

CHAPTER VI—AIR TRAFFIC

Art. 39. Flights of an aircraft over Brazilian territory shall be free so long as the restrictions set forth in the present Code and in the regulations promulgated under it are observed.

Art. 40. In exceptional cases, pertaining to external security or the maintenance of internal order, the Government may prohibit or restrict permanently or temporarily, and with immediate effect, air navigation over the national territory without incurring any liability for injuries or losses which may result from carrying out such a measure.

Art. 41. Only when the public interest requires it shall the Government be empowered to commandeer aircraft used by scheduled airlines, provided the owners are indemnified according to the laws in force.

Art. 42. A schedule for flights over Brazilian territory, with provisions for customs airports for intermediate points shall be set up by the public authorities.

Sole Paragraph. Every commander or pilot of an aircraft shall receive instructions from the competent authority as to the convenient air routes, concerning the safety of cities and control of traffic.

Art. 43. The competent authority, after having heard from the Ministries of War and the Navy, shall prescribe the location and extent of areas which are closed to private air navigation.

Sole Paragraph. Every commander or pilot of an aircraft who finds himself over a prohibited area, and who knows of that fact, shall be required to emit a distress signal, as provided in the administrative regulations, and to land as quickly as possible where he may properly do so outside of the above area.

Art. 44. Except in the case of *force majeure*, or by special authorization, no aircraft may take off except from an airport duly certified, and may land only on such an airport.

Paragraph 1. However, the authority regulating civil air navigation shall have discretion to designate certain areas in the national territory where, in the absence of an airport, aircraft may land upon any open area, be it land or water, outside inhabited sections, and take off from them.

Paragraph 2. These general authorizations shall be published, and shall only be granted temporarily.

Art. 45. Every aircraft which, coming from foreign soil, seeks to land on Brazilian territory may make the first landing only on a customs airport.

Paragraph 1. Conversely, all aircraft departing from Brazilian soil with a foreign destination shall make its last takeoff only from a customs airport.

Paragraph 2. The list of customs airports shall be published by the authority which regulates civil air navigation.

Art. 46. Except in the case of *force majeure*, duly proved, aircraft in the service of scheduled airlines may only follow the routes over the national territory which have been set out for them in the respective permits.

Art. 47. The national borders, whether sea or land, may be traversed by aircraft only over those points which have been designated for this