



International
Civil Aviation
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Международная
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Subject: Convention for the Unification of Certain Rules for international Carriage by Air, done at Montréal on 28 May 1999 (Montreal Convention of 1999)

Action required: To implement, as necessary, Assembly Resolution A38-20 by ratifying the instrument mentioned above

Sir/Madam,

I have the honour to draw your attention to Resolution A38-20 (**Attachment A**), urging all States to support and encourage the universal adoption of the Montreal Convention of 1999 and urging all States, which have not done so, to become Parties to the instrument as soon as possible.

It is recalled that the instrument which came into force in 2003 was envisaged as a consolidated, uniform, fair and effective regime aimed to replace the patchwork of different instruments that have been developed since the Warsaw Convention of 1929. The Montreal Convention of 1999 has been ratified to date by 104 States.

With a view to achieving the objective of a unified regime, attaining a comprehensive level of acceptance is important. With this in mind, please find in **Attachment B** some of the key benefits of the instrument expected to be realized for passengers, air cargo shippers and airlines of the instrument.

The ICAO Secretariat is available to provide support and assistance in the ratification process as required and an Administrative Package to aid States in becoming parties to the Convention can be found at <http://www.icao.int/secretariat/legal/Pages/TreatyCollection.aspx> under heading "Administrative packages to assist States in becoming parties to treaties".

I have the honour to encourage all States, which have not yet done so, to give urgent priority to the ratification of the Montreal Convention of 1999.

Accept, Sir/Madam, the assurances of my highest consideration.

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Raymond Benjamin
Secretary General

Enclosures:

- A – Assembly Resolution A38-20
- B – Summary of Benefits

ASSEMBLY RESOLUTION 38-20

PROMOTION OF THE MONTREAL CONVENTION OF 1999

Recalling its Resolution A37-24 entitled *Promotion of the Montréal Convention of 1999*;

Recalling further its Resolution A37-22, Appendix C, relating to the ratification of instruments which have been developed and adopted under the auspices of the Organization;

Recognizing the importance of achieving a universal regime to govern airline liability to passengers and shippers on international flights; and

Recognizing the desirability of an equitable, fair and convenient system that allows full compensation for losses;

The Assembly:

1. *Urges* all States to support and encourage the universal adoption of the *Convention for the Unification of Certain Rules for International Carriage by Air*, done at Montréal on 28 May 1999 (Montréal Convention of 1999);
2. *Urges* all States that have not done so to become Parties to the Montréal Convention of 1999 as soon as possible; and
3. *Directs* the Secretary General to provide assistance, as appropriate, with the ratification process if so requested by a State.
4. *Declares* that this resolution supersedes Resolution A37-24.

SUMMARY OF BENEFITS

Benefits for Passengers

The Montreal Convention of 1999 affords benefits for air travelers on international flights by providing enhanced compensation for passengers suffering injury or death as a result of an accident by entitling them to claim up to SDR 113 100 (around 174 000 US\$) of proven damages without having to prove negligence or fault of the airline. This avoids the situation where passengers need to pursue long and onerous legal claims and compares very favourably to the very low limits of liability established under the Warsaw Convention of 1929 and related instruments. Proven damages beyond this amount can be claimed and the burden of proof lies with the air carrier to show that it was not negligent.

The Montreal Convention offers other consumer friendly provisions such as the ability for passenger claims involving injury or death to be brought in a wider choice of jurisdictions, the possibility of advance payments by airlines to victims of accidents and enhanced compensation in the event of delay, and loss or damage to baggage. ICAO reviews the liability limits every five (5) years ensuring that the Montreal Convention of 1999 remains current and relevant.

In summary, the ratification of the Montreal Convention will result in a fairer liability regime that better protects international passengers.

Benefits for Air Cargo Shippers and the Economic Competitiveness

Air cargo is an essential facilitator of international trade. The Montreal Convention creates a solid legal framework for the use of electronic air waybills to replace paper in the air cargo supply chain, promoting to improve air cargo security, better customs compliance and faster shipment times. The Convention also provides for a simplified liability regime for the carriage of cargo by establishing predictable limits of liability.

Benefits for Airlines

Universal ratification of the Montreal Convention of 1999 would obviate the need for airlines to navigate the patchwork of different liability regimes across their route network, facilitating the claims handling process and obtaining adequate insurance.

Summary

The Montreal Convention of 1999 provides better protection for passengers, ease of operations for air cargo shippers and greater certainty to airlines.