

**Ο περί της Σύμβασης του Μοντρεάλ για την Ενοποίηση Ορισμένων Κανόνων για τις Διεθνείς Αεροπορικές Μεταφορές (Κυρωτικός) Νόμος του 2002 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.**

Αριθμός 3(ΙΙΙ) του 2002

**ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗ ΣΥΜΒΑΣΗ ΓΙΑ ΤΗΝ ΕΝΟΠΙΟΙΗΣΗ ΟΡΙΣΜΕΝΩΝ ΚΑΝΟΝΩΝ ΓΙΑ ΤΙΣ ΔΙΕΘΝΕΙΣ ΑΕΡΟΠΟΡΙΚΕΣ ΜΕΤΑΦΟΡΕΣ ΠΟΥ ΥΠΟΓΡΑΦΗΚΕ ΣΤΟ ΜΟΝΤΡΕΑΛ ΣΤΙΣ 28 ΜΑΪΟΥ ΤΟΥ 1999**

ΕΠΕΙΔΗ στις 28 Μαΐου 1999 υπογράφηκε στο Μοντρεάλ Σύμβαση για την Ενοποίηση Ορισμένων Κανόνων για τις Διεθνείς Αεροπορικές Μεταφορές·

ΚΑΙ ΕΠΕΙΔΗ το Υπουργικό Συμβούλιο με την υπ' Αρ. 54.555 και ημερομηνία 21.11.2001 Απόφασή του ενέκρινε την προσχώρηση της Κυπριακής Δημοκρατίας στη Σύμβαση·

ΓΙΑ ΤΟΥΣ ΛΟΓΟΥΣ ΑΥΤΟΥΣ, η Βουλή των Αντιπροσώπων ψηφίζει τα ακόλουθα:

1. Ο Νόμος αυτός θα αναφέρεται ως ο περί της Σύμβασης του Μοντρεάλ για την Ενοποίηση Ορισμένων Κανόνων για τις Διεθνείς Αεροπορικές Μεταφορές (Κυρωτικός) Νόμος του 2002.

Συνοπτικός τίτλος.

2. Στο Νόμο αυτό, εκτός εάν από το κείμενο προκύπτει διαφορετική έννοια—

Εφημερίδα.

«Σύμβαση» σημαίνει τη Σύμβαση για την Ενοποίηση Ορισμένων Κανόνων για τις Διεθνείς Αεροπορικές Μεταφορές που υπογράφηκε στο Μοντρεάλ στις 28 Μαΐου 1999.

3. Με το Νόμο αυτό, κυρώνεται η Σύμβαση, της οποίας το κείμενο στο Αγγλικό πρωτότυπο εκτίθεται στο Μέρος Ι του Πίνακα και σε Ελληνική μετάφραση στο Μέρος ΙΙ αυτού:

Κύρωση της Σύμβασης. Πίνακας, Μέρος Ι, Μέρος ΙΙ.

Νοείται ότι σε περίπτωση διαφοράς μεταξύ του κειμένου του Μέρους Ι και εκείνου του Μέρους ΙΙ του Πίνακα υπερισχύει το κείμενο που εκτίθεται στο Μέρος Ι αυτού.

4. Το Υπουργικό Συμβούλιο μπορεί να εκδίδει Κανονισμούς για την καλύτερη εφαρμογή των διατάξεων του Νόμου αυτού ή της Σύμβασης ή για να υιοθετεί οποιοδήποτε μέτρο ήθελε ληφθεί δυνάμει της Σύμβασης.

Κανονισμοί.

5. Το περί Μεταφοράς δι' Αέρος (Αποικίες, Προτεκτοράτα και Εμπειστευμένα Εδάφη) Διάταγμα του 1953, ο περί του Πρωτοκόλλου της Χάγης και της Σύμβασης της Γουαδαλαχάρας (Κυρωτικός) Νόμος του 1970 και ο περί του Πρωτοκόλλου της Πόλης Γουατεμάλας και των Τεσσάρων Πρωτοκόλλων του Μοντρεάλ (Κυρωτικός) Νόμος του 1989, υπόκεινται στις διατάξεις του Άρθρου 55 της Σύμβασης.

Επιφύλαξη. Επίσημη Εφημερίδα, Παράρτημα 2Α: 4.2.1954. 173 του 1989.

ΠΙΝΑΚΑΣ  
(άρθρο 5)  
Μέρος Ι

## CONVENTION

### FOR THE UNIFICATION OF CERTAIN RULES FOR INTERNATIONAL CARRIAGE BY AIR

#### THE STATES PARTIES TO THIS CONVENTION

RECOGNIZING the significant contribution of the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed in Warsaw on 12 October 1929, hereinafter referred to as the "Warsaw Convention", and other related instruments to the harmonization of private international air law;

RECOGNIZING the need to modernize and consolidate the Warsaw Convention and related instruments;

RECOGNIZING 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;

REAFFIRMING the desirability of an orderly development of international air transport operations and the smooth flow of passengers, baggage and cargo in accordance with the principles and objectives of the Convention on International Civil Aviation, done at Chicago on 7 December 1944;

CONVINCED that collective State action for further harmonization and codification of certain rules governing international carriage by air through a new Convention is the most adequate means of achieving an equitable balance of interests;

HAVE AGREED AS FOLLOWS:

#### Chapter I

##### General Provisions

###### Article 1 — Scope of Application

1. This Convention applies to all international carriage of persons, baggage or cargo performed by aircraft for reward. It applies equally to gratuitous carriage by aircraft performed by an air transport undertaking.

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 States Parties, or within the territory of a single State Party if there is an agreed stopping place within the territory of another State, even if that State is not a State Party. Carriage between two points within the territory of a single State Party without an agreed stopping place within the territory of another State is not international carriage for the purposes of this Convention.

3. Carriage to be performed by several successive 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.

4. This Convention applies also to carriage as set out in Chapter V, subject to the terms contained therein.

#### Article 2 — Carriage Performed by State and Carriage of Postal Items

1. This Convention applies to carriage performed by the State or by legally constituted public bodies provided it falls within the conditions laid down in Article 1.

2. In the carriage of postal items, the carrier shall be liable only to the relevant postal administration in accordance with the rules applicable to the relationship between the carriers and the postal administrations.

3. Except as provided in paragraph 2 of this Article, the provisions of this Convention shall not apply to the carriage of postal items.

### Chapter II

#### Documentation and Duties of the Parties Relating to the Carriage of Passengers, Baggage and Cargo

##### Article 3 — Passengers and Baggage

1. In respect of carriage of passengers, an individual or collective document of carriage 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 State Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place.

2. Any other means which preserves the information indicated in paragraph 1 may be substituted for the delivery of the document referred to in that paragraph. If any such other means is used, the carrier shall offer to deliver to the passenger a written statement of the information so preserved.

3. The carrier shall deliver to the passenger a baggage identification tag for each piece of checked baggage.

4. The passenger shall be given written notice to the effect that where this Convention is applicable it governs and may limit the liability of carriers in respect of death or injury and for destruction or loss of, or damage to, baggage, and for delay.

5. Non-compliance with the provisions of the foregoing paragraphs shall not affect the existence or the validity of the contract of carriage, which shall, nonetheless, be subject to the rules of this Convention including those relating to limitation of liability.

#### Article 4 — Cargo

1. In respect of the carriage of cargo, an air waybill shall be delivered.
2. Any other means which preserves a record of the carriage to be performed may be substituted for the delivery of an air waybill. If such other means are used, the carrier shall, if so requested by the consignor, deliver to the consignor a cargo receipt permitting identification of the consignment and access to the information contained in the record preserved by such other means.

#### Article 5 — Contents of Air Waybill or Cargo Receipt

The air waybill or the cargo receipt shall include:

- (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 State Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place; and
- (c) an indication of the weight of the consignment.

#### Article 6 — Document Relating to the Nature of the Cargo

The consignor may be required, if necessary to meet the formalities of customs, police and similar public authorities, to deliver a document indicating the nature of the cargo. This provision creates for the carrier no duty, obligation or liability resulting therefrom.

#### Article 7 — Description of Air Waybill

1. The air waybill shall be made out by the consignor in three original parts.
2. The first part shall be marked "for the carrier"; it shall be signed by the consignor. The second part shall be marked "for the consignee"; it shall be signed by the consignor and by the carrier. The third part shall be signed by the carrier who shall hand it to the consignor after the cargo has been accepted.
3. The signature of the carrier and that of the consignor may be printed or stamped.
4. If, at the request of the consignor, the carrier makes out the air waybill, the carrier shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

### Article 8 — Documentation for Multiple Packages

When there is more than one package:

- (a) the carrier of cargo has the right to require the consignor to make out separate air waybills;
- (b) the consignor has the right to require the carrier to deliver separate cargo receipts when the other means referred to in paragraph 2 of Article 4 are used.

### Article 9 — Non-compliance with Documentary Requirements

Non-compliance with the provisions of Articles 4 to 8 shall not affect the existence or the validity of the contract of carriage, which shall, nonetheless, be subject to the rules of this Convention including those relating to limitation of liability.

### Article 10 — Responsibility for Particulars of Documentation

1. The consignor is responsible for the correctness of the particulars and statements relating to the cargo inserted by it or on its behalf in the air waybill or furnished by it or on its behalf to the carrier for insertion in the cargo receipt or for insertion in the record preserved by the other means referred to in paragraph 2 of Article 4. The foregoing shall also apply where the person acting on behalf of the consignor is also the agent of the carrier.

2. The consignor shall indemnify the carrier against all damage suffered by it, 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 or on its behalf.

3. Subject to the provisions of paragraphs 1 and 2 of this Article, the carrier shall indemnify the consignor against all damage suffered by it, or by any other person to whom the consignor is liable, by reason of the irregularity, incorrectness or incompleteness of the particulars and statements inserted by the carrier or on its behalf in the cargo receipt or in the record preserved by the other means referred to in paragraph 2 of Article 4.

### Article 11 — Evidentiary Value of Documentation

1. The air waybill or the cargo receipt is *prima facie* evidence of the conclusion of the contract, of the acceptance of the cargo and of the conditions of carriage mentioned therein.

2. Any statements in the air waybill or the cargo receipt relating to the weight, dimensions and packing of the cargo, as well as those relating to the number of packages, are *prima facie* evidence of the facts stated; those relating to the quantity, volume and condition of the cargo do not constitute evidence against the carrier except so far as they both have been, and are stated in the air waybill or the cargo receipt to have been, checked by it in the presence of the consignor, or relate to the apparent condition of the cargo.