

Claims arising from the shipment of cargo shall be filed at the airport of destination against the air transportation enterprise of the place of destination.

Claims arising from the transportation of passengers or luggage may be filed either at the airport of departure or destination against the air carrier of the place of departure or of the place of destination, as the claimant may prefer.

Claims arising from a shipment made by carriers of different means of transportation on a single bill of lading, shall be filed:

- 1) with the air carrier, if the terminal point of shipment was an airport;
- 2) with another type of carrier, if the terminal point of shipment or transport was a railroad or truck terminal, a wharf or a port.

*Section 113.* The right to file a claim with, or to commence a suit against an air carrier shall accrue to the following persons:

- 1) in case of total loss of luggage to the bearer of the luggage receipt; in case of partial loss, damage to, or spoilage of the luggage to the person presenting the commercial statement issued by the air carrier;

- 2) in case of total loss of the cargo to the consignee, provided he presents the bill of lading issued by the air carrier to the consignor including a notice from the airport of destination that the cargo failed to arrive, or, when it is impossible to present a bill of lading, a document showing that the freight had been paid, with a notation by the air carrier concerning the shipping of the cargo, as well as a notice by the airport of destination attesting that the cargo failed to arrive; or,

to the shipper of the cargo—provided he presents the bill of lading issued to him;

- 3) in case of partial loss or damage to the cargo, to the consignee, provided he presents the bill of lading accompanying the cargo and the commercial statement issued to him by the air carrier;

- 4) in case of late delivery of the cargo, to the consignee, provided he presents the bill of lading accompanying the cargo.

The lack of a commercial statement shall not deprive the customer of his right to file the claim and commence suit, if it is proved that the employees of the air carrier refused to issue the commercial statement and that the customer filed a complaint against their action.

*Section 114.* Transfer to other organizations or persons of the right to file a claim or commence a suit shall not be permitted, with the exception of cases where this right is transferred by the shipper of the cargo to the consignee, or by the consignee to the shipper of the cargo, or by the consignee or shipper of the cargo to a supervisory or subordinate organization.

*Section 115.* Claims against air carriers may be filed within six months; claims for payment of a fine within 45 days.

The above terms shall be computed as follows:

- 1) on claims for compensation for partial loss, damage or spoilage of cargo or luggage, from the day of their delivery;
- 2) on claims for compensation for total loss of cargo, 10 days after the term for delivery has expired;