

The provisions of Articles 908, 909, third paragraph, 911 to 916, 918 to 923, and 934, may be derogated by corporative regulations; they may not be derogated by individual work contracts except in favor of the employee.

BOOK THREE—OBLIGATIONS CONCERNING THE MANAGEMENT OF
THE NAVIGATION

TITLE ONE—CONTRACTS OF USE OF AIRCRAFT

CHAPTER I. LEASE AND CHARTER

Art. 939. (Form of Contract. Referral [applicable provisions].) The lease and charter of an aircraft shall be made in accordance with the provisions of Articles 376 to 383; 384 to 395, and contracts shall be in writing in every case.

CHAPTER II. TRANSPORTATION

SECTION I—TRANSPORTATION OF PERSONS AND CARGO

Art. 940. (Form of contract.) A contract of transportation of persons must be in writing. However, the ticket issued by the carrier shall prove the conclusion of the contract for the trip indicated on the ticket itself.

Art. 941. (Insurance of passengers against flight risks.) The operator of regular air line services must insure each passenger against the risks of the flight for the amount of five million two hundred thousands liras.

If he fails to fulfill such obligations, he must pay the indemnity and the amounts, which would have been paid by the insurer within the limits of the provisions related to obligatory insurance of passengers.⁹

Art. 942. (Carrier's liability in the transportation of persons.) The carrier shall be held liable for damages arising from delay and negligence in the execution of the transportation as well as from accidents which may befall a passenger from the beginning of the operation of embarkation until the completion of landing, unless he proves that he and his agents took all the possible and necessary measures and due care to avoid such accident.

Art. 943. (Indemnity limits in the transportation of persons.) The compensation due by a carrier in case of liability not caused by fraud or gross negligence on his part or that of his agents, shall not be more than five millions two hundred thousands liras for each person.

In the same case, if the carrier has fulfilled his insurance obligation as specified in Article 941, the compensation due by him for accidents suffered by a passenger shall not exceed the difference between the above amount and the amount due to the injured party on the basis of the insurance contract.¹⁰

Art. 944. (Liability and limits of compensation in the transportation of luggage not consigned to the carrier.) The carrier shall be held liable for the loss and damage of luggage not consigned to him as well

⁹ This Article has been thus amended by Art. 3 of Law No. 202 of April 16, 1954; see also Law No. 229 of April 4, 1957.

¹⁰ This Article was thus amended by Article 4 of the Law No. 202 of April 16, 1954.