

Art. 103.

Claims for damages in regard to air transportation shall be presented to the carrier within six months, and those in regard to mixed transports (air, land, sea), within one year.

Within the same period of time the carrier shall have the right to claim damages from passengers or shippers.

Claims for damages shall be attached to transportation documents. In the absence of such documents, official prices, or, if such prices are not available, market prices shall be taken as a basis for the claims. The condition of the object at the time the damage occurred shall be taken into account.

The time limits provided for in this Article shall be as follows:

1) in the case of damage to, or partial loss of a shipment, as from the date of delivery to the addressee.

On delivery the damage or partial loss shall be established in a statement signed by the addressee and the person delivering [the shipment].

2) in the case of total loss of the shipment or if it is not delivered on time, upon the expiration of the date on which the shipment should have reached its destination;

3) in all other cases, from the date when the event which occasioned the claims, occurred.

Applications for refund of the cost of cancelled or suspended air transportation shall be submitted within no more than 15 days from the date on which the shipment was cancelled or suspended.

The carrier shall examine the claims and, within no more than thirty days from receipt thereof, inform the claimants whether their claims have been accepted or rejected if they refer to air transportation alone. For claims which refer to mixed transportation, (air, land, sea) the reply shall be sent within no more than sixty days.

If the claim has been rejected or if no answer to it has been received, the claimant shall be entitled to initiate legal action within two months from the receipt of the reply or from the date when the reply should have been received. Legal proceedings shall be instituted at the court or State Arbitration Board, whichever has jurisdiction in the district in which the carrier resides.

The right to legal action for damages in regard to air transportation shall expire after one year and in regard to mixed transportation (air, land, sea) after two years.

For damages caused by civil aircraft in the air or on the ground in circumstances other than air transportation, the claims for compensation and their settlement shall follow the provisions of the general laws.

CHAPTER IX—SPECIAL PROVISIONS CONCERNING AERONAUTICAL SPORT

Art. 104.

Sporting aviation shall be practiced in accordance with the principles and provisions of this Air Code, and the instructions and rules in respect of its application and the laws regarding sporting aviation.