

DECREE NO. 59-92 OF JANUARY 3, 1959 CONCERNING REGULATION OF AIRPORTS AND AERONAUTICAL RESTRICTIONS⁶

[Omissions.]

Title I—Regulations of airports

Article 1. Any land or water surface specially equipped for the landing, taking off, or maneuvering of aircraft, including any installations connected therewith for the needs of traffic and service of aircraft shall be considered an airport.

Article 2. An airport shall be deemed "open to public air traffic" which may be used by all aircraft having appropriate technical characteristics, subject only to the provisions of Article 5.

Article 3. An airport shall be pronounced open to public air traffic by an order of the minister in charge of civil aviation after a technical investigation.

The closing of an airport to public air traffic shall be made in the same manner.

Article 4. Except in the case of *force majeure* and the cases provided for in the following sub-paragraph, aircraft may not land on, or depart from any except regularly established airports.

A decree issued upon the report of the minister in charge of civil aviation and the minister of the Interior, shall fix the conditions under which aircraft of certain types may land or take off in a place other than an airport, provided there is consent by the person who has the use of the land or the water surface used.

Such consent shall, however, not be necessary in the case of operations of assistance or salvage for which aircraft are used.

Article 5. The use of an airport open to public air traffic may at any time be made subject to certain restrictions or temporarily closed if the conditions of air traffic at the airport or in the adjoining airspace, or reasons of public order require it. Such decisions shall be notified to all pilots.

Furthermore, if several airports open to public air traffic serve the same area, the minister in charge of civil aviation may regulate their use in the public interest and, particularly, specially assign to each of them certain types of aircraft or certain kinds of air activity or commercial operations.

Article 6. All airports may be made subject to technical and administrative control of the State.

The conditions for the establishment, the putting into service and the use of an airport, and the exercise of control by the State, shall be defined by decree.

Article 7. Airports intended for public air traffic shall be classified according to the kind and importance of the traffic they serve.

Such classification may be extended to airports not intended for public air traffic when the conditions of use of such airports justify it.

Title II—Aeronautical restrictions

Article 8. In order to ensure the safety of navigation of aircraft, special restrictions called "aeronautical restrictions" (*servitudes aéronautiques*) are imposed.

⁶ Journal officiel, Jan. 8, 1959, p. 585. (See Art. 20, *infra*, for abrogated articles of the Code.)