

**ADMINISTRATIVE PACKAGE  
FOR RATIFICATION OF OR ACCESSION TO  
THE CONVENTION FOR THE UNIFICATION OF CERTAIN RULES  
FOR INTERNATIONAL CARRIAGE BY AIR, DONE AT MONTREAL ON 28 MAY 1999**

**INFORMATION ON THE INSTRUMENT AND MAIN REASONS FOR RATIFICATION**

**1. Full Name of Instrument:**

*Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal on 28 May 1999* (Doc 9740).

**2. History:**

International Conference on Air Law, Montreal, 10 to 28 May 1999.

**3. Summary:**

This Convention modernized and consolidated the international legal regime which had been established pursuant to the Warsaw Convention of 1929 and its various amending instruments (the so-called “Warsaw System”) and provides, within a consolidated and uniform framework, the rules relating to the international carriage of passengers, baggage and cargo performed by aircraft for reward.

The Convention facilitates the use of simplified and modernized documents of carriage (passenger ticket, air waybill), thus enabling the utilization of electronic or computerized data processing for the issuance of these documents.

With respect to the accidental death or injury of passengers, the Convention established a two-tier liability regime. For proven damage which per passenger did not exceed the original limit of 100 000 Special Drawing Rights (SDRs)\*, the carrier is subject to strict liability regardless of fault, and only in the case of contributory negligence of the passenger or the person claiming compensation could the carrier be partly or wholly exonerated. For proven damage exceeding the original limit of 100 000 SDRs\*, the liability of the air carrier is based on a system of presumed fault with no pre-specified limits of liability. For such damage, the carrier is not liable if the carrier proves that the damage was not caused by its negligence or other wrongful act or omission.

A system of strict liability also applies to damage sustained in the event of loss or destruction of checked baggage. With respect to the destruction or loss of cargo, the Convention provides for a system of strict liability, subject to certain defences which remain available to the air carrier.

The original limit of liability for cargo claims was 17 SDRs\* per kilogramme and the original limits of liability for loss or destruction of baggage and for delay of passengers were 1 000 SDRs\* and 4 150 SDRs\* per passenger respectively.

**In relation to the amounts referred to above, the Convention contains a built-in review mechanism with a view of protecting the real value of the above-mentioned amounts subsequent to its entry into force.** In accordance with Article 24, the limits of liability are subject to review by the Depositary at five-year intervals starting from the end of the fifth year following the date of entry into force of the Convention. **The fourth such review took place in 2024 (see paragraph 5 below).**

\*see revised limits of liability in paragraph 5.

As regards jurisdiction, the Convention provides that legal action in the case of injury or death of a passenger may, in addition to the existing four jurisdictions available under the Warsaw System, also be brought before a Court in the State in which, at the time of the accident, the passenger had his or her principal and permanent residence, provided the air carrier has the required operational and commercial presence in that State.

The Convention established a mandatory insurance requirement pursuant to which an air carrier may be required to submit evidence to the State into which it operates to the effect that it maintains adequate insurance covering its liability.

The Convention also contains rules pertaining to the liability of the actual and contracting carrier *vis-à-vis* the passenger or consignor.

4. **Main reasons for ratification:**

This Convention re-established urgently needed uniformity and predictability of the rules relating to the international carriage of passengers, baggage and cargo. While maintaining a core of provisions which have successfully served the international air transport community for several decades, the Convention achieves the required modernization in a number of key areas.

It protects the interests of the passenger by introducing a modern two-tier liability system referred to in paragraph 3 above, and by facilitating the swift recovery of proven damages without the need for lengthy litigation. Air carriers, on the other hand, achieve substantive operational savings through the use of electronically produced and simplified documents of carriage, especially in the cargo field, and the ability to manage risks more efficiently.

5. **Entry into force and revision of limits of liability**

The Convention entered into force on 4 November 2003.

\* As a result of the fourth review of limits of liability conducted by ICAO in accordance with Article 24, the rounded revised limits, effective as of 28 December 2024,<sup>1</sup> in SDRs, are:

- **26 SDRs** per kilogramme in the case of destruction, loss, damage or delay in relation to the carriage of cargo (Article 22, paragraph 3)
- **1 519 SDRs** for each passenger in case of destruction, loss, damage or delay with respect to baggage (Article 22, paragraph 2)
- **6 303 SDRs** for each passenger in relation to damage caused by delay in the carriage of persons (Article 22, paragraph 1)
- **151 880 SDRs** for each passenger for damage sustained in case of death or bodily injury (for the first tier) (Article 21, paragraph 1)

6. **Depositary:**

The Secretary General  
International Civil Aviation Organization (ICAO)  
Attention: Legal Affairs and External Relations Bureau  
999 Robert-Bourassa Boulevard  
Montréal, Canada  
H3C 5H7

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<sup>1</sup> See Supplement No. 3 to Doc 9740, done at Montréal on 9 December 2024.

**Attachments:**

- Model instruments of ratification and accession

**MODEL  
INSTRUMENT OF RATIFICATION  
BY [NAME OF STATE]**

*WHEREAS* the *Convention for the Unification of Certain Rules for International Carriage by Air* (hereinafter referred to as “the Convention”) was concluded at Montreal on 28 May 1999;

*WHEREAS* the Convention was signed on behalf of [name of State] on [date];

*AND WHEREAS* Article 53, paragraph 3, of the Convention specifies that the latter is subject to ratification by signatory States;

*NOW THEREFORE I*, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs], declare that the Government of [name of State], having considered the above-mentioned Convention, *RATIFIES* the same and undertakes faithfully to perform and carry out the stipulations therein contained.

*IN WITNESS WHEREOF*, I have signed this instrument of ratification at [place] on [date].

State,

[Original Signature by the Head of  
Head of Government or Minister for  
Foreign Affairs] and  
[Original Seal]

**MODEL**  
**INSTRUMENT OF [ACCEPTANCE] [APPROVAL] [ACCESSION]**  
**BY [NAME OF STATE]**

*WHEREAS* the *Convention for the Unification of Certain Rules for International Carriage by Air* (hereinafter referred to as “the Convention”) was concluded at Montreal on 28 May 1999;

*AND WHEREAS* Article 53, paragraph 4, of the Convention specifies that any State which does not sign the Convention may accept, approve or accede to it at any time;

*NOW THEREFORE I*, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs], declare that the Government of [name of State], having considered the above-mentioned Convention, *[APPROVES] [ACCEPTS] [ACCEDES TO]* the same and undertakes faithfully to perform and carry out the stipulations therein contained.

*IN WITNESS WHEREOF*, I have signed this instrument of [acceptance] [approval] [accession] at [place] on [date].

State,

[Original Signature by the Head of  
Head of Government or Minister for  
Foreign Affairs]  
and [Original Seal]