

2 この議定書は、効力を生じたときは、ポーランド人民共和国政府により直ちに国際連合に登録されるものとする。

第二十三条

1 この議定書は、効力を生じた後は、すべての非署名国による加入のため開放しておく。

2 条約の当事国でない国によるこの議定書への加入は、この議定書により改正された条約への加入の効果を有する。

3 加入は、ポーランド人民共和国政府への加入書の寄託により行なうものとし、寄託の日の後九十日目に効力を生ずる。

vingt-dixième jour après le dépôt de son instrument de ratification.  
2. Dès son entrée en vigueur, le présent Protocole sera enregistré auprès de l'Organisation des Nations Unies par le Gouvernement de la République Populaire de Pologne.

Article XXIII

1. Après son entrée en vigueur, le présent Protocole sera ouvert à l'adhésion de tout Etat non signataire.

2. L'adhésion au présent Protocole par un Etat qui n'est pas partie à la Convention emporte adhésion à la Convention amendée par le présent Protocole.

3. L'adhésion sera effectuée par le dépôt d'un instrument d'adhésion auprès du Gouvernement de la République Populaire de Pologne et produira ses effets le quatre-vingt-dixième jour après ce dépôt.

第二十四条

廃棄

1 この議定書のいずれの当事国も、ポーランド人民共和国政府に於てた通告によりこの議定書を廃棄することができる。

2 廃棄は、ポーランド人民共和國政府が廃棄通告を受領した日の後六箇月で効力を生ずる。

3 この議定書のいずれかの当事国が条約第三十九条の規定に従つて行なう条約の廃棄は、この議定書の当事国間においては、この議定書により改正された条約の廃棄と解してはならない。

第二十五条

適用地域

1 この議定書は、この議定書の当事国が対外関係について責任を有するすべての領域に適用する。もつとも、2の規定に従つて宣言が行なわれた領域については、この限りでない。

Article XXIV

1. Toute Partie au présent Protocole pourra le dénoncer par une notification faite au Gouvernement de la République Populaire de Pologne.

2. La dénonciation produira ses effets six mois après la date de réception par le Gouvernement de la République Populaire de Pologne de la notification de dénonciation.

3. Entre les parties au présent Protocole, la dénonciation de la Convention par l'une d'elles en vertu de l'article 39 ne doit pas être interprétée comme une dénonciation de la Convention amendée par le présent Protocole.

Article XXV

1. Le présent Protocole s'appliquera à tous les territoires qu'un Etat partie à ce Protocole représente dans les relations extérieures, à l'exception des territoires à l'égard desquels une dé-

2  いづれの国も、批准書又は加入書の寄託の時に、自国によるこの議定書の受諾が、自国が対外関係について責任を有する一又は二以上の領域に及ばないことを宣言することができる。

3  いづれの国も、その後、ポーランド人民共和国政府にあてた通告により、この議定書を2の規定による宣言の対象となつた一又は二以上の領域に適用することができる。その通告は、同政府がそれを受領した日の後九十日目に効力を生ずる。

4  この議定書のいづれの当事国も、第二十四条1の規定に従い、自国が対外関係について責任を有するすべての又はいづれかの領域につき、個別的にこの議定書を廃棄することができる。

claration a été faite conformément à l'alinéa 2 du présent article.

2. Tout Etat pourra, au moment du dépôt de son instrument de ratification ou d'adhésion, déclarer que son acceptation du présent Protocole ne vise pas un ou plusieurs des territoires qu'il représente dans les relations extérieures.

3. Tout Etat pourra par la suite notifier au Gouvernement de la République Populaire de Pologne que le présent Protocole s'appliquera à un ou plusieurs des territoires ayant fait l'objet de la déclaration prévue à l'alinéa 2 du présent article. Cette notification produira ses effets le quatre-vingt-dixième jour après la date de sa réception par ce Gouvernement.

4. Tout Etat partie a ce Protocole pourra, conformément aux dispositions de l'article XXIV, alinéa 1<sup>er</sup>, dénoncer le présent Protocole séparément pour tous ou pour l'un quelconque des territoires qu'il représente

第二十六条

この議定書には、いかなる留保も認めない。もつとも、いづれの国も、ポーランド人民共和国政府に於てた通告により、いつでも、この議定書により改正された条約を、自国で登録されかつ全積載能力が自国の軍当局により又は同当局のために保留されている航空機による同当局のための旅客、貨物及び手荷物の運送に適用しないことを宣言することができる。

第二十七条

ポーランド人民共和国政府は、条約又はこの議定書のすべての署名国政府、条約又はこの議定書のすべての当事国政府及び国際民間航空機関又は国際連合のすべての加盟国政府に対し、並びに国際民間航空機関に対し、次の事項を直ちに通告するものとす。

dans les relations extérieures.

Article XXVI

Il ne sera admis aucune réserve au présent Protocole. Toutefois, un Etat pourra à tout moment déclarer par notification faite au Gouvernement de la République Populaire de Pologne que la Convention amendée par le présent Protocole ne s'appliquera pas au transport de personnes, de marchandises et de bagages effectué pour ses autorités militaires à bord d'aéronefs immatriculés dans ledit Etat et dont la capacité entière a été réservée par ces autorités ou pour le compte de celles-ci.

Article XXVII

Le Gouvernement de la République Populaire de Pologne notifiera immédiatement aux Gouvernements de tous les Etats signataires de la Convention ou du présent Protocole, de

軍当局の航空機の運送に適用する

ポーランド政府の通告義務

- 
- (a) この議定書への署名及びその署名の日
  - (b) この議定書の批准書又は加入書の寄託及びその寄託の日
  - (c) この議定書が第二十一条の規定に従つて効力を生ずる日
  - (d) 廃棄通告の受領及びその受領の日
  - (e) 第二十五条の規定に基づいて行なわれた宣言又は通告の受領及びその受領の日

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tous les Etats parties à la Convention ou au présent Protocole, et de tous les Etats membres de l'Organisation de l'Aviation civile internationale ou de l'Organisation des Nations Unies, ainsi qu'à l'Organisation de l'Aviation civile internationale:

- a) toute signature du présent Protocole et la date de cette signature;
- b) Le dépôt de tout instrument de ratification du présent Protocole ou d'adhésion à ce dernier et la date de ce dépôt;
- c) la date à laquelle le présent Protocole entre en vigueur conformément à l'alinéa 1<sup>er</sup> de l'article XXII;
- d) la réception de toute notification de dénonciation et la date de réception;
- e) la réception de toute déclaration ou notification faite en vertu de l'article XXV et la date de réception; et

(甲) 前条の規定に基づいて行なわれた通告の受領及びその受領の日

以上の証拠として、下名の全権委員は、正当に委任を受け、この議定書に署名した。

末  
文

千九百五十五年九月二十八日にヘーグで、フランス語、英語及びスペイン語により真正な三本文を作成した。それらに相違がある場合には、条約が作成された言語であるフランス語の本文によるものとする。

この議定書は、ポーランド人民共和国政府に寄託されるものとし、第二十条の規定に従いそこに署名のため開放しておく。同政府は、条約又はこの議定書のすべての署名国政府、条約又はこの議定書のすべての当事国政府及び国際民間航空機関又は

f) la réception de toute notification faite en vertu de l'article XXVI et la date de réception.

EN FOI DE QUOI les Plénipotentiaires soussignés, dûment autorisés, ont signé le présent Protocole.

FAIT à la Haye le vingt-huitième jour du mois de septembre de l'année mil neuf cent cinquante-cinq, en trois textes authentiques rédigés dans les langues française, anglaise et espagnole. En cas de divergence, le texte en langue française, langue dans laquelle la Convention avait été rédigée, fera foi.

Le présent Protocole sera déposé auprès du Gouvernement de la République Populaire de Po-

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国際連合のすべての加盟国政府に対し、並びに国民民間航空機  
関に対し、この議定書の認証謄本を送付するものとする。

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logne où, conformément aux dis-  
positions de l'article XX, il res-  
tera ouvert à la signature, et ce  
Gouvernement transmettra des  
copies certifiées du présent Pro-  
tocolé aux Gouvernements de  
tous les Etats signataires de la  
Convention ou du présent Proto-  
cole, de tous les Etats parties à la  
Convention ou au présent Proto-  
cole, et de tous les Etats membres  
de l'Organisation de l'Aviation  
civile internationale ou de l'Or-  
ganisation des Nations Unies,  
ainsi qu'à l'Organisation de  
l'Aviation civile internationale.

ドイツ連邦共和国

ドクトル オットー・リーゼ

千九百五十五年九月二十八日

ゲルト・リンク

千九百五十五年九月二十八日

ドクトル J・ヒューベナー

千九百五十五年九月二十八日

ベルギー

ルネ・ゴルシュエタイン

ブラジル

トラジヤノ・フルタド・レイス

千九百五十五年九月二十八日

クラウディオ・ガンス

千九百五十五年九月二十八日

エジプト

ディヤアッディーン・サーリフ

千九百五十五年九月二十八日

フランス

J・P・ガルニエ

アンドレ・ガルノー

千九百五十五年九月二十八日

République Fédérale d'Allemagne

Dr. Otto RIESE 28.9.55

Georg RINCK 28.9.55

Dr. J. HUEBENER 28.9.55

Belgique

René COLSTEN

Bresil

Trajano Furtado REIS 28.9.55

Claudio GANNS 28.9.55

Egypte

DIABDINE SALEH 28/9/1955

France

J. P. GARNIER

André GARNALLET 28 Septembre 1955



ギリシャ

N・アニサス

千九百五十五年九月二十八日

コンスタンティン・C・ハジディムラス

千九百五十五年九月二十八日

ハンガリー人民共和国

V・ザルカ

千九百五十五年九月二十八日

アイルランド

ティモシー・J・オドリスコル

千九百五十五年九月二十八日

イスラエル

政府の承認を条件として

I・J・ミンツ

千九百五十五年九月二十八日

D・パール・ネス

千九百五十五年九月二十八日

イタリア

アントニオ・アンブロジョーニ

Greece

N. ANISAS

28 September 1955

Constantine C. HADJIDIMOULAS 28 September 1955

République Populaire Hongroise

V. ZALKA 28 September 1955

Ireland

Timothy J. O'DRISCOLL 28.IX.55

Israel

Ad Referendum

I. J. MINTZ 28.9.1955

D. BAR NES 28.9.1955

Italie

Antonio AMBROSINI

航空運送規則統一条約改正のヘーグ議定書

七三八

ラオス

P・サヴァン

千九百五十五年九月二十八日

ブルゼイ

千九百五十五年九月二十八日

リヒテンシュタイン

フレデリック・シェーラー

千九百五十五年九月二十八日

ルクセンブルグ

ヴィクトール・ボドソン

千九百五十五年九月二十八日

ピエール・アメー

千九百五十五年九月二十八日

メキシコ

エンリーケ・M・ロアエサ

千九百五十五年九月二十八日

アントニオ・フランコス・リガルト

千九百五十五年九月二十八日

ノールウェー

エドヴィン・アルテン

千九百五十五年九月二十八日

Laos

P. SAVANN

BOURZAY

28.9.55  
28.9.55

Liechtenstein

F. Frédéric SCHÄRER

28.9.55

Luxembourg

Victor BODSON

Pierre HAMER

28.9.55  
28.9.55

Mexique

Enrique M. LOAIZA

Antonio FRANCOZ RIGALT

28.9.55  
28.9.55

Norvège

Edvin ALTEN

28.9.55

オランダ

フットハイス

千九百五十五年九月二十八日

フィリピン

シメオン・ロハス

千九百五十五年九月二十八日

ダニエル・グメス

千九百五十五年九月二十八日

ポーランド人民共和国

T・フィンジンスキ

千九百五十五年九月二十八日

K・ピエルジンスキ

千九百五十五年九月二十八日

ミノルスキ

千九百五十五年九月二十八日

ポルトガル

フェルナンド・クアルティン・デ・オリヴェーラ・バス

トス

千九百五十五年九月二十八日

政府の承認を条件として

Pays-Bas

GOEDHUIS 28/9/55

Philippines

Simcon ROXAS 28/9/55

Daniel GOMEZ 28/9/55

République Populaire de Pologne

T. FINDZINSKI 28/9/55

K. PIERZYNSKI 28/9/55

MINORSKI 28/9/55

Portugal

Fernando QUARTIN DE OLIVEIRA BASTOS 28/9/55

ad referendum

航空運送規則統一条約改正のヘーグ議定書

ルーマニア人民共和国

M・コチュール

千九百五十五年九月二十八日

L・バドゥレスキ

千九百五十五年九月二十八日

サルヴァドル

ペドロ・アベラルド・デルガード

千九百五十五年九月二十八日

マウリシオ・ラモス・ラミレス

千九百五十五年九月二十八日

フランシスコ・ペーラガ・オロスコ

千九百五十五年九月二十八日

スウェーデン

カール・シーデンブラード

千九百五十五年九月二十八日

スイス

フリッツ・シュタルダー

千九百五十五年九月二十八日

République Populaire Roumaine

M. COCUL 28.IX.1955

L. BADULESCU 28.IX.1955

Salvador

Pedro Abelardo DELGADO

28.IX.1955

Mauricio RAMOS RAMIREZ

28.IX.1955

Francisco PARRAGA OROZCO

28.IX/55

Suede

Karl SIDENBLADH 28.9.1955

Suisse

Fritz STÄLDER 28.9.1955

チェッコスロヴァキア共和国

F・ノヴァク

千九百五十五年九月二十八日

V・パウエル

千九百五十五年九月二十八日

ソヴィエト社会主義共和国連邦

V・ダニリチェフ

千九百五十五年九月二十八日

ヴェネズエラ

ルイス・M・チャファアルデトウルビーナ

千九百五十五年九月二十八日

ラモン・カルモーナ

千九百五十五年九月二十八日

V・J・デラスシオ

千九百五十五年九月二十八日

グレート・ブリテン及び北部アイルランド連合王国

A・N・ノーブル

千九百五十六年三月二十三日

République Tchécoslovaque  
F. NOVAK 28.9.1955  
V. BAUER 28.9.1955

Union des Républiques Soviétiques Socialistes  
V. DANILITCHEV 28.9.1955

Venezuela  
Luis M. CHAFARDET-URBINA 28.9.55  
Ramon CARMONA 28.9.55  
V. J. DELASCIO 28.9.55

Royaume-Uni de Grande Bretagne et d'Irlande du Nord  
A. N. Noble March 23, 1956

航空運送規則統一条約改正のヘーグ議定書

日本国のため

岡本季正

千九百五十六年五月二日

アメリカ合衆国

ジョセフ・E・ジャコブス

千九百五十六年六月二十八日

オーストラリア

A・N・ノーブル

千九百五十六年七月十二日

カナダ

ジャン＝ルイ・ドリル

千九百五十六年八月十六日

デンマーク

J・レックエンドルフ

千九百五十七年三月十六日

ドイツ民主共和国

ヨーゼフ・ヘーゲン

千九百五十七年十二月十一日

Pour le Japon

Suemasa Okamoto May 2nd, 1956

Les Etats-Unis d'Amérique

Joseph E. Jacobs June 28, 1956

Australie

A. N. Noble July 12, 1956

Le Canada

Jean-Louis Drille le 16 août, 1956

Le Danemark

J. Reckendorf le 16 mars, 1957

Republique Démocratique Allemande

Josef Hegen 11.12.57

ニュー・ジブラント

E・A・バーソッド

千九百五十八年三月十九日

ユーゴスラヴィア連邦人民共和国

R・デュゴンジェ

千九百五十八年十二月三日

ウクライナ・ソヴィエト社会主義共和国

P・A・アブラジモフ

千九百六十年一月十五日

白ロシア・ソヴィエト社会主義共和国

P・A・アブラジモフ

千九百六十年四月九日

パキスタン

サルモン・A・アリ

千九百六十年八月八日

マリ共和国

ムッサ・メイガ

千九百六十二年八月十六日

Nouvelle Zelande  
F. A. Berthoud 19.3.1958

République Populaire Fédérative de Yougoslavie  
R. Dugonjic 3.12.1958

République Socialiste Soviétique d'Ukraine  
P. A. Abrasimow 15.1.1960

République Socialiste Soviétique de Biélorussie  
P. A. Abrasimow 9.4.1960

Le Pakistan  
Salmon A. Ali le 8 août 1960

Republique du Mali  
Moussa Maïga le 16.8.1962

航空運送規則統一条約改正のヘーグ議定書

アイスランド

ハラルダー・グドムンソン

千九百六十三年五月三日

モロッコ

アブデルラヒーム・ハルケット

千九百六十三年五月三十一日

Islande

Haraldur Gudmundsson

May 3rd, 1963.

Le Maroc

Abderahim Harkett

31 Mai, 1963.



# PROTOCOL

to Amend the Convention  
for the Unification of Certain Rules

Relating to

International Carriage by Air

Signed at Warsaw

on 12 October 1929

## THE GOVERNMENT'S 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,

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: –

“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 terri-

tory 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,

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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 follow-  
ing: –

“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 consignee 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 follow-  
ing: –

“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.

### Article XI

Article 22 of the Convention shall be deleted and replaced by the following: –

#### “Article 22

1. In the carriage of persons the liability of the carrier for each passenger is limited to the sum of two hundred and fifty thousand francs. Where, in accordance with the law of the court seized of the case, damages may be awarded in the form of periodical payments, the equi-

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valent capital value of the said payments shall not exceed two hundred and fifty thousand francs. Nevertheless, by special contract, the carrier and the passenger may agree to a higher limit of liability.

2. *a*) In the carriage of registered baggage and of cargo, the liability of the carrier is limited to a sum of two hundred and fifty francs per kilogramme, unless the passenger or consignee has made, at the time when the package was handed over to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that that sum is greater than the passenger's or consignee's actual interest in delivery at destination.

*b*) In the case of loss, damage or delay of part of registered baggage

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or cargo, or of any object contained therein, the weight to be taken into consideration in determining the amount to which the carrier's liability is limited shall be only the total weight of the package or packages concerned. Nevertheless, when the loss, damage or delay of a part of the registered baggage or cargo, or of an object contained therein, affects the value of other packages covered by the same baggage check or the same air waybill, the total weight of such package or packages shall also be taken into consideration in determining the limit of liability.

3. As regards objects of which the passenger takes charge himself the liability of the carrier is limited to five thousand francs per passenger.

4. The limits prescribed in this article shall not prevent the court from awarding, in accordance with its own law, in addition, the

whole or part of the court costs and of the other expenses of the litigation incurred by the plaintiff. The foregoing provision shall not apply if the amount of the damages awarded, excluding court costs and other expenses of the litigation, does not exceed the sum which the carrier has offered in writing to the plaintiff within a period of six months from the date of the occurrence causing the damage, or before the commencement of the action, if that is later.

5. The sums mentioned in francs in this Article shall be deemed to refer to a currency unit consisting of sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. These sums may be converted into national currencies in round figures. Conversion of the sums into national currencies other than gold shall, in case of judicial proceedings, be made according to

the gold value of such currencies at the date of the judgment.”

### Article XII

In Article 23 of the Convention, the existing provision shall be renumbered as paragraph 1 and another paragraph shall be added as follows: -

“2. Paragraph 1 of this Article shall not apply to provisions governing loss or damage resulting from the inherent defect, quality or vice of the cargo carried.”

### Article XIII

In Article 25 of the Convention -



paragraphs 1 and 2 shall be deleted and replaced by the following: -

“The limits of liability specified in Article 22 shall not apply if it is proved that the damage resulted from an act or omission of the carrier, his servants or agents, done with intent to cause damage or recklessly and with knowledge that damage would probably result; provided that, in the case of such act or omission of a servant or agent, it is also proved that he was acting within the scope of his employment.”

#### Article XIV

After Article 25 of the Convention, the following article shall be inserted: -

#### “Article 25 A

1. If an action is brought against a servant or agent of the carrier arising out of damage to which this Convention relates, such servant or agent, if he proves that he acted within the scope of his employment, shall be entitled to avail himself of the limits of liability which that carrier himself is entitled to invoke under Article 22.
2. The aggregate of the amounts recoverable from the carrier, his servants and agents, in that case, shall not exceed the said limits.
3. The provisions of paragraphs 1 and 2 of this article shall not apply if it is proved that the damage resulted from an act or omission of the servant or agent done with intent to cause damage or recklessly and with knowledge that damage would probably result.”

### Article XV

In Article 26 of the Convention –

paragraph 2 shall be deleted and replaced by the following: –

“2. In the case of damage, the person entitled to delivery must complain to the carrier forthwith after the discovery of the damage, and, at the latest, within seven days from the date of receipt in the case of baggage and fourteen days from the date of receipt in the case of cargo. In the case of delay the complaint must be made at the latest within twenty-one days from the date on which the baggage or cargo have been placed at his disposal.”

### Article XVI

Article 34 of the Convention shall be deleted and replaced by the following: –

“The provisions of Articles 3 to 9 inclusive relating to documents of carriage shall not apply in the case of carriage performed in extraordinary circumstances outside the normal scope of an air carrier's business.”

### Article XVII

After Article 40 of the Convention, the following Article shall be inserted: –

#### “Article 40 A

1. In Article 37, paragraph 2 and Article 40, paragraph 1, the expression *High Contracting Party* shall mean *State*. In all other cases, the expression *High Contracting Party* shall mean a State whose ratification of or adherence to the Convention has become effective and whose denunciation thereof has not become effective.

2. For the purposes of the Convention the word *territory* means not only the metropolitan territory of a State but also all other territories for the foreign relations of which that State is responsible.”

## CHAPTER II

### SCOPE OF APPLICATION OF THE CONVENTION AS AMENDED

#### Article XVIII

The Convention as amended by this Protocol shall apply to international carriage as defined in Article 1 of the Convention, provided that the places of departure and destination referred to in that Article are situated either in the territories of two parties to this Protocol or within the territory of a single party to this Protocol with an agreed stopping place within the territory of another State.

## CHAPTER III

### FINAL CLAUSES

#### Article XIX

As between the Parties to this Protocol, the Convention and the Protocol shall be read and interpreted together as one single instrument and shall be known as the *Warsaw Convention as amended at The Hague, 1955*.

#### Article XX

Until the date on which this Protocol comes into force in accordance with the provisions of Article XXII, paragraph 1, it shall remain open for signature on behalf of any State which up to that date has ratified or adhered to the Convention or which has participated in the Conference at which this Protocol was adopted.

### Article XXI

1. This Protocol shall be subject to ratification by the signatory States.
2. Ratification of this Protocol by any State which is not a Party to the Convention shall have the effect of adherence to the Convention as amended by this Protocol.
3. The instruments of ratification shall be deposited with the Government of the People's Republic of Poland.

### Article XXII

1. As soon as thirty signatory States have deposited their instruments of ratification of this Protocol, it shall come into force between them on the nineteenth day after the deposit of the thirtieth instrument of ratification. It shall come into force for each State ratifying thereafter on the nineteenth

day after the deposit of its instrument of ratification.

2. As soon as this Protocol comes into force it shall be registered with the United Nations by the Government of the People's Republic of Poland.

### Article XXIII

1. This Protocol shall, after it has come into force, be open for adherence by any non-signatory State.
2. Adherence to this Protocol by any State which is not a Party to the Convention shall have the effect of adherence to the Convention as amended by this Protocol.
3. Adherence shall be effected by the deposit of an instrument of adherence with the Government of the People's

Republic of Poland and shall take effect on the ninetieth day after the deposit.

#### Article XXIV

1. Any Party to this Protocol may denounce the Protocol by notification addressed to the Government of the People's Republic of Poland.
2. Denunciation shall take effect six months after the date of receipt by the Government of the People's Republic of Poland of the notification of denunciation.
3. As between the Parties to this Protocol, denunciation by any of them of the Convention in accordance with Article 39 thereof shall not be construed in any way as a denunciation of the Convention as amended by this Protocol.

#### Article XXV

1. This Protocol shall apply to all territories for the foreign relations of which a State Party to this Protocol is responsible, with the exception of territories in respect of which a declaration has been made in accordance with paragraph 2 of this Article.
2. Any State may, at the time of deposit of its instrument of ratification or adherence, declare that its acceptance of this Protocol does not apply to any one or more of the territories for the foreign relations of which such State is responsible.
3. Any State may subsequently, by notification to the Government of the People's Republic of Poland, extend the application of this Protocol to any or all of the territories regarding which it has made a declaration in accordance with paragraph 2 of this Article. The notification shall take

effect on the ninetieth day after its receipt by that Government.

4. Any State Party to this Protocol may denounce it, in accordance with the provisions of Article XXIV, paragraph 1, separately for any or all of the territories for the foreign relations of which such State is responsible.

#### Article XXVI

No reservation may be made to this Protocol except that a State may at any time declare by a notification addressed to the Government of the People's Republic of Poland that the Convention as amended by this Protocol shall not apply to the carriage of persons, cargo and baggage for its military authorities on aircraft, registered in that State, the whole capacity of which has been reserved by or on behalf of such authorities.

#### Article XXVII

The Government of the People's Republic of Poland shall give immediate notice to the Governments of all States signatories to the Convention or this Protocol, all States Parties to the Convention or this Protocol, and all States Members of the International Civil Aviation Organization or of the United Nations and to the International Civil Aviation Organization:

- a) of any signature of this Protocol and the date thereof;
- b) of the deposit of any instrument of ratification or adherence in respect of this Protocol and the date thereof;
- c) of the date on which this Protocol comes into force in accordance with Article XXII, paragraph 1;

*d*) of the receipt of any notification of denunciation and the date thereof;

*e*) of the receipt of any declaration or notification made under Article XXV and the date thereof; and

*f*) of the receipt of any notification made under Article XXVI and the date thereof.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, having been duly authorized, have signed this Protocol.

DONE at The Hague on the twenty-eighth day of the month of September of the year One Thousand Nine Hundred and Fifty-five, in three authentic texts in the English, French and

Spanish languages. In the case of any inconsistency, the text in the French language, in which language the Convention was drawn up, shall prevail.

This Protocol shall be deposited with the Government of the People's Republic of Poland with which, in accordance with Article XX, it shall remain open for signature, and that Government shall send certified copies thereof to the Governments of all States signatories to the Convention or this Protocol, all States Parties to the Convention or this Protocol, and all States Members of the International Civil Aviation Organization or of the United Nations, and to the International Civil Aviation Organization.

(参考)

この議定書は、千九百二十九年十月十二日にワルソーで署名された国際航空運送についての規則の統一に関する条約について、旅客運送における運送人の責任限度額を引き上げるほか、運送証券に関する規定を整備する等の改正を行なつたものである。