

# 1974 年關於海上載運旅客及其行李之雅典公約 1976 年修正議定書

1976 年 11 月 19 日 訂於倫敦，1989 年 4 月 30 日生效

## Protocol of 1976 to amend the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea (PAL), 1974

Signed at London, November 19, 1976 ; Entered into Force April 40, 1989

### Athen 1976

#### *The Parties to the present protocol*

*Being Parties* to the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, done at Athens on 13 December 1974;

*Have agreed as follow s:*

本議定書各締約方，

作為 1974 年 12 月 13 日於雅典制定之海上運送旅客及其行李雅典公約之締約國，

茲協議如下：

#### Article I

For the purpose of the present Protocol:

1. "Convention" means the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974.
2. "Organization" has the same meaning as in the Convention.
3. "Secretary-General" means the Secretary-General of the Organization.

#### 第 1 條

在本議定書中：

1. 「公約」係指 1974 年海上運送旅客及其行李雅典公約。
2. 「本組織」與公約含義相同。
3. 「秘書長」係指本組織秘書長。

#### Article II

(1) Article 7, paragraph 1 of the Convention is replaced by the following text:

1. The liability of the carrier for the death of or personal injury to a passenger shall in no case exceed 46,666 units of account per carriage. Where in accordance with the law of the court seized of the case damages are awarded in form of periodical income payments, the equivalent capital value of those payments shall not exceed the said limit.

#### 第 2 條

(1) 下列文字取代本公約第 7 條第 1 項：

1. 運送人對每一旅客傷亡所應承擔之責任，於任何情況下，不應超過每次運送 46,666 記帳單位。如依受審法院地之法律，損害賠償應以分期付款方式支付者，則該付款額度相應的本金價值不得超過上述限額。

(2) Article 8 of the Convention is replaced by the following text:

1. The liability of the carrier for the loss of or damage to cabin luggage shall in no case exceed 833 units of account per passenger, per carriage.
2. The liability of the carrier for the loss of or damage to

(2) 下列文字取代本公約第 8 條：

1. 運送人對自帶行李毀損滅失之責任，於任何情況下，不應超過每位旅客每次運送 833 記帳單位。
2. 運送人對車輛，包括車內或車上

vehicles including all luggage carried in or on the vehicle shall in no case exceed 3,333 units of account per vehicle, per carriage.

3. The liability of the carrier for the loss of or damage to luggage other than that mentioned in paragraphs 1 and 2 of this Article shall in no case exceed 1,200 units of account per passenger, per carriage.
4. The carrier and the passenger may agree that the liability of the carrier shall be subject to a deductible not exceeding 117 units of account in the case of damage to a vehicle and not exceeding 13 units of account per passenger in the case of loss of or damage to other luggage, such sum to be deducted from the loss or damage.

**(3) Article 9 of the Convention and its title are replaced by the following:**

#### **Units of account or monetary unit and conversion**

1. The Unit of Account mentioned in this Convention is the Special Drawing Right as defined by the international Monetary Fund. The amounts mentioned in Articles 7 and 8 shall be converted into the national currency of the State of the Court seized of the case on the basis of the value of that currency on the date of the judgment or the date agreed upon by the Parties. 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 the State.
2. 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 paragraph 1 of this Article may, at the time of ratification or accession 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:
  - (a) in respect of Article 7, paragraph 1, 700,000 monetary units;
  - (b) in respect of Article 8, paragraph 1, 12,500 monetary units;
  - (c) in respect of Article 8, paragraph 2, 50,000 monetary units;
  - (d) (8) in respect of Article 8, paragraph 3, 18,000 monetary units;
  - (e) in respect Of Article 8, paragraph 4, the deductible shall not exceed 1,750 monetary units in the case of damage to a vehicle and shall not

所有行李之毀損滅失所承擔之責任，於任何情況下，不應超過每一車輛每次運送 3,333 記帳單位。

3. 運送人對本條第 1 項及第 2 項所述以外之其他行李之毀損滅失責任，於任何情況下，不應超過每位旅客每次運送 1,200 記帳單位。
4. 運送人及旅客可協議對每一車輛損壞不超過 117 記帳單位之自負額，對其他行李毀損滅失每位旅客不超過 13 記帳單位之自負額。上述自負額應從毀損滅失中扣除之。

**(3) 下列文字取代本公約第 9 條：**

#### **記帳單位或貨幣單位及兌換**

1. 本公約所述記帳單位為國際貨幣基金會所規定之特別提款權。第 7 條及第 8 條所述金額應按判決之日或雙方同意之日受審法院地國貨幣之價值，兌換成該國貨幣。為國際貨幣基金會會員國家者，特別提款權兌換為該國貨幣之價值，依國際貨幣基金會於所述日期的作業交易中實際適用的定值方法計算之。非國際貨幣基金會會員國者，特別提款權兌換為該國貨幣之價值，應依該國所確定之方法計算之。
2. 非國際貨幣基金會會員國，且其法律不允許適用本條第 1 項規定之國家，於批准或加入本公約時，或在此後之任何時間均可聲明本公約規定適用於其領域之賠償責任限額得為如下：
  - (a) 關於第 7 條第 1 項，700,000 貨幣單位；
  - (b) 關於第 8 條第 1 項，12,500 貨幣單位；
  - (c) 關於第 8 條第 2 項，50,000 貨幣單位；
  - (d) 關於第 8 條第 3 項，18,000 貨幣單位；
  - (e) 關於第 8 條第 4 項，自負額對車輛損壞不超過 1,750 貨幣單位，對每位旅客其他行李的滅失或

exceed 200 monetary units per passenger in the case of loss of or damage to other luggage,

The monetary unit referred to in this paragraph corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. The conversion of the amounts specified in this paragraph into the national currency shall be made according to the law of the State concerned.

3. The calculation mentioned in the last sentence of paragraph 1 and the conversion mentioned in paragraph 2 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 Articles 7 and 8 as is expressed there in units of account. States shall communicate to the depositary the manner of calculation pursuant to paragraph 1 or the result of the conversion in paragraph 2 as the case may be, when depositing an instrument referred to in Article III and whenever there is a change in either.

### Article III Signature, ratification and accession

1. The present Protocol shall be open for signature by any State which has signed the Convention or acceded thereto and by any State invited to attend the Conference to Revise the Unit of Account Provisions in the Athens Convention Relating to the Carriage of Passengers and their Luggage by Sea, 1974, held in London from 17 to 19 November 1976. This Protocol shall be open for signature from 1 February 1977 to 31 December 1977 at the Headquarters of the Organization.
2. Subject to paragraph 4 of this Article, the present Protocol shall be subject to ratification, acceptance or approval by the States which have sighted it.
3. Subject to paragraph 4 of this Article, this Protocol shall be open for accession by States which did not sign it.
4. The present Protocol may be ratified, accepted, approved or acceded to by States Parties to the Convention.
5. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General.
6. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Protocol with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to all existing Parties shall be deemed to apply to the Protocol as modified by the amendment.

### Article IV Entry into force

1. The present Protocol shall enter into force for the States which have ratified, accepted, approved or acceded to it on

損壞不超過 200 貨幣單位。

本項所述貨幣單位相當於純度為千分之九百的黃金 65.5 毫克。本項確定的金額兌換成國家貨幣時，應按該國法律辦理。

3. 第 1 項句末所述計算及第 2 項所述兌換，應盡可能使該締約國以該國貨幣表示之金額與第 7 條及第 8 條中以記帳單位表示之金額具相同之實際價值。締約國將其依第 1 項之計算方法或第 2 項之兌換結果，在交存第 3 條所規定之文件時，以及上述計算方法或兌換結果發生變動時通知保存人。

### 第 3 條 簽署、批准及加入

1. 本議定書將開放供任何已簽署或加入公約之國家及任何應邀參加於 1976 年 11 月 17 日至 19 日在倫敦召開的修改 1974 年海上旅客及其行李雅典公約中計算單位條款會議之國家簽署。本議定書自 1977 年 2 月 1 日起至 1977 年 12 月 31 日止在本組織總部開放供簽署。
2. 除本條第 4 項規定外，本議定書有待已簽署本議定書的國家批准、接受或核准。
3. 除本條第 4 項規定之外，本議定書應開放供未簽署本議定書的國家加入。
4. 本議定書可由公約各締約國批准、接受、核准或加入。
5. 批准、接受、核准或加入應向秘書長交存一份相應的正式文件。
6. 於現有締約國的本議定書修正案生效之後，或於現有締約國的修正案生效所需之各種手續完備之後，任何交存之批准、接受、核准或加入文件應視為適用於經修正案修改之本議定書。

### 第 4 條 生效

1. 本議定書應在 10 個國家對批准、接受或核准無保留之簽署，或者已交存批

the ninetieth day following the date on which ten States have either signed it without reservation as to ratification, acceptance or approval or have deposited the requisite instruments of ratification, acceptance, approval or accession.

2. However, the present Protocol shall not enter into force before the Convention has entered into force.
3. For any State which subsequently signs this Protocol without reservation as to ratification, acceptance or approval, or deposits its instrument of ratification, acceptance, approval or accession, the present Protocol shall come into force on the ninetieth day after the date of such signature or deposit.

## Article V Denunciation

1. The present Protocol may be denounced by a Party at any time after the date on which the Protocol enters into force for that Party.
2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General who shall inform all other Parties of the receipt of the instrument of denunciation and of the date of its deposit.
3. A denunciation shall take effect one year after the deposit of an instrument of denunciation, or after such longer period as may be specified in the instrument,

## Article VI Revision and amendment

1. A Conference for the purpose of revising or amending the present Protocol may be convened by the Organization.
2. The Organization shall convene a Conference of the Parties to the present Protocol for revising or amending it at the request of not less than one-third of the Parties.

## Article VII Depositary

1. The present Protocol shall be deposited with the Secretary-General).
2. The Secretary-General shall:
  - (a) inform all States which have signed or acceded to the present Protocol of:
    - (i) each new signature and each deposit of an instrument together with the date thereof;
    - (ii) the date of entry into force of the present Protocol;
    - (iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which the denunciation takes effect;
    - (iv) any amendments to the present Protocol;
  - (b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

准、接受、核准及加入之必要文件之日後第 90 天，對批准、接受、核准或加入本議定書的國家生效。

2. 然本議定書於公約生效前不生效力。
3. 對於在此之後無保留簽署批准、接受、核准或加入本議定書，或交存批准、接受、核准或加入書之任一國家，本議定書應在該國簽署或交存相應文件之日後第 90 天對其生效。

## 第 5 條 退出

1. 任何締約國可在本議定書對其生效之後，隨時退出本議定書。
2. 退出應向秘書長交存一份文件。秘書長應將接到退出文件的資訊及其交存日期通報其他各締約國。
3. 退出應在向秘書長交存退出文件一年之後，或在退出文件中載明的更長時間之後生效。

## 第 6 條 修訂和修正

1. 修訂或修正本議定書之會議，由本組織召開。
2. 經不少於三分之一締約國之請求，本組織應召開本議定書之締約國會議，對其進行修訂或修正。

## 第 7 條 保存

1. 本議定書應交秘書長保存。
2. 秘書長應：
  - (a) 將下列事項通知所有已簽署或加入本議定書的國家；
    - (i) 任一新的簽署或新的文件的交存及其日期；
    - (ii) 本議定書的生效日期；
    - (iii) 任何退出本議定書的文件的交存及退出的生效日期；
    - (iv) 本議定書的任何修正案；
  - (b) 將本議定書的核證無誤的副本送交所有簽署或加入本議定書的國家。

3. Upon entry into force of the present Protocol, a certified true copy thereof shall be transmitted by the Secretary-General to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

3. 本議定書一經生效，秘書長應依照聯合國憲章第 102 條規定，將本議定書核證無誤之副本送交聯合國秘書長，供登記及公佈。

## Article VIII Languages

The present Protocol is established in a single original in the English and French Languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared by the Secretary-General and deposited with the signed original.

*Done* at London this nineteenth day of November one thousand nine hundred and seventy-six.

*In witness whereof* the undersigned being duly authorized for that purpose have signed the present Protocol.

## 第 8 條 文字

本議定書正本一份，以英文及法文寫成，兩種文本具有同等效力。俄文及西班牙文的正式譯本應由秘書長準備與經簽署之正本一併交存。

1976 年 11 月 19 日訂於倫敦。

下列署名者，經正式授權，特簽署本議定書，以昭信守。