Interim Guidance for FIATA Members Regarding Direct Air Waybills (DAWBs)

Interim guidance pending review process

Introduction

FIATA continues to receive requests from Member Associations and freight forwarders worldwide seeking clarification regarding the practical implications of the amendments to the Cargo Agency/Intermediary Agreements in relation to Direct Air Waybills (DAWB) as adopted and expedited by the IATA Cargo Agency Conference.

As a result of the DAWB amendments, as communicated by IATA:

> *"all shipments tendered by a Cargo Agent (Cargo Intermediary) under a Direct Air Waybill treat the Cargo Agent (Cargo Intermediary) as shipper for purposes of shipper indemnities and obligations regardless of the party named in the shipper box. Any Cargo Agent (Cargo Intermediary) seeking to modify this treatment must seek agreement from the Carrier to which the goods are tendered*".

Further details regarding the DAWB amendments, as published by IATA, may be found here.

As previously communicated, FIATA has formally requested a review of the relevant decision to adopt the DAWB amendments in accordance with the applicable IATA Cargo Agency Conference procedures. That review remains outstanding, and FIATA continues to actively work towards finding an appropriate solution that allows for a proper review in order to enable the practical issues raised by FIATA and industry stakeholders to be properly considered from an operational, legal and insurance perspective.

In the meantime, FIATA recognises that, since 1 July 2026, the date on which IATA indicated the changes would take effect, freight forwarders may encounter practical questions in their day-to-day operations and face an unclear position from a liability standpoint when requested by their shipper to issue a DAWB. This interim guidance is therefore provided on a temporary basis and is intended solely to assist members in managing those practical issues while the review process continues.

This interim guidance is intended solely to provide general information during the period in which the review remains outstanding, and is provided without prejudice to FIATA's legal position, the ongoing review process, or any rights or remedies available to FIATA or its members. It should not be interpreted as recognising or accepting the legal validity, implementation or legal effect of IATA's DAWB amendments, nor does it constitute legal advice or an interpretation of the applicable contractual or regulatory framework. Members should make their own independent commercial, operational and contractual assessment in compliance with applicable competition laws and based on their individual circumstances to determine a feasible approach in this interim period. Nothing in this interim guidance should be interpreted as establishing, recommending or endorsing any uniform market practice in relation to the use of DAWBs.

Current status

FIATA understands that the practical implementation of IATA's DAWB amendments may differ between airlines. FIATA has received information indicating that certain airlines do not currently intend to implement the amendments, whilst others have indicated that they intend to follow IATA's position but have not yet communicated how they intend to implement the amendments in practice. The absence of consistent implementation arrangements across the market reinforces the importance of completing the ongoing review process.

Accordingly, whilst this interim guidance has been provided to support members through this period, it should not be assumed that a uniform approach currently exists or is being implemented across the market.

Relevant considerations

1. Clarification from the relevant carrier

FIATA notes that IATA's published FAQs on its DAWB amendments states the following:

> *"The amendment does not eliminate the Direct Air Waybill, however, if the Cargo Agent (Cargo Intermediary) wishes to tender cargo to the carrier under a Direct AWB, it obligates the Cargo Agent (Cargo Intermediary) to contact the Carrier to reach an agreement on the commercial and legal obligations of the Cargo Agent (Cargo Intermediary) prior to the carrier accepting such cargo for carriage"*.

Members should therefore be aware that individual airlines may adopt different approaches. In light of IATA's published communications, members may wish to seek clarification from the relevant carrier as to whether the airline intends to implement the DAWB amendments and, if so, the procedures that the airline expects to apply regarding any operational or contractual arrangements where a DAWB is used.

FIATA has sought to support the industry by contacting airlines worldwide regarding these questions. While FIATA continues to seek clarification at an industry level, members may also wish to seek clarification directly from the relevant carrier, where appropriate, taking into account their own commercial arrangements and operational circumstances.

2. Identification of the forwarder's contracting capacity

Where the relevant airline has not communicated any specific implementation arrangements, forwarders may wish to ensure that the contractual capacity in which they act is clearly reflected in the relevant documentation, including on the face of the AWB, and is consistent with the commercial intentions of both parties.

Without prejudice to any future solution, Members may also wish to have regard to section 1.1, Resolution 672 of the IATA Multilateral E-Air Waybill Agreement ("IATA e-AWB Agreement"), which states:

> *"The acceptance of cargo tendered for carriage pursuant to this agreement shall create,* ***unless the freight forwarder specifically indicates (as required by section 3.2) that it is acting as agent for another party appearing on the air waybill or shipment record as the contracting party (shipper)****, and notwithstanding any carrier condition of carriage to the contrary, a cargo contract for that carriage between the carrier and the freight forwarder."*

Section 3.2 further states that, in such instances *"the Freight Forwarder warrants and represents that, prior to entering into such Cargo Contracts, it is authorised by the Third Party to act as its agent for purposes of initiating, processing and concluding Cargo Contracts"* and the Carrier is entitled to rely on that warranty and representation.

It further states that: *"****Freight Forwarder shall ensure that proper identification is included*** *within such Electronic Communication, or by other means as agreed by the Parties,* ***so that Carrier can recognise that the Freight Forwarder is acting as agent of the Third Party*** *for purposes of concluding a Cargo Contract between the Third Party and Carrier."*

Members may wish to consider whether, where applicable and consistent with their commercial intentions and contractual arrangements, the approach reflected in the IATA e-AWB Agreement regarding the identification of contractual capacity may assist in reducing uncertainty created by the DAWB amendments as to the identity and roles of the contracting parties.

3. Consideration of applicable legal and contractual requirements

Pending the review process, the legal implications of the DAWB amendments are yet to be fully assessed and may depend upon the applicable law, the contractual documentation and the particular circumstances of the transaction.

Members may therefore wish to consider, where appropriate:
- applicable national legislation;
- applicable international conventions;
- contractual arrangements with customers and carriers;
- insurance arrangements; and
- any operational requirements communicated by the relevant carrier.

Further assistance

Members requiring further guidance are encouraged to contact their FIATA Association Member, which may be able to provide guidance taking into account applicable national legislation, local market practice and any information available regarding the approach adopted by airlines operating in their jurisdiction. Where appropriate, members should also seek independent legal advice regarding their own contractual arrangements and legal obligations.

FIATA encourages Member Associations seeking clarification to engage with their IATA Local Consultative Councils (LCCs), IATA regional offices, and other relevant national stakeholders to better understand developments in their respective markets. Where a Member Association independently considers it appropriate, it may wish to contact the Chair of its IATA Regional Joint Council to explore whether a Regional Joint Council meeting may be convened to discuss implementation of the DAWB amendments with the presence of the Regional Joint Council airline members.

FIATA would welcome information received by members regarding the approaches adopted by airlines in their respective markets. Such information will assist FIATA in monitoring developments across jurisdictions, informing Member Associations and supporting its ongoing engagement with IATA and other stakeholders.

FIATA will continue to keep Member Associations informed as further information becomes available.