

No. 6943

**FEDERAL REPUBLIC OF GERMANY, BELGIUM,
BRAZIL, EGYPT, FRANCE, etc.**

**Protocol to amend the Convention for the Unification of
Certain Rules Relating to International Carriage by
Air signed at Warsaw on 12 October 1929. Done at
The Hague, on 28 September 1955**

Official texts: French, English and Spanish.

Registered by Poland on 30 September 1963.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, BELGIQUE,
BRÉSIL, ÉGYPTÉ, FRANCE, etc.**

**Protocole portant modification de la Convention pour l'unifi-
cation de certaines règles relatives au transport aérien
international signée à Varsovie le 12 octobre 1929. Fait
à La Haye, le 28 septembre 1955**

Textes officiels: français, anglais et espagnol.

Enregistré par la Pologne le 30 septembre 1963.

No. 6943. PROTOCOL¹ TO AMEND THE CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR SIGNED AT WARSAW ON 12 OCTOBER 1929.² DONE AT THE HAGUE, ON 28 SEPTEMBER 1955

The Governments undersigned

CONSIDERING that it is desirable to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw on 12 October 1929,²

HAVE AGREED as follows :

CHAPTER I

AMENDMENTS TO THE CONVENTION

Article I

In Article 1 of the Convention—

a) paragraph 2 shall be deleted and replaced by the following :

¹ Came into force on 1 August 1963, the ninetieth day after the deposit of the thirtieth instrument of ratification, in accordance with article XXII. The instruments of ratification were deposited with the Government of the Polish People's Republic as follows :

Poland	23 April	1956	Federal Republic of		
Egypt	26 April	1956	Germany	27 October	1960
Laos	9 May	1956	Pakistan	16 January	1961
El Salvador	17 September	1956	Byelorussian Soviet		
Luxembourg	13 February	1957	Socialist Republic	17 January	1961
Union of Soviet Socialist			Cameroon*	21 August	1961
Republics	25 March	1957	Congo (Brazzaville)*	5 January	1962
Mexico	24 May	1957	Dahomey*	9 January	1962
Hungary	4 October	1957	Ivory Coast*	2 February	1962
Czechoslovakia	23 November	1957	Niger*	20 February	1962
Romania	3 December	1958	Madagascar*	17 August	1962
Yugoslavia	16 April	1959	Switzerland	19 October	1962
German Democratic			Denmark	3 May	1963
Republic	19 May	1959	Iceland	3 May	1963
France	19 May	1959	Norway	3 May	1963
Australia	23 June	1959	Sweden	3 May	1963
Ireland	12 October	1959	Italy	4 May	1963
Ukrainian Soviet					
Socialist Republic	23 June	1960			
Venezuela	26 August	1960			
Netherlands	21 September	1960			

* States which declared themselves bound by the ratification of France.

² League of Nations, *Treaty Series*, Vol. CXXXVII, p. 11 ; Vol. CXLII, p. 393 ; Vol. CXLVII, p. 355 ; Vol. CLVI, p. 258 ; Vol. CLX, p. 418 ; Vol. CLXIV, p. 395 ; Vol. CLXXII, p. 425 ; Vol. CLXXVII, p. 420 ; Vol. CLXXXI, p. 397 ; Vol. CLXXXV, p. 406 ; Vol. CXCIII, p. 273 ; Vol. CXCVI, p. 422 ; and United Nations, *Treaty Series*, Vol. 261, p. 423, and Vol. 266, p. 444.

"2. For the purposes of this Convention, the expression *international carriage* means any carriage in which, according to the agreement between the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territories of two High Contracting Parties or within the territory of a single High Contracting Party if there is an agreed stopping place within the territory of another State, even if that State is not a High Contracting Party. Carriage between two points within the territory of a single High Contracting Party without an agreed stopping place within the territory of another State is not international carriage for the purposes of this Convention."

b) paragraph 3 shall be deleted and replaced by the following :

"3. Carriage to be performed by several successive air carriers is deemed, for the purposes of this Convention, to be one undivided carriage if it has been regarded by the parties as a single operation, whether it had been agreed upon under the form of a single contract or of a series of contracts, and it does not lose its international character merely because one contract or a series of contracts is to be performed entirely within the territory of the same State."

Article II

In Article 2 of the Convention—

paragraph 2 shall be deleted and replaced by the following :

"2. This Convention shall not apply to carriage of mail and postal packages."

Article III

In Article 3 of the Convention—

a) paragraph 1 shall be deleted and replaced by the following :

"1. In respect of the carriage of passengers a ticket shall be delivered containing :

- a) an indication of the places of departure and destination ;
- b) if the places of departure and destination are within the territory of a single High Contracting Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place ;
- c) a notice to the effect that, if the passenger's journey involves an ultimate destination or stop in a country other than the country of departure, the Warsaw Convention may be applicable and that the Convention governs and in most cases limits the liability of carriers for death or personal injury and in respect of loss of or damage to baggage."

b) paragraph 2 shall be deleted and replaced by the following :

"2. The passenger ticket shall constitute *prima facie* evidence of the conclusion and conditions of the contract of carriage. The absence, irregularity or loss of the passenger ticket does not affect the existence or the validity of the contract of carriage which shall, none the less, be subject to the rules of this Convention. Nevertheless, if, with the consent of the carrier, the passenger embarks without a passenger ticket having been delivered, or if the ticket does not include the notice required by paragraph 1 c) of this Article, the carrier shall not be entitled to avail himself of the provisions of Article 22."

Article IV

In Article 4 of the Convention—

a) paragraphs 1, 2 and 3 shall be deleted and replaced by the following :

"1. In respect of the carriage of registered baggage, a baggage check shall be delivered, which, unless combined with or incorporated in a passenger ticket which complies with the provisions of Article 3, paragraph 1, shall contain :

- a) an indication of the places of departure and destination ;
- b) if the places of departure and destination are within the territory of a single High Contracting Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place ;
- c) a notice to the effect that ; if the carriage involves an ultimate destination or stop in a country other than the country of departure, the Warsaw Convention may be applicable and that the Convention governs and in most cases limits the liability of carriers in respect of loss of or damage to baggage."

b) paragraph 4 shall be deleted and replaced by the following :

"2. The baggage check shall constitute *prima facie* evidence of the registration of the baggage and of the conditions of the contract of carriage. The absence, irregularity or loss of the baggage check does not affect the existence or the validity of the contract of carriage which shall, none the less, be subject to the rules of this Convention. Nevertheless, if the carrier takes charge of the baggage without a baggage check having been delivered or if the baggage check (unless combined with or incorporated in the passenger ticket which complies with the provisions of Article 3, paragraph 1 c)) does not include the notice required by paragraph 1 c) of this Article, he shall not be entitled to avail himself of the provisions of Article 22, paragraph 2."

Article V

In Article 6 of the Convention—

paragraph 3 shall be deleted and replaced by the following :

"3. The carrier shall sign prior to the loading of the cargo on board the aircraft."

Article VI

Article 8 of the Convention shall be deleted and replaced by the following :

"The air waybill shall contain :

- a) an indication of the places of departure and destination ;
- b) if the places of departure and destination are within the territory of a single High Contracting Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place ;
- c) a notice to the consignor to the effect that, if the carriage involves an ultimate destination or stop in a country other than the country of departure, the Warsaw Convention may be applicable and that the Convention governs and in most cases limits the liability of carriers in respect of loss of or damage to cargo."

Article VII

Article 9 of the Convention shall be deleted and replaced by the following :

"If, with the consent of the carrier, cargo is loaded on board the aircraft without an air waybill having been made out, or if the air waybill does not include the notice required by Article 8, paragraph c), the carrier shall not be entitled to avail himself of the provisions of Article 22, paragraph 2."

Article VIII

In Article 10 of the Convention—

paragraph 2 shall be deleted and replaced by the following :

"2. The consignor shall indemnify the carrier against all damage suffered by him, or by any other person to whom the carrier is liable, by reason of the irregularity, incorrectness or incompleteness of the particulars and statements furnished by the consignor."

Article IX

To Article 15 of the Convention—

the following paragraph shall be added :

"3. Nothing in this Convention prevents the issue of a negotiable air waybill."

Article X

Paragraph 2 of Article 20 of the Convention shall be deleted.