

CHAPTER III. LIABILITY FOR COLLISION BETWEEN AIRCRAFT

Art. 201. Liability. In case of collision between two or more aircraft in flight:

a) When it is proved that negligence of the operator of one of such aircraft, or of his agents acting in the course of their functions, has caused damages to one or more other aircraft, or has put such aircraft out of commission, or caused damages to persons or property aboard such aircraft, such operator shall be liable for all damages:

b) When the damages are due to negligence of the operators of two or more aircraft, or of their agents, each of them shall be liable to others for the damage suffered by them proportionately to the negligence of which each is guilty in causing the damages.

Art. 202. Compensation paid by other operators. The operator or operators liable for the damages specified in the preceding article shall also be liable for compensation which the operator or operators of the other aircraft concerned had to pay for damages caused by the collision: however, as the result of a recourse action, no operator shall have to make a payment which may result in allocating to him a higher compensation than called for under any of the limits of liability which he may invoke in regard to property or passengers aboard his aircraft.

Art. 203. Limits of liability. Except for the provisions of Article 215, an aircraft operator involved in a collision shall not incur any higher liability than that provided by the following limitations:

a) For the loss of the other aircraft or the damage suffered by such aircraft, the market value before the collision or the cost of repair or replacement, whichever figure is smaller;

b) For putting such aircraft out of commission, 10% of the value retained for such aircraft in paragraph a) above;

c) For the death of persons aboard such other aircraft, for injuries or delay suffered by them, two hundred fifty thousand units fine weight per person;

d) For all articles which each person on board had in his custody, five thousand units fine weight per person;

e) For the destruction, loss of, or damage to all other property on board, including registered baggage and mail, two hundred and fifty units fine weight per kilogram.

Art. 204. Damage caused on the ground by a collision. In case of damages to persons or property on the ground resulting from a collision between two or more aircraft in flight, the operators of such aircraft shall be jointly liable for such damages up to the limits provided for in Article 200, but no operator shall be liable for an amount which is higher than the limit applicable to his aircraft.

Art. 205. Disturbance caused by maneuvers. For purposes of this chapter, damages resulting from a disturbance caused to another aircraft by the maneuvers of an aircraft shall be assimilated to damages caused by a collision.

CHAPTER IV. INSURANCE AND GUARANTEES

Art. 206. Insurance for damages to third persons. Every civil aircraft which furnishes in Morocco any of the air services enumerated in