



Treaty Series No. 43 (1989)

Protocol

to the Athens Convention relating
to the Carriage of Passengers and
their Luggage by Sea, 1974

London, 19 November 1976

[The Protocol entered into force on 30 April 1989]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
October 1989*

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**PROTOCOL
TO THE ATHENS CONVENTION RELATING TO THE CARRIAGE
OF PASSENGERS AND THEIR LUGGAGE BY SEA, 1974**

The Parties to the present Protocol

Being Parties to the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, done at Athens on 13 December 1974;¹

Have agreed as follows:

ARTICLE I

For the purpose of the present Protocol:

1. "Convention" means the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974.
2. "Organization" has the same meaning as in the Convention.
3. "Secretary-General" means the Secretary-General of the Organization.

ARTICLE II

(1) Article 7, paragraph 1 of the Convention is replaced by the following text:

1. The liability of the carrier for the death of or personal injury to a passenger shall in no case exceed 46,666 units of account per carriage. Where in accordance with the law of the court seized of the case damages are awarded in the form of periodical income payments, the equivalent capital value of those payments shall not exceed the said limit.

(2) Article 8 of the Convention is replaced by the following text:

1. The liability of the carrier for the loss of or damage to cabin luggage shall in no case exceed 833 units of account per passenger, per carriage.
2. The liability of the carrier for the loss of or damage to vehicles including all luggage carried in or on the vehicle shall in no case exceed 3,333 units of account per vehicle, per carriage.
3. The liability of the carrier for the loss of or damage to luggage other than that mentioned in paragraphs 1 and 2 of this Article shall in no case exceed 1,200 units of account per passenger, per carriage.
4. The carrier and the passenger may agree that the liability of the carrier shall be subject to a deductible not exceeding 117 units of account in the case of damage to a vehicle and not exceeding 13 units of account per passenger in the case of loss of or damage to other luggage, such sum to be deducted from the loss or damage.

(3) Article 9 of the Convention and its title are replaced by the following:

Unit of Account or Monetary Unit and conversion

1. The Unit of Account mentioned in this Convention is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in Articles 7 and 8 shall be converted into the national currency of the State of the Court seized of the case on the basis of the value of that currency on the date of the judgment or the date agreed upon by the Parties. The value of the national currency, in terms of the Special Drawing Right, of a State which is a member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and transactions. The value of the national currency, in terms of the Special Drawing Right, of a State which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State.

¹ Treaty Series No. 40 (1987), Cm 202.

2. Nevertheless, a State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 1 of this Article may, at the time of ratification or accession or at any time thereafter, declare that the limits of liability provided for in this Convention to be applied in its territory shall be fixed as follows:

- (a) in respect of Article 7, paragraph 1, 700,000 monetary units;
- (b) in respect of Article 8, paragraph 1, 12,500 monetary units;
- (c) in respect of Article 8, paragraph 2, 50,000 monetary units;
- (d) in respect of Article 8, paragraph 3, 18,000 monetary units;
- (e) in respect of Article 8, paragraph 4, the deductible shall not exceed 1,750 monetary units in the case of damage to a vehicle and shall not exceed 200 monetary units per passenger in the case of loss of or damage to other luggage.

The monetary unit referred to in this paragraph corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. The conversion of the amounts specified in this paragraph into the national currency shall be made according to the law of the State concerned.

3. The calculation mentioned in the last sentence of paragraph 1 and the conversion mentioned in paragraph 2 shall be made in such a manner as to express in the national currency of the State as far as possible the same real value for the amounts in Articles 7 and 8 as is expressed there in units of account. States shall communicate to the depositary the manner of calculation pursuant to paragraph 1 or the result of the conversion in paragraph 2 as the case may be, when depositing an instrument referred to in Article III and whenever there is a change in either.

ARTICLE III

Signature, Ratification and Accession

1. The present Protocol shall be open for signature by any State which has signed the Convention or acceded thereto and by any State invited to attend the Convention to Revise the Unit of Account Provisions in the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974, held in London from 17 to 19 November 1976. This Protocol shall be open for signature from 1 February 1977 to 31 December 1977 at the Headquarters of the Organization.

2. Subject to paragraph 4 of this Article, the present Protocol shall be subject to ratification, acceptance or approval by the States which have signed it.

3. Subject to paragraph 4 of this Article, this Protocol shall be open for accession by States which did not sign it.

4. The present Protocol may be ratified, accepted, approved or acceded to by States Parties to the Convention.

5. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General.

6. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Protocol with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to all existing Parties shall be deemed to apply to the Protocol as modified by the amendment.

ARTICLE IV

Entry into force

1. The present Protocol shall enter into force for the States which have ratified, accepted, approved or acceded to it on the ninetieth day following the date on which ten States have either signed it without reservation as to ratification, acceptance or approval or have deposited the requisite instruments of ratification, acceptance, approval or accession.

2. However, the present Protocol shall not enter into force before the Convention has entered into force.

3. For any State which subsequently signs this Protocol without reservation as to ratification, acceptance or approval, or deposits its instrument of ratification, acceptance, approval or accession, the present Protocol shall come into force on the ninetieth day after the date of such signature or deposit.

ARTICLE V

Denunciation

1. The present Protocol may be denounced by a Party at any time after the date on which the Protocol enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General who shall inform all other Parties of the receipt of the instrument of denunciation and of the date of its deposit.

3. A denunciation shall take effect one year after the deposit of an instrument of denunciation, or after such longer period as may be specified in the instrument.

ARTICLE VI

Revision and amendment

1. A Conference for the purpose of revising or amending the present Protocol may be convened by the Organization.

2. The Organization shall convene a Conference of the Parties to the present Protocol for revising or amending it at the request of not less than one-third of the Parties.

ARTICLE VII

Depositary

1. The present Protocol shall be deposited with the Secretary-General.

2. The Secretary-General shall:

(a) inform all States which have signed or acceded to the present Protocol of:

(i) each new signature and each deposit of an instrument together with the date thereof;

(ii) the date of entry into force of the present Protocol;

(iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which the denunciation takes effect;

(iv) any amendments to the present Protocol;

(b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

3. Upon entry into force of the present Protocol, a certified true copy thereof shall be transmitted by the Secretary-General to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE VIII

Languages

The present Protocol is established in a single original in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared by the Secretary-General and deposited with the signed original.

Done at London this nineteenth day of November one thousand nine hundred and seventy-six.

In witness whereof the undersigned being duly authorized for that purpose have signed the present Protocol.

SIGNATURES, RATIFICATIONS AND ACCESSIONS

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of instrument of Accession or Ratification(R)</i>
Argentina		28 Apr. 1987*
Bahamas		28 Apr. 1987
Germany, Federal Republic of	16 Dec. 1977	
Liberia		28 Apr. 1987
Poland		28 Apr. 1987
Spain		28 Apr. 1987
Switzerland		15 Dec. 1987†
Union of Soviet Socialist Republics		30 Jan. 1989*†
United Kingdom	20 May. 1977	28 Apr. 1987(R)††
Vanuatu		13 Jan. 1989
Yemen		28 Apr. 1987

*Declaration, reservation or statement.

†With a notification under Article II(3).

‡The United Kingdom instrument of ratification also included the Bailiwick of Jersey, the Bailiwick of Guernsey, the Isle of Man, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Hong Kong, Montserrat, Pitcairn and Saint Helena and Dependencies.

DECLARATIONS, RESERVATIONS AND STATEMENT

ARGENTINA

The instrument of accession deposited by the Government of Argentina contained the following declaration and reservation:

(translation)

"The Argentine Republic will not apply the Convention when both the passengers and the carrier are Argentine nationals."

"The Argentine Republic rejects the extension of the application of the Athens Convention relating to the Carriage of Passengers and Their Luggage by Sea, 1974, adopted in Athens, Greece, on 13 December 1974, and of the Protocol to the Athens Convention relating to the Carriage of Passengers and Their Luggage by Sea, 1974, approved in London on 19 December 1976, to the Malvinas Islands as notified by the United Kingdom of Great Britain and Northern Ireland to the Secretary-General of the International Maritime Organization (IMO) in ratifying the said instrument on 31 January 1980 under the incorrect designation of "Falkland Islands", and reaffirms its sovereign rights over the said Islands which form an integral part of its national territory."

USSR

The instrument of accession by the Government of the Union of Soviet Socialist Republics was accompanied by the following declaration:

(translation)

"In accordance with the provisions of paragraph 3 of article 9 of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 in the reading of article II of the Protocol of 1976 to the Convention, this is to notify that the value of the unit of "special drawing right" expressed in Soviet roubles, is calculated on the basis of the US dollar exchange rate employed at the moment of the calculation in relation to the unit of "special drawing right" established by the International Monetary Fund, and the US dollar exchange rate in relation to the Soviet rouble, employed at the same moment, established by the State Bank of the USSR."

UNITED KINGDOM

The Secretary-General of the International Maritime Organization received the following communication dated 19 October 1983 from the Government of the United Kingdom of Great Britain and Northern Ireland:

"The Secretary of State for Foreign and Commonwealth Affairs presents his compliments to the Secretary-General of the International Maritime Organization and has the honour to refer to the Secretary-General's circular (PAL/Circ. 8) of 15 June 1983 concerning the accession of the Government of Argentina to the Athens Convention relating to the Carriage of Passengers and Their Luggage by Sea of 1974. In its instrument of accession Argentina stated that it rejected the extension of the Convention, and the Protocol to it of 1976, to the Falkland Islands, categorised the designation of the Falkland Islands as incorrect and claimed that it had sovereign rights over the Islands, asserting that they form an integral part of its national territory.

"The Government of the United Kingdom of Great Britain and Northern Ireland reject each and every one of these statements and assertions. The United Kingdom has no doubt as to its sovereignty over the Falkland Islands and thus its right to include them within the scope of application of international agreements of which it is a party. The United Kingdom cannot accept that the Government of the Argentine Republic has any rights in this regard. Nor can the United Kingdom accept that the Falkland Islands are incorrectly designated."



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