

2) A passenger who fails to appear or who arrives late for a flight for which a passage ticket has been issued to him, or who interrupts his flight, shall have no right to demand the refund of all or part of the amount paid.

CHAPTER II. LIABILITY TO THIRD PERSONS

Article 118. 1) A person who suffers injuries on the ground shall have a right of compensation merely by proving that the damages were caused by an aircraft in flight, or by a person or object falling therefrom. However, no compensation shall be payable if the damages are not a direct result of the act causing them, or if they are due merely to the passage of the aircraft through the airspace pursuant to the applicable air traffic regulations.

2) For purposes of the present Chapter, an aircraft shall be considered as in flight from the time when power is applied to lift it until it completes its landing run.

Article 119. 1) The obligation to pay compensation for damages shall be incumbent upon the operator of the aircraft.

2) For the purposes of this Code an operator shall be considered to be the one who is using the aircraft at the time the damage is caused. However, an operator may be considered to be a person who, having directly or indirectly conferred the right to use the aircraft to another, has reserved the control of its navigation to himself.

3) Any person shall be considered as using an aircraft who does so personally or through employees in the performance of their duties, whether they act within or beyond the limits of their duties.

4) The owner recorded in the National Aircraft Register shall be presumed to be the operator and liable as such, unless he proves that another person is the operator.

Article 120. If a person uses an aircraft without consent of the person who has the right to control its navigation, the latter, if he fails to prove that he took the necessary measures to avoid such use, shall be jointly liable with the unlawful user for the compensatory damages provided in Article 118, each of them under the conditions and limitations of liability provided in this Chapter.

Article 121. The person who would have been liable in accordance with the provisions of this Chapter shall not be obliged to compensate for damages which are a direct result of armed conflict or civil disturbances, or when he has been deprived of the use of the aircraft by an act of a public authority.

Article 122. The person who would have been liable according to the provisions of this Chapter shall be exempt from liability if he proves that the damages were caused solely by negligence of the injured person. If the person liable can prove that the damages were caused partially by negligence of the injured person, the compensation shall be reduced in proportion to such contributory negligence.

Article 123. If two or more aircraft in flight collide or interfere with each other, and compensatory damages result according to Article 118, or if two or more aircraft jointly cause the damages, each aircraft shall be considered as the cause of the damage, and the respective operators shall be liable under the conditions and limitations specified in this Chapter.