

No. 11418

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**MULTILATERAL**

**Agreement on general conditions for the international carriage of passengers by bus (with annex). Done at Berlin on 5 December 1970**

*Authentic text: Russian.*

*Registered by the Secretariat of the Council for Mutual Economic Assistance, acting on behalf of the Parties, on 1 December 1971.*

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**MULTILATÉRAL**

**Accord relatif aux conditions générales d'exécution des transports internationaux de voyageurs par autocar (avec annexe). En date à Berlin du 5 décembre 1970**

*Texte authentique: russe.*

*Enregistré par le Secrétariat du Conseil d'aide économique mutuelle, agissant au nom des Parties, le 1<sup>er</sup> décembre 1971.*

[TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> ON GENERAL CONDITIONS FOR THE  
INTERNATIONAL CARRIAGE OF PASSENGERS BY BUS

The Contracting Parties,

Desiring to develop further mutual co-operation in the field of international passenger transport in order to promote the expansion and consolidation of economic ties and scientific, cultural and tourist exchanges and to bring their countries closer together,

Having regard to the initiative taken in this field by the Council for Mutual Economic Assistance,<sup>2</sup>

Have agreed as follows :

*Article I*

1. The international carriage of passengers by bus by the appropriate organizations and undertakings of the Contracting Parties between or in transit through their territories shall be performed in accordance with the annexed "General Conditions for the international carriage of passengers by bus", hereinafter called the "General Conditions" which constitute an integral part of this Agreement.

2. The Contracting Parties concerned may also agree on other conditions for the performance of the above-mentioned international carriage between the adjacent frontier zones of their States.

<sup>1</sup> Came into force on 3 September 1971, i.e. 30 days after the date of the deposit with the Secretariat of the Council for Mutual Economic Assistance of the third instrument of approval by a signatory State, in accordance with article IX (2). The said instruments were deposited on the dates indicated, as follows :

<i>State</i>	<i>Date of Deposit</i>
German Democratic Republic . . . . .	26 March 1971
Union of Soviet Socialist Republics . . . . .	31 March 1971
Czechoslovakia . . . . .	4 August 1971

Subsequently, the Agreement came into force for Hungary on 12 September 1971, i.e. 30 days after the date (13 August 1971) on which that State deposited its instrument of approval with the Council for Mutual Economic Assistance, in accordance with article IX (3).

<sup>2</sup> United Nations, *Treaty Series*, vol. 368, p. 253.

*Article II*

1. Questions connected with the international carriage of passengers by bus in the territory of another Contracting Party which are not regulated by this Agreement shall be settled in accordance with the laws in effect in that territory.

2. Questions arising from a contract for the carriage of passengers by bus shall, to the extent that they are not regulated by this Agreement, be settled in accordance with the domestic legislation of the carrier's State.

*Article III*

The Contracting Parties shall co-operate in every possible way and shall render each other any assistance necessary in implementing this Agreement.

*Article IV*

The Contracting Parties shall inform each other of any domestic legislative enactments relating to the international carriage of passengers by bus.

*Article V*

1. For the purpose of exchanging experience relating to the application of this Agreement, and also to settle any questions which may arise in connexion with its implementation, meetings shall be convened between representatives of the competent authorities or organizations of the Contracting Parties.

2. Such meetings shall be convened by the depositary of this Agreement in the territory of the Contracting Parties in rotation according to the Russian alphabetical order of their names within 60 days from the date of receipt by the depositary of a proposal or agreement by at least two Contracting Parties.

3. The above-mentioned meetings shall be prepared and organized by the Contracting Parties in whose territory the meetings are convened, with the assistance of the depositary of this Agreement.

*Article VI*

1. This Agreement may be amended and supplemented subject to the agreement of all the Contracting Parties.

2. Proposals for additions and amendments shall be communicated by the Contracting Parties to the depositary of this Agreement, which shall transmit them without delay to the other Contracting Parties for their agreement.

3. The Contracting Parties shall convey to the depositary their opinion on proposed additions and amendments within 90 days from the date of their receipt. The depositary shall inform the Contracting Parties of the opinion of each Contracting Party within 15 days from the date of receipt of the last such opinion.

4. Agreed additions and amendments shall be subject to approval by the Contracting Parties in accordance with their domestic legislation and shall enter into force in accordance with the procedure laid down in article IX of this Agreement.

#### *Article VII*

For the purpose of applying this Agreement, the competent authorities or organizations of the Contracting Parties may conclude between themselves additional agreements on special questions.

#### *Article VIII*

1. Subject to the agreement of all the Contracting Parties, other States may accede to this Agreement by transmitting to the depositary a declaration to that effect. The depositary shall inform all the Contracting Parties thereof without delay.

2. The depositary shall inform the State which has transmitted a declaration of the decision of the Contracting Parties on that State's accession to this Agreement.

#### *Article IX*

1. This Agreement shall be subject to approval by the Contracting Parties in accordance with their domestic legislation.

2. This Agreement shall enter into force 30 days after the date on which instruments of approval of the Agreement are deposited with the depositary by not less than three signatory States.

3. For any other State signatory to this Agreement, and for any State acceding under the provisions of article VIII of this Agreement, the Agreement shall enter into force 30 days after the date of deposit with the depositary by the State concerned of an instrument of approval of the Agreement in accordance with paragraph 1 of this article.

#### *Article X*

Any Contracting Party may withdraw from this Agreement by notifying the depositary to that effect not less than six months before the end of the current

calendar year. Such withdrawal shall take effect from 1 January of the following calendar year.

#### *Article XI*

This Agreement shall not affect the provisions of bilateral agreements relating to the carriage of passengers by bus concluded earlier between the Contracting Parties. Where necessary, the Contracting Parties shall bring such agreements into line with the provisions of this Agreement.

#### *Article XII*

1. This Agreement shall be deposited with the secretariat of the Council for Mutual Economic Assistance, which shall act as depositary for the Agreement. Certified copies of the Agreement shall be sent by the depositary to all signatory States and to States acceding to this Agreement.

2. The depositary shall inform without delay all signatory States or States acceding to this Agreement of the date of deposit of each instrument of approval of the Agreement or of accession thereto, of the date on which the instrument takes effect and of the withdrawal of any of the Contracting Parties from this Agreement.

DONE at Berlin on 5 December 1970 in one copy in the Russian language.

For the Government of the Hungarian People's Republic :

[G. CSANADI]

For the Government of the German Democratic Republic :

[H. WEIPRECHT]

For the Government of the Polish People's Republic :

[M. ZAJFRYD]

For the Government of the Union of Soviet Socialist Republics :

[S. SHUPLYAKOV]

For the Government of the Czechoslovak Socialist Republic :

[J. KNIŽKA]

ANNEX

TO THE AGREEMENT OF 5 DECEMBER 1970 ON GENERAL CONDITIONS FOR THE INTERNATIONAL CARRIAGE OF PASSENGERS BY BUS

*GENERAL CONDITIONS FOR THE INTERNATIONAL CARRIAGE  
OF PASSENGERS BY BUS  
(GENERAL CONDITIONS)*

*Section I*

BASIC PROVISIONS

Paragraph 1

For the purposes of these General Conditions :

(a) A passenger is defined as a person carried individually or as one of a group under the terms of the General Conditions;

(b) A bus is defined as a motor vehicle intended for the carriage of passengers and having a seating capacity of more than nine places including the driver's seat;

(c) International carriage of passengers by bus, hereinafter called "international carriage", is defined as the carriage of passengers by bus across at least one State frontier; journeys by empty buses prior or subsequent to international carriage are also considered to be international carriage;

(d) A carrier is defined as an undertaking or organization authorized by the competent authorities of its State to perform international carriage of passengers by bus;

(e) A regular service is defined as carriage on a bus line performed in accordance with the published conditions of a contract of carriage, with the tariff and with the time-table for a specified route showing the points (stopping points) where passengers are taken up and set down;

(f) A shuttle service is defined as the carriage of several groups of passengers at specified periods from the territory of one State to a point where the journey is broken in the territory of another State and the subsequent carriage of the same passengers by buses of the same carrier back to the State from which they originally departed; in the

case of shuttle services, the first return journey and the last outward journey are usually made empty;

(g) An occasional service is defined as any international carriage of passengers not covered by the definitions in paragraphs (e) and (f) of this article.

#### Paragraph 2

1. Under the terms of the General Conditions, international carriage may be performed only by carriers domiciled in the territory of one of the Contracting Parties and with buses registered in that territory.

2. International carriage performed shall be along roads and via frontier crossing points open to international motor vehicle traffic.

#### Paragraph 3

1. Regular international services shall require authorization by the competent authority of each Contracting Party across whose territory the route of the bus line passes.

2. Shuttle services and occasional international services shall be operated on the basis of an authorization issued by the competent authority of the Contracting Party in whose territory the carrier intends to operate the service, if such authorization is required under the laws of that Contracting Party. The Parties concerned may agree bilaterally that shuttle and occasional international services may be operated without authorization by their competent authorities.

3. The carriers of one Contracting Party may not undertake the international carriage of passengers :

(a) Between two points in the territory of another Contracting Party,

(b) From the territory of another Contracting Party to the territory of a third State or

(c) From the territory of a third State to the territory of another Contracting Party.

The provisions of subparagraphs (a), (b) and (c) shall not apply :

— When the competent authority of the other Contracting Party has authorized the carriage,

— When the laws of the other Contracting Party do not provide for such authorization or

— When the question of such carriage is regulated by a separate bilateral agreement.

#### Paragraph 4

The Contracting Parties may temporarily limit or suspend in their territory international carriage performed in accordance with these General Conditions in the event

of an epidemic or natural disaster or for other substantial reasons.

## Section II

### PROCEDURE FOR THE ISSUE OF AUTHORIZATIONS

#### Paragraph 5

1. In order to obtain an authorization to operate a regular international service, a carrier must submit an application through the competent authority of its State to the competent authorities of the States in whose territories it is proposed to organize the bus line.

2. The application must contain the following information :

- (a) The carrier's name and address;
- (b) Particulars of the bus line (itinerary, route, State frontier crossing points);
- (c) A list of stopping points;
- (d) The places where the bus stops for passengers to take meals, spend the night, rest, make excursions, etc.;
- (e) The period (periods) of operation of the service;
- (f) A time-table showing the distance in kilometres between stopping points, the days and times of departure and arrival of buses at stopping points, and at points where frontier and customs formalities are carried out;
- (g) The tariff for carrying passengers and their luggage, in the currency of the States in whose territory passengers are to be taken up and set down;
- (h) Any special carriage conditions;
- (i) The date of inauguration of the bus line;
- (j) An explanation of the need for the bus line.

3. The competent authority of the carrier's State shall transmit the carrier's application to the competent authority of each Contracting Party in whose territory it is proposed to organize the bus line.

4. Transmission of the application shall serve at the same time as confirmation that the carrier is authorized in its country to engage in the international carriage of passengers by bus.

#### Paragraph 6

1. The competent State authority receiving the application specified in article 5 shall issue an authorization or refuse to do so as soon as possible but not more than two months from the date of receipt of the carrier's application.

2. The authorization or refusal shall be notified to the carrier through the appropriate authority of the carrier's State.



## Paragraph 7

1. An authorization to operate regular international services must contain :

- (a) The carrier's name and address;
- (b) The designation of the bus line;
- (c) Particulars of the route followed by the bus line in the territory of the State issuing the authorization;
- (d) The designation of the stopping points at which passengers are to be taken up and set down in the territory of the State granting the authorization;
- (e) The period (periods) of operation of the service and a time-table;
- (f) The tariff for carrying passengers and their luggage, if stops during which passengers may be taken up or set down are envisaged, in the territory of the State granting the authorization;
- (g) The obligation of the carrier to perform the carriage in accordance with the General Conditions and any special conditions indicated in the authorization;
- (h) The period of validity of the authorization;
- (i) The date of inauguration of the bus line.

2. The authorization shall be valid for the section of the itinerary which passes through the territory of the State issuing the authorization.

## Paragraph 8

1. If two or more carriers located in the territory of different Contracting Parties intend jointly to undertake international carriage on a bus line, they must agree between themselves the conditions governing such carriage before submitting the relevant applications.

2. Relations between the carriers mentioned in subparagraph 1 of this paragraph arising from each carrier's participation in the servicing of the bus line, including expenditure and income connected with the operation of the line, shall be regulated by the relevant agreements concluded between the carriers.

3. The agreements mentioned in subparagraph 2 of this paragraph must stipulate the obligation of each carrier to sell tickets, including advance sales, for trips made by buses of the other carriers participating in the carriage.

4. The carriers mentioned in subparagraph 1 of this paragraph may authorize one carrier to submit an application in their name for an authorization for the joint performance of international carriage.

## Paragraph 9

1. A carrier performing international carriage on a bus line must publish, not less than two weeks before the inauguration of the line, the conditions of carriage,

tariff and time-table for all States in whose territory stopping points for taking up or setting down passengers are located.

2. The obligation set out in subparagraph 1 of this paragraph shall also apply to a carrier in the event of a temporary or permanent suspension or resumption of the international carriage and also in the event of any change in the conditions of carriage, tariff or time-table.

3. The particulars mentioned in subparagraphs 1 and 2 of this paragraph must be published in each State in whose territory the above-mentioned international carriage is performed, in the language and in accordance with the accepted procedure of that State.

#### Paragraph 10

Regular international services on a bus line may be suspended or limited at the carrier's initiative only if the competent authorities of the State through whose territory the bus line passes are notified of the intention to do so not less than 30 days before the proposed suspension or limitation and after the publication of such intention in accordance with the procedure set out in paragraph 9.

#### Paragraph 11

The driver of a bus engaged in international carriage must have a certified copy (photocopy) of the authorization under which he is performing the international carriage.

#### Paragraph 12

1. If authorization to operate an international shuttle service is required, the carrier must submit an application to the competent authority of the State in whose territory the carrier intends to operate the service.

2. The application mentioned in subparagraph 1 of this paragraph must contain the following information :

- (a) The carrier's name and address;
- (b) The designation of the points between which the carrier proposes to operate the service;
- (c) Particulars of the shuttle service route and the State frontier crossing points;
- (d) The number of groups of passengers and the periods during which it is intended to carry the groups;
- (e) The number of trips.

## Paragraph 13

1. The competent authority receiving the application specified in paragraph 12 shall issue an authorization or refuse to do so as soon as possible but not more than 30 days from the date of receipt of the application.

2. An authorization to operate an international shuttle service must contain the following information :

- (a) The carrier's name and address;
- (b) The designation of the points between which the operation of the shuttle service is authorized;
- (c) The names of the State frontier crossing points on the service route;
- (d) The number of trips which the authorization entitles the carrier to make;
- (e) The dates of inauguration and termination of the service;
- (f) The obligation of the carrier to perform the carriage in accordance with the General Conditions and any special conditions indicated in the authorization.

## Paragraph 14

During the operation of a shuttle or occasional international service, the driver shall be in possession of a list of the passengers.

*Section III*

## CONDITIONS GOVERNING CARRIAGE ON REGULAR BUS LINES

## Paragraph 15

1. The carrier shall be liable to the passenger for fulfilling the conditions of the contract of carriage, and the passenger to the carrier.

2. The conclusion of the contract of carriage shall be confirmed by a document called a ticket for international carriage by bus, unless it is proved otherwise; the absence, irregularity or loss of the ticket shall not affect the existence or the validity of the contract of carriage.

3. Tickets may be made out in the passenger's name or to bearer.

4. The price of the ticket shall be calculated in accordance with an agreed tariff.

5. Tickets must contain an indication that these General Conditions are applicable during the carriage.

6. Tickets must be printed in the language of the States in which the point of departure and terminus of the bus line are located.

## Paragraph 16

When concluding a contract of carriage, the carrier may assume an obligation to perform additional services for the passenger (overnight stay, meals en route, etc.). The cost of such services must be indicated separately on the ticket or documented in some other form.

## Paragraph 17

Following the issue of a ticket, the carrier must :

- (a) Provide the passenger with safe and comfortable transportation by a specified bus trip as shown on the ticket according to the published time-table and the conditions of the contract of carriage;
- (b) Provide the passenger with additional services in accordance with paragraph 16;
- (c) If the journey is interrupted or cannot be continued on a particular bus, provide the passenger at no extra charge with transportation to the final destination shown on the ticket and with other services that may become necessary as a result of the aforementioned interruption of the journey.

## Paragraph 18

Should circumstances arise which were unforeseen and unavoidable by the carrier, notwithstanding the diligence required on its part, it shall be entitled to cancel a bus trip for which it has sold tickets.

## Paragraph 19

1. A passenger must hold a ticket which is valid for a particular bus trip and must produce it on demand to the staff of the bus or of the control authorities.

2. The following passengers shall not be permitted to travel or may be required to leave the bus at the next stopping point (with no entitlement to demand a refund of payment made for transportation and for the carriage of their luggage) :

- (a) Passengers who do not comply with the conditions of the contract of carriage;
- (b) Passengers whose behaviour is improper or causes inconvenience to other passengers;
- (c) Passengers who, because of sickness or otherwise, are dangerous to other passengers.

## Paragraph 20

A passenger shall be entitled to :

- (a) Transportation on the bus line in accordance with the tickets;
- (b) Conveyance without extra charge (or at a reduced rate) of accompanying children, hand luggage and domestic animals in the quantities, on the conditions and for the payment specified in the tariff;
- (c) Conveyance of luggage in a specially designated space in the bus for a separate payment calculated in accordance with the tariff;
- (d) Use during the journey of services for which additional payment has been made.

### Paragraph 21

1. Passengers shall be permitted to board or alight from a bus only at the points specified in the time-table, and in an emergency at other points as instructed by the staff of the bus in accordance with the procedure in force in the territory of the Contracting Party in which the bus is situated.

2. Passengers who are obviously disabled, pregnant women and passengers with children in arms shall be given priority in boarding the bus.

3. Passengers' conduct at bus stations, and the boarding of and alighting from buses at stopping points shall be governed by local regulations. Passengers must comply with those regulations and obey the instructions of station staff.

### Paragraph 22

1. A ticket may not be transferred to another person after the journey has commenced. The journey shall be deemed to commence at the time when the passenger enters the bus for the purpose of making the journey. The journey shall be deemed to end at the time when the bus arrives at the passenger's destination and the passenger leaves the bus.

2. A ticket shall not entitle the holder to break his journey unless so stipulated on the ticket itself.

3. If a passenger is obliged to break his journey at the request of a frontier, customs or other administrative authority, or because of sickness, he shall be entitled to resume his journey, within 30 days starting from the day on which the journey was broken, on a subsequent trip by the bus line, if there are empty seats on the bus. When doing so, he must produce a ticket certifying the reasons why the journey was broken. Such certification shall be given by the staff with whom the passenger made the journey in the bus up to the time of the break in the journey, or by the ticket office at the bus stop (if the journey was broken while the bus was at a stopping point where there is a ticket office).

### Paragraph 23

A ticket may be returned before the commencement of a journey at the place where it was obtained or at the bus departure point if there is a ticket office at that point. In such a case the amount paid for the ticket, including payment for additional services, shall be refunded to the ticket holder, less a deduction of 10 per cent of the total amount of the cost of the ticket and additional services. The carrier may, however, refuse to give such a refund if the ticket is presented for refund later than twenty-four hours before the scheduled departure of the bus on the trip for which the ticket was sold.

#### Paragraph 24

1. If the bus trip for which a passenger has obtained a ticket is cancelled, the carrier must, following the announcement of the cancellation, immediately refund to the passenger on presentation of the ticket the amounts paid for the ticket and for additional services. In addition, the carrier must refund the costs, certified by appropriate documents, incurred by the passenger and connected with any travel by him to and from the point of commencement of the journey shown on the ticket by the cheapest form of transport generally used in that locality.

2. The provisions of subparagraph 1 of this paragraph shall also apply if the original departure of the bus for which the passenger obtained a ticket is delayed by more than one hour and the passenger is unable during that time to use another bus of the same carrier.

3. If a bus is unable to proceed and the journey cannot be continued, passengers shall be entitled to a refund of that part of the amount paid for the ticket corresponding to the uncompleted portion of the journey and payment for unused additional services, if they decline to continue the journey under arrangements made by the carrier.

4. Refunds in the cases mentioned in this paragraph shall be made without any deductions when the passenger returns the ticket.

#### Paragraph 25

Passengers who do not resume a journey broken for the reasons mentioned in paragraph 22, subparagraph 3, may upon returning the ticket obtain an amount equivalent to the value of the unused portion of the journey, including additional services paid for, less 10 per cent.

#### Paragraph 26

Any passenger who cannot produce a ticket for inspection shall pay the fare for the journey made, plus a surcharge calculated according to the tariff. Any passenger who refuses to pay the fare shall be required to leave the bus.

#### Paragraph 27

1. A passenger's luggage shall be carried at the same time as the passenger himself and in the same bus.

2. A passenger may take with him only such hand luggage as can be held in the lap or will fit under his seat, on the shelf or in the net above the seats. It shall be prohibited to place luggage in the bus gangway. The total weight of hand luggage may not exceed 20 kilogrammes.

3. In addition to hand luggage, each passenger shall be entitled to carry by bus luggage weighing less than 30 kilogrammes.

4. The staff of the bus shall be entitled to place luggage unsuitable for carriage inside the bus in a space in the bus provided for that purpose, after issuing an appropriate luggage voucher (receipt) to the owner of the luggage.

#### Paragraph 28

1. The carrier shall issue a luggage voucher (receipt) to the passenger for each piece of luggage accepted for carriage.

2. The luggage voucher (receipt) shall show the charge for carrying the luggage and its destination.

3. The luggage voucher (receipt) must contain an indication that carriage is in accordance with the General Conditions.

4. The carrier shall be entitled to enter a note, endorsed by the passenger, on the luggage voucher (receipt) concerning the condition of the luggage or its packing. If the passenger refuses to endorse the note, the carrier may refuse to accept the luggage for carriage.

5. If the luggage is accepted by the carrier without any note, it shall be presumed that the luggage was accepted in good condition and in suitable packing.

#### Paragraph 29

It shall not be permitted to carry in the bus hand luggage and luggage containing :

- (a) Articles the carriage of which is prohibited by the laws of the States in whose territory the carriage is performed;
- (b) Articles liable to cause harm to other passengers and to damage or soil the bus;
- (c) Dangerous materials such as highly inflammable, explosive, corrosive, radioactive, poisonous and other substances, and articles made of such materials;
- (d) Repugnant articles;
- (e) Fire-arms, pointed and sharp objects without cases;
- (f) Articles which because of their size and shape are not suitable for carriage by bus (bicycles, non-collapsible perambulators, etc.).

#### Paragraph 30

1. At the time when the luggage is handed over for carriage, the passenger may declare its value.

2. The amount of the declared value of the luggage must be specified by the passenger in the currency of the State of departure and must be indicated on the luggage voucher (receipt). The maximum declarable value of the luggage shall be established by the tariff.

3. The carrier shall be entitled to levy a charge, calculated in accordance with the tariff, on the declared value of the luggage.

#### Paragraph 31

1. Luggage accepted for carriage shall be delivered by the carrier at the destination shown on the luggage voucher (receipt) upon production of the voucher, provided the passenger has fulfilled the obligations specified in paragraph 33.
2. Unless the contrary is proved, it shall be presumed that, at the time when the luggage is delivered to the bearer of the luggage voucher (receipt), the carrier acted in good faith.
3. Failing production of a luggage voucher, the carrier shall be obliged to deliver the luggage only if the person claiming it proves his right to it.
4. Luggage not claimed within 24 hours after its carriage to destination or to the bus line terminus shall be stored by the carrier in a safe place for six months at the passenger's expense.
5. Other questions relating to the delivery and storage of luggage shall be regulated by the domestic legislation of the State in whose territory the point at which carriage of the luggage terminates is located.

#### Paragraph 32

The passenger shall be liable for any damage caused by his fault as a result of the damaging or soiling of a bus or equipment belonging to the carrier. The passenger shall also be obliged to refund to the carrier all expenses incurred by the latter in connexion with any damage to or theft of other passengers' property by fault of the passenger concerned.

#### Paragraph 33

1. The passenger must have in his possession the required documents permitting him to cross State frontiers during the carriage and must also comply with customs, fiscal, financial, currency and other administrative regulations applicable to him and to his luggage. The carrier shall not be liable for any consequences arising from the passenger's failure to comply with such regulations.
2. The passenger shall be obliged to refund to the carrier expenses incurred by the latter as a result of any violation of the regulations mentioned in subparagraph 1 of this paragraph.

#### Paragraph 34

1. The carrier shall be liable for damage to and total or partial loss of luggage handed to it by the passenger for carriage in compliance with the provisions of paragraph 36, subparagraph 2.
2. The carrier shall be relieved of liability if the damage to or partial or total loss of the luggage was caused by the fault of the passenger, by instructions of the passenger given otherwise than as a result of the fault of the carrier, by the inherent properties of



the luggage itself or through circumstances which the carrier could not foresee and the consequences of which it was unable to prevent.

#### Paragraph 35

1. Luggage handed to the carrier for carriage which has not been received by the passenger within 14 days after a request for delivery shall be treated as lost.

2. If luggage treated as lost is recovered within one year after the date on which it was lost, the carrier must endeavour to give notice thereof to the passenger. Within 30 days following receipt of such notification, the passenger may require the luggage to be delivered either at the place from which it was dispatched or at the place of destination provided that any compensation received for the luggage is refunded.

#### Paragraph 36

1. The carrier shall pay compensation in respect of total or partial loss of luggage if it is liable for such loss under paragraph 34.

2. The amount of such compensation shall be determined according to the value of the luggage declared by the passenger in accordance with paragraph 30. In the absence of such a declaration, the amount of compensation shall be determined according to the laws of the carrier's State. In respect of any loss or depreciation of or damage to money, valuables, securities or other particularly valuable articles (for example, works of art or antiques) contained in luggage handed over for carriage, compensation shall be payable as established by the tariff, and only if the value was declared by the passenger.

#### Paragraph 37

1. If luggage is damaged, the carrier shall be obliged to pay the amount by which the value of the luggage as declared or as established in some other reasonable manner has been reduced; compensation may not, however, exceed the amount of compensation which would have been payable had the luggage been lost.

2. If luggage is accepted by the passenger without any remark on his part as to any apparent damage, it shall be presumed that the luggage was accepted intact and in good condition.

#### Paragraph 38

The carrier shall be liable for loss of or damage to hand luggage only if its fault is proved. If the loss of or damage to hand luggage occurred as a result of the operation of a means of transport, the carrier's liability shall be governed by the laws of its State.

### Paragraph 39

The carrier shall be liable in respect of the acts and omissions of its employees or of other persons whose services it employs to perform carriage, if such persons are discharging functions entrusted to them by the carrier.

## *Section IV*

### PROVISIONS APPLICABLE TO BUSES AND THEIR STAFF

### Paragraph 40

1. Buses used for international carriage must be in good working order, have a suitable appearance and provide passengers with a comfortable ride.

2. Passengers may be carried only on permanent seats if the carriage lasts more than two hours.

3. If a bus belonging to a carrier of one State is unable to proceed for any reason, while travelling through the territory of another State, the appropriate authorities of the latter State shall, at the request of the staff of the bus, furnish at the carrier's expense such assistance as may be necessary to arrange the carriage of the passengers of the said bus to the nearest point from which it is possible to dispatch passengers in any direction.

### Paragraph 41

Bus drivers must comply with the regulations governing the permissible length of driving time in the State in whose territory international carriage is being effected.

### Paragraph 42

The staff must carry and produce on demand to the control authorities of each State in whose territory international carriage is effected the insurance document and log-sheet used in the carrier's State made out in such a manner that it is possible to determine the itinerary and the length of time during which the bus driver has been at the wheel. An insurance document shall not be required if provision to that effect is made in the agreement concluded between the insurance organizations of the Contracting Parties.

### Paragraph 43

Buses used for effecting international carriage may be driven only by drivers authorized to do so under the domestic legislation of their State.

**Paragraph 44**

1. The bus staff shall be obliged to comply with the administrative regulations of the States in whose territory international carriage is effected.

2. To this end, the bus staff must be familiar with the relevant regulations of the States in whose territory carriage is effected, particularly those concerning passport, customs and currency controls.

3. Members of the bus staff who do not comply with the regulations mentioned in subparagraph 1 of this paragraph or who violate normal standards of behaviour must not be permitted to work in the service of international carriage.

**Paragraph 45**

The bus staff shall present the bus and the luggage accepted for carriage to the control authorities at State frontiers.

**Paragraph 46**

1. The staff of buses used for international carriage on a bus line must wear uniforms.

2. The staff must :

- (a) Be thoroughly familiar with the itinerary and time-table of the bus line on which they are serving;
- (b) Have a sufficient knowledge of at least one foreign language to understand and make themselves understood on the bus line on which they are serving, if their own language is insufficiently well known in the States across whose territory the route of the bus line passes;
- (c) Be familiar with the General Conditions.

**Paragraph 47**

1. Buses used for international carriage must be equipped with signs showing the route and giving :

- (a) The carrier's name (abbreviated);
- (b) The terminus of the bus line and, where possible, the most important intermediate stopping points shown on the bus time-table.

2. Information concerning carriage placed inside the bus must be given in the languages of the States in which the point of departure and terminus of the bus line are located.