

CHAPTER VIII

Responsibility of operators of civil aircraft for damage caused in the air or on the ground

SECTION I—GENERAL PROVISIONS

Art. 97.

If, during its flight, a civil aircraft causes the death or injury of persons aboard it, or physical or material damage to persons who are not on board, the Ministry, institution, People's Council, organization, enterprise or persons who are engaged in the operation of the aircraft in any manner shall be responsible for all damage caused in accordance with the general rules of liability established by the laws of the Romanian People's Republic. An exception may be made if it is proved that the damage was caused intentionally or by the gross negligence of the person who suffered the damage or in cases regulated by other provisions of this Code. By flight of a civil aircraft shall be understood any activity carried out from the time the aircraft is prepared for flight until it is stored in the hangar.

If damage is caused by a glider train the responsibility shall be borne by the party who operates the towing plane, if it has not been proved that the damage was caused by another aircraft in the train.

The liability of the operators of a civil aircraft for the damage caused by the collision of two or more aircraft in the air or on the ground shall be established according to the fault of the captains of the aircraft. If none of the captains of the aircraft is responsible for the collision or if such responsibility cannot be established, each of the parties who operate the respective aircraft shall be liable for the damage caused to his own aircraft, the crew, the cargo and third parties. The provisions of this paragraph shall apply also to accidents caused to aircraft in flight or on the ground by another aircraft by obstructing its flight or its normal take-off, without an actual collision.

SECTION II—RESPONSIBILITY FOR THE DAMAGE CAUSED DURING AN AIR TRANSPORT

Art. 98.

Operators of civil aircraft for air transportation of any kind shall be liable under the conditions established by this Code, for the bodily or pecuniary damage caused to passengers and cargo, for the duration of the carriage, as specified in Article 87.

In freight transportation, compensation shall be paid by the carrier for the loss of, or damage caused to the cargo, and shall be established as follows:

- 1) for the loss of goods the value of which has been declared, the compensation shall amount to the declared value of the goods on their delivery for shipment, such value not to exceed the real value;
- 2) for the loss of goods the value of which has not been declared on delivery, the compensation shall amount to the real value at the moment of the loss;
- 3) for the loss of registered luggage received for shipment without a declared value the compensation shall be established on the basis of, and within the limits indicated in the Instructions of the Ministry of Land, Sea and Air Transportation;