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"Wilful misconduct" denoting a high degree of fault is an established term in English law. The Convention for the Unification of Certain Rules relating to International Carriage by Air (Warsaw Convention) of 1929 was the first international convention on transport law where the term was employed. A definition of "wilful misconduct", which can be found in later conventions regarding carriage of goods and passengers as well, was implemented in the Hague Protocol of 1955, amending the Warsaw

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The main rationale of the conventions on international transport law is to limit the liability of the carrier.

However, an aspect common to these conventions is that in cases of "wilful misconduct" the carrier is liable without any financial limitation. "Wilful misconduct" denoting a high degree of fault is an established term in English law.

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Limitation of liability is a feature of transport law. Generally, personal wilful misconduct of the carrier must be proven by the claimant in order to break those liability limits. Since there is no generally accepted international regime for multimodal transport, other international instruments or

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