

27 de octubre de 2026

CIRCULAR: NEWSLETTER FIATA FOCUS (R.EMP.-F- 40/26)

Remitimos la newsletter legal de FIATA “FIATA FOCUS” en la que se contiene, entres otras cuestiones, información de interés sobre los siguientes asuntos:

- Direct Air Waybill: el Direct AirWaybill refleja la situación en la que un agente de carga IATA introduce en el campo «shipper» el nombre de una entidad con la que la compañía aérea no mantiene ninguna relación comercial directa o efectiva, y el agente de carga no actúa como agente de la compañía aérea (a pesar de incluir su nombre en el campo «issuing carrier’s agent».

De acuerdo con el nuevo régimen, en caso de DAWB, el agente de carga debe llegar a un acuerdo con la aerolínea sobre las obligaciones comerciales y legales que rijan la relación. En caso contrario, el Agente de Carga estará sometido al mismo régimen de responsabilidad que el shipper.

- Convención de las Naciones Unidas sobre los Documentos de Carga Negociables: la Convención tiene como objetivo abrir la posibilidad de que todos los modos de transporte puedan beneficiarse del régimen de los documentos negociables. Los DCN podrán emitirse cuando exista acuerdo entre el operador de transporte y el expedidor.

Estos días está teniendo lugar la ceremonia de firma.

Martín Fernández
Secretario General



ISSUE 9

FIATA FOCUS

THE LEGAL
NEWSLETTER

Navigating Law in Freight & Logistics



IN FOCUS
LEGAL UPDATES
REGULATORY ALERTS DIGEST
COMING UP

What can I find in this issue?

In Focus

[Direct Air Waybills: Aligning Liability with Operational Reality](#)
[Managing risks from new IATA Air Waybill practices](#)

Legal Updates

[UK Customs Compliance: Key Regulatory Developments for Freight Forwarders](#)
[Cybersecurity Compliance for Freight Forwarders in Poland](#)

Regulatory Alerts Digest

[Highlights from FIATA's regulatory alerts on key legal, customs and operational developments affecting freight forwarders during 2026.](#)

Coming Up: What's on the Horizon for Freight Forwarders

[UN Convention on Negotiable Cargo Documents](#)

Foreword

Freight forwarders are operating in an increasingly complex environment, shaped by rapid legal and regulatory change as well as significant geopolitical and operational disruption. [Developments in the Middle East](#) have shown how quickly political events can affect routes, costs, insurance conditions and contractual performance, while major legislative reforms, including [China's revised Maritime Code](#), are reshaping the legal framework for international transport. Against this backdrop, clear contractual arrangements, effective risk management and legal frameworks that reflect operational realities are more important than

ever. This issue of FIATA Focus examines the concerns raised by the new [Direct Air Waybill liability framework](#), which was adopted under an expedited procedure this year and significantly changes the liability exposure of freight forwarders. It also considers developments in [customs](#), [cybersecurity](#) and maritime transport, while looking ahead to the opening for signature of the [UN Convention on Negotiable Cargo Documents](#), an important step towards greater legal certainty for paper and electronic trade documents across all modes of transport.

This edition also introduces a refreshed FIATA Focus format, bringing together in-depth analysis, practical guidance, regulatory alerts and emerging developments to support freight forwarders in identifying and responding to legal and regulatory change.

We thank our contributors for sharing their expertise and practical perspectives on navigating this changing landscape.

Ms Andrea Tang

FIATA Director of Legal and Regulatory Affairs



[IF YOU WOULD LIKE TO CONTRIBUTE TO THE NEXT ISSUE, PLEASE EMAIL
LEGAL@FIATA.ORG](mailto:LEGAL@FIATA.ORG)

ISSUE 9

FIATA
FOCUS
In Focus



Direct Air Waybills: Aligning Liability with Operational Reality

The IATA amendments to the Direct Air Waybill (DAWB) liability framework entered into effect on 1 July 2026 following an expedited adoption process. The changes have generated concern across the air cargo industry, with freight forwarders, shippers and insurers questioning whether the revised framework appropriately reflects operational realities. Since the proposal was first raised, FIATA has actively engaged through IATA governance processes, consistently highlighting the practical and legal implications of reallocating liability to freight forwarders acting solely as agents of the shipper. FIATA has continued to call for broader stakeholder consultation while issuing interim guidance to assist freight forwarders in navigating the new framework.

A DAWB structure is commonly used where the shipper is identified directly on the air waybill and the freight forwarder acts as the shipper's agent rather than as the contracting carrier. Such arrangements are often required for commercial, regulatory or documentary reasons and are widely used across international air cargo operations.

A central concern is whether liability is being allocated to parties that neither created nor controlled the underlying risk. In many DAWB shipments, freight forwarders do not control the packing of goods, their technical composition, or the accuracy of information provided by the shipper. Risks such as misdeclaration, concealed dangerous goods or fraud generally originate at shipper level and should be distinguished from risks arising from the forwarder's own activities, such as documentation or handling errors. FIATA recently published an update to FIATA Members clarifying that, under the amended framework, freight forwarders tendering shipments under a DAWB are treated as shippers for the purposes of shipper obligations and indemnities, regardless of the party named in the shipper box, unless an alternative arrangement is agreed with the carrier. FIATA also confirmed that it is working with external legal counsel on the appropriate legal action.

FIATA's AFI Chair provided a more detailed analysis of the DAWB liability changes and their implications for freight forwarders in an article which can be found [here](#).

Ms Andrea Tang
FIATA Director of Legal and Regulatory Affairs



Managing risks from new IATA Air Waybill practices

From 1 July 2026, changes to the International Air Transport Association (IATA) Air Waybill (AWB) will fundamentally alter the risk profile for freight forwarders, who under the new terms, will be the shipper of the goods in the AWB and assume primary liability to carriers. This shift exposes freight forwarders to direct financial and operational risks that were previously borne by shippers, making it critical that they take proactive steps to protect their position.

Freight forwarders should ensure that their insurance arrangements adequately cover this expanded liability and urgently review their standard terms and conditions to confirm that shipper indemnities extend to these new exposures and have been properly incorporated and accepted. If changes are required to be made to terms and conditions, then those changes need to be approved by financiers and insurers for freight forwarders who finance and insure their business.

Mr Andrew Hudson

FIATA ABLM Member, Partner, Rigby Cooke Lawyers



Further reading on Direct Air Waybill liability changes

Selected articles and commentary from industry publications and legal experts

- [IATA FAQs: Scope of Agent/Intermediary Authority Adjustment](#) – IATA
- [Clarifying the Role of the Direct Air Waybill: A Shared Operational Understanding Among Shippers, Freight Forwarders and Airlines](#) – Dawit Woubishet, AFI Chair, CAAS
- [IATA's new Direct Air Waybill framework: Who bears the risk?](#) – HFW
- [Insurance sector braces for IATA DAWB liability change fallout](#) – The Loadstar
- [Cargo insurer flags 'significant reallocation of risk' for forwarders](#) – Insurance Business Magazine

FIATA guidance and updates

FIATA has issued a number of communications and guidance notes to FIATA Association Members and FIATA AFI Delegates concerning the revised Direct Air Waybill liability framework since January 2026 when the proposal was first introduced and before and after its date of effectiveness on 1 July 2026. These materials have addressed the legal and operational implications of the changes, implementation questions, and FIATA's engagement on the issue, including its [call for review](#) of the amendments, requests for [clarification on implementation](#), and subsequent member guidance.

For further information, please contact legal@fiata.org.

ISSUE 9



UK Customs Compliance: Key Regulatory Developments for Freight Forwarders

The regulatory landscape for UK freight forwarders continues to evolve, with customs compliance remaining the principal legal focus.

In June 2026, the UK Government introduced the Customs (Miscellaneous Amendments) Regulations 2026, giving HMRC wider powers to require ports to provide off-site customs facilities where on-site infrastructure is inadequate, while also simplifying certain customs declaration procedures. Freight forwarders should review operational arrangements with port operators and ensure customs processes remain aligned with the revised regulations.

Businesses trading with the EU should also be alert to the increasing divergence between UK and EU customs regimes. New EU requirements, including enhanced Import Control System (ICS2) obligations and changes affecting low-value

consignments, are placing greater emphasis on accurate pre-arrival data and supply chain transparency. Although these are EU measures, they have significant implications for forwarders arranging movements into the EU.

From a legal risk perspective, English courts continue to emphasise the importance of precise contractual drafting, robust record-keeping, and clear allocation of responsibilities throughout the supply chain.

As customs formalities and documentary requirements become more complex, forwarders should ensure that their standard trading conditions, agency agreements, and customer instructions accurately reflect operational responsibilities and liability allocation.

Mr John Stubbings

Group Director & Co Secretary at Woodland Group Limited



Cybersecurity Compliance for Freight Forwarders in Poland

Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive) was implemented into Polish law by the Act of 5 July 2018 on the National Cybersecurity System – (hereinafter – the Act).

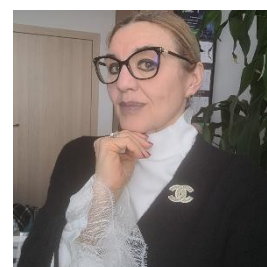
According to Annex I to the Act, the key sector is water transport, and the key entities listed in that Annex are shipowners, entities managing a port facility, entities conducting activities supporting maritime transport within a port, included in class 52.22 of the NACE Rev. 2 classification, as well as VTS (Vessel Traffic Control Service). Important sectors under both the Act and the Directive, are, among others, postal services, including courier services, referred to in Article 3 point 12 of the Act of 23 November 2012 - Postal Law (Journal of Laws of 2025, items 366, 820 and 1456).

This is a crucial issue, as under Polish law, postal services also include courier

services, provided on the basis of an entry in the register of postal operators. Many freight forwarders have obtained such an entry because they provide courier services. This means they will be subject to the NIS 2 Directive and the Act under Polish law. It would be worthwhile to examine how the NIS 2 Directive has been implemented by other member states – whether, therefore, freight forwarding companies providing courier services will also be subject to the NIS 2 Directive, as is the case under Polish law.

Ms Beata Janicka

BJJ Solicitors Law Office



ISSUE 9



Highlights from FIATA's regulatory alerts on key legal, customs and operational developments affecting freight forwarders during 2026:

- China revises its Maritime Code: China's revised Maritime Code entered into force on 1 May 2026, marking the first comprehensive revision of the Code in more than 30 years. Key changes include the mandatory application of certain provisions to international shipments involving Chinese ports, revised carrier liability rules, formal recognition of electronic transport documents, and clarification of the legal framework for multimodal transport. The amendments also create circumstances in which

freight forwarders may be treated as shippers for unclaimed cargo. Freight forwarders involved in China-related shipments should review their contractual arrangements, including the allocation of roles and responsibilities, operational practices and insurance coverage. [Read the regulatory alert](#)

To support members, FIATA has published a Guidance Note examining the principal changes and their practical implications for freight forwarding operations, available [here](#).

- **Romania introduces new rules on loading and unloading:** Romania adopted Law No. 100/2026, which entered into force on 24 July 2026 and clarifies the responsibilities of transport operators, consignors, consignees and freight forwarding intermediaries in road freight operations. The law provides that professional drivers may not be compelled to perform loading or unloading operations, renders contrary contractual clauses null and void, and introduces administrative sanctions for non-compliance. [Read the regulatory alert](#)
- **EU changes customs treatment of low-value imports:** From 1 July 2026, the European Union abolished customs duty relief for imports with an intrinsic value not exceeding EUR 150 and introduced a temporary flat-rate customs duty of EUR 3 for qualifying low-value imports. The temporary measure is scheduled to remain in force until 1 July 2028, unless it is replaced earlier by the implementation of the new customs framework. [Read the regulatory alert](#)
- **Egypt facilitates transit movements on Gulf Corridor:** The Egyptian Customs Authority introduced temporary measures for certain indirect transit shipments moving through Egypt to or from Gulf States. The measures included an exemption from the Advance Cargo Identification Number requirement, subject to specified operational, customs and security conditions. [Read the regulatory alert](#)
- **Middle East disruption creates legal and operational risks:** FIATA highlighted the effects of regional tensions on maritime and air transport, including rerouting, airspace restrictions, increased transit times, higher freight costs and changing insurance conditions. FIATA subsequently issued dedicated guidance addressing legal and insurance considerations for freight forwarders. [Read the initial alert](#) and [access the legal and insurance guidance](#)
- **US Supreme Court strikes down IEEPA tariffs:** On 20 February 2026, the United States Supreme Court struck down several tariffs imposed under the International Emergency Economic Powers Act (IEEPA). FIATA's alert outlined the transitional tariff measures announced following the ruling and

the outstanding uncertainty concerning refunds of duties already collected.
[Read the regulatory alert](#)

ISSUE 9



UN Convention on Negotiable Cargo Documents Opens for Signature

The United Nations Convention on Negotiable Cargo Documents, also known as the Accra Convention on NCDs, will open for signature on 26 October 2026, with an official signing ceremony taking place in Accra, Ghana. The Convention establishes a harmonised and technology-neutral legal framework for negotiable cargo documents across all modes of transport, in both paper and electronic form.

FIATA has published a range of resources explaining the Convention, its benefits for international trade and the importance of its ratification, including:

- FAQs on the Convention, available in [English](#), [Spanish](#), [French](#), and [Arabic](#)
- A joint letter to governments encouraging ratification, as well as a one-page briefing note for governments, available upon request at legal@fiata.org

An overview of progress by States in becoming parties to the Convention can be found on the official [NCD Convention Tracker](#). FIATA members are invited to contact FIATA in case of progress made in their local contexts, including on domestic awareness activities and/or political support, so that the tracker can be updated accordingly.

Further practical guidance on the implementation and use of Negotiable Cargo Documents under the Convention is currently being developed by FIATA, the Global Shippers Forum (GSF) and the International Chamber of Commerce (ICC). These materials will be made available to FIATA Members as they become available.

FIATA Members requiring assistance or support in engaging with their governments to promote ratification are invited to contact legal@fiata.org.



International Federation of
Freight Forwarders Associations

The global voice of freight logistics



**IF YOU WOULD LIKE TO CONTRIBUTE TO THE NEXT ISSUE, PLEASE EMAIL
LEGAL@FIATA.ORG**

Copyright © 2026 FIATA, All rights reserved.

Our mailing address is:
Rue Kléberg 6, 1201 Geneva, Switzerland

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).