

same shall apply to the value of any annuity which has been determined as damages.

(3) When the payment for damages due several persons because of the same event exceed the maximum amounts specified in paragraph (1), the individual damage payments other than under paragraph (4) shall diminish in the same ratio as that of the total amount to the maximum amount.

(4) When the damage claims arise from injury to property and from personal injury, one half of the amount calculated in accordance with the first sentence of paragraph (1) shall preferably be applied to pay damages for injuries to persons. When such amount is insufficient, it shall be pro-rated among the several claims. The remainder of the amount calculated in accordance with the first sentence of paragraph 1, shall be pro-rated for payment of damages and unpaid claims for personal injuries.

10. a) In Article 43, the second sentence of paragraph 1 is replaced by the following second and third sentences:

This shall not apply when the federal government, or a state (Land) is the operator. When a contract for liability insurance has been concluded, Articles 158 c to 158 h of the law concerning insurance contracts shall apply thereto.

b) In Article 43, paragraph 3, first sentence, the words "until the enterprise has been given up" are replaced by the words "when the person who has furnished the guarantee, no longer is the operator."

c) The following paragraph 4 is added to Article 43:

(4) Exceptions from paragraph (1), first sentence, may be made by regulation in regard to aircraft which need not be registered and for whose take-off no permission is required.

11. a) In Article 46, first paragraph, first sentence, the words "thirty five thousand" are replaced by the words "sixty seven thousand five hundred."

b) In Article 46, paragraph 2, first sentence, the words "seventy German marks" are replaced by the words "sixty seven 50/100 German marks."

c) In Article 46, paragraph 3, the words "one thousand four hundred" are replaced by the words "one thousand three hundred and fifty."

12. Article 48 is amended to read as follows:

Article 48. (1). A claim for damages, regardless of its legal basis, may be made against the air freight carrier only under the conditions and subject to the limitations provided for in this section. However, when the damage has been caused intentionally or by gross negligence of the air freight carrier or one of his employees in the performance of their duties, their liability under the provisions of general law shall not be affected; in such case the limitations on liability provided for in this section shall not apply.

(2) The legal provisions according to which other persons are liable for the damages shall not be affected. However, the employees of the air freight carrier who have acted in performance of their duties shall only be liable within the limits of the amounts provided for in Article 46, except where they have acted intentionally or with gross negligence.