

VI. SUMMARY COMPARISON OF LIMITS OF LIABILITY FOR LOSS
OF OR DAMAGE TO GOODS EXPRESSED IN SDR

<i>Convention or Protocol</i>	<i>Per package or unit</i>	<i>Per kilogram</i>
<i>Carriage by sea</i>		
Hamburg Rules (1978)	835	2.5
Protocol amending Hague Rules/ Visby Protocol (1979)	666.67	2.0
<i>Carriage by air</i>		
Montreal Protocols (1975)	not applicable	17
<i>Carriage by road</i>		
Protocol amending CMR Convention (1978)	not applicable	8.33
<i>Carriage by rail</i>		
COTIF (1980)	not applicable	17
<i>Multimodal transport</i>		
Multimodal Convention (1980)		
if transport includes carriage by sea or by inland waterways	920	2.75
if transport does not include carriage by sea or by inland waterways	not applicable	8.33

**C. Liability of operators of transport terminals: draft final clauses for the draft Convention
on the Liability of Operators of Transport Terminals in International Trade:
report of the Secretary-General (A/CN.9/321) [Original: English]**

The present document contains a draft of the final clauses to be included in the draft Convention on the Liability of Operators of Transport Terminals in International Trade. The document was prepared pursuant to a request made at the twenty-first session of the Commission.¹

[at the concluding meeting of the United Nations Conference on ... and will remain open for signature by all States at the Headquarters of the United Nations, New York, until ...].

(2) This Convention is subject to ratification, acceptance or approval by the signatory States.

(3) This Convention is open to accession by all States which are not signatory States as from the date it is open for signature.

(4) Instruments of ratification, acceptance, approval and accession are to be deposited with the Secretary-General of the United Nations.

FINAL CLAUSES

Article A

Depositary

The Secretary-General of the United Nations is the depositary of this Convention.

Article B

*Signature, ratification, acceptance,
approval, accession*

(1) This Convention is open for signature [at the signing ceremony of the United Nations General Assembly on ... and will remain open for signature by all States at the Headquarters of the United Nations, New York, until ...]

¹Official Records of the General Assembly, Forty-third Session, Supplement No. 17 (A/43/17), para. 29.

Article C

Application to territorial units

(1) If a Contracting State has two or more territorial units in which different systems of law are applicable in relation to the matters dealt with in this Convention, it may, at the time of signature, ratification, acceptance, approval or accession, declare that this Convention is to extend to all its territorial units or only to one or more of them, and may at any time substitute another declaration for its earlier declaration.

(2) These declarations are to be notified to the depositary and are to state expressly the territorial units to which the Convention extends.

(3) If, by virtue of a declaration under this article, this Convention extends to one or more but not all of the territorial units of a Contracting State, and if the place of business of a party is located in that State, this place of business, for the purposes of this Convention, is considered not to be in a Contracting State, unless it is in a territorial unit to which the Convention extends.

(4) If a Contracting State makes no declaration under paragraph (1) of this article, the Convention is to extend to all territorial units of that State.

Article D

Reservations²

(1) Any State may declare at the time of signature, ratification, acceptance, approval or accession that it makes the following reservation: . . .³

(2) No reservations are permitted except [the one] [those] authorized in this Convention.

Article E

Effect of declaration

(1) Declarations made under this Convention at the time of signature are subject to confirmation upon ratification, acceptance or approval.

(2) Declarations and confirmations of declarations are to be in writing and to be formally notified to the depositary.

(3) A declaration takes effect simultaneously with the entry into force of this Convention in respect of the State concerned. However, a declaration of which the depositary receives formal notification after such entry into force takes effect on the first day of the month following the expiration of six months after the date of its receipt by the depositary.⁴

(4) Any State which makes a declaration under this Convention may withdraw it at any time by a formal notification in writing addressed to the depositary. Such withdrawal is to take effect on the first day of the month following the expiration of six months after the date of the receipt of the notification by the depositary.

²If the Commission should decide not to adopt the provisions along the lines of draft article D, it may wish to provide expressly in the final clauses that no reservation may be made to the Convention.

³It may be noted that the issue of reservations to the Convention was referred to at the eleventh session of the Working Group on International Contract Practices (A/CN.9/298, paras. 45, 86 and 96).

⁴The second sentence would apply to article C and any declaration that may be allowed pursuant to article D.

Article F

Entry into force

(1) This Convention enters into force on the first day of the month following the expiration of one year from the date of deposit of the [fifth] instrument of ratification, acceptance, approval or accession.

(2) For each State which becomes a Contracting State to this Convention after the date of the deposit of the [fifth] instrument of ratification, acceptance, approval or accession, this Convention enters into force on the first day of the month following the expiration of one year after the date of the deposit of the appropriate instrument on behalf of that State.

(3) Each Contracting State shall apply the provisions of this Convention to transport related services with respect to goods taken in charge by the operator on or after the date of the entry into force of this Convention in respect of that State.

Article G

Revision and amendment

(1) At the request of not less than one-third of the Contracting States to this Convention, the depositary shall convene a conference of the Contracting States for revising or amending it.

(2) Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to this Convention is deemed to apply to the Convention as amended.

Article H

Revision of limits of liability

[The Commission may wish to incorporate into the final clauses the provisions of current article 17 of the draft Convention, contained in annex I of document A/CN.9/298.]

Article I

Denunciation

(1) A Contracting State may denounce this Convention at any time by means of a notification in writing addressed to the depositary.

(2) The denunciation takes effect on the first day of the month following the expiration of one year after the notification is received by the depositary. Where a longer period is specified in the notification, the denunciation takes effect upon the expiration of such longer period after the notification is received by the depositary.

DONE at . . . , this . . . day of . . . one thousand nine hundred and . . . , in a single original, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized by their respective Governments, have signed the present Convention.