

1974 年關於海上載運旅客及其行李之雅典公約 1990 年修正議定書

1990 年 3 月 29 日 訂於倫敦

Protocol of 1990 to amend the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea (PAL), 1974

Signed at London, March 29, 1990

Athen 1990

The parties to the present protocol,

Considering that it is desirable to amend the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, done at Athens on 13 December 1974, to provide far enhanced compensation and to establish a simplified procedure for updating the limitation amounts,

Have agreed as follows:

本議定書各締約國，

慮及希望修正 1974 年 12 月 13 日在雅典制定之海上旅客及其行李運送雅典公約，以規定更高之賠償額並制定更新限額之簡化程序，

茲協議如下：

Article I

For the purpose of this Protocol:

1. "Convention" means the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974. For States Parties to the Protocol of 1976 to the Convention, such reference shall be deemed to include the Convention as amended by that Protocol.
2. "Organization" means the International Maritime Organization.
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 年海上旅客及其行李運送雅典公約。於公約 1976 年議定書之締約國，公約應視為包括經該議定書修正之公約。
2. 「本組織」係指國際海事組織。
3. 「秘書長」係指本組織秘書長。

Article II

(1) Article I, paragraph 10 of the Convention is replaced by the following text:

10. "Organization" means the International Maritime Organization.

(2) 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 175,000 units of account per carriage.

Where, in accordance with the law of the court seized of the case, damages are awarded in the form of periodical income payments, the equivalent capital value of those payments shall not exceed the said limit,

(3) Article 8 of the Convention is replaced by the following

第 2 條

(1) 下列文字取代本公約第 1 條第 10 項：

10. "組織"指國際海事組織。

(2) 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 175,000 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。

(3) 下列文字取代本公約第 8 條：

text:

1. The liability of the carrier for the loss of or damage to cabin luggage shall in no case exceed 1,800 units of account per passenger, per carriage.
2. The liability of the carrier for the loss of or damage to vehicles including all luggage carried in or on the vehicle shall in no case exceed 10,000 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 2,700 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 300 units of account in the case of damage to a vehicle and not exceeding 135 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.

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

Unit of Account 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 article 7, paragraph 1, and article 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 by reference to 4e Special Drawing Right 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 Party 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 on 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 Party which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State Party.
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, acceptance, approval of or accession to this Convention or at any time thereafter, declare that the unit of account referred to in paragraph 1 shall be equal to 15 gold franc. The gold franc referred to in this paragraph corresponds to sixty-five-and-a-half milligrammes of gold of millesimal fineness nine hundred. The conversion of the gold franc 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

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 1,800 記帳單位。
2. 運送人對車輛，包括車內或車上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 10,000 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 2,700 記帳單位。
4. 運送人及旅客可協議對每一車輛損壞不超過 300 記帳單位之自負額，對其他行李毀損滅失每位旅客不超過 135 記帳單位之自負額。上述自負額應從毀損滅失中扣除之。

(4) 下列文字取代本公約第 9 條：

記帳單位及兌換

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。應根據受理法院地國之國家貨幣於判決日或各締約當事人所同意之日期參照特別提款權之價值，將第 7 條第 1 項及第 8 條中所述之金額兌換成該國貨幣。國際貨幣基金會會員國，特別提款權折合為該國貨幣之價值應根據國際貨幣基金會於所述日期之作業交易實際使用之定值方法計算之。非屬國際貨幣基金會會員國之國家，特別提款權兌換成該國貨幣之價值應根據該締約國所確定之方式計算之。
2. 非屬國際貨幣基金會會員國之法律不允許適用本條第 1 項規定者，於批准、接受、核准或加入本公約時或在此以後之任何時間，均可聲明第 1 項所指記帳單位應等於 15 金法郎。本項所指的金法郎相當於六十五點五毫克含金量為千分之九百之黃金。此金法郎應依照有關國家法律兌換為該國貨幣。
3. 第 1 項末句所述計算及第 2 項所述的兌換，應盡可能地使以該國貨幣表示之第 7 條第 1 項及第 8

national currency of the States Parties, as far as possible, the same real value for the amounts in article 7, paragraph 1, and article 8 as would result from the application of the first three sentences of paragraph 1. States shall communicate to the Secretary-General 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 of ratification, acceptance, approval of or accession to this Convention and whenever there is a change in either.

Article III

1. The Convention and this Protocol shall, as between the Parties to this Protocol, be read and interpreted together as one single instrument.
2. A State which is a Party to this Protocol but not a Party to the Convention shall be bound by the provisions of the Convention as amended by this Protocol in relation to other States Parties hereto, but shall not be bound by the provisions of the Convention in relation to States Parties only to the Convention.
3. Nothing in this Protocol shall affect the obligations of a State which is a Party both to the Convention and to this Protocol with respect to a State which is a Party to the Convention but not a Party to this Protocol.

FINAL CLAUSES

Article IV *Signature, ratification, etc.*

1. This Protocol shall be open for signature at the Headquarters of the Organization from 1 June 1990 to 31 May 1991 by all States.
2. Any State may express its consent to be bound by this Protocol by:
 - (a) signature without reservation as to ratification, acceptance or approval;
 - (b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or
 - (c) accession.
3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.
4. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the Convention as amended by this Protocol shall be deemed to apply to the Convention so amended, as modified by such amendment.

Article V *Entry into Force*

1. This Protocol shall enter into force 90 days following the date on which 10 States have expressed their consent to be bound by it.
2. For any State which expresses its consent to be bound by this

條中之金額與應用第 1 項前三項所得金額具有相同之實際價值。各國在交存批准、接受、核准或加入本公約文件時，應將第 1 項之計算方法或第 2 項之兌換結果通知秘書長，兩者之一有變化時，亦應通知秘書長。

第 3 條

1. 就本議定書之締約國間，公約及本議定書應被理解及解釋成單一文件。
2. 為本議定書締約國，但非公約締約國之國家，就其經本議定書修正之公約之其他締約國關係而言，應受本議定書修正之公約規定之拘束；但就其與僅為公約締約國之關係而言，則不受公約規定之拘束。
3. 本議定書之任何規定均不得影響既為公約亦為本議定書締約國之國家對為公約締約國但非本議定書締約國之國家所承擔之義務。

最後條款

第 4 條 *簽署、批准等*

1. 本議定書自 1990 年 6 月 1 日起至 1991 年 5 月 31 日止於本組織總部開放供所有國家簽署。
2. 任何國家均可以下列方式表示同意受本議定書拘束：
 - (a) 簽署並對批准、接受或核准無保留；
 - (b) 簽署而有待於批准、接受或核准，隨後批准、接受或核准；或
 - (c) 加入。
3. 批准、接受、核准或加入應向秘書長交存一份相應文件。
4. 於經本議定書修正之公約之任一修正案生效後交存之批准、接受、核准或加入文件，應被視為適用於經該修正案修改之經本議定書修正之公約。

第 5 條 *生效*

1. 本議定書應於 10 個國家表示同意受其拘束之日後 90 天生效。
2. 對於第 1 項生效條件已獲滿足後表示

Protocol after the conditions in paragraph 1 for entry into force have been met, this Protocol shall enter into force 90 days following the date of expression of such consent.

Article VI Denunciation

1. This Protocol may be denounced by any State Party at any time after the date on which it enters into force for that State Party.
2. Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.
3. A denunciation shall take effect 12 months, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General.
4. As between the States Parties to this Protocol, denunciation by any of them of the Convention in accordance with article 25 thereof shall not be construed in any way as a denunciation of the Convention as amended by this protocol.

Article VII Revision and amendment

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

Article VIII Amendment of limits

1. Upon the request of at least one half, but in no case less than six, of the States Parties to this Protocol, any proposal to amend the limits, including the deductibles, specified in article ~, paragraph 1, and article 8 of the Convention as amended by this Protocol shall be circulated by the Secretary-General to all Members of the Organization and to all Contracting States.
2. Any amendment proposed and circulated as above shall be submitted to the Legal Committee of the Organization (hereinafter referred to as "the Legal Committee") for consideration at a date at least six months after the date of its circulation.
3. All Contracting States to the Convention as amended by this Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceeding of the Legal Committee for the consideration and adoption of amendments.
4. Amendments shall be adopted by a two-thirds majority of the Contracting States to the Convention as amended by this Protocol present and voting in the Legal Committee expanded as provided for in paragraph 3, on condition that at least one half of the Contracting States to the Convention as amended by this Protocol shall be present at the time of voting.
5. When acting on a proposal to amend the limits, the Legal Committee shall take into account the experience of incidents and, in particular, the amount of damage resulting

同意受本議定書拘束之任何國家，本議定書應在表示此種同意之日後 90 天生效。

第 6 條 退出

1. 任何締約國在本議定書對該國生效後，可隨時退出本議定書。
2. 退出應向秘書長交存一份文件。
3. 退出應在向秘書長交存退出文件之後 12 個月或退出文件中載明較此更長的期限後生效。
4. 就本議定書締約國之間而言，不應將其中任何締約國依公約第 25 條退出公約視為退出經本議定書修正之公約。

第 7 條 修改及修正

1. 修改或修正本議定書之會議，可由本組織召開。
2. 經不少於三分之一締約國要求，本組織應召開本議定書之締約國會議，對其進行修改或修正。

第 8 條 限額之修正

1. 經至少二分之一，然於任何情況下不得少於六個本議定書締約國之要求，秘書長應將有關修正經本議定書修正之公約第 7 條第 1 項及第 8 條規定之責任限額，包括自負額之任何提案發送給本組織之所有會員及所有締約國。
2. 凡提出並依上述方式發送之任何修正案，均應提交本組織之法律委員會(此後稱為「法律委員會」)，在發送之日起至少六個月後之某一日期審議。
3. 經本議定書修正之公約之所有締約國，不論是否係本組織之會員，均有權參加法律委員會審議及通過修正案之程序。
4. 修正案應由出席第 3 項規定之擴大法律委員會並參加投票之經本議定書修正之公約締約國之三分之二多數通過，但於投票時，至少應有二分之一經本議定書修正之公約之締約國出席。
5. 對有關修正限額之某提案為作為時，法律委員會應斟酌各種事件經驗，特別是這些事件所造成之損害數額、貨幣價值

therefrom, changes in the monetary values and the effect of the proposed amendment on the cost of insurance.

6.
 - (a) No amendment of the limits under this article may be considered less than five years from the date on which this Protocol was opened for signature nor less than five years from the date of entry into force of a previous amendment under this article.
 - (b) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the Convention as amended by this Protocol increased by six per cent per year calculated on a compound basis from the date on which this Protocol was opened for signature.
 - (c) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the Convention as amended by this Protocol multiplied by three.
7. Any amendment adopted in accordance with paragraph 4 shall be notified by the Organization to all Contracting States. The amendment shall be deemed to have been accepted at the end of a period of eighteen months after the date of notification, unless within that period not less than one fourth of the States that were Contracting States at the time of the adoption of the amendment have communicated to the Secretary-General that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.
8. An amendment deemed to have been accepted in accordance with paragraph 7 shall enter into force eighteen months after its acceptance.
9. All Contracting States shall be bound by the amendment, unless they denounce this Protocol in accordance with paragraphs 1 and 2 of article VI at least six months before the amendment enters into force. Such denunciation shall take effect when the amendment enters into force.
10. When an amendment has been adopted but the eighteen-month period for its acceptance has not yet expired, a State which becomes a Contracting State during that period shall be bound by the amendment if it enters into force. A State which becomes a Contracting State after that period shall be bound by an amendment which has been accepted in accordance with paragraph 7. In the cases referred to in this paragraph, a State becomes bound by an amendment when that amendment enters into force, or when this Protocol enters into force for that State, if later,

Article IX Depositary

1. This Protocol and any amendments accepted under article VIII shall be deposited with the Secretary-General.
2. The Secretary-General shall:
 - (a) inform all States which have signed or acceded to this Protocol of:
 - (i) each new signature or deposit of an instrument together with the date thereof;
 - (ii) each declaration and communication under article 9, paragraphs 2 and 3, of the Convention as amended by this Protocol;

之變化及經提議之修正案對保險費用之影響。

6.
 - (a) 於本議定書開放供簽字之日起未滿五年或本條原先之某一修正案生效之日起未滿五年時，不予審議本條中規定之關於責任限額之任何修正案。
 - (b) 所增加之任何限額，不得超過相當於從本議定書開放供簽署之日起以複利方法計算經本議定書修正之公約中規定之限額以每年遞增百分之六計算所得之數額。
 - (c) 所增加之任何限額，均不得超過以經本議定書修正公約中所規定限額數額之三倍。
7. 本組織應將第 4 項通過之任何修正案通知所有締約國。除有少於四分之一在通過該修正案時即為締約國之國家通知秘書長不接受該修正案，該修正案於通知日十八個月後，視為已獲接受；在此除外情況下，該修正案視為否決並屬無效。
8. 依第 7 項視為已獲接受之修正案，應在其獲得接受十八個月後生效。
9. 所有締約國均應受該修正案之拘束，然在該修正案生效至少六個月前已依第 6 條第 1 項及第 2 項退出本議定書者不在此限。此退出應在該修正案生效時生效。
10. 某修正案雖獲通過但其獲得接受所需十八個月期限未屆滿時，如該修正案得以生效，則此期間締約國應受該修正案之拘束。在此期間後成為締約國之國家，應受依第 7 項被接受修正案之拘束。在本項所述情況，當某修正案生效時，或當本議定書對某國生效，但晚於該修正案生效時，該國即應受該修正案之拘束。

第 9 條 保存

1. 本議定書及依第 8 條已獲通過之任何修正案，應交由秘書長保存。
2. 秘書長應：
 - (a) 將下列事項通知所有簽署或加入本議定書之國家：
 - (i) 任一新的簽署或某一文件存放及其日期；
 - (ii) 公約第 9 條第 2 項及第 3 項規定之任一聲明及任一通知；

- (iii) the date of entry into force of this Protocol;
 - (iv) any proposal to amend limits which has been made in accordance with article VIII, paragraph I;
 - (v) any amendment which has been adopted in accordance with article VIII, paragraph 4;
 - (vi) any amendment deemed to have been accepted under article VIII, paragraph 7, together with the date on which that amendment shall enter into force in accordance with paragraphs 8 and 9 of that article;
 - (vii) the deposit of any instrument of denunciation of this Protocol together with the date of the deposit and the date on which it takes effect;
- (b) transmit certified true copies of this Protocol to all Signatory States and to all States which accede to this Protocol.
3. As soon as this Protocol enters into force, the text shall be transmitted by the Secretary-General to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article X Languages

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

Done at London this twenty-ninth day of March, one thousand nine hundred and ninety.

In fairness whereof the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Protocol.

第 10 條 文字

本議定書正本一份，用阿拉伯文、中文、英文、法文、俄文及西班牙文寫成，每種文本均具有同等效力。

1990 年 3 月 29 日訂於倫敦。

下列署名者，經各自政府正式授權，特簽訂本議定書，以昭信守。