



Opinion 34 (1961)¹

Draft Convention relating to the liability of hotelkeepers in respect of the property of their guests

Parliamentary Assembly

The Assembly,

Having been requested by the Committee of Ministers for an opinion on the text of a draft Convention on the liability of hotelkeepers concerning the property of their guests, prepared by a Committee of Experts appointed by the Ministers (see [Doc. 1074](#));

Considering that it is desirable, in view of the expansion of European tourism, that member States should adopt common rules with regard to the liability of hotelkeepers;

Having taken note of the Report of the Legal Committee,

Recommends that the Committee of Ministers :

1. Should open for signature the draft Convention on the liability of hotelkeepers concerning the property of their guests, and should, in accordance with Article 15 (b) of the Statute, recommend to member Governments that with the recommendation that member Governments should sign and ratify it as soon as possible;
2. Should, in accordance with Article 15 (b) of the Statute, recommend to member Governments that :
 - a. they should, if possible, fix a limit of the hotelkeeper's liability at a figure higher than the minimum of 3,000 gold francs mentioned in the Annex to the draft Convention;
 - b. in cases where their national legislation at present affords a greater measure of protection to travellers than the minimum standard set out in the draft Convention, they should make use of the option provided for in Article 1, paragraph 2, which allows greater liabilities to be imposed on hotelkeepers and, in particular, they should ensure that such protection is afforded to travellers not only when sleeping accommodation is at their disposal but also when a hotelkeeper or his servant has explicitly or implicitly offered accommodation to the traveller, even though no such accommodation is finally available;
 - c. nevertheless, if a Government decides to maintain the principle of unlimited liability in the cases referred to in Article 1 of the Annex to the Convention, they should allow derogations from Article 6 of the Annex, subject, however, to the minimum amount specified in paragraph 3 of the said Article 1.

1. Assembly debate, on 26th April 1961 (5th Sitting) (see [Doc. 1227](#), Report of the Legal Committee). Text adopted by the Assembly on 26th April 1961 (5th Sitting).

