

Client Bulletin

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ATA Proposes New Agreement to Extend Provisions of Montreal Convention to All International Transportation

On September 29, 2005, the Air Transport Association of America (“ATA”) filed an application with the U.S. Department of Transportation seeking approval of a new agreement to be included in the conditions of carriage concerning liability to passengers. Attached is a copy of the proposed ATA Agreement. A completed copy of the ATA application is available at:

<http://dms.dot.gov/search/document.cfm?documentid=346893&docketid=22617>

The proposed ATA Agreement relates to the limits and conditions of international passenger liability established by the Warsaw Convention of 1929, the Warsaw Convention as amended by the Hague Protocol, and the Montreal Convention of 1999.

The proposed ATA Agreement:

- Is intended to make the liability rules under both the Warsaw and Montreal Conventions consistent by adopting the Montreal Convention’s rules governing liability for passenger injury/death, damage to baggage and delay of passengers/baggage;
- Establishes rules for advance payments to passengers in the event of injury or death under certain circumstances;
- Provides rules for damages occasioned by passenger delay;
- Provides rules for damage, loss, delay or destruction of baggage;
- Provides a form notice to inform passengers of the likelihood that the Montreal Convention or the Warsaw Convention, including its amendments, may apply to limit the liability of the carrier with respect to damages for the death, injury or delay to passengers and for the destruction, loss, damage or delay to baggage;
- Provides a form of notice intended to comply with the EU regulation with respect to services provided in the EU; and
- Allows parties (assuming antitrust immunity is granted) to encourage other carriers (*e.g.*, interline partners) engaged in international transportation to become parties to the ATA Agreement.

If approved and implemented, ATA member carriers would conform their international conditions of carriage to the rules of the Montreal Convention of 1999. Thus, the new liability rules of the Montreal Convention would apply to all international carriage by ATA member carriers system-wide, regardless of whether the carriage is governed by the Montreal Convention. In this respect, the proposed ATA Agreement is similar to EC Regulation No. 889/2002, which was intended to align EU rules with the provisions of Montreal Convention.



If you have any questions or would like further information, please contact:

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