

aircraft, or his employees, the provisions of this Chapter shall not apply to the liability of an operator or his employees with respect to the persons or property aboard his aircraft, or to persons or property on the ground.

*Article 132.* The duty to pay damages as provided in the preceding article shall be imposed on the operator of the aircraft which caused them subject to the following provisions.

*Article 133.* The operator shall be liable only when it is proved that the damage was caused through his negligence or that of his employees in the performance of their duties, whether or not they acted within the scope of their assignments.

*Article 134.* 1) When the damages are caused by negligence of the operators of two or more aircraft, each of them shall be liable to the others for damages caused to them, proportionate to the degree of their negligence causing the damages. This liability shall be subject to the limitations mentioned in Article 135, without taking into consideration any amount which the defendant operator has a right to claim from the other operators. If the respective degrees of negligence cannot be determined, each person liable shall pay his own damages. For the purposes of the present paragraph, the negligence of an employee, for whom the operator is liable according to Article 133, shall be considered negligence of the operator.

2) Notwithstanding the provisions of Article 133, if the collision occurs without negligence of the operators or their employees, the operator who has been compelled to satisfy the compensation for damages on the ground may recoup from the operators of the other aircraft a proportionate part of the amount paid corresponding to the weight of their respective aircraft, but not exceeding the amounts which the person suffering the damages could have claimed from such other operators.

3) "Weight" shall mean the maximum weight of an aircraft as authorized by the airworthiness certificate.

*Article 135.* 1) Without prejudice to the provisions of Article 136, the amount of compensation for damages payable by any person held liable in accordance with the present Chapter, shall not exceed, per aircraft and per accident, the limitations provided in Article 124 of this Code.

2) When two or more persons are liable for damages, the injured persons shall not have a right to compensation greater than the maximum which, according to Article 124, may be charged against any one of the persons liable.

*Article 136.* The above limitations in the preceding article shall not apply:

a) When there is proof that the damage is the consequences of an act or omission of the operator or of his employees, with intention to cause the damage, or with recklessness and knowledge that it probably would cause damage, on condition that, in the case of act or omission of the employees, it is also proved that they were acting in the performance of their duties.

b) If the person liable has unlawfully taken possession of the aircraft and uses it without the consent of the person who has the right to authorize its use.