

BRAZIL

BRAZILIAN CODE OF THE AIR OF JUNE 8, 1938 (AS AMENDED TO 1947)¹

DECREE-LAW NO. 483 OF JUNE 8, 1938, TO ENACT THE BRAZILIAN CODE OF THE AIR

The President of the Republic of the United States of Brazil, by virtue of the powers vested in him by Article 180 of the Constitution:

Whereas it is necessary to provide the nation with a law for the efficient regulation of civil and commercial aviation:

Whereas the Brazilian law should embody the progress made in civil and commercial aviation throughout the world:

Whereas it is equally necessary that the Brazilian law be in harmony with the most recent conventions and with the present developments in aviation law:

Resolves to decree the following Brazilian Code of the Air which has been signed by the Ministers of State.

BRAZILIAN CODE OF THE AIR

Art. 1. The United States of Brazil shall exercise complete and total exclusive sovereignty over the airspace above its territory and the respective territorial waters.

Art. 2. The law of the air shall be subject to the conventions and treaties to which Brazil has adhered or which it has ratified, and to the present Code.

Art. 3. With respect to legislative or administrative matters, the law of the air shall be a matter of exclusive Federal jurisdiction.

Sole Paragraph. Functions of an administrative character may be delegated to the States of the Union so long as they are exercised subject to the supervision of the proper Federal authorities.

Art. 4. Military aircraft shall be considered a part of the territory of the country to which they belong no matter where they may be found, and, any other type of aircraft shall be so considered when over the high seas or over territory not belonging to any country.

Art. 5. Military aircraft shall be considered to be upon territory of the subjacent country whether in flight over it or after landing.

Art. 6. Acts shall be deemed to have been done in Brazil even when done on an aircraft which is considered foreign territory, if such acts have or tend to have consequences of a criminal nature or if they result in injury within the national territory.

Sole Paragraph. If such acts should originate on an aircraft which is considered Brazilian territory, but if their consequences touch upon foreign territory, they shall be subject concurrently to the Brazilian laws and to the laws of the foreign state.

¹ Published in *Diario Oficial* of June 27, 1938.