

TUNISIA

(Law No. 59-76 of June 19, 1959, concerning air navigation.¹)

CHAPTER I. GENERAL PROVISIONS

Article 1. For the application of this law shall be deemed:

Aircraft, all contrivances which derive support in the atmosphere from reactions of the air;

State aircraft, military aircraft or aircraft in public service;

Private aircraft, all aircraft except state aircraft;

Operator of an aircraft, any person who has the disposal thereof and who uses it on his own account; in the case where the name of the operator is not recorded in the register or in some other official document, the owner shall be deemed the proprietor until there is proof to the contrary;

Commander, any person in whom such capacity is vested by the operator or, if there is none, the first pilot;

Airdrome, any center of air traffic including installations necessary for such traffic, or land or water surface equipped even though temporarily for the landing and take-off of aircraft.

Unless there is a provision to the contrary, the provisions of this law shall apply only to private aircraft.

Article 2. Aircraft may fly freely above the territory of the Republic. However, aircraft of foreign nationality may fly above Tunisian territory only when this right has been accorded them by a diplomatic convention or when they have such authorization from the Secretary of State for Industry and Transportation for civil aircraft and from the Secretary of State for National Defense for military aircraft; such authorization must be a special and temporary one.

Article 3. Flight over all or part of the territory of the Republic may be prohibited by decree for national and foreign aircraft for reasons of military necessity or in the interest of public security.

Article 4. There shall be issued by decree all regulations concerning air navigation, and in particular, those relating to aircraft, the crew thereof, air navigation and flight, airdromes and public services in charge of flight, payments, taxes, fees or use fees for the utilization of such airdromes and public services.

Article 5. Registration of an aircraft operated in conformity with the regulations issued in implementation of this law and with other provisions dealing with its application shall confer Tunisian nationality.

Article 6. All legal provisions relating to transportation, import, export, transit and trans-shipment of merchandise by land and water shall be applicable to air transportation. Rules particularly appropriate for air traffic may be promulgated by means of decrees.

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