

**MULTILATERAL**

**Additional Convention to the International Convention concerning the carriage of passengers and luggage by rail (CIV) of 25 February 1961<sup>1</sup> relating to the liability of the railway for death of and personal injury to passengers. Concluded at Berne on 26 February 1966**

**Protocol A drawn up by the Extraordinary Conference convened to designate the members of the Administrative Committee of the Central Office for International Railway Transport and to adopt the above-mentioned Additional Convention of 26 February 1966 to the (CIV) Convention of 25 February 1961. Concluded at Berne on 26 February 1966**

**Protocol I drawn up by the Diplomatic Conference convened to bring into force the above-mentioned Additional Convention to the (CIV) Convention of 25 February 1961 and its related Protocol B, both signed at Berne on 26 February 1966. Concluded at Berne on 22 October 1971**

**Protocol II drawn up by the Diplomatic Conference convened to bring into force definitively the above-mentioned Protocol A of 26 February 1966 concerning the increase in the number of members of the Administrative Committee of the Central Office for International Railway Transport. Concluded at Berne on 22 October 1971**

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<sup>1</sup> See p. 2 of this volume.

**No. 16899 (*continued*)**

**Protocol B drawn up by the Extraordinary Conference convened to appoint the members of the Administrative Committee of the Central Office for International Railway Transport and to adopt the above-mentioned Additional Convention of 26 February 1966 to the (CIV) Convention of 25 February 1961. Concluded at Berne on 26 February 1966**

**Protocol II drawn up by the Diplomatic Conference convened with a view to bringing into force the International Conventions concerning the carriage of goods by rail (CIM)<sup>1</sup> and the carriage of passengers and luggage by rail (CIV)<sup>2</sup> of 7 February 1970 concerning the extension of the period of validity of the above-mentioned Additional Convention to the CIV of 1961. Concluded at Berne on 9 November 1973**

*Authentic texts: French.*

*Registered by Switzerland on 8 August 1978.*

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<sup>1</sup> See p. 164 of this volume.

<sup>2</sup> See p. 340 of this volume.

[OFFICIAL ENGLISH TRANSLATION<sup>1</sup> — TRADUCTION ANGLAISE OFFICIELLE<sup>2</sup>]

ADDITIONAL CONVENTION<sup>3</sup> TO THE INTERNATIONAL CONVENTION CONCERNING THE CARRIAGE OF PASSENGERS AND LUGGAGE BY RAIL (CIV) OF 25th FEBRUARY 1961<sup>4</sup> RELATING TO THE LIABILITY OF THE RAILWAY FOR DEATH OF AND PERSONAL INJURY TO PASSENGERS<sup>5</sup>

The undersigned Plenipotentiaries;

Having recognised the advantage of unifying the rules of liability of the railway for damage resulting from death, personal injury or any other bodily or mental harm sustained by a passenger in the course of international carriage, as well as for damage to or loss of the articles which he has with him;

Have decided to supplement the International Convention concerning the Carriage of Passengers and Luggage by Rail (CIV) of the 25th February, 1961,<sup>4</sup> by an Additional Convention, and

Have agreed upon the following Articles:

*Article 1. FIELD OF APPLICATION*

1. This Convention shall govern the liability of the railway for damage caused to passengers by an accident occurring on the territory of a State which is a party to this Convention. For the purposes of this Convention "passengers" means:

<sup>1</sup> Translation supplied by the Government of the United Kingdom.

<sup>2</sup> Traduction fournie par le Gouvernement du Royaume-Uni.

<sup>3</sup> Came into force on 1 January 1973 in respect of the following States in whose name an instrument of ratification or accession had been deposited with the Government of Switzerland, i.e., on the date set by Protocol I of 22 October 1971 drawn up by the Diplomatic Conference which was convened with a view to bring into force the said Additional Convention and its related Protocol B after 15 instruments of ratification had been deposited with the Government of Switzerland, in accordance with article 25 of the said Additional Convention:

State	Date of deposit of the instrument of ratification or accession (a)	State	Date of deposit of the instrument of ratification or accession (a)
Algeria . . . . .	4 February 1969 <i>a</i>	Luxembourg . . . . .	20 May 1970
Belgium . . . . .	14 October 1968	Netherlands . . . . .	9 May 1967
Bulgaria . . . . .	21 October 1971	(For the territory in Europe.)	
(With the reservation provided for in article 1 (2).)		Norway . . . . .	16 August 1971
Czechoslovakia . . . . .	14 November 1966	(With the reservation provided for in article 1 (2).)	
(With the reservation provided for in article 1 (2).)		Poland . . . . .	25 February 1971
Denmark . . . . .	23 February 1967	(With the reservation provided for in article 1 (2).)	
(With the reservation provided for in article 1 (2).)		Portugal . . . . .	20 October 1971
Finland . . . . .	28 August 1970	(With the reservation provided for in article 1 (2).)	
(With the reservation provided for in article 1 (2).)		Spain . . . . .	4 August 1967
France . . . . .	8 February 1968	Switzerland . . . . .	21 January 1969
Iraq . . . . .	26 October 1968 <i>a</i>	Syrian Arab Republic . . . . .	9 December 1968
(With the reservation provided for in article 1 (2).)		Turkey . . . . .	17 July 1970
Liechtenstein . . . . .	5 October 1967	United Kingdom of Great Britain and Northern Ireland . . . . .	17 November 1972 <i>a</i>
		Yugoslavia . . . . .	17 July 1967

(Continued on page 97)

(a) Passengers carried in accordance with the International Convention concerning the Carriage of Passengers and Luggage by Rail (CIV) of 25th February, 1961;

(b) Attendants accompanying consignments of goods carried in accordance with the International Convention concerning the Carriage of Goods by Rail (CIM) of 25th February, 1961.<sup>1</sup>

2. Each Contracting State may, on signing this Convention or depositing its instrument of ratification or accession, declare that it reserves the right not to apply this Convention to passengers who are subjects of or persons having their usual place of residence in that State and who sustain an accident on its territory.

## Article 2. EXTENT OF LIABILITY

1. The railway shall be liable for damage resulting from the death of, or personal injury or any other bodily or mental harm to, a passenger, caused by an accident arising out of the operation of the railway and happening while the passenger is in, entering or alighting from a train.

The railway shall also be liable for damage to or total or partial loss of any articles which the passenger who has sustained such an accident had either on him or with him as hand luggage, including any animals which he had with him.

2. The railway shall be relieved of liability if the accident has been caused by circumstances not connected with the operation of the railway and which the railway, in

(Footnote 3 continued from page 96)

Subsequently, the Convention came into force in respect of the following States one month after the notification by the Government of Switzerland of the deposit of the instruments of ratification or accession, in accordance with articles 25 and 26 of the Additional Convention:

State	Date of deposit of the instruments of ratification or accession (a)		State	Date of deposit of the instruments of ratification or accession (a)	
Austria . . . . .	2 July	1969	ditional Convention will also be applicable to Berlin (West) from the date of its entry into force for the Federal Republic of Germany.)		
(With effect from 7 September 1973.* With the reservation pro- vided for in article 1 (2).)			Tunisia . . . . .	27 August	1974
German Democratic Republic . . .	1 April	1973 a	(With effect from 1 November 1974. With the reservation pro- vided for in article 1 (2).)		
(With effect from 1 May 1973. With the reservation provided for in article 1 (2).)			Ireland . . . . .	1 November	1974 a
Hungary . . . . .	8 August	1973 a	(With effect from 19 December 1974.)		
(With effect from 7 October 1973. With the reservation provided for in article 1 (2).)			Romania . . . . .	27 November	1974
Morocco . . . . .	28 June	1973	(With effect from 1 January 1975. With the reservation provided for in article 1 (2).)		
(With effect from 1 September 1973.)			Italy . . . . .	30 March	1976
Greece . . . . .	5 November	1973 a	(With effect from 1 July 1976.)		
(With effect from 23 December 1973. With the reservation pro- vided for in article 1 (2).)			Iran . . . . .	31 March	1977 a
Germany, Federal Republic of**	28 May	1974 a	(With effect from 7 May 1977.)		
(With effect from 29 June 1974. With a declaration that the Ad-			Sweden . . . . .	21 May	1976 a
			(With effect from 28 June 1976.)		

\* Date of deposit of the instrument of ratification of Protocol I of 22 October 1971.

\*\* See p. 106 of this volume for the text of the declaration made upon accession.

<sup>4</sup> See p. 2 of this volume.

<sup>5</sup> The title of this Convention has been modified by Protocol II of 9 November 1973 to read as follows: Additional Convention to the International Convention concerning the carriage of passengers and luggage by rail (CIV) of 7 February 1970, relating to the liability of the railway for death of and personal injury to passengers.

<sup>1</sup> United Nations, *Treaty Series*, vol. 1100, p. 3.

spite of having taken the care required in the particular circumstances of the case, could not avoid and the consequences of which it was unable to prevent.

3. The railway shall be relieved wholly or partly of liability to the extent that the accident is due to the passenger's wrongful act or neglect or to behaviour on his part not in conformity with the normal conduct of passengers.

4. The railway shall be relieved of liability if the accident is due to a third party's behaviour which the railway, in spite of taking the care required in the particular circumstances of the case, could not avoid and the consequences of which it was unable to prevent.

If the railway is not relieved of liability in accordance with the preceding subparagraph, the railway shall be wholly liable up to the limits laid down in this Convention, but without prejudice to any right of action which the railway may have against the third party.

5. This Convention shall not affect any liability which may be incurred by the railway in cases not provided for under paragraph 1.

6. For the purposes of this Convention, the "responsible railway" is that which, according to the list of lines provided for in Article 59 of CIV, operates the line on which the accident occurs. If, in accordance with the aforementioned list, there is joint operation of the line by two railways, each of them shall be liable.

#### *Article 3. DAMAGES IN CASE OF DEATH OF THE PASSENGER*

1. In the case of the death of the passenger the damages shall include:

- (a) Any necessary expenses following on the death, in particular the cost of transport of the body, burial and cremation;
- (b) If death does not occur at once, the damages defined in Article 4.

2. If, through the death of the passenger, persons towards whom he had, or would have had in the future, a legally enforceable duty to maintain are deprived of their support such persons shall also be indemnified for their loss. Rights of action for damages by persons whom the passenger was maintaining without being legally bound to do so shall be governed by national law.

#### *Article 4. DAMAGES IN CASE OF PERSONAL INJURY TO THE PASSENGER*

In the case of personal injury or any other bodily or mental harm to the passenger the damages shall include:

- (a) Any necessary expenses, in particular the cost of medical treatment and transport;
- (b) Compensation for loss due to total or partial incapacity to work, or to increased expenditure on his personal requirements necessitated by the injury.

#### *Article 5. COMPENSATION FOR OTHER INJURIES*

National law shall determine whether and to what extent the railway shall be bound to pay damages for injuries other than those for which there is provision in Articles 3 and 4, in particular for mental or physical pain and suffering (*pretium doloris*) and for disfigurement.

#### *Article 6. FORM AND LIMIT OF DAMAGES IN CASE OF DEATH OF, OR PERSONAL INJURY TO THE PASSENGER*

1. The damages under Article 3 (2) and Article 4 (b) shall be awarded in the form of a lump sum; however, if national law permits payment of an annuity, damages shall be awarded in this form if so requested by the injured passenger or the claimants designated in Article 3 (2).

2. The amount of damages to be awarded under paragraph 1 shall be determined in accordance with national law. However, in the event of the national law providing for a maximum limit of less than 200,000 francs, the limit per passenger shall, for the purposes of this Convention, be fixed at 200,000 francs in the form of a lump sum or of an annuity corresponding to that amount.

*Article 7. LIMIT OF DAMAGES IN CASE OF DAMAGE TO  
OR LOSS OF ARTICLES*

When, under the provisions of this Convention, the railway is liable to pay damages for damage to, or for total or partial loss of any articles which the passenger who has sustained an accident had either on him or with him as hand luggage, including any animals which he had with him, compensation for the damage may be claimed up to the sum of 2,000 francs per passenger.

*Article 8. AMOUNT OF DAMAGES IN CASE OF WILFUL MISCONDUCT  
OR GROSS NEGLIGENCE*

The provisions of Articles 6 and 7 of this Convention or those of the national law which limit compensation to a fixed amount shall not apply if the damage results from wilful misconduct or gross negligence of the railway.

*Article 9. INTEREST AND REFUND OF COMPENSATION*

The claimant shall be entitled to claim interest on compensation which shall be calculated at the rate of 5 per cent per annum. Such interest shall accrue from the date of the claim, or, if a claim has not been made, from the date on which legal proceedings are instituted, save that for compensation due under Articles 3 and 4, interest shall accrue only from the day on which the events relevant to its assessment occurred, if that day is later than the date of the claim or the date on which legal proceedings were instituted.

2. Any compensation improperly obtained shall be refunded.

*Article 10. PROHIBITION OF LIMITATION OF LIABILITY*

Any terms or conditions of carriage or special agreements concluded between the railway and the passenger which purport to exempt the railway in advance, either totally or partially, from liability under this Convention, or which have the effect of reversing the burden of proof resting on the railway, or which provide for limits lower than those laid down in Article 6 (2) and Article 7, shall be null and void. Such nullity shall not, however, avoid the contract of carriage which shall remain subject to the provisions of CIV and this Convention.

*Article 11. LIABILITY OF RAILWAYS FOR THEIR SERVANTS*

The railway shall be liable in respect of servants in its own employ and in respect of any other persons whom it employs to perform carriage for which it is responsible.

If, however, railway servants, at the request of a passenger, render services which the railway itself is under no obligation to render, they shall be deemed to act on behalf of the passenger to whom the services are rendered.

*Article 12. BRINGING OF ACTIONS NOT WITHIN THE PROVISIONS  
OF THIS CONVENTION*

No action of any kind shall be brought against a railway in respect of its liability under Article 2 (1) of this Convention, except subject to the conditions and limitations laid down in this Convention.

The same shall apply to any action brought against persons for whom the railway is liable under Article 11.

### Article 13. CLAIMS

1. The making of claims for damages under this Convention is not obligatory; they may be made against one of the following railways provided that it has its principal office on the territory of a State party to this Convention:

1. The railway responsible; if, in accordance with Article 2 (6), two railways are responsible, against one of them;
2. The railway of the place of departure;
3. The railway of the place of destination;
4. The railway of the place of the passenger's domicile or of his usual place of residence.

2. Claims shall be made in writing. The documents which a claimant thinks it advisable to attach to his claim shall be produced either in the original or by copies duly authenticated if the railway so requires.

### Article 14. RAILWAY AGAINST WHICH AN ACTION MAY BE BROUGHT

An action for damages brought under this Convention shall only be brought against the responsible railway.

In the case of joint operation by two railways the claimant shall have a right of election as to which of the two railways he will sue. This right shall be extinguished as soon as an action has been instituted against one of them.

### Article 15. JURISDICTION

Actions brought under this Convention may only be instituted in the competent court of the State on whose territory the accident to the passenger occurred, unless otherwise provided in agreements between States, or in any licence or other document authorising the operation of the railway concerned.

### Article 16. EXTINCTION OF RIGHTS OF ACTION

1. A claimant shall lose his right of action if he does not give notice of the accident to a passenger to one of the railways to which a claim may be presented in accordance with Article 13 within three months of his becoming aware of the damage.

When notice of the accident is given orally by the claimant, confirmation of this oral notice must be delivered to the claimant by the railway to which the accident has been notified.

2. Nevertheless the right of action shall not be extinguished:

- (a) If, within the period of time provided for in paragraph 1, the claimant has made a claim to one of the railways designated in Article 13 (1);
- (b) If the claimant proves that the accident was caused by the wrongful act or neglect of the railway;
- (c) If notice of the accident has not been given, or has been given late, as a result of circumstances for which the claimant is not responsible;
- (d) If during the period of time specified in paragraph (1), the railway responsible—or one of the two railways if in accordance with Article 2 (6) two railways are responsible—knows of the accident to the passenger through other means.

### Article 17. LIMITATION OF ACTIONS

1. The periods of limitation for actions for damages brought under this Convention shall be:

- (a) In the case of the passenger who has sustained an accident, three years from the day after the accident;

(b) In the case of other claimants, three years from the day after the death of the passenger, or five years from the day after the accident, whichever is the earlier.

2. When a claim is made to the railway in accordance with Article 13, the three periods of limitation provided for in paragraph 1 shall be suspended until such date as the railway rejects the claim by notification in writing, and returns the documents attached thereto. If part of the claim is admitted, the period of limitation shall start to run again only in respect of that part of the claim still in dispute. The burden of proof of the receipt of the claim or of the reply and of the return of the documents shall rest with the party relying upon these facts.

The running of the period of limitation shall not be suspended by further claims having the same object.

3. A right of action which has become barred by lapse of time may not be exercised even by way of counterclaim or set-off.

4. Subject to the foregoing provisions, the limitation of actions shall be governed by national law.

#### *Article 18. NATIONAL LAW*

1. In the absence of provisions in this Convention, national law shall apply.

2. For the purpose of this Convention, "national law" means the law of the State on whose territory the accident to the passenger occurs, including the rules relating to conflict of laws.

#### *Article 19. GENERAL RULES OF PROCEDURE*

In the case of legal proceedings arising out of the application of this Convention, the procedure to be followed shall be that of the competent court, subject to any provisions to the contrary in this Convention.

#### *Article 20. EXECUTION OF JUDGMENTS. SECURITY FOR COSTS*

1. Judgments entered by the competent court under the provisions of this Convention after trial, or by default, shall, when they have become enforceable under the law applied by that court, become enforceable in any of the other Contracting States as soon as the formalities required in the State concerned have been complied with. The merits of the case shall not be the subject of further proceedings.

The foregoing provisions shall not apply to interim judgments nor to awards of damages in addition to costs, against a plaintiff who fails in his action.

Settlements concluded between the parties before the competent court with a view to putting an end to a dispute, and which have been entered on the record of that court, shall have the force of a judgment of that court.

2. Security for costs shall not be required in proceedings arising out of the provisions of this Convention.

#### *Article 21. MONETARY UNIT*

The amounts stated in francs in this Convention shall be deemed to relate to the gold franc weighing 10/31 of a gramme and being of millesimal fineness 900.

#### *Article 22. CARRIAGE BY MORE THAN ONE MODE OF TRANSPORT*

1. Subject to the provisions of paragraph 2 of this Article, this Convention shall not apply to damage arising in the course of carriage by road services or shipping services included in the list of lines referred to in Article 59 of CIV.

2. However, where railway vehicles are carried by ferry, this Convention shall apply to damage referred to in Article 2 (1) and caused by an accident arising out of the



operation of the railway which happens while the passenger is in, entering or alighting from the said vehicles.

For the purpose of the application of this paragraph, the State on whose territory the accident occurred means the State whose flag is flown by the ferry.

3. When, because of exceptional circumstances, the railway finds itself obliged temporarily to suspend operations and itself carries the passengers or has them carried by another mode of transport, it shall be liable in accordance with the law relating to that mode of transport. Nevertheless, the provisions of Articles 13 to 17, 18 (2), 19 and 20 of this Convention shall remain applicable.

#### *Article 23. LIABILITY IN CASE OF NUCLEAR INCIDENTS*

The railway shall not be liable under this Convention for damage caused by a nuclear incident when, pursuant to special provisions in force in a Contracting State governing liability in the field of nuclear energy, the operator of a nuclear installation or another person who is substituted for him is liable for the damage.

#### *Article 24. SIGNATURE*

This Convention shall remain open until 1st July, 1966, for signature by the States which have been invited to be represented at the Conference held in Berne from 21st to 26th February, 1966.

#### *Article 25. RATIFICATION AND ENTRY INTO FORCE*

This Convention shall be subject to ratification and the instruments of ratification shall be deposited with the Swiss Government as soon as possible.

When the Convention has been ratified by fifteen States, the Swiss Government shall consult the Governments concerned with a view to fixing with them the date for entry into force.

#### *Article 26. ACCESSION*

If a State which is a party to the International Convention concerning the Carriage of Passengers and Luggage by Rail (CIV) of 25th February, 1961, but has not signed this Convention, wishes to accede to this Convention, that State shall inform the Swiss Government, who shall inform the Contracting States.

Every accession shall take effect one month after the date on which the Swiss Government has informed the Contracting States of the request.

#### *Article 27. DURATION AND REVISION*

This Convention shall have the same duration as the International Convention concerning the Carriage of Passengers and Luggage by Rail (CIV) of 25th February, 1961; it may be revised in accordance with the procedure provided for in Article 68 (1) of that Convention and may, in due course, be made part of it.

#### *Article 28. TEXTS OF THE CONVENTION. OFFICIAL TRANSLATIONS*

This Convention has been concluded and signed in the French language in accordance with established diplomatic practice.

In addition to the French text there shall be English, German and Italian texts having the status of official translations.

In case of divergence, the French text shall prevail.

IN WITNESS WHEREOF, the following Plenipotentiaries, furnished with full powers which have been found to be in good and due form, have signed this Convention.

DONE at Berne, this twenty-sixth day of February, one thousand nine hundred and sixty-six, in one original which shall be deposited in the archives of the Swiss Confederation and of which an authentic copy shall be sent to each of the Parties.

For Austria:

Dr. DUTKA  
Subject to ratification

For Belgium:

ROTHSCHILD

For Bulgaria:

DRAGOMIROV NIKOLOV

For Denmark:

TH. JENSEN

For Spain:

DE SANTA CRUZ INGUANZO

For Finland:

RAGNAR SMEDSLUND

For France:

G. BONNEAU

For Greece:

For Hungary:

For Iraq:

For Italy:

GIUSEPPE SANTONI-RUGIU

For Lebanon:

M. FARAH

For Liechtenstein:

BECK

For Luxembourg:

EICHHORN

For Morocco:

ABDEL KADER LARAQUI

For Norway:

M. A. JØRGENSEN

For the Netherlands:

M. MOURIK

For Poland:

BATKOWSKI

For Portugal:

With the reservation provided for in article 1 (2)  
R. TEIXEIRA GUERRA

For Romania:

With the reservation provided for in article 1 (2)  
PAUL AUREL MATEESCU

For the United Kingdom of Great Britain and Northern Ireland:

For Sweden:

For Switzerland:

SCHALLER

For Syria:

M. AL-MALLAH

For Czechoslovakia:

Dr. VLADIMIR PEPRNÝ

For Tunisia:

With the reservation of article 1 (2)  
ZOUHIR CHELLI

For Turkey:

KEMAL DEMIRER

For Yugoslavia:

MARA RADIĆ

DECLARATION MADE UPON  
ACCESSIONDÉCLARATION FAITE  
LORS DE L'ADHÉSION*FEDERAL REPUBLIC OF GERMANY**RÉPUBLIQUE FÉDÉRALE  
D'ALLEMAGNE*

## [TRANSLATION — TRADUCTION]

The agreement of 17 December 1971 between the Government of the Federal Republic of Germany and the Government of the German Democratic Republic on transit traffic of civilians and goods between the Federal Republic of Germany and Berlin (West) as well as documents which are part thereof shall not be affected by participation in the aforementioned Convention.

«L'accord du 17 décembre 1971 entre le Gouvernement de la République fédérale d'Allemagne et le Gouvernement de la République démocratique allemande relatif au trafic en transit des personnes civiles et des marchandises entre la République fédérale d'Allemagne et Berlin (Ouest), y compris les documents qui en font partie, ne sera pas affecté par la participation à la Convention précitée.»

[OFFICIAL ENGLISH TRANSLATION<sup>1</sup> — TRADUCTION ANGLAISE OFFICIELLE<sup>2</sup>]

**PROTOCOL A<sup>3,4</sup> DRAWN UP BY THE EXTRAORDINARY CONFERENCE CONVENED TO DESIGNATE THE MEMBERS OF THE ADMINISTRATIVE COMMITTEE OF THE CENTRAL OFFICE FOR INTERNATIONAL RAILWAY TRANSPORT AND TO ADOPT A CONVENTION, ADDITIONAL TO THE INTERNATIONAL CONVENTION CONCERNING THE CARRIAGE OF PASSENGERS AND LUGGAGE BY RAIL (CIV) OF THE 25th FEBRUARY 1961,<sup>5</sup> RELATING TO THE LIABILITY OF THE RAILWAYS FOR THE DEATH OF AND INJURY TO PASSENGERS**

On the occasion of the Extraordinary Conference convened at Berne from the 21st to the 26th February 1966, to designate the members of the Administrative Committee of the Central Office for International Railway Transport and to adopt a Convention, additional to the International Convention concerning the Carriage of Passengers and Luggage by Rail (CIV) of the 25th February 1961,<sup>5</sup> relating to the liability of the railways for the death of and injury to passengers.

The undersigned Plenipotentiaries have agreed as follows:

Considering that the recent extension of the field of application of the International Conventions to the States of North Africa and to those of the Near and Middle East would make it most difficult to maintain an equitable geographical representation if the com-

<sup>1</sup> Translation supplied by the Government of the United Kingdom.

<sup>2</sup> Traduction fournie par le Gouvernement du Royaume-Uni.

<sup>3</sup> Protocol A came into force provisionally from 1 March 1966 in respect of the following States in whose name it had been signed on 26 February 1966, in accordance with the fourth paragraph of its substantive part:

Austria	Lebanon	Spain
Belgium	Liechtenstein	Sweden
Bulgaria	Luxembourg	Switzerland
Czechoslovakia	Morocco	Syrian Arab Republic
Denmark	Netherlands	Tunisia
Finland	Norway	Turkey
France	Poland	United Kingdom of Great Britain and Northern Ireland
Hungary	Portugal	Yugoslavia
Italy	Romania	

Subsequently, instruments of ratification or accession to Protocol A were deposited with the Government of Switzerland as follows, with provisional effect from the date of deposit:

State	Date of deposit of the instrument of ratification or accession (a)	State	Date of deposit of the instrument of ratification or accession (a)
Sweden . . . . .	18 July 1966	Belgium . . . . .	14 October 1968
Czechoslovakia . . . . .	14 November 1966	Syrian Arab Republic . . . . .	9 December 1968
Denmark . . . . .	23 February 1967	Switzerland . . . . .	21 January 1969
Netherlands . . . . .	9 May 1967	Iraq . . . . .	21 March 1969 a
(For the territory in Europe only.)		Luxembourg . . . . .	20 May 1970
Yugoslavia . . . . .	17 July 1967	Finland . . . . .	30 December 1970
Spain . . . . .	4 August 1967	Poland . . . . .	25 February 1971
Liechtenstein . . . . .	5 October 1967	Turkey . . . . .	7 May 1971
France . . . . .	11 March 1968	Norway . . . . .	16 August 1971
Hungary . . . . .	19 March 1968	Bulgaria . . . . .	21 October 1971

position of the Administrative Committee remains limited to nine members as provided for in the Conventions.

It is decided

To amend the provisions of the first Article, paragraph 2(a) of Annex V to CIM<sup>1</sup> and of Annex II to CIV, so as to raise the number of members of the Administrative Committee from nine to eleven, as follows:

“2(a) The Administrative Committee shall meet at Berne. It shall be composed of eleven members chosen from the Contracting States.”

This Protocol, additional to the CIM and CIV Conventions of the 25th February 1961, shall remain open for signature until the 1st July 1966.

It shall enter into force provisionally on the 1st March 1966. As regards its ratification and its definitive entry into force, the provisions of Article 66 and paragraph 2 of Article 69 of CIM, and of Article 65 and paragraph 2 of Article 68 of CIV shall apply by analogy.

IN WITNESS WHEREOF, the following Plenipotentiaries, furnished with full powers which have been found to be in good and due form, have signed this Protocol.

DONE at Berne, this twenty-sixth day of February, one thousand nine hundred and sixty-six, in a single original, which shall be deposited in the archives of the Swiss Confederation and of which a certified copy shall be sent to each of the Parties.

(Continued from page 112)

<sup>4</sup> Protocol A came into force definitively on 1 January 1972 in respect of the following States, in whose name an instrument of ratification or accession had been deposited with the Government of Switzerland in accordance with the fourth paragraph of its substantive part and in accordance with the provisions of Protocol II mentioned hereafter established by the Diplomatic Conference convened with a view to bring definitively into force the said Protocol concluded at Berne on 22 October 1971:

State	Date of deposit of the instrument of ratification, or date of entry into force of the accession (a)	State	Date of deposit of the instrument of ratification, or date of entry into force of the accession (a)
Belgium . . . . .	14 October 1968	Netherlands . . . . .	9 May 1967
Bulgaria . . . . .	21 October 1971	(For the territory in Europe only.)	
Czechoslovakia . . . . .	14 November 1966	Norway . . . . .	16 August 1971
Denmark . . . . .	23 February 1967	Poland . . . . .	25 February 1971
Finland . . . . .	30 December 1970	Spain . . . . .	4 August 1967
France . . . . .	11 March 1968	Sweden . . . . .	18 July 1966
Hungary . . . . .	19 March 1968	Switzerland . . . . .	21 January 1969
Iraq . . . . .	2 June 1969 <sup>a</sup>	Syrian Arab Republic . . . . .	9 December 1968
Liechtenstein . . . . .	5 October 1967	Turkey . . . . .	7 May 1971
Luxembourg . . . . .	20 May 1970	Yugoslavia . . . . .	17 July 1967

Subsequently, Protocol A came into force in respect of the following States on the date of deposit with the Government of Switzerland of their respective instruments of ratification of Protocol II of 22 October 1971, or on the date of the notification by the Government of Switzerland to the Parties of the ratification of Protocol A, in accordance with the provisions of Protocol II.

State	Date of deposit of the instrument of ratification of Protocol A	Date of definitive entry into force upon deposit of instruments of ratification of Protocol II (r) or upon notification of ratification of Protocol A (R)
United Kingdom of Great Britain and Northern Ireland. . . . .	10 June 1969	5 September 1972 <sup>r</sup>
Austria . . . . .	2 July 1969	7 September 1973 <sup>r</sup>
Portugal . . . . .	20 October 1971	28 September 1972 <sup>r</sup>
Morocco . . . . .	28 June 1973	6 July 1973 <sup>R</sup>

<sup>5</sup> See p. 2 of this volume.

<sup>1</sup> United Nations, *Treaty Series*, vol. 1100, p. 3.

For Austria:

Dr. DUTKA  
(Subject to ratification)

For Belgium:

ROTHSCHILD

For Bulgaria:

DRAGOMIROV NIKOLOV

For Denmark:

TH. JENSEN

For Spain:

DE SANTA CRUZ INGUANZO

For Finland:

RAGNAR SMEDSLUND

For France:

G. BONNEAU

For Greece:

For Hungary:

KUZSEL D.

For Iraq:



For Italy:

GIUSEPPE SANTONI-RUGIU

For Lebanon:

M. FARAH

For Liechtenstein:

BECK

For Luxembourg:

EICHHORN

For Morocco:

ABDEL KADER LARAQUI

For Norway:

N. A. JØRGENSEN

For the Netherlands:

M. MOURIK

For Poland:

BATKOWSKI

For Portugal:

R. TEIXEIRA GUERRA

For Romania:

PAUL AUREL MATEESCU

For the United Kingdom of Great Britain and Northern Ireland:

G. G. D. HILL  
DAVID L. SMITHERS

For Sweden:

CLAS NORDSTRÖM

For Switzerland:

SCHALLER

For Syria:

M. AL-MALLAH

For Czechoslovakia:

Dr. VLADIMIR PEPRNÝ

For Tunisia:

ZOUHIR CHELLI

For Turkey:

KEMAL DEMIRER

For Yugoslavia:

MARA RADIĆ

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[OFFICIAL ENGLISH TRANSLATION<sup>1</sup> — TRADUCTION ANGLAISE OFFICIELLE<sup>2</sup>]

PROTOCOL I<sup>3</sup> DRAWN UP BY THE DIPLOMATIC CONFERENCE CONVENED TO BRING INTO FORCE THE ADDITIONAL CONVENTION TO THE INTERNATIONAL CONVENTION CONCERNING THE CARRIAGE OF PASSENGERS AND LUGGAGE BY RAIL (CIV) OF 25 FEBRUARY 1961, RELATING TO THE LIABILITY OF THE RAILWAY FOR DEATH OF AND PERSONAL INJURY TO PASSENGERS,<sup>4</sup> AND ITS RELATED PROTOCOL B,<sup>5</sup> BOTH SIGNED AT BERNE ON 26 FEBRUARY 1966

In implementation of Article 25 of the Additional Convention to the International Convention concerning the Carriage of Passengers and Luggage by Rail (CIV) of 25 February 1961, relating to the Liability of the Railway for Death of and Personal Injury to Passengers, signed at Berne on 26 February 1966,<sup>4</sup> concluded between

Algeria, Austria, Belgium, Bulgaria, Czechoslovakia, Denmark, Finland, France, Iraq, Italy, Lebanon, Liechtenstein, Luxembourg, Morocco, Norway, the Netherlands, Poland, Portugal, Romania, Spain, Switzerland, Syria, Tunisia, Turkey and Yugoslavia,

and on the invitation issued by the Swiss Federal Council to the High Contracting Parties, the undersigned Plenipotentiaries met at Berne on 20, 21 and 22 October 1971.

After having communicated their full powers, found in good and due form, they took note of the declaration by the Swiss Government that the instruments of ratification of the Additional Convention and of Protocol B of 26 February 1966,<sup>5</sup> which were examined and found correct, had been deposited with the Government of the Swiss Confederation by the following States and on the dates given below:

1. Czechoslovakia, 14 November 1966,

<sup>1</sup> Translation supplied by the Government of the United Kingdom.

<sup>2</sup> Traduction fournie par le Gouvernement du Royaume-Uni.

<sup>3</sup> Came into force on 22 October 1971 in respect of the following States, in whose name it had been signed without reservation as to ratification on the said date:

Belgium	Netherlands
Bulgaria	Norway
Denmark	Poland
Finland	Romania
France	Spain
Iraq	Switzerland
Italy	Syrian Arab Republic
Liechtenstein	Turkey
Luxembourg	Yugoslavia
Morocco	

Subsequently, definitive signatures of Protocol I were affixed as follows, with effect from the date of deposit:

Tunisia . . . . .	19 November 1971
Algeria . . . . .	31 December 1971

Subsequently, instruments of ratification of Protocol I were deposited with the Government of Switzerland as follows, with effect from the date of deposit:

Portugal . . . . .	28 September 1972
Austria . . . . .	7 September 1973

<sup>4</sup> See p. 96 of this volume.

<sup>5</sup> See p. 145 of this volume.

2. Denmark, 23 February 1967,
3. Netherlands, 9 May 1967,
4. Yugoslavia, 17 July 1967,
5. Spain, 4 August 1967,
6. Liechtenstein, 5 October 1967,
7. France, 8 February 1968,
8. Belgium, 14 October 1968,
9. Syria, 9 December 1968 (Additional Convention only),
10. Switzerland, 21 January 1969,
11. Austria, 2 July 1969,
12. Luxembourg, 20 May 1970,
13. Turkey, 17 July 1970,
14. Finland, 28 August 1970,
15. Poland, 25 February 1971,
16. Norway, 16 August 1971,
17. Portugal, 20 October 1971,
18. Bulgaria, 21 October 1971,

and that the following States had acceded to the Additional Convention, in accordance with Article 26 thereof, on the dates given below:

1. Iraq, 2 June 1969,
2. Algeria, 30 October 1969.

The Conference, having established that more than fifteen States had deposited their instruments of ratification with the Swiss Government, and that two States had acceded to this Convention, agreed upon the following provisions:

1. The Additional Convention to the International Convention concerning the Carriage of Passengers and Luggage by Rail (CIV) of 25 February 1961, relating to the Liability of the Railway for Death of and Personal Injury to Passengers, signed at Berne on 26 February 1966, shall be brought into force on 1 January 1973.

2. In accordance with sub-paragraph 5 of paragraph 2 of Protocol B of 26 February 1966, that Protocol shall enter into force six months before the date fixed for the entry into force of the Additional Convention, that is to say, on 1 July 1972.

In the case of States depositing their instruments of ratification after 1 November 1972, the Convention shall be applicable as from the first day of the second month after the month during which the Swiss Government shall have notified such deposit to the Governments of the Contracting States.

This Protocol shall remain open for signature until 31 December 1971.

IN WITNESS WHEREOF, the Plenipotentiaries have drawn up and signed this Protocol.

DONE at Berne, this twenty-second day of October, one thousand nine hundred and seventy-one, in a single original, which shall be deposited in the Archives of the Swiss Confederation and of which a certified copy shall be sent to each of the Parties.

For Algeria:

SETTOUTI  
31.12.1971

For Austria:

STANFEL  
Subject to ratification

For Belgium:

L. COLOT

For Bulgaria:

L. ANGUELOV

For Denmark:

S. A. JENSTRUP

For Spain:

J. F. DE ALCOVER

For Finland:

EERO YRJÖLÄ

For France:

JEAN GROSSIN

For Greece:

For Hungary:

For Iraq:

AL-SAAD

For Iran:

For Ireland:

For Italy:

GIUSEPPE SANTONI-RUGIU

For Lebanon:

For Liechtenstein:

M. LEDEBUR

For Luxembourg:

EICHORN

For Morocco:

EL FASSI

For Norway:

AUG. FLEISCHER

For the Netherlands:

K. F. WESTEROUEN VAN MEETEREN

For Poland:

S. DABROWA

For Portugal:

EDUARDO MANUEL FERNANDES BUGALHO  
Subject to ratification

For Romania:

MUNTEANU  
TR. COSTANTINESCU

For the United Kingdom of Great Britain and Northern Ireland:

For Sweden:

For Switzerland:

SCHALLER

For Syria:

SIBA NASER

For Czechoslovakia:

For Tunisia:

TAHAR AMEUR  
19 November 1971

For Turkey:

H. GERMEYANLIGIL

For Yugoslavia:

V. MILOVANOVIĆ

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[OFFICIAL ENGLISH TRANSLATION<sup>1</sup> — TRADUCTION ANGLAISE OFFICIELLE<sup>2</sup>]

PROTOCOL II<sup>3</sup> DRAWN UP BY THE DIPLOMATIC CONFERENCE CONVENED TO BRING INTO FORCE DEFINITELY PROTOCOL A OF 26 FEBRUARY 1966<sup>4</sup> CONCERNING THE INCREASE IN THE NUMBER OF MEMBERS OF THE ADMINISTRATIVE COMMITTEE OF THE CENTRAL OFFICE FOR INTERNATIONAL RAILWAY TRANSPORT

In accordance with Protocol A<sup>4</sup> drawn up by the Extraordinary Conference convened to designate the members of the Administrative Committee of the Central Office for International Railway Transport and to adopt a Convention, additional to the International Convention concerning the Carriage of Passengers and Luggage by Rail (CIV) of 25 February 1961, relating to the Liability of the Railway for Death of and Personal Injury to Passengers,<sup>5</sup> which Protocol was concluded between

Austria, Belgium, Bulgaria, Czechoslovakia, Denmark, Finland, France, Hungary, Iraq, Italy, Lebanon, Liechtenstein, Luxembourg, Morocco, the Netherlands, Norway, Poland, Portugal, Romania, Spain, Sweden, Switzerland, Syria, Tunisia, Turkey, the United Kingdom and Yugoslavia

and on the invitation issued by the Swiss Federal Council to the High Contracting Parties, the undersigned Plenipotentiaries met at Berne on 20, 21 and 22 October 1971.

<sup>1</sup> Translation supplied by the Government of the United Kingdom.

<sup>2</sup> Traduction fournie par le Gouvernement du Royaume-Uni.

<sup>3</sup> Came into force on 22 October 1971 in respect of the following States on behalf of which it had been signed on the said date without reservation as to ratification:

Belgium	Netherlands
Bulgaria	Norway
Denmark	Poland
Finland	Romania
France	Spain
Hungary	Sweden
Iraq	Switzerland
Italy	Syrian Arab Republic
Liechtenstein	Turkey
Luxembourg	Yugoslavia
Morocco	

Subsequently, definitive signatures of Protocol II were affixed as follows, with effect from the date of deposit:

<i>State</i>	<i>Date of definitive signature</i>
Tunisia . . . . .	19 November 1971
Algeria . . . . .	31 December 1971

Subsequently, instruments of ratification of Protocol II were deposited with the Government of Switzerland as follows, with effect from the date of deposit:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
United Kingdom of Great Britain and Northern Ireland . . . . .	5 September 1972
Portugal . . . . .	28 September 1972
Austria . . . . .	7 September 1973

<sup>4</sup> See p. 112 of this volume.

<sup>5</sup> See p. 96 of this volume.

After having communicated their full powers, found in good and due form, they took note of the declaration by the Swiss Government that the instruments of ratification of Protocol A of 26 February 1966, which were examined and found correct, had been deposited with the Government of the Swiss Confederation by the following States and on the dates given below:

1. Sweden, 18 July 1966,
2. Czechoslovakia, 14 November 1966,
3. Denmark, 23 February 1967,
4. The Netherlands, 9 May 1967,
5. Yugoslavia, 17 July 1967,
6. Spain, 4 August 1967,
7. Liechtenstein, 5 October 1967,
8. France, 11 March 1968,
9. Hungary, 19 March 1968,
10. Belgium, 14 October 1968,
11. Syria, 9 December 1968,
12. Switzerland, 21 January 1969,
13. The United Kingdom, 10 June 1969,
14. Austria, 2 July 1969,
15. Luxembourg, 20 May 1970,
16. Finland, 30 December 1970,
17. Poland, 25 February 1971,
18. Turkey, 5 May 1971,
19. Norway, 16 August 1971,
20. Portugal, 20 October 1971,
21. Bulgaria, 21 October 1971

and that the following State had, in accordance with Articles 67 of CIM<sup>1</sup> and 66 of CIV,<sup>2</sup> acceded to the Protocol on the date given below:

Iraq, 2 June 1969

The Conference, having established that more than fifteen States had deposited their instruments of ratification with the Swiss Government, and that one State had acceded to Protocol A of 26 February 1966, agreed upon the following provisions:

Protocol A, signed at Berne on 26 February 1966, provisionally brought into force on 1 March 1966 by the Extraordinary Conference of February 1966, and relating to the amendment of Article 1 (2) (a) of Annexes V to CIM and II to CIV of 25 February 1961 (increase in the number of members of the Administrative Committee from nine to eleven), shall be brought into force on 1 January 1972.

In the case of States depositing their instruments of ratification with the Swiss Government after 22 October 1971, Protocol A of 26 February 1966 shall enter into force on the date on which the Swiss Government shall have notified such deposit to the Governments of the Contracting States.

This Protocol shall remain open for signature until 31 December 1971.

<sup>1</sup> United Nations, *Treaty Series*, vol. 1100, p. 3.

<sup>2</sup> See p. 2 of this volume.

IN WITNESS WHEREOF, the Plenipotentiaries have drawn up and signed this Protocol.

DONE at Berne, this twenty-second day of October, one thousand nine hundred and seventy-one, in a single original, which shall be deposited in the archives of the Swiss Confederation, and of which a certified copy shall be sent to each of the Parties.

For Algeria:

SETTOUTI  
31.12.1971

For Austria:

STANFEL  
Subject to ratification

For Belgium:

L. COLOT

For Bulgaria:

L. ANGUELOV

For Denmark:

S. A. JENSTRUP

For Spain:

J. F. DE ALCOVER

For Finland:

EERO YRJÖLÄ

For France:

JEAN GROSSIN

For Greece:

For Hungary:

KUZSEL D.

For Iraq:

AL-SAAD

For Iran:

For Ireland:

For Italy:

GIUSEPPE SANTONI-RUGIU

For Lebanon:

For Liechtenstein:

M. LEDEBUR

For Luxembourg:

EICHHORN

For Morocco:

EL FASSI

For Norway:

AUG. FLEISCHER

For the Netherlands:

K. F. WESTEROUEN VAN MEETEREN

For Poland:

S. DABROWA

For Portugal:

EDUARDO MANUEL FERNANDES BUGALHO  
Subject to ratification

For Romania:

MUNTEANU  
TR. CONSTANTINESCU

For the United Kingdom of Great Britain and Northern Ireland:

G. G. D. HILL  
Subject to ratification

For Sweden:

ÅKE WEIDSTAM

For Switzerland:

SCHALLER

For Syria:

SIBA NASER

For Czechoslovakia:

For Tunisia:

TAHAR AMEUR  
19 November 1971

For Turkey:

H. GERMEYANLIGIL

For Yugoslavia:

V. MILOVANOVIĆ

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[OFFICIAL ENGLISH TRANSLATION<sup>1</sup> — TRADUCTION ANGLAISE OFFICIELLE<sup>2</sup>]

**PROTOCOL B<sup>3,4</sup> DRAWN UP BY THE EXTRAORDINARY CONFERENCE CONVENED TO APPOINT THE MEMBERS OF THE ADMINISTRATIVE COMMITTEE OF THE CENTRAL OFFICE FOR INTERNATIONAL RAILWAY TRANSPORT AND TO ADOPT AN ADDITIONAL CONVENTION TO THE INTERNATIONAL CONVENTION CONCERNING THE CARRIAGE OF PASSENGERS AND LUGGAGE BY RAIL (CIV) OF 25th FEBRUARY 1961,<sup>5</sup> RELATING TO THE LIABILITY OF THE RAILWAY FOR DEATH OF AND PERSONAL INJURY TO PASSENGERS<sup>6</sup>**

On the occasion of the Extraordinary Conference convened at Berne from 21st to 26th February 1966 to appoint the members of the Administrative Committee of the Central Office for International Railway Transport and to adopt an Additional Convention to the International Convention concerning the Carriage of Passengers and Luggage by Rail (CIV) of 25th February 1961,<sup>5</sup> relating to the Liability of the Railway for Death of and Personal Injury to Passengers,<sup>6</sup>

<sup>1</sup> Translation supplied by the Government of the United Kingdom.

<sup>2</sup> Traduction fournie par le Gouvernement du Royaume-Uni.

<sup>3</sup> Came into force on 1 July 1972 (i.e., six months before the date decided upon for the application of the Additional Convention of 26 February 1966) in respect of the following States on behalf of which an instrument of ratification or a notification of accession had been deposited with the Government of Switzerland, in accordance with its provisions:

<i>State</i>	<i>Date of deposit of the instrument of ratification or of the notification of accession (a)</i>	<i>State</i>	<i>Date of deposit of the instrument of ratification or of the notification of accession (a)</i>
Algeria . . . . .	30 October 1969 <i>a</i>	Netherlands . . . . .	9 May 1967
Austria . . . . .	2 July 1969	(For the territory in Europe only.)	
Belgium . . . . .	14 October 1968	Norway . . . . .	16 August 1971
Bulgaria . . . . .	21 October 1971	Poland . . . . .	25 February 1971
Czechoslovakia . . . . .	14 November 1966	Portugal . . . . .	20 October 1971
Denmark . . . . .	23 February 1967	Spain . . . . .	4 August 1967
Finland . . . . .	30 December 1970	Switzerland . . . . .	21 January 1969
France . . . . .	11 March 1968	Syrian Arab Republic . . . . .	10 January 1972
Iraq . . . . .	2 June 1969 <i>a</i>	Turkey . . . . .	7 May 1971
Liechtenstein . . . . .	5 October 1967	Yugoslavia . . . . .	17 July 1967
Luxembourg . . . . .	20 May 1970		

Subsequently, this Protocol came into force in respect of the following State after notification by the Government of Switzerland of the deposit of the instrument of accession in accordance with its provisions:

<i>State</i>	<i>Date of deposit of the instrument of accession</i>
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United Kingdom of Great Britain and Northern Ireland . . . . 17 November 1972  
(With effect from 17 November 1972.)

<sup>4</sup> This Protocol became superfluous following the accessions of the Federal Republic of Germany and the German Democratic Republic to the Conventions CIM and CIV of 25 February 1961, which accessions took effect on 1 April 1973. (Information provided by the Government of Switzerland.)

<sup>5</sup> See p. 2 of this volume.

<sup>6</sup> See p. 96 of this volume.

The undersigned Plenipotentiaries agreed as follows:

1. Having regard to the fact that the Convention relating to the Liability of the Railway for Death of and Personal Injury to Passengers constitutes an Additional Convention to the International Convention concerning the Carriage of Passengers and Luggage by Rail of 25th February 1961,

It has been decided that: States which have not signed the Conventions of 25th October 1952<sup>1</sup> and 25th February 1961, or territorial parts of such States on whose railway lines the Conventions of 25th February 1961 are applied, may, under the provisions of Part I of the Additional Protocol<sup>2</sup> to the International Conventions concerning the Carriage of Goods by Rail (CIM)<sup>3</sup> and the Carriage of Passengers and Luggage by Rail (CIV), signed at Berne on 25th February 1961, become parties to the Additional Convention to CIV relating to the Liability of the Railway for Death of and Personal Injury to Passengers.

2. This Protocol completing the Additional Convention of 26th February 1966 relating to the Liability of the Railway for Death of and Personal Injury to Passengers shall remain open for signature until 1st July 1966.

It shall require ratification.

States which have not signed this Protocol before that date and States becoming parties to the above-mentioned Additional Convention by application of Article 26 thereof may accede to this Protocol by means of notification.

Instruments of ratification or notifications of accession shall be deposited with the Swiss Government.

This Protocol shall enter into force six months before the date fixed for the entry into force of the Additional Convention of 26th February 1966.

IN WITNESS WHEREOF, the following Plenipotentiaries, furnished with full powers which have been found to be in good and due form, have signed this Protocol.

DONE at Berne, this twenty-sixth day of February, one thousand nine hundred and sixty-six, in one original which shall be deposited in the archives of the Swiss Confederation and of which an authentic copy shall be sent to each of the Parties.

For Austria:

[Dr. DUTKA]  
(Subject to ratification)

For Belgium:

[ROTHSCHILD]

For Bulgaria:

[DRAGOMIROV NIKOLOV]

<sup>1</sup> United Nations, *Treaty Series*, vol. 241, p. 336, and vol. 242, p. 2.

<sup>2</sup> *Ibid.*, vol. 1100, p. 3, and p. 2 of this volume.

<sup>3</sup> *Ibid.*, vol. 1100, p. 3.



For Denmark:

[TH. JENSEN]

For Spain:

[DE SANTA CRUZ INGUANZO]

For Finland:

[RAGNAR SMEDSLUND]

For France:

[G. BONNEAU]

For Greece:

For Hungary:

For Iraq:

For Italy:

[GIUSEPPE SANTONI RUGIU]

For Lebanon:

[M. FARAH]

For Liechtenstein:

[BECK]

For Luxembourg:

[EICHHORN]

For Morocco:

[ABDEL KADER LARAQUI]

For Norway:

[N. A. JØRGENSEN]

For the Netherlands:

[E. STAR BUSMANN]

For Poland:

[BATKOWSKI]

For Portugal:

[R. TEIXEIRA GUERRA]

For Romania:

[PAUL AUREL MATEESCU]

For the United Kingdom of Great Britain and Northern Ireland:

For Sweden:

For Switzerland:

[SCHALLER]

For Syria:

[M. AL-MALLAH]

For Czechoslovakia:

[Dr. VLADIMIR PEPRNÝ]

For Tunisia:

[ZOUHIR CHELLI]

For Turkey:

[KEMAL DEMIRER]

For Yugoslavia:

[MARA RADIĆ]

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[OFFICIAL ENGLISH TRANSLATION<sup>1</sup> — TRADUCTION ANGLAISE OFFICIELLE<sup>2</sup>]

PROTOCOL II<sup>3</sup> DRAWN UP BY THE DIPLOMATIC CONFERENCE CONVENED WITH A VIEW TO BRINGING INTO FORCE THE INTERNATIONAL CONVENTIONS CONCERNING THE CARRIAGE OF GOODS BY RAIL (CIM)<sup>4</sup> AND THE CARRIAGE OF PASSENGERS AND LUGGAGE BY RAIL (CIV)<sup>5</sup> OF 7th FEBRUARY 1970 CONCERNING THE EXTENSION OF THE PERIOD OF VALIDITY OF THE ADDITIONAL CONVENTION TO THE CIV OF 1961<sup>6</sup> RELATING TO THE LIABILITY OF THE RAILWAY FOR DEATH OF AND PERSONAL INJURY TO PASSENGERS, SIGNED ON 26th FEBRUARY 1966<sup>7</sup> AND ENTERED INTO FORCE ON 1st JANUARY 1973

<sup>1</sup> Translation supplied by the Government of the United Kingdom.

<sup>2</sup> Traduction fournie par le Gouvernement du Royaume-Uni.

<sup>3</sup> Came into force on 1 January 1975, the date of the entry into force of the CIV Convention of 7 February 1970, in respect of the following States on behalf of which it had been signed without reservation as to ratification, or on behalf of which an instrument of ratification or accession had been deposited with the Government of Switzerland, in accordance with its final provisions:

<i>State</i>	<i>Date of the definitive signature (s) or of the deposit of the instrument of ratification or accession (a)</i>	<i>State</i>	<i>Date of the definitive signature (s) or of the deposit of the instrument of ratification or accession (a)</i>
Algeria . . . . .	16 November 1973 s	Ireland . . . . .	1 November 1974 a
Austria . . . . .	25 September 1974	Liechtenstein . . . . .	9 November 1973 s
Belgium . . . . .	9 November 1973 s	Luxembourg . . . . .	5 September 1974
Bulgaria . . . . .	9 November 1973 s	Morocco . . . . .	9 November 1973 s
Czechoslovakia . . . . .	9 November 1973 s	Netherlands . . . . .	23 November 1974
Denmark . . . . .	9 November 1973 s	Norway . . . . .	9 November 1973 s
Finland . . . . .	9 November 1973 s	Poland . . . . .	29 July 1974
France . . . . .	22 February 1974	Portugal . . . . .	25 November 1974
German Democratic Republic . . . . .	9 November 1973 s	Romania . . . . .	27 November 1974
Germany, Federal Republic of . . . . .	30 December 1974	Spain . . . . .	21 November 1974
(With a declaration that the Protocol is applicable to Berlin (West) from the date of its entry into force for the Federal Republic of Germany.)		Sweden . . . . .	9 November 1973 s
Greece . . . . .	26 November 1974	Switzerland . . . . .	9 November 1973 s
Hungary . . . . .	9 November 1973 s	Tunisia . . . . .	9 November 1973 s
Iraq . . . . .	9 November 1973 s	Turkey . . . . .	9 November 1973 s
		United Kingdom of Great Britain and Northern Ireland . . . . .	16 September 1974
		Yugoslavia . . . . .	9 November 1973 s

Subsequently, the Protocol came into force in respect of the following States after notification by the Government of Switzerland of the deposit of the instrument of ratification or accession, in accordance with its final provisions:

<i>State</i>	<i>Date of notification of deposit of instrument of ratification or accession (a)</i>
Syrian Arab Republic . . . . .	10 April 1975 a
(With effect from 10 April 1975.)	
Italy . . . . .	20 May 1976
(With effect from 20 May 1976.)	

<sup>4</sup> See p. 164 of this volume.

<sup>5</sup> See p. 340 of this volume.

<sup>6</sup> See p. 2 of this volume.

<sup>7</sup> See p. 96 of this volume.

On the occasion of the Diplomatic Conference convened at Berne from 5th to 9th November 1973 with a view to bringing into force the International Conventions concerning the Carriage of Goods by Rail (CIM)<sup>1</sup> and the Carriage of Passengers and Luggage by Rail (CIV)<sup>2</sup> of 7th February 1970,

The undersigned Plenipotentiaries of the States parties to the Additional Convention to the International Convention concerning the Carriage of Passengers and Luggage by Rail (CIV) of 25th February 1961<sup>3</sup> relating to the Liability of the Railway for Death of and Personal Injury to Passengers, of 26th February 1966,<sup>4</sup> after having communicated their full powers, found in good and due form, have agreed as follows:

Whereas

- For purely formal reasons, it has been laid down in Article 27 of the Additional Convention to the International Convention concerning the Carriage of Passengers and Luggage by Rail (CIV) of 25th February 1961 relating to the Liability of the Railway for Death of and Personal Injury to Passengers, signed on 26th February 1966 and entered into force on 1st January 1973, that it would have the same duration as the CIV of 1961, and
- The said Additional Convention had not yet entered into force at the time of the 7th Revision Conference and could not therefore, on that occasion, be revised or integrated with the CIV of 1970,

Recognising that

- The said Additional Convention must remain in force after the abrogation of the CIV of 1961 and the entry into force of the CIV of 1970, and
- An extension of the period of validity of the said Additional Convention does not conflict with the mandate given to the Central Office to study the possibility of combining the texts of the CIV and of the Additional Convention to the CIV, in order to create complete and uniform regulations for the carriage of passengers by rail, analogous with the regulations for other modes of transport,

It has been decided to extend the duration of the Additional Convention of 26th February 1966 and consequently to make the following amendments to the text:

1. The title is amended as follows:

“Additional Convention to the International Convention concerning the Carriage of Passengers and Luggage by Rail (CIV) of 7th February 1970 relating to the Liability of the Railway for Death of and Personal Injury to Passengers.”

2. The second paragraph of the Preamble is amended as follows:

“Have decided to supplement the International Convention concerning the Carriage of Passengers and Luggage by Rail (CIV) of 7th February 1970 by an Additional Convention,”.

3. Article 1 (1) (a) and (b) are amended as follows:

“a) Passengers carried in accordance with the International Convention concerning the Carriage of Passengers and Luggage by Rail (CIV) of 7th February 1970;

b) Attendants accompanying consignments of goods carried in accordance with the International Convention concerning the Carriage of Goods by Rail (CIM) of 7th February 1970.”

4. Article 2 (6) is amended as follows:

<sup>1</sup> See p. 164 of this volume.

<sup>2</sup> See p. 340 of this volume.

<sup>3</sup> See p. 2 of this volume.

<sup>4</sup> See p. 96 of this volume.

“6. For the purposes of this Convention, the “responsible railway” is that which, according to the list of CIV lines, operates the line on which the accident occurs. If, in accordance with the aforementioned list, there is joint operation of the line by two railways, each of them shall be liable.”

5. Article 20 (1), paragraph 1, is amended as follows:

“1. Judgments entered by the competent court under the provisions of this Convention after trial, or by default, shall, when they have become enforceable under the law applied by that court, become enforceable in any of the other Contracting States as soon as the formalities required in the State concerned have been complied with. The merits of the case shall not be the subject of further proceedings.”

6. Article 22 (1) is amended as follows:

“1. Subject to the provisions of paragraph 2 of this Article, this Convention shall not apply to damage arising in the course of carriage by road services or shipping services included in the list of CIV lines.”

7. Article 26 paragraph 1 is amended as follows:

“If a State which is a party to the International Convention concerning the Carriage of Passengers and Luggage by Rail (CIV) of 7th February 1970, but has not signed this Convention, wishes to accede to this Convention, that State shall inform the Swiss Government, who shall inform the Contracting States.”

8. Article 27 is amended as follows:

“This Convention shall have the same duration as the International Convention concerning the Carriage of Passengers and Luggage by Rail (CIV) of 7th February 1970; it may be revised in accordance with the procedure laid down in that Convention, and may, in due course, be made part of it.”

9. Article 28 paragraph 2 is amended as follows:

“In addition to the French text there shall be English, German, Italian and Arabic texts having the status of official translations.”

This Protocol shall remain open for signature until 31st January 1974.

States which have not signed this Protocol before that date and States which become parties, before the entry into force of the CIV of 7th February 1970, to the Additional Convention on 26th February 1966 in accordance with Article 26 thereof can accede to this Protocol by notification to the Swiss Government, who shall inform the States parties to the Additional Convention.

This Protocol shall enter into force on the same date as the CIV International Convention of 7th February 1970.

IN WITNESS WHEREOF, the following Plenipotentiaries have drawn up and signed this Protocol.

DONE at Berne, this ninth day of November, one thousand nine hundred and seventy-three, in a single original, which shall be deposited in the Archives of the Swiss Confederation and of which an authentic copy shall be sent to each of the Parties.

For Algeria:

[SETTOUTI] 16.11.73

For Germany (Federal Republic of):

[MÜHLENHÖVER] [REEMTS]  
Subject to ratification

For Austria:

[STANFEL]  
Subject to ratification

For Belgium:

[LEROY]

For Bulgaria:

[R. KORITAROVA]

For Denmark:

[S. A. JENSTRUP]

For Spain:

[RUIZ MORALES]  
Subject to ratification

For Finland:

[M. SALOMIES]

For France:

[J. GABARRA]  
Subject to ratification

For Greece:

[J. GEORGIU]  
Subject to ratification

For Hungary:

[KUZSEL]

For Iraq:

[S. M. SALEH]

For Iran:

For Ireland:

For Italy:

[MAURO FERRETTI]  
Subject to ratification

For Lebanon:

For Liechtenstein:

[M. LEDEBUR]

For Luxembourg:

[EICHHORN]  
Subject to ratification

For Morocco:

[SMIRES]

For Norway:

[ERIC COLBAN]

For the Netherlands:

[H. WAGENMAKERS]  
Subject to approval



For Poland:

[C. GIERALTOWSKI]  
Subject to ratification

For Portugal:

[EDUARDO MANUEL FERNANDES BUGALHO]  
Subject to ratification

For the German Democratic Republic:

[V. WINKLER]

For Romania:

[AUREL MATEESCU]  
Subject to ratification

For the United Kingdom of Great Britain and Northern Ireland:

[LOTTIE BRISTOW] [COLLIN K. WOODFIELD]  
Subject to ratification

For Sweden:

[CLAS NORDSTRÖM]

For Switzerland:

[SCHALLER]

For Syria:

For Czechoslovakia:

[MILAN LAJCIAK]

For Tunisia:

[EL ALMI]

For Turkey:

[A. SUAT BILGE]

For Yugoslavia:

[VASILJE MILOVANOVIĆ]

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