.1. On 25.07.2022, MAERSK filed a claim via email to the APM TERMINALS CALLAO S.A. Claims Department (“APMTC”), for the alleged damage to the MERIDIAN vessel Cell Guide during loading operations on November 11th, 2021.
- 1.2. On 25.07.2021, APMTC issued the letter No. 0438-2022-APMTC/CL, stating that the Claimant must comply with the following documents according to the APMTC Claims Handling Rules, otherwise its claim will not be filed.
  - Details of the Legal Representative, the Attorney and the sponsoring attorney, if any.
  - Simple copy of the document that proves the legal representation (e.g., validity of powers of the legal representative, the attorney or the lawyer if any).
  - Simple copy of the identity document (ID, Passport or Alien Card).
  - Signature or fingerprint of the User who presents the claim or of his Legal Representative.
  - The factual and legal grounds that support the claim.

## II. ANALYSIS

From the review of the facts of the claim, we point out that, in application of article 2.7 of the Regulation of Attention and Solution of Claims of APMTC, the claim submitted by MAERSK cannot be attended because the claimant did not comply to present all the documents required in our communication letter No. 0438-2022-APMTC/CL (Annex 01), corresponding to file APMTC/CL/0225-2022, within the established period of 02 business days in accordance with the provisions of the regulatory standards of the APMTC Claims Regulations.

From the review of the claim filed by MAERSK, we can see that its purpose is to request the cancellation of invoice No. F003-41136.

In this sense, in order to proceed with the review of the substantive arguments of the claim brief, it is necessary to evaluate its origin and verify if it is not subject to some of the assumptions established in numeral 2.10 of the Regulation of Attention and APMTC Claims Settlement.

From the review of the claim filed by INTEGRAL CUSTOMS, we can see that its object refers to its disagreement with the collection of invoice No. F003-41136, alleging that the collection has not been duly motivated. Likewise, it mentioned that there is no legal obligation or connection with the debt of GC Y GH LOGISTIC S.A.C., since its client acted as a customs agent and not as a user.

In this regard, it is important to specify that the invoice in question has been previously analyzed in a claim presented by INTEGRAL CUSTOMS seen in File No. APMTC/CL/563-2014, the same that was declared unfounded by Resolution No. 01. Likewise, the Complainant filed an appeal for reconsideration against Resolution No. 01, the same that was dismissed by APMTC through Resolution No. 02, as seen in the following image:

## III. RESOLUTION

Due to the foregoing, the claim request submitted by MAERSK for the file APMTC/CL/0225-2022 is declared **INADMISSIBLE**.



**Deepak Nandwani**

Customer Experience Manager  
APM Terminals Callao S.A.

**APM TERMINALS**  Lifting Global Trade.

Carta No. 0438-2022-APMTC/CL

Callao, July 25<sup>th</sup>, 2022

**MAERSK LINE A/S - SEALAND**

502 & 503, 5th Floor, Godrej 2,  
Pirojshah Nagar, Eastern Express Highway,  
Vikhroli (E), Mumbai - 400079.

**Attention** : **Abilash Sumithran**  
Adjuster – Vessel Claims  
**Reference** : MERIDIAN // SDR 024/2021  
**Exp. APMTC/CL/0225-2022**

From our consideration,

It is the purpose of this letter to greet you and, respond the claim filed via email on July 25<sup>th</sup> to the APM TERMINALS CALLAO S.A. Claims Department ("APMTC"), for the Claim submitted regarding the alleged damage to the MERIDIAN vessel Cell Guide during loading operations on November 11<sup>th</sup>, 2021.

In order to attend your request as a formal claim, in accordance with the article 2.4 of APM Terminals Callao Claims Management Procedure and the paragraph 2 of the article 37 of OSITRAN's Claims Attention and Dispute Resolution Regulation, please comply by submitting the information that is indicated below and which constitute essential requirements, as established in the aforementioned articles:

- i) Details of the Legal Representative, the Attorney and the sponsoring attorney, if any.
- ii) Simple copy of the document that proves the legal representation (e.g., validity of powers of the legal representative, the attorney or the lawyer if any).
- iii) Simple copy of the identity document (ID, Passport or Alien Card).
- iv) Signature or fingerprint of the User who presents the claim or of his Legal Representative.
- v) The factual and legal grounds that support the claim.

Av. Contralmirante Raygada  
N° 111, Callao-Perú  
T+51(1) 200 8800

Classification: Public

**APM TERMINALS**  Lifting Global Trade.

If the above information is not submitted within the period of two (02) business days from the receipt of this letter, the claim shall be deemed inadmissible.

Sincerely,



**Deepak Nandwani**  
Customer Experience Manager  
APM Terminals Callao S.A.

Av. Contralmirante Raygada  
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