

through agents acting in the course of their duties, whether or not this be within the scope of their powers.

Any person who suffers damage on the ground under the conditions specified in this decree shall have a right to reparation if he proves that the damage was caused by an aircraft in flight or by a person or an object falling therefrom. However, there shall be no right to reparation when the damage is not the direct result of the event which caused it or when it results from the mere passage of the aircraft in accordance with the flight rules specified in this decree.

*Art. 198. Joint liability.* In the case where an operator as charterer or lessee does not have the exclusive use of the aircraft during more than fourteen days, the owner, charterer or lessee shall be jointly liable with the operator for damages occurring during such period.

When the damage is caused by a person using an aircraft without the consent of the operator, and unless the operator proves that he has used due care to avoid such use the operator shall be jointly liable with the unlawful user, under the conditions and within the limits provided for in said decree.

*Art. 199. Exceptions.* A person who is liable under the terms of this chapter shall not be liable for reparation of the damages:

a) When the damage is the direct result of armed conflict or civil disturbance or when such person has been deprived of the use of the aircraft by an act of the public authority; or

b) When he proves that the damage is due exclusively to the negligence of the person who suffered the damage or of his agents. If such negligence was only partially the cause of the damage, reparation shall be diminished to the extent that the negligence has contributed to the damage. However, if, in the case of negligence of agents, the person who suffered the damage proves that such agents acted beyond the scope of their powers, there shall be neither reduction nor exclusion.

*Art. 200. Limits of liability.* Except for Article 215 the amount of reparation may not exceed for each aircraft and event:

a) Five hundred thousand units fine weight for an aircraft whose weight is less than, or not more than 1,000 kilograms;

b) Five hundred thousand units fine weight plus four hundred units fine weight per kilogram above 100 kilograms for an aircraft whose weight is above 1,000 kilograms and equal to, or less than 6,000 kilograms;

c) two million five hundred thousand units fine weight plus two hundred and fifty units fine weight per kilogram above 6,000 kilograms for an aircraft whose weight is above 6,000 kilograms and equal to, or less than 20,000 kilograms;

d) Six million units fine weight plus one hundred and fifty units fine weight per kilogram above 20,000 kilograms for an aircraft whose weight is more than 20,000 kilograms and less than, or equal to 50,000 kilograms;

e) Ten million five hundred thousand units fine weight plus one hundred units fine weight per kilogram above 50,000 kilograms for an aircraft whose weight is more than 50,000 kilograms.

By "weight" is meant the maximum weight of the aircraft authorized by the airworthiness certificate for take-off.

Liability in case of death or injury may not exceed five hundred thousand units fine weight per person killed or injured.