

No. 23643

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## MULTILATERAL

**Protocol to amend the International Convention for the unification of certain rules of law relating to bills of lading, signed at Brussels on 25 August 1924. Concluded at Brussels on 23 February 1968**

**Protocol amending the Convention, as amended by the above-mentioned Protocol of 23 February 1968. Concluded at Brussels on 21 December 1979**

*Authentic texts: French and English.*

*Registered by Belgium on 2 December 1985.*

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## MULTILATÉRAL

**Protocole portant modification de la Convention internationale pour l'unification de certaines règles en matière de connaissement, signée à Bruxelles le 25 août 1924. Conclu à Bruxelles le 23 février 1968**

**Protocole portant modification de la Convention, telle qu'amendée par le Protocole susmentionné du 23 février 1968. Conclu à Bruxelles le 21 décembre 1979**

*Textes authentiques : français et anglais.*

*Enregistrés par la Belgique le 2 décembre 1985.*

PROTOCOL<sup>1</sup> TO AMEND THE INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAIN RULES OF LAW RELATING TO BILLS OF LADING, SIGNED AT BRUSSELS ON 25th AUGUST 1924<sup>2</sup>

The Contracting Parties,

Considering that it is desirable to amend the International Convention for the unification of certain rules of law relating to Bills of Lading, signed at Brussels on 25th August 1924,

Have agreed as follows:

*Article 1.* (1) In Article 3, paragraph 4, shall be added:

“However, proof to the contrary shall not be admissible when the Bill of Lading has been transferred to a third party acting in good faith”.

<sup>1</sup> Came into force on 23 June 1977, i.e., 3 months after the date of deposit with the Government of Belgium of 10 instruments of ratification or accession, of which at least 5 have been deposited by States that have each a tonnage equal or superior to 1 million gross tons of tonnage, in accordance with article 13 (1):

<i>State</i>	<i>Date of deposit of the instrument of ratification or accession (a)</i>
Denmark .....	20 November 1975
(With a declaration of non-application to the Faeroe Islands.)	
Ecuador .....	23 March 1977 <i>a</i>
France .....	10 March 1977
Lebanon .....	19 July 1975 <i>a</i>
Norway .....	19 March 1974
Singapore* .....	25 April 1972 <i>a</i>
Sweden .....	9 December 1974
Switzerland .....	11 December 1975
Syrian Arab Republic .....	1 August 1974 <i>a</i>
United Kingdom of Great Britain and Northern Ireland .....	1 October 1976
(With a declaration of territorial application in respect of the Isle of Man.)	

Subsequently, the Protocol came into force in respect of the following States on the dates indicated, i.e., three months after the deposit of their instrument of ratification or accession with the Government of Belgium, in accordance with article 13 (2):

<i>State</i>	<i>Date of deposit of the instrument of ratification or accession (a)</i>
Tonga .....	13 June 1978 <i>a</i>
(With effect from 13 September 1978.)	
Belgium .....	6 September 1978
(With effect from 6 December 1978.)	
German Democratic Republic .....	14 February 1979 <i>a</i>
(With effect from 14 May 1979.*)	
Poland .....	12 February 1980
(With effect from 12 May 1980.*)	
Sri Lanka .....	21 October 1981 <i>a</i>
(With effect from 21 January 1982.)	
Netherlands .....	26 April 1982
(For the Kingdom in Europe. With effect from 26 July 1982.*)	
Egypt .....	31 January 1983
(With effect from 30 April 1983.*)	
Finland .....	1 December 1984
(With effect from 1 March 1985.)	

(Continued on page 129)

(2) In Article 3, paragraph 6, sub-paragraph 4 shall be deleted and replaced by:

“Subject to paragraph 6 *bis* the carrier and the ship shall in any event be discharged from all liability whatsoever in respect of the goods, unless suit is brought within one year of their delivery or of the date when they should have been delivered. This period may, however, be extended if the parties so agree after the cause of action has arisen”.

(3) In Article 3, after paragraph 6, shall be added the following paragraph 6 *bis*:

“An action for indemnity against a third person may be brought even after the expiration of the year provided for in the preceding paragraph if brought within the time allowed by the law of the Court seized of the case. However, the time allowed shall be not less than three months, commencing from the day when the person bringing such action for indemnity has settled the claim or has been served with process in the action against himself”.

*Article 2.* Article 4, paragraph 5, shall be deleted and replaced by the following:

“(a) Unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the Bill of Lading, neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with the goods in an amount exceeding the equivalent of 10,000 francs per package or unit or 30 francs per kilo of gross weight of the goods lost or damaged, whichever is the higher.

“(b) The total amount recoverable shall be calculated by reference to the value of such goods at the place and time at which the goods are discharged from the ship in accordance with the contract or should have been so discharged.

“The value of the goods shall be fixed according to the commodity exchange price, or, if there be no such price, according to the current market price, or, if there be no commodity exchange price or current market price, by reference to the normal value of goods of the same kind and quality.

“(c) Where a container, pallet or similar article of transport is used to consolidate goods, the number of packages or units enumerated in the Bill of Lading as packed in such article of transport shall be deemed the number of packages or units for the purpose of this paragraph as far as these packages or units are concerned. Except as aforesaid such article of transport shall be considered the package or unit.

(Footnotes 1 and 2 continued from page 128)

In addition, the following notifications of territorial application, effected by the United Kingdom of Great Britain and Northern Ireland, were received by the Government of Belgium on the dates indicated hereunder, with effect three months after the date of receipt, in accordance with article 15:

22 September 1977

(In respect of Gibraltar. With effect from 22 December 1977.)

1 November 1980

(In respect of Bermuda and Hong Kong. With effect from 1 February 1981.)

20 October 1983

(In respect of the British Antarctic territories, the British Virgin Islands, the Cayman Islands, the Falkland Islands dependencies, Montserrat and the Turks and Caicos Islands. With effect from 20 January 1984.)

\* For the text of the reservations and declarations made upon ratification or accession, see p. 139 of this volume.

<sup>2</sup> League of Nations, *Treaty Series*, vol. CXX, p. 155.

“(d) A franc means a unit consisting of 65.5 milligrammes of gold of millesimal fineness 900’. The date of conversion of the sum awarded into national currencies shall be governed by the law of the Court seized of the case.

“(e) Neither the carrier nor the ship shall be entitled to the benefit of the limitation of liability provided for in this paragraph if it is proved that the damage resulted from an act or omission of the carrier done with intent to cause damage, or recklessly and with knowledge that damage would probably result.

“(f) The declaration mentioned in sub-paragraph (a) of this paragraph, if embodied in the Bill of Lading, shall be prima facie evidence, but shall not be binding or conclusive on the carrier.

“(g) By agreement between the carrier, master or agent of the carrier and the shipper other maximum amounts than those mentioned in sub-paragraph (a) of this paragraph may be fixed, provided that no maximum amount so fixed shall be less than the appropriate maximum mentioned in that sub-paragraph.

“(h) Neither the carrier nor the ship shall be responsible in any event for loss or damage to, or in connection with, goods if the nature or value thereof has been knowingly misstated by the shipper in the Bill of Lading”.

*Article 3.* Between Articles 4 and 5 of the Convention shall be inserted the following Article 4 *bis*:

“1. The defences and limits of liability provided for in this Convention shall apply in any action against the carrier in respect of loss or damage to goods covered by a contract of carriage whether the action be founded in contract or in tort.

“2. If such an action is brought against a servant or agent of the carrier (such servant or agent not being an independent contractor), such servant or agent shall be entitled to avail himself of the defences and limits of liability which the carrier is entitled to invoke under this Convention.

“3. The aggregate of the amounts recoverable from the carrier, and such servants and agents, shall in no case exceed the limit provided for in this Convention.

“4. Nevertheless, a servant or agent of the carrier shall not be entitled to avail himself of the provisions of this Article, 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 4.* Article 9 of the Convention shall be deleted and replaced by the following:

“This Convention shall not affect the provisions of any international Convention or national law governing liability for nuclear damage”.

*Article 5.* Article 10 of the Convention shall be deleted and replaced by the following:

“The provisions of this Convention shall apply to every Bill of Lading relating to the carriage of goods between ports in two different States if:

- “(a) The Bill of Lading is issued in a Contracting State, or
- “(b) The carriage is from a port in a Contracting State, or
- “(c) The contract contained in or evidenced by the Bill of Lading provides that the rules of this Convention or legislation of any State giving effect to them are to govern the contract

“whatever may be the nationality of the ship, the carrier, the shipper, the consignee, or any other interested person.

“Each Contracting State shall apply the provisions of this Convention to the Bills of Lading issued in a State which is a Party to the Convention but which is not a Party to this Protocol.

“This Article shall not prevent a Contracting State from applying the rules of this Convention to Bills of Lading not included in the preceding paragraphs”.

*Article 6.* As between the Parties to this Protocol the Convention and the Protocol shall be read and interpreted together as one single instrument.

A Party to this Protocol shall have no duty to apply the provisions of this Protocol to Bills of Lading issued in a State which is a Party to the Convention but which is not a Party to this Protocol.

*Article 7.* As between the Parties to this Protocol, denunciation by any of them of the Convention, in accordance with Article 15 thereof, shall not be construed in any way as a denunciation of the Convention as amended by this Protocol.

*Article 8.* Any dispute between two or more Contracting Parties concerning the interpretation or application of the Convention, which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

*Article 9.* (1) Each Contracting Party may, at the time of signature or ratification of this Protocol or accession thereto, declare that it does not consider itself bound by Article 8 of this Protocol. The other Contracting Parties shall not be bound by this Article with respect to any Contracting Party having made such a reservation.

(2) Any Contracting Party having made a reservation in accordance with paragraph 1 may at any time withdraw this reservation by notification to the Belgian Government.

*Article 10.* This Protocol shall be open for signature by the States which have ratified the Convention or which have adhered thereto before the 23rd February 1968, and by any State represented at the twelfth session (1967-1968) of the Diplomatic Conference on Maritime Law.

*Article 11.* (1) This Protocol shall be ratified.

(2) Ratification of this Protocol by any State which is not a Party to the Convention shall have the effect of accession to the Convention.

(3) The instruments of ratification shall be deposited with the Belgian Government.

*Article 12.* (1) States, Members of the United Nations or Members of the specialized agencies of the United Nations, not represented at the twelfth session of the Diplomatic Conference on Maritime Law, may accede to this Protocol.

(2) Accession to this Protocol shall have the effect of accession to the Convention.

(3) The instruments of accession shall be deposited with the Belgian Government.

*Article 13.* (1) This Protocol shall come into force three months after the date of the deposit of ten instruments of ratification or accession, of which at least five shall have been deposited by States that have each a tonnage equal or superior to one million gross tons of tonnage.

(2) For each State which ratifies this Protocol or accedes thereto after the date of deposit of the instrument of ratification or accession determining the coming into force such as is stipulated in paragraph 1 of this Article, this Protocol shall come into force three months after the deposit of its instrument of ratification or accession.

*Article 14.* (1) Any Contracting State may denounce this Protocol by notification to the Belgian Government.

(2) This denunciation shall have the effect of denunciation of the Convention.

(3) The denunciation shall take effect one year after the date on which the notification has been received by the Belgian Government.

*Article 15.* (1) Any Contracting State may at the time of signature, ratification or accession or at any time thereafter declare by written notification to the Belgian Government which, among the territories under its sovereignty or for whose international relations it is responsible, are those to which the present Protocol applies.

The Protocol shall three months after the date of the receipt of such notification by the Belgian Government extend to the territories named therein, but not before the date of the coming into force of the Protocol in respect of such State.

(2) This extension also shall apply to the Convention if the latter is not yet applicable to those territories.

(3) Any Contracting State which has made a declaration under paragraph 1 of this Article may at any time thereafter declare by notification given to the Belgian Government that the Protocol shall cease to extend to such territory. This denunciation shall take effect one year after the date on which notification thereof has been received by the Belgian Government; it also shall apply to the Convention.

*Article 16.* The Contracting Parties may give effect to this Protocol either by giving it the force of law or by including in their national legislation in a form appropriate to that legislation the rules adopted under this Protocol.

*Article 17.* The Belgian Government shall notify the States represented at the twelfth session (1967-1968) of the Diplomatic Conference on Maritime Law, the acceding States to this Protocol, and the States Parties to the Convention of the following:

1. The signatures, ratifications and accessions received in accordance with Articles 10, 11 and 12.

2. The date on which the present Protocol will come into force in accordance with Article 13.
3. The notifications with regard to the territorial application in accordance with Article 15.
4. The denunciations received in accordance with Article 14.

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

DONE at Brussels, this 23rd day of February 1968, in the French and English languages, both texts being equally authentic, in a single copy, which shall remain deposited in the archives of the Belgian Government, which shall issue certified copies.

Pour l'Algérie :  
For Algeria:

Pour la République fédérale d'Allemagne :  
For the Federal Republic of Germany:

R. VON UNGERN-STERNBERG  
Dr. ERNST GESSLER

Pour l'Argentine :  
For Argentina:

Dr. CARLOS I. GARCIA TERAN

Pour l'Australie :  
For Australia:

Pour l'Autriche :  
For Austria:

Pour la Belgique :  
For Belgium:

ALBERT LILAR

Pour la République populaire de Bulgarie :  
For the People's Republic of Bulgaria:

Pour le Cameroun :  
For Cameroon:

F. OYONO  
26 avril 1968

Pour le Canada :  
For Canada:

H. J. DARLING

Pour la République de Chine :  
For the Republic of China:

HIONG-FEI TCHEN

Pour l'Etat de la Cité du Vatican :  
For the State of the Vatican City:

ROBERT DE SMET  
LIONEL TRICOT



Pour la République démocratique du Congo :  
For the Democratic Republic of Congo:

E. PAYTIYO  
B. KALONJI TSHIKALA

Pour la République de Corée :  
For the Republic of Korea:

Pour le Danemark :  
For Denmark:

[— —]<sup>1</sup>

Pour l'Equateur :  
For Ecuador:

Pour l'Espagne :  
For Spain:

[— —]<sup>1</sup>

Pour les Etats-Unis d'Amérique :  
For the United States of America:

EDWARD SCHMELTZER  
ALLAN I. MENDELSON

Pour la Finlande :  
For Finland:

SIGURD VON NUMERS

Pour la France :  
For France:

[— —]<sup>1</sup>

Pour le Ghana :  
For Ghana:

Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :  
For the United Kingdom of Great Britain and Northern Ireland:

KENNETH DIPLOCK

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<sup>1</sup> The name of the signatory could not be determined — Le nom du signataire n'a pu être déterminé.

Pour la Grèce :  
For Greece:

A. ARGYROPOULOS

Pour l'Inde :  
For India:

Pour l'Iran :  
For Iran:

Pour l'Irlande :  
For Ireland:

Pour Israël :  
For Israel:

Pour l'Italie :  
For Italy:

STANISLAO CANTONO DI CEVA

Pour le Japon :  
For Japan:

Pour le Liban :  
For Lebanon:

Pour le Libéria :  
For Liberia:

HERBERT R. W. BREWER  
GEORGE E. HENRIES  
BURTON H. WHITE

Pour le Maroc :  
For Morocco:

Pour la Mauritanie :  
For Mauritania:

ALI BERE KONE

Pour Monaco :  
For Monaco:

Pour le Nicaragua :  
For Nicaragua:

Pour le Nigéria :  
For Nigeria:

Pour la Norvège :  
For Norway:

[— —]<sup>1</sup>

Pour le Paraguay :  
For Paraguay:

LUIS MARTINEZ MILTOS  
30 avril 1968

Pour les Pays-Bas :  
For the Netherlands:

[— —]<sup>1</sup>

Pour le Pérou :  
For Peru:

Pour la République des Philippines :  
For the Republic of the Philippines:

NESTOR JOVEN  
ROMEO MALIMBAN  
CONRADO DE CASTRO

Pour la République populaire de Pologne :  
For the Polish People's Republic:

STANISLAW MATYSIK  
La République populaire de Pologne ne se considère  
pas liée par l'article 8 du présent Protocole<sup>2</sup>.

Pour le Portugal :  
For Portugal:

Pour la République arabe unie :  
For the United Arab Republic:

[— —]<sup>1</sup>

<sup>1</sup> The name of the signatory could not be determined — Le nom du signataire n'a pu être déterminé.

<sup>2</sup> The Polish People's Republic does not consider itself bound by article 8 of the said Protocol. (Translated by the Secretariat of the United Nations — Traduction effectuée par le Secrétariat de l'Organisation des Nations Unies.)

Pour la République d'Afrique du Sud :  
For the Republic of South Africa:

Pour la République malgache :  
For the Malagasy Republic:

Pour la Suède :  
For Sweden:

TAGE GRÖNWALL

Pour la Suisse :  
For Switzerland:

W. MÜLLER

Pour la Thaïlande :  
For Thailand:

Pour le Togo :  
For Togo:

Pour l'Union des Républiques socialistes soviétiques :  
For the Union of Soviet Socialist Republics:

Pour l'Uruguay :  
For Uruguay:

CARLOS M. ROMERO UGARTECHE

Pour le Venezuela :  
For Venezuela:

Pour la Yougoslavie :  
For Yugoslavia:

## RESERVATIONS AND DECLARATIONS MADE UPON RATIFICATION OR ACCESSION

## RÉSERVES ET DÉCLARATIONS FAITES LORS DE LA RATIFICATION OU DE L'ADHÉSION

## EGYPT

## ÉGYPTE

[TRANSLATION — TRADUCTION]

The Arab Republic of Egypt does not consider itself bound by Article 8 of the said Protocol.

«La République Arabe d'Égypte ne se considère pas liée par l'article 8 du Protocole.»

GERMAN DEMOCRATIC  
REPUBLICRÉPUBLIQUE DÉMOCRATIQUE  
ALLEMANDE

[GERMAN TEXT — TEXTE ALLEMAND]

„Die Deutsche Demokratische Republik betrachtet sich nicht durch die Bestimmungen des Artikels 8 des Protokolls gebunden, wonach ein Streitfall über die Auslegung oder Anwendung des Protokolls, der nicht auf dem Verhandlungswege beigelegt wurde, auf Antrag einer der am Streitfall beteiligten Vertragsparteien einem Schiedsverfahren zu unterwerfen ist.

Die Deutsche Demokratische Republik vertritt hierzu die Auffassung, daß in jedem Einzelfall die Zustimmung aller am Streitfall beteiligten Vertragsparteien erforderlich ist, um einen Streitfall durch ein Schiedsverfahren zu entscheiden.“

„Die Deutsche Demokratische Republik ist der Auffassung, daß die Bestimmungen des Artikels 12 des Protokolls im Widerspruch zu dem Prinzip stehen, wonach alle Staaten, die sich in ihrer Politik von den Zielen und Grundsätzen der Charta der Vereinten Nationen leiten lassen, das Recht haben, Mitglied von Konventionen zu werden, die die Interessen aller Staaten berühren.“

„Die Deutsche Demokratische Republik läßt sich in ihrer Haltung zu den Bestimmungen des Artikels 15 des Protokolls, soweit sie die Anwendung des Protokolls auf Kolonialgebiete und andere abhängige Territorien betreffen, von den Festlegungen der Deklaration der Vereinten Nationen über die Gewährung der Unabhängigkeit an die kolonialen Länder und Völker (Res. Nr. 1514 (XV) vom 14. Dezember 1960) leiten, welche die Notwendigkeit einer schnellen und bedingungslosen Beendigung des Kolonialismus in allen seinen Formen und Äusserungen proklamiert.“

[TRANSLATION — TRADUCTION]

[TRADUCTION<sup>1</sup> — TRANSLATION<sup>2</sup>]

The German Democratic Republic does not consider itself bound by the provisions of Article 8 of the Protocol whereby a dispute concerning the interpretation and application of the Pro-

La République Démocratique Allemande ne se sent pas engagée par les dispositions de l'article 8 du Protocole selon lesquelles un litige sur l'interprétation et l'application du Protocole qui ne pourra

<sup>1</sup> Traduction fournie par le Gouvernement belge.

<sup>2</sup> Translation supplied by the Government of Belgium.

TOCOL which cannot be settled through negotiation shall, at the request of one of the parties to the dispute, be submitted to arbitration.

In that connection, the German Democratic Republic is of the opinion that for a dispute to be settled by arbitration the consent of all parties to the dispute is necessary in each individual case.

The German Democratic Republic is of the opinion that the provisions of Article 12 of the Protocol are contrary to the principle which grants all States that base their policy on the purposes and principles of the Charter of the United Nations the right to accede to conventions which affect the interests of all States.

The German Democratic Republic is guided in its position regarding the provisions of Article 15 of the Protocol, to the extent that they concern the application of the Protocol to colonies and other dependent territories, by the provisions of United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly Resolution No. 1514 (XV) of 14 December 1960),<sup>1</sup> which proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations.

## NETHERLANDS

[TRANSLATION — TRADUCTION]

The Government of the Kingdom of the Netherlands reserves the right, through official regulations, to specify that in the cases provided for in Article 4, sub-paragraph 2 (c) to (p), of the Con-

être réglé par la négociation, doit être soumis à une procédure d'arbitrage, sur demande de l'une des parties au litige.

A ce sujet, la République Démocratique Allemande est d'avis que pour régler un litige par une procédure d'arbitrage, le consentement de toutes les parties au litige est nécessaire dans chaque cas individuel.

La République Démocratique Allemande est d'avis que les dispositions de l'article 12 du Protocole sont contraires au principe qui accorde à tous les Etats qui s'inspirent dans leur politique des buts et principes de la Charte des Nations Unies le droit d'adhérer à des conventions qui touchent aux intérêts de tous les Etats.

Dans sa position à l'égard des dispositions de l'article 15 du Protocole dans la mesure où elles concernent l'application du Protocole à des colonies et autres territoires dépendants, la République Démocratique Allemande s'inspire des dispositions de la Déclaration des Nations Unies sur l'octroi de l'indépendance aux pays et peuples coloniaux [résolution n° 1514 (XV) du 14 décembre 1960]<sup>1</sup> qui proclame la nécessité de mettre fin rapidement et inconditionnellement au colonialisme sous toutes ses formes et dans toutes ses manifestations.

## PAYS-BAS

«Le Gouvernement du Royaume des Pays-Bas se réserve le droit, par prescription légale, de préciser que dans les cas prévus par l'article 4, alinéa 2 de c) à p) de la Convention, le porteur du connaisse-

<sup>1</sup> United Nations, *Official Records of the General Assembly, Fifteenth Session, Supplement No. 16 (A/4684)*, p. 66.

<sup>1</sup> Nations Unies, *Documents officiels de l'Assemblée générale, quinzième session, Supplément n° 16 (A/4684)*, p. 70.

vention the bearer of the Bill of Lading may establish the personal fault of the carrier or the fault of the carrier's agents not covered under sub-paragraph (a).

*POLAND*

[*Confirming the reservation made upon signature; see p. 137 of this volume.*]

*SINGAPORE*

[TRANSLATION — TRADUCTION]

Singapore is bound to the Convention of 25 August 1924 by Great Britain's extension of the Convention to the Straits Settlements on 2 December 1930 (in accordance with article 13 of the Convention).

ment peut établir la faute personnelle du transporteur ou les fautes de ses préposés non couverts par le paragraphe a).»

*POLOGNE*

[*Confirmant la réserve faite lors de la signature; voir p. 137 du présent volume.*]

*SINGAPOUR*

«Singapour est lié à la Convention du 25 août 1924 par l'extension faite par la Grande-Bretagne en date du 2 décembre 1930 (conformément à l'article 13 de la Convention) aux *Straits Settlement*.»

PROTOCOL<sup>1</sup> AMENDING THE INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAIN RULES OF LAW RELATING TO BILLS OF LADING, 25 AUGUST 1924,<sup>2</sup> AS AMENDED BY THE PROTOCOL OF 23 FEBRUARY 1968<sup>3</sup>

The Contracting Parties to the present Protocol,

Being Parties to the International Convention for the unification of certain rules of law relating to bills of lading, done at Brussels on 25th August 1924, as amended by the Protocol to amend that Convention, done at Brussels on 23rd February 1968,

Have agreed as follows:

*Article I.* For the purpose of this Protocol, "Convention" means the International Convention for the unification of certain rules of law relating to bills of lading and its Protocol of signature, done at Brussels on 25th August 1924, as amended by the Protocol, done at Brussels on 23rd February 1968.

*Article II.* (1) Article 4, paragraph 5 (a), of the Convention is replaced by the following:

"(a) Unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading, neither the carrier nor

<sup>1</sup> Came into force on 14 February 1984, i.e., three months after the date of deposit with the Government of Belgium of five instruments of ratification or accession, in accordance with article VIII (1):

<i>State</i>	<i>Date of deposit of the instrument of ratification or accession (a) or of the notification of territorial application (n)</i>
Belgium .....	7 September 1983
Denmark .....	3 November 1983 <i>a</i>
(With a declaration of non-application to the Faeroe Islands and Greenland.)	
Spain .....	6 January 1982
Sweden .....	14 November 1983
United Kingdom of Great Britain and Northern Ireland .....	2 March 1982
(In respect of Bermuda, the British Antarctic Territory, the British Virgin Islands, the Cayman Islands, the Falkland Islands, the Falkland Islands dependencies, Gibraltar, Hong Kong, the Isle of Man, Montserrat and the Turks and Caicos Islands.)	
	20 October 1983 <i>n</i>

In addition, the Protocol entered into force for the following States on the dates indicated hereinafter, i.e. 3 months after the date of deposit of their instrument of ratification or accession, in accordance with article VIII (2):

<i>State</i>	<i>Date of deposit of the instrument of ratification or accession (a)</i>
Norway .....	1 December 1983
(With effect from 1 March 1984.)	
Poland .....	6 July 1984
(With effect from 6 October 1984.)*	
Finland .....	1 December 1984
(With effect from 1 March 1985.)	

\* For the text of the reservation made upon ratification, see p. 154 of this volume.

<sup>2</sup> League of Nations, *Treaty Series*, vol. CXX, p. 155.

<sup>3</sup> See p. 128 of this volume.



the ship shall in any event be or become liable for any loss or damage to or in connection with the goods in an amount exceeding 666.67 units of account per package or unit or 2 units of account per kilogramme of gross weight of the goods lost or damaged, whichever is the higher.”

(2) Article 4, paragraph 5 (*d*), of the Convention is replaced by the following:

“(d) The unit of account mentioned in this Article is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in sub-paragraph (*a*) of this paragraph shall be converted into national currency on the basis of the value of that currency on a date to be determined by the law of the Court seized of the case.

“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.

“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 the preceding sentences may, at the time of ratification of the Protocol of 1979 or accession thereto 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:

“(i) In respect of the amount of 666.67 units of account mentioned in sub-paragraph (*a*) of paragraph 5 of this Article, 10,000 monetary units;

“(ii) In respect of the amount of 2 units of account mentioned in sub-paragraph (*a*) of paragraph 5 of this Article, 30 monetary units.

“The monetary unit referred to in the preceding sentence corresponds to 65.5 milligrammes of gold of millesimal fineness 900’. The conversion of the amounts specified in that sentence into the national currency shall be made according to the law of the State concerned.

“The calculation and the conversion mentioned in the preceding sentences 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 sub-paragraph (*a*) of paragraph 5 of this Article as is expressed there in units of account.

“States shall communicate to the depositary the manner of calculation or the result of the conversion, as the case may be, when depositing an instrument of ratification of the Protocol of 1979 or of accession thereto and whenever there is a change in either.”

*Article III.* Any dispute between two or more Contracting Parties concerning the interpretation or application of the present Protocol, which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organisation of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

*Article IV.* (1) Each Contracting Party may, at the time of signature or ratification of this Protocol or of accession thereto, declare that it does not consider itself bound by Article III.

(2) Any Contracting Party having made a reservation in accordance with paragraph (1) may at any time withdraw this reservation by notification to the Belgian Government.

*Article V.* This Protocol shall be open for signature by the States which have signed the Convention of 25 August 1924 or the Protocol of 23 February 1968 or which are Parties to the Convention.

*Article VI.* (1) This Protocol shall be ratified.

(2) Ratification of this Protocol by any State which is not a Party to the Convention shall have the effect of ratification of the Convention.

(3) The instruments of ratification shall be deposited with the Belgian Government.

*Article VII.* (1) States not referred to in Article V may accede to this Protocol.

(2) Accession to this Protocol shall have the effect of accession to the Convention.

(3) The instruments of accession shall be deposited with the Belgian Government.

*Article VIII.* (1) This Protocol shall come into force three months after the date of the deposit of five instruments of ratification or accession.

(2) For each State which ratifies this Protocol or accedes thereto after the fifth deposit, this Protocol shall come into force three months after the deposit of its instrument of ratification or accession.

*Article IX.* (1) Any Contracting Party may denounce this Protocol by notification to the Belgian Government.

(2) The denunciation shall take effect one year after the date on which the notification has been received by the Belgian Government.

*Article X.* (1) Each State may at the time of signature, ratification or accession or at any time thereafter declare by written notification to the Belgian Government which, among the territories for whose international relations it is responsible, are those to which the present Protocol applies. The Protocol shall three months after the date of the receipt of such notification by the Belgian Government extend to the territories named therein, but not before the date of the coming into force of the Protocol in respect of such State.

(2) This extension also shall apply to the Convention if the latter is not yet applicable to these territories.

(3) Any Contracting Party which has made a declaration under paragraph (1) of this Article may at any time thereafter declare by notification given to the Belgian Government that the Protocol shall cease to extend to such territories. This denunciation shall take effect one year after the date on which notification thereof has been received by the Belgian Government.

*Article XI.* The Belgian Government shall notify the signatory and acceding States of the following:

1. The signatures, ratifications and accessions received in accordance with Articles V, VI and VII.
2. The date on which the present Protocol will come into force in accordance with Article VIII.
3. The notifications with regard to the territorial application in accordance with Article X.
4. The declarations and communications made in accordance with Article II.
5. The declarations made in accordance with Article IV.
6. The denunciations received in accordance with Article IX.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Protocol.

DONE at Brussels, this 21st day of December 1979, in the English and French languages, both texts being equally authentic, in a single copy, which shall remain deposited in the archives of the Belgian Government, which shall issue certified copies.

Pour l'Algérie :  
For Algeria:

Pour la République fédérale d'Allemagne :  
For the Federal Republic of Germany:

Pour l'Angola :  
For Angola:

Pour l'Argentine :  
For Argentina:

Pour la Belgique :  
For Belgium:

F. BAEKELANDT

Pour le Chili :  
For Chile:

E. CORNEJO FULLER

Pour l'Etat de la Cité du Vatican :  
For the State of the Vatican City:

S. MARCUS HELMONS

Pour le Danemark :  
For Denmark:

Pour l'Egypte :  
For Egypt:

Pour l'Equateur :  
For Ecuador:

Pour l'Espagne :  
For Spain:

NUÑO AGUIRRE DE CÁRCER Y LOPEZ  
4-VI-1980

Pour les Etats-Unis d'Amérique :  
For the United States of America:

Pour la Finlande :  
For Finland:

[— —]<sup>1</sup>

Pour la France :  
For France:

Pour la Grèce :  
For Greece:

Pour la Hongrie :  
For Hungary:

Pour Israël :  
For Israel:

Pour l'Italie :  
For Italy:

[— —]<sup>1</sup>

Pour le Japon :  
For Japan:

Pour le Kenya :  
For Kenya:

Pour le Liban :  
For Lebanon:

J. DONATO  
7-II-1980

Pour le Libéria :  
For Liberia:

Pour Madagascar :  
For Madagascar:

P. RANJEVA  
11-I-1980

Pour Maurice :  
For Mauritius:

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<sup>1</sup> The name of the signatory could not be determined — Le nom du signataire n'a pu être déterminé.

Pour Monaco :  
For Monaco:

Pour le Nigéria :  
For Nigeria:

Pour la Norvège :  
For Norway:

[— —]<sup>1</sup>

Pour les Pays-Bas :  
For the Netherlands:

Pour le Pérou :  
For Peru:

Pour la Pologne :  
For Poland:

W. FLERA

Pour le Portugal :  
For Portugal:

PAULO TIAGO FERNANDES JERONIMO DA SILVA

Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :  
For the United Kingdom of Great Britain and Northern Ireland:

C. A. PALMER

Pour le Sénégal :  
For Senegal:

Pour Singapour :  
For Singapore:

G. J. KNIGHT

Pour la Suède :  
For Sweden:

[— —]<sup>1</sup>

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<sup>1</sup> The name of the signatory could not be determined — Le nom du signataire n'a pu être déterminé.

Pour la Suisse :  
For Switzerland:

W. MÜLLER  
R. STETTLER

Pour la Syrie :  
For Syria:

F. LAHAM

L'acceptation de ce Protocole ainsi que sa signature n'implique [en] aucune façon la reconnaissance d'Israël et n'entraîne pas l'engagement de la République arabe syrienne d'entretenir des relations découlant des dispositions de ce document<sup>1</sup>.

Pour la Turquie :  
For Turkey :

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<sup>1</sup> Acceptance of this Protocol as well as the signature thereof by the Syrian Arab Republic does not, in any way, imply recognition of Israel, nor shall it lead to any such dealings with the latter as are governed by the provisions of the said document. (Translated by the Secretariat of the United Nations — Traduction effectuée par le Secrétariat de l'Organisation des Nations Unies.)

RESERVATION MADE UPON  
RATIFICATION*POLAND*

[TRANSLATION — TRADUCTION]

...does not consider itself bound by  
article III.

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RÉSERVE FAITE LORS DE LA  
RATIFICATION*POLOGNE*

«...ne se considère pas liée par l'ar-  
ticle III.»

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