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Ref.: LE 3/38.1-09/87

4 November 2009

Subject: Revision of limits of liability under the Montreal Convention of 1999 – Notification of effective date of revised limits

Action required: a) to take note that the revised limits of liability shall become effective for all States Parties to the Montreal Convention as of 30 December 2009; and b) to adjust as necessary implementing legislation to give full effect to the rounded revised liability limits

Sir/Madam,

1. I have the honour to refer to State letter LE 3/38.1-09/47 dated 30 June 2009 by which ICAO had communicated the results of the review of the limits of liability pursuant to Article 24, paragraph 2, of the *Convention for the Unification of Certain Rules for International Carriage by Air*, done at Montreal on 28 May 1999 (Doc 9740).

2. As set out in paragraphs 8 and 9 of the above-mentioned State letter, States were advised that the limits of liability established under the Montreal Convention would need to be revised as follows:

Old Limits (SDR)		Revised Limits (SDR)	Rounded Revised Limits (SDR)
17	x 13.1%	19.227	19
1000	x 13.1 %	1 131	1 131
4150	x 13.1%	4 693.65	4694
100 000	x 13.1%	113 100	113 100

3. States were notified that, in accordance with the tacit approval mechanism spelled out in paragraph 2 of Article 24 of the Montreal Convention, the said revisions shall become effective for all States Parties six months following the notification, unless within three months after the notification a majority of States Parties registered their disapproval with ICAO.

4. As of 30 September 2009, the Montreal Convention had 92 Parties. By 30 September 2009, fourteen (14) notices of disapproval regarding the revision of the limits of liability were received by ICAO from States Parties, one of which qualifying its scope of disapproval. It is therefore established that the condition of majority set out at paragraph 3 above is not met. Therefore, the revised limits of liability become **effective as of 30 December 2009 for all States Parties to the Montreal Convention, including those which have notified ICAO of their disapproval**, in accordance with Article 24, paragraph 2.

5. States Parties are accordingly invited to make provisions as necessary in accordance with their domestic legal requirements to give full effect as of 30 December 2009 to the rounded revised limits.

A handwritten signature in black ink, appearing to read 'Raymond Benjamin', with a long, sweeping horizontal stroke extending to the right.

Raymond Benjamin
Secretary General