

CHAPTER VIII—ACCIDENT AND LIABILITY

Article 77

The owner of an aircraft shall be liable for damage sustained in the event of the death of, or injury to any person and in the event of the destruction of, or damage to movable property or real estate resulting from the accident of an aircraft irrespective of whether there was intention, negligence or *force majeure*. The above liability shall also apply for damage sustained by an object falling or thrown from an aircraft.

Article 78

If damage covered by Article 77 occurs while the aircraft is being operated under a lease or a loan, the owner and the lessee or borrower shall be jointly liable; if the lease has been registered, the lessee shall be solely liable in the absence of fault of the owner.

Article 79

The aircraft owner, lessee or borrower shall have a recourse action against the aviation personnel or the third party causing the damage if such damage was caused intentionally or by negligence.

Article 80

The amount of compensation recoverable for damage to passengers, cargo or aviation personnel may be determined by special contract. The special contract must be in writing.

If the amount of compensation set out in the special contract has been approved by the Ministry of Communications and is set out in the ticket or the air bill of lading which has been accepted by the passenger or shipper, the ticket or air bill of lading shall be deemed to be a written contract.

Article 81

In the case of a debtor who is not able to pay the whole compensation the court may consider his position and grant an extension of time to pay or allow payment on an installment basis or reduce the amount of the compensation.

The reduction shall not amount to more than 50% of the damage recoverable.

Article 82

Prior to making an application for a certificate of registration under Article 19 of this Act the owner of an aircraft and a civil air transport enterprise prior to making an application for a certificate of authorization under Article 61 of this Act shall be insured in respect of their liability for damage by means of an insurance to the limits prescribed by the Ministry of Communications.

Article 83

The Ministry of Communications may order any foreign aircraft which has obtained a special permission to fly into the territory of