

2. Air transportation shall include the period in which the baggage or goods are under the control of the air carrier whether they are on the aerodrome, aboard the aircraft or any other place in case of a landing outside the aerodrome.

3. The period of air transportation shall not cover land, sea or river transportation performed outside the aerodrome. However, when such transportation is performed pursuant to an air transport contract, for the purpose of loading, delivery or transshipment, it shall be presumed that the damage resulting from the accident occurred during air transport.

*Article 76*

An air carrier shall be liable for damages in case of total or partial loss or damage of hand baggage and of property for personal use of the passenger caused by the carrier.

*Article 77*

An air carrier shall be liable for damages resulting from delay in the air transportation of passengers, registered baggage and goods, if the time of transportation was expressly stipulated in the air transport contract.

*Article 78*

An air carrier shall not be liable if he proves that he has taken all possible precautions to avoid damage.

*Article 79*

1. The amount of total payment of damages with respect to each passenger (Article 74), in the air transportation of passengers may not exceed two hundred thousand zlotys. However, when an annuity is accorded instead of lump sum payment in whole or in part, its amount shall be determined in such a way that jointly with the lump sum payment of damages it does not exceed the above amount during ten years. However, a passenger may establish a higher ceiling of damages by a contract with the air carrier.

2. The amount of damages in air transportation for registered baggage and goods may not exceed four hundred zlotys for one kilogram, unless the shipper at the time of delivery to the air carrier of the baggage or goods for transportation declares a higher sum and makes an adequate additional payment. In the latter case the air carrier shall be obliged to pay damages in the amount of the declared sum unless this sum exceeds the damage sustained.

3. In case of loss, damage or delay in transportation of a part of registered baggage or goods, in establishing the amount of damages, only the weight of the piece or pieces affected by the damage shall be taken into account. However, when the loss, damage or delay in transportation of a part of registered baggage or goods, decrease the value of the other pieces covered by the same transportation document, the total weight of these pieces shall be taken into account in establishing the amount of damages.

4. The amount of damages in the air transportation of the hand baggage and articles referred to in Article 76, may not exceed eight thousand zlotys with respect to each passenger.