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The Montreal Convention of 1999: An Overview

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Overview of Presentation

1. Scope of coverage and key features of the Convention
2. Recoverable compensation for passenger death and bodily injury
3. Advance payments
4. Mandatory insurance
5. Current status and efforts to promote ratification



Scope and Key Features

- Convention for the Unification of ***Certain Rules*** for ***International Carriage*** by Air
- Preamble: States parties recognize the importance of ensuring protection of the interests of consumers in international carriage by air and the need for ***equitable compensation based on the principle of restitution***
- No-fault two-tiered liability regime for damage sustained in case of death or bodily injury of a passenger
- Automatic review of the limits – Art. 24

Recoverable Compensation

- In the carriage of passengers, baggage and cargo, ***any action for damages, however founded, whether under this convention or in contract or in tort or otherwise***, can only be brought subject to the conditions and such limits of liability as are set out in this Convention
- In any such action, ***punitive, exemplary or any other non-compensatory damages*** shall not be recoverable.

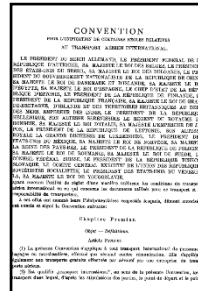
Advance Payments

- In the case of aircraft accidents resulting in death or injury of passengers, the carrier shall, ***if required by national law***, make advance payments without delay to a natural person or persons who are entitled to claim compensation ***to meet the immediate economic needs of such persons***.
- Such advance payments ***shall not constitute a recognition of liability*** and may be offset against any amounts subsequently paid as damages by the carrier.

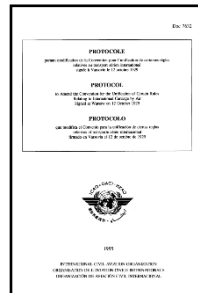
Mandatory Insurance

- States Parties shall require their carriers to maintain ***adequate insurance*** covering their liability under this Convention
- A carrier may be required by the State party into which it operates to furnish evidence that it maintains adequate insurance covering its liability under this Convention

Status of Ratification



Warsaw Convention 1929:
152 Parties



**Hague Protocol 1955 Amending
Warsaw Convention of 1929:**
137 Parties



Montreal Convention 1999:
140 Parties



Promotion of ratification

Key activities

- ICAO Treaty Collection Website – Administrative Packages
- Consultations with States
- Promotion of ratification at regional events (e.g. DGCA meetings)
- Legal seminars and workshops in ICAO regions
- GAT International Air Law Course
- ICAO Treaty Event

Thank You

