

*Title III—Damages and Liability*

Article 34. While in flight, pilots shall comply with the regulations concerning flight rules, air routes, lights and signals, and shall take all precautions necessary to avoid damage.

Article 35. In the case of damage caused by an aircraft in flight to another aircraft in flight, liability of the pilot and of the operator of the aircraft shall be governed by the provisions of the civil code.

Article 36. The operator of an aircraft shall be liable as a matter of law for the damages caused by the flight of an aircraft or by objects detached from an aircraft to persons or property on the ground.

Such liability may be mitigated or avoided only by proof of the fault of the injured person.

Article 37. Except in the case of *force majeure*, it shall be prohibited to throw from an aircraft in flight any goods or objects with the exception of regular ballast.

In the case where jettisoning anything because of *force majeure* or of regular ballast causes damage to persons or property on the ground, liability shall be governed by the provisions of the preceding article.

Article 38. In the case of charter of an aircraft, the owner and the operator shall be jointly liable for any damage caused to third persons.

However, if the charter has been registered in the registry, the owner shall be liable only if the third person establishes fault on his part.

Article 39. An action for liability shall be brought at the option of the plaintiff before the court where the damage has occurred or before the court of the domicile of the defendant.

If damage is caused to an aircraft in flight, the court of the place of damage shall be considered that of the place where the damaged aircraft has to land after the damage occurs.

Article 40. The Law of April 29, 1916 concerning maritime assistance and salvage shall be applicable to aircraft endangered over the sea and to pilots of aircraft who can render assistance to the persons in danger.

Article 41. Any person finding a wrecked aircraft shall notify the municipal authorities within forty-eight hours from the finding. Any violation of this provision shall be punished as provided by Article 475, paragraph 12 of the Penal Code.

However, the rules concerning maritime wrecks shall apply to wrecks of aircraft only if they are found at sea or on the sea shore.

Article 42. In the case an aircraft disappears without trace, it shall be considered lost three months after the date when the last contact was received.

After expiration of such time, the death of any persons on board such aircraft may be declared by judgment in application of Articles 87 to 89 of the Civil Code.

The minister in charge of civil and commercial aviation shall have authority, in such case, to declare a presumption of disappearance and to send to the district attorney (procureur general) of the court of appeals which has jurisdiction the requests necessary legally to declare the death of the persons who disappeared.

Interested parties may also obtain a legal declaration of death in accordance with Article 90 of the Civil Code. In such case, the re-