

(5) The federal minister of transportation, with the consent of the federal council, shall make the general administrative rules necessary for the application of this law and the regulations made thereunder.

PART II—LIABILITY

Section 1—Liability for persons and goods not transported in the aircraft

Article 33

(1) When a person is killed, or his body or his health is injured or property is damaged due to an accident occurring in the operation of an aircraft, the operator of the aircraft shall be liable for the damage. Liability arising from a carriage contract and liability of the operator of military aircraft shall be governed by the special provisions of Articles 44 to 54. Any one who trains other persons as airmen shall be liable to such persons in accordance with the general legal provisions.

(2) Anyone who uses an aircraft without the knowledge and consent of the operator shall be liable for any damage in the place of the operator. The operator shall be severally liable for the damage when the use of the aircraft has been made possible through his fault. However, when the user is employed by the operator for the operation of the aircraft or when he has otherwise been entrusted with the aircraft by the operator, the operator shall be liable for the damage; the liability of the user in accordance with the general legal provisions shall not be affected.

Article 34

When the damage has been partly caused by the fault of the injured person, Article 254 of the Civil Code shall apply; in the case of damage to property the fault of the person who is in possession thereof shall be deemed the fault of the injured person.

Article 35

(1) When someone is killed the damages shall include the costs of attempted healing and further of such financial detriment that the person killed has suffered by the fact that during the illness his earning capacity has been lost or diminished or his advancement been impeded or his needs been increased. Furthermore, the funeral expenses shall be repaid to the person who is liable for them.

(2) When the person killed at the time of the accident was in a relationship to a third person by which he was liable or could have become liable for the support of such third person by operation of law, and when such third person has lost the right to support because of such death the person liable for the damage shall compensate him to the extent to which the person killed would have owed him support for the probable duration of his lifetime. Such liability shall also exist when the third person has been conceived but has not been born at the time of the accident.

Article 36

In the case of injury to body or health the damages shall include the costs of healing and further of such financial detriment that the injured person has suffered by the fact that due to the injury his