

(2) When negotiations concerning damages are in progress between the person liable for the damages and the person entitled thereto, the statute of limitations shall not begin to run until one of the parties refuses to continue such negotiations.

(3) Otherwise the statute of limitations shall be governed by the provisions of the Civil Code.

Article 40

The person entitled to damages shall lose the rights to which he is entitled under this law when he does not notify the person liable therefor within three months from the time when he has received knowledge of the damage and of the person liable therefor. Such loss of rights shall not occur when notification is omitted by reason of circumstances not imputable to the person entitled to damages, or when within such time limit the person liable for damages has received knowledge of the accident in some other manner.

Article 41

(1) When damage is caused by several aircraft and when the operators of the aircraft are liable by law for damages to a third person, the relationship of the operators to each other as to liability for damages and the extent thereof shall depend on the circumstances and in particular on whether the damage has been preponderantly caused by one or the other. The same shall apply to damage caused to one of the operators in regard to the liability of any of the other operators.

(2) Paragraph (1) shall apply accordingly when in addition to the operator another person is liable for the damage.

Article 42

The provisions of the federal law shall not be affected under which the operator or user (Art. 33, par. 2) is liable for damage caused in the operation of an aircraft to a greater extent or under which the commander or another person is liable.

Article 43

(1) In order to secure the damage claims mentioned in this section the operator of the aircraft shall be under a duty to take out liability insurance in an amount to be determined by regulation or to give a guarantee by deposit of money or securities. This shall not apply when the federal government is the operator.

(2) When the security is diminished or exhausted by the satisfaction of damage claims it shall be replenished to the original amount within one month from the time of demand.

(3) Return of the guarantee may not be requested until the enterprise has been given up and four months have passed since then. The claim therefor shall be limited to the amount remaining after satisfaction of the damage claims. Return may be requested before expiration of the time when it is substantiated that no damage claims exist.

Section 2—Liability arising from the carriage contract

Article 44

(1) When a passenger is killed, bodily injured or otherwise damaged in his health aboard an aircraft or when entering or leaving an aircraft, the aircarrier shall be liable for the damage. The same shall