

Paragraph 4. In the absence of protest within the period aforementioned, and barring any fraud by the carrier, no action will lie against him.

Art. 95. In the case of transportation carried out in succession by several carriers, each carrier taking on passengers, baggage, or merchandise, shall be subject to the provisions of this Code, which shall be deemed incorporated in the transportation contract.

Paragraph 1. In a case of this kind of transportation the passenger or those succeeding to his rights shall have a right of action only against the carrier who was effecting the portion of the transportation during which the accident or delay occurred, unless by express stipulation, the first carrier undertook the responsibility for all the risks of the haul.

Paragraph 2. With respect to baggage or merchandise, the shipper shall have a cause of action against the first carrier, and the consignee, to whom direct delivery is to be made, against the last. Either one or the other may bring an action against the carrier who effected the transportation during which the destruction, loss, damage, or delay occurred. These carriers shall be jointly liable to the shipper and the consignee.

SECOND SECTION—LIABILITY TO THIRD PARTIES

Art. 96. The provisions relative to the liability of a carrier to third parties, shall embrace any aircraft which operates over Brazilian territory, whether public or private, domestic or foreign.

Art. 97. Any damage caused by an aircraft in flight, while executing takeoff or landing procedures, to individuals or to property on the ground shall give rise to a right of indemnification.

Sole Paragraph. Such liability may be reduced or excluded only to the extent that the injured party was at fault.

Art. 98. Under the same conditions, there shall be indemnification for any damage caused by an object or substance falling from an aircraft, or being thrown from it except in the execution of jettisoning as required by the regulations, or as a result of *force majeure*.

Art. 99. Damages caused by an aircraft while resting on the ground shall be governed by the common law.

Art. 100. The following shall be jointly liable for damages referred to in the preceding articles:

- a) the person in whose name the aircraft is registered;
- b) the person who uses or operates the aircraft;
- c) whoever on board the aircraft caused the damage, except in the case of an intentional act perpetrated by an unknown person upon equipment not in use and which the carrier or his agents were unable to prevent.

Sole Paragraph. In any case, the execution of this responsibility shall devolve principally upon the surety established by Articles 103 *et sequitur*.

Art. 101. Any of the persons jointly liable may have recourse against the person who caused the damage.

Art. 102. The joint liability with respect to each accident shall be limited;

- a) in the case of physical injury or death, to a maximum recovery of one hundred thousand cruzeiros (Cr\$100,000.00) for each person;