

Title I—Restriction in the interest of navigation

[Abrogated by Decree No. 59-92, of January 3, 1959. See *infra*.]

*Title II—Airports open to public airflight**Chapter I—Establishment*

Article 72. [Abrogated by Decree No. 59-92, of January 3, 1959. See *infra*.]

Article 73. The opening of an airport to public air flight shall be pronounced by regulation of the minister in charge of civil and commercial aviation after a technical survey.

The closure to public airflight shall be made in the same manner.

However, where reasons of air safety or public order so require, an airport may be temporarily closed to public air flight. Such decision shall be notified to all persons flying.

Article 74. Airports for public air flight may be established by the States, by public groups (*collectivités publiques*) and public establishments, as well as by private natural or legal persons provided they fulfill the conditions established by a public administrative regulation.

Article 75. The establishment of an airport for public air flight that does not belong to the State shall be subject to the conclusion of an agreement between the minister in charge of civil and commercial aviation and the public or private natural or legal person who establishes the airport; such agreement must be approved by the minister who supervises the public group or establishment concerned. It shall also be subject to the consent of the minister of finances and economic affairs if it involves financial obligations to the State. Such agreement shall establish in particular in regard to the classification of an airport in one of the classes provided for in Chapter II of this title:

- a) the layout and the types of equipment to be used which shall concern primarily the understructure;
- b) the financial arrangements for the execution of the work and the operation;
- c) the proper measures for maintenance of the airport, its annexes and installations in a condition required by safe aerial navigation and for exercise of proper policing;
- d) the proper conditions to assure permanency of operation and adaptation of the airport to the needs of aerial traffic.

Article 76. Any party signatory to such an agreement may, with the consent of the minister in charge of civil and commercial aviation, entrust a third party who is accepted by the minister with compliance with all or part of the obligations incumbent upon him under the agreement. In such case, the signatory party and the third party operator shall be jointly liable to the State.

Article 77. The State shall be responsible for:

- a) the procurement, maintenance, and operation of the installations intended to insure control of air traffic on an airport;
- b) the costs and indemnities which might result from restrictions imposed in the interest of aerial navigation;

However, the agreement may provide that the signatory party will take over all or part of the expenses accruing to the State in the application of this article.