



Newsletter 2023/16

New General Belgian Forwarding Conditions 2024



The current **General Belgian Forwarding Conditions** date back to 2005.

A **revision** was therefore imminent given the now changed Belgian civil law or contract law, economic law with B2B legislation and the changed economic conditions in which freight forwarders, customs representatives and logistics service providers operate today.

In drafting the ABEV 2024, we also looked at the provisions and trends found in the general conditions in our neighbouring countries.

The ABEV 2024 reflects the evolution we observe in case law and legal doctrine in recent years regarding the status of the freight forwarder and always envisages a reasonable balance between the rights and obligations of the principal and those of the freight forwarder.

The new version 2024 still starts from the distinction between the capacity of commission agent forwarder and transport commissioner, clearly delineating the activities of the 2 regimes and giving them both a different liability regime. This also considers possible liability for damages, other than direct material damage or loss to the goods, and raises the maximum limit of liability (taking into account the index). It is important to always keep in mind the distinction between the commission agent-forwarder's liability under Article 6.1 (obligation of means) and the mandatory liability regime of the transport commission agent, which is subject to carrier's liability under Article 6.2.

The ABEV 2024 clearly addresses the rights and obligations of both the freight forwarder and its customer, in the pre-contractual phase and in the execution of the contract. This takes into account the changed market conditions in which FORWARD members operate today and adjustments have been made with regard to the obligation to provide information, force majeure and imprevention, current risks and responsibilities regarding cybercrime, international sanctions, demurrage and waiting times, etc.

Customs representatives, both those who operate independently and those who are part of a wider forwarding department, are always advised to use the **FORWARD standard customs representation contract**. Moreover, the same applies regarding fiscal representation where use can be made of the **FORWARD standard fiscal representation contract**.

However, the new ABEV 2024 also contains a number of important provisions that customs representatives can fall back on in their relationship with their principals.

An important point of attention for invoking the ABEV 2024 remains the enforceability of this new version against your customers. As these are contractual conditions, it is important to make them **opposable** to your customer **at the latest** when the **contract is concluded!** The **dual requirement of notification** (at the time of contract conclusion) and **acceptance** (tacit or otherwise) **by the customer** still applies here.

For any information in this regard, you can always [contact the legal department at the FORWARD Belgium secretariat](#).

You can **download the ABEV 2024** from (if logged in) <https://forwardbelgium.be/general-belgian-forwarding-conditions> in different languages (NI, Fr, Eng, Du).

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Als u geen nieuwsbrieven meer wenst te ontvangen kan u zich hier [afmelden](#).