

No. 29994

FRANCE
and
SPAIN

Agreement concerning flights over French territory by aircraft serving the Fuenterrabía Airport (with annexes). Signed at Madrid on 18 March 1992

Authentic texts: French and Spanish.

Registered by France on 28 April 1993.

FRANCE
et
ESPAGNE

Accord concernant le survol du territoire français par les appareils desservant l'aéroport de Fontarabie (avec annexes). Signé à Madrid le 18 mars 1992

Textes authentiques : français et espagnol.

Enregistré par la France le 28 avril 1993.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH
REPUBLIC AND THE GOVERNMENT OF THE KINGDOM OF
SPAIN CONCERNING FLIGHTS OVER FRENCH TERRITORY
BY AIRCRAFT SERVING THE FUENTERRABÍA AIRPORT

Considering international and French national rules, the French and Spanish Governments, desiring to ensure that flights over French territory by commercial aircraft serving the Fuenterrabía Airport shall not disturb the residents of the vicinity as regards noise exposure, real estate development potential or safety, have agreed to implement the following provisions:

Article 1

The French Government undertakes to draw up a noise exposure plan which would define, in accordance with French regulations, the rights and conditions of land use compatible with the noise pollution generated by the reference traffic defined in annex I to this Agreement.

Article 2

Changes in the service provided to the Fuenterrabía Airport (increased number of flights, introduction of new types of aircraft, night flights, etc.) which might require an amendment to the provisions of annex I may not be implemented without the consent of the French Government, in accordance with existing national and international regulations.

Article 3

The French Government shall not authorize flights over French territory over the municipalities of Hendaye and Béhobie to or from the Fuenterrabía Airport by new types of aircraft which might not be covered by chapter 3 of annex 16, volume 1, of the ICAO.

Article 4

The French Government shall prohibit all flights over French territory over the municipalities of Hendaye and Béhobie to or from the Fuenterrabía Airport between 10 p.m. and 7.30 a.m. (local French time).

Article 5

The Spanish Government undertakes to give the following instructions to all types of aircraft using the airport:

(a) Visual manoeuvres following instrument approaches shall, as far as possible, not involve flying over French territory at an altitude of less than 300 metres. Except in cases of urgent necessity, visual flight rules (VFR) flights shall circle the airport on the Spanish side.

¹ Came into force on 15 October 1992, the date on which the Parties notified each other (on 2 and 15 October 1992) of the completion of the domestic constitutional requirements, in accordance with article 10.

(b) Aircraft which must fly over the greater Hendaye area as part of takeoff or landing manoeuvres shall do so at the highest possible altitude and flights over the Atlantic shore of Hendaye shall not descend below an altitude of 100 metres. The visual approach slope indicator system shall be set at 4°.

Article 6

Air shows, aerobatic activities, publicity flights and first flights over the territory of the municipalities of Hendaye and Béhobie shall be prohibited at an altitude of less than 500 metres, unless special permission has been granted by the Prefect of the Pyrénées-Atlantiques.

Article 7

The French Government undertakes to establish on French territory the air navigation easements which are necessary to ensure the safe operation of the airport as defined in annex II to this Agreement.

In order to satisfy the requirements of the French regulations, the Spanish Government undertakes to assume all expenses relating to the drafting of the relevant air navigation easement plan and the installation and maintenance of the runway lighting required by the said regulations.

Article 8

The Joint Commission provided for in article 9 shall establish the modalities for cooperation between the airport safety services and the French authorities responsible for those civil safety services which would respond in the event of an accident in French territory.

Article 9

An intergovernmental Joint Commission, the composition of which shall be determined on an *ad hoc* basis, shall be established to consider all problems which may arise in connection with the implementation of this Agreement. It shall make every effort to resolve such problems on its own.

The Joint Commission may, on a provisional basis, take any additional measures required by circumstances which are not covered by the provisions of this Agreement. Such measures shall not become final until they have been approved by the two Governments as an amendment to this Agreement.

The Joint Commission shall meet as often as necessary at the request of one of the Parties.

Article 10

This Agreement shall enter into force after notification by each Party that it has fulfilled its domestic constitutional requirements.

DONE at Madrid, on 18 March 1992, in duplicate in the French and Spanish languages, both texts being equally authentic.

For the Government
of the French Republic:
[HENRI BENOIT DE COIGNAC]

For the Government
of the Kingdom of Spain:
[FRANCISCO FERNÁNDEZ ORDÓÑEZ]

FUENTERRABÍA AIRPORT

ANNEX I

Traffic and operational characteristics of flights over French territory by aircraft serving the Fuenterrabía Airport for the purpose of drawing up a noise exposure plan.

Daily commercial air traffic

MD 88: 12 movements per day excluding the night hours

BAe 146: 12 movements per day excluding the night hours

Takeoffs and landings shall be executed in the northern funnel of the runway (landings facing south and takeoffs facing north).

The takeoff mass of the MD 88 shall be reduced so that it will be able to use the 1,750-metre runway and its climb gradient shall be 18 per cent.

The climb gradient of the BAe 146 shall be 14 per cent.

The glide path at landing shall be four degrees (4°), corresponding to the setting on the visual approach slope indicator referred to in article 5.

Non-commercial traffic

The noise pollution generated by non-commercial activity at the airport shall not be significantly greater than that caused by commercial activity.

FUENTERRABÍA AIRPORT

ANNEX II

AIR NAVIGATION EASEMENTS FOR FLIGHTS OVER HENDAYE
BY AIRCRAFT SERVING THE FUENTERRABÍA AIRPORT

Air navigation easement is defined according to the following characteristics in accordance with French regulations Ministerial Order of 31 December 1984 determining the technical specifications which should form the basis for the establishment of air navigation easements, excluding radio electronic signals:

Classification: D2

- The airport elevation is five metres above sea level;
 - The width of the landing strip shall be 150 metres;
 - The obstacle limitation surface shall begin at 60 metres from the end of the runway;
 - The approach slope shall be 3 per cent. The divergence on either side of the inner edge of the approach surface shall be 15 per cent;
 - The total length of the approach surface shall be 3,000 metres;
 - The transitional surface shall extend at a slope of 7 to 1 (14.3 per cent) up to the horizontal surface.
 - The height of the inner horizontal surface shall be 45 metres above the airport elevation (or 50 metres above sea level);
 - The height of the upper edge of the conical surface shall be 90 metres above the airport elevation (or 95 metres above sea level);
 - The conical surface shall have a slope of 3 per cent above the horizontal surface.
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