



The legal system of Algerian air navigation

Dr. Zahia Yahouni^{1*}

¹Lecturer Class A, Faculty of Law and Political Sciences, Lounissi Ali University of Blida 2, Digitalization and Law Laboratory in Algeria, ALGERIA, Algeria. **Email:** z.yahouni@univ-blida2.dz

ABSTRACT:

Air navigation is one of the most important foundations for organising air transport, which is the primary goal of civil aviation. It relies on several interrelated elements and is governed by a set of rules defined in national and international legislation.

Recognising the importance of air navigation, the Algerian legislature has established legal and institutional regulations, believing that nations are defined by the advancement of their transport systems, particularly air transport.

Keywords: air navigation, aircraft, airspace, national air navigation authority.

Received: 12/05/2025 **Accepted:** 26/09/2025 **Published:** 16/11/2025

Introduction:

The dream of aviation has existed since ancient times, with many attempts to imitate birds. However, these attempts failed. Then technology emerged and fulfilled this dream, contributing to the creation of aircraft that can carry many people and goods over long distances, exceeding the capabilities of birds¹. Aircraft have become the cornerstone of air transport.

The primary goal of civil aviation is to organise air transport, referring to how this sector operates. International agreements have established the basic principles and general provisions that countries are obliged to implement in their national legislation. However, due to the vastness of this sector and the varying conditions internationally and regionally, these agreements cannot detail the operation of air transport. Consequently, international agreements that regulate international air transport leave countries free to organise the detailed provisions of operations based on agreements made between them, whether collective, regional or bilateral². Air navigation is one of the most important components of air transport, raising the question of the legal system of Algerian air navigation, given its effective role in organising air transport.

¹- Mohammed Riad, Transport Geography, Hindawi Publishing Corporation, United Kingdom, 2018, p. 283.

²- Salman Ali Al-Masri and Saleh Mohammed Al-Roudan, Introduction to International Air Law, 1st edition, Dar Wael, Amman, Jordan, 2017, p. 122.

To address this issue, we will examine the following topics: the concept of air navigation (first section), the rules of air navigation (second section) and the role of the National Air Navigation Authority in ensuring air navigation safety (third section).

First section: The Concept of Air Navigation

In order to define the concept of air navigation, we must first address its definition and then identify its elements.

First: Definition of Air Navigation

In Article 2 of Law No. 98-06³, the Algerian legislator defined air navigation as the set of aircraft flying in the air or located on the ground within the movement area of the air station, in accordance with the specified rules. Through this article, the legislator provided definitions for many of the key terms used in air transport. However, Law No. 15-14⁴ amended this article to state that the terms and phrases used in the law are those defined in the Convention on International Civil Aviation, signed in Chicago on 7 December 1944, and its annexes, to which Algeria acceded in 1963⁵. This convention dedicates an entire chapter to air navigation.

Like any other science, air navigation is concerned with guiding aircraft from one place to another and serves as a means for the pilot to reach the intended destination. Instruments and equipment on the aircraft enable air traffic control personnel to send instructions and guidance. Air navigation comprises a set of capabilities and services aimed at ensuring the necessary safety and protection for aircraft operations⁶.

The term 'air navigation' is broad and complex as it is connected to many elements of aviation and can be viewed from different perspectives.

Second: Elements of Air Navigation

Several elements intertwine to form what is known as air navigation. However, it can be said that it is based on three essential elements: the aircraft, the airspace and airports. The aircraft is the tool of air navigation, the airspace is the area in which the aircraft moves and the airports are the designated places for the take-off and landing of aircraft⁷. Additionally, the element of 'meteorology' should not be overlooked due to its prominent role in this field. Therefore, we will briefly define each element as follows:

1. The aircraft

³- Law No. 98-06, dated 27 June 1998 and published in Official Gazette No. 48, defines the general rules related to civil aviation.

⁴- Law No. 15-14, dated 15 July 2015 and amending Law No. 98-06 (Official Gazette No. 41, 2015).

⁵- This was under Decree No. 63-84, dated 5 March 1963, concerning the accession of the People's Democratic Republic of Algeria to the Chicago Convention on International Civil Aviation, signed on 7 December 1944, and its amendments. (Official Gazette No. 14, 1963.)

⁶- Shahnaz Sharaf, 'The Public Facility of Air Navigation in Algeria (ENNA)', Thesis for a Master's Degree in Law, State and Public Institutions Branch, University of Algiers 1, Faculty of Law, 2012-13, p. 9.

⁷- Sorour Boukmouch, The Legal System for Air Transport Exploitation in Algeria, PhD Thesis in Private Law, University of Algiers 1, Faculty of Law, 2015-16, p. 49.

According to Article 2 of Law No. 98-06, as amended in 2015, an aircraft is defined as any machine capable of rising, sustaining itself and moving through the air as a result of aerodynamic reactions, excluding those on the Earth's surface. The Algerian legislature referred to the Chicago Convention when defining terms, and this has also influenced definitions in other legislation, such as that of the Egyptian legislature, which defines an aircraft as any machine that can sustain its presence in the air through aerodynamic reactions not originating from the Earth's surface. This includes all aerial vehicles, such as balloons, as well as both fixed-wing and rotary-wing aircraft.

Therefore, for a vehicle to be considered an aircraft, two conditions must be met: first, aerodynamic reactions must be the primary factor in the machine's ability to sustain itself in the air. Second, these reactions must not be reflected from the Earth's surface, in its broad sense encompassing land and water. Secondly, these reactions must not be reflected from the Earth's surface in its broad sense, which encompasses both land and water. Consequently, ground vehicles and air-cushion vehicles are excluded from classification as aircraft, as their elevation during operation is due to aerodynamic reactions pushed vertically from their engines onto the Earth's surface⁸.

These definitions can be considered broad as they encompass any machine capable of flight, regardless of its intended purpose. This includes machines that do not specifically aim to transport goods or people. Accidents involving such vehicles may sometimes lead to the total destruction of the aircraft and cause harm to passengers, cargo or others, necessitating knowledge of the applicable law to enable the injured party to obtain appropriate compensation⁹.

Before they can commence air navigation¹⁰, aircraft must be registered in the aviation register, and an extract from this register is issued as proof of ownership¹¹. Although aircraft are considered movable property, a sales contract is not legally binding against third parties unless it is registered in the aviation register. Any transfer of ownership due to death or court ruling must be recorded in the aviation register at the new owner's initiative, as stipulated in Article 29 of Law No. 98-06, which has been amended and supplemented as previously mentioned¹². An aircraft acquires the nationality of the state in which it is registered and, to be able to fly, it must meet the legal airworthiness requirements. If, during inspection, it becomes evident that the aircraft lacks the necessary legal conditions, it may be detained by the National Civil Aviation Agency, the authority responsible for civil aviation as stipulated by Law No. 19-04¹³. This law emphasises replacing the term 'authority responsible for civil aviation' with 'National Civil Aviation Agency'.

2. Airspace

⁸- Mohammed Farid Al-Areeni, *Air Law, International and Domestic Air Transport*, Dar Al-Jamia Al-Jadida, Egypt, 2016, pp. 76-77.

⁹- Saja Matar Hanoun, *The Legal Regulation of Aircraft*, 1st edition, Arab Center for Publishing and Distribution, Cairo, Egypt, 2024, p. 32.

¹⁰- Article 17 of Law No. 98-06, previously mentioned, states that a register called the Aircraft Registration Register is to be established with the authority responsible for civil aviation.

¹¹- Article 18 of the amended and supplemented Law No. 98-06.

¹²- Article 17 of the Chicago Convention.

¹³- Law No. 19-04, dated 17 July 2019 and published in the Official Gazette No. 46, amends and supplements the aforementioned Law No. 98-06.

Airspace is considered one of the vital components of a territory, and its importance became apparent when humans invented machines that could travel through the air. It is the designated area for flight and includes flight paths¹⁴. The route taken by aircraft differs from that taken by other means of transport in two main ways:

- **Shape:** Air routes are typically characterised by straight lines as there are no natural obstacles to impede them. In contrast, land transport routes often have many twists and turns to navigate around natural obstacles or elevated areas.

- **Length:** Air routes are usually shorter due to their straight nature¹⁵.

According to Article 1 of the Chicago Convention, each country enjoys complete and absolute sovereignty over the airspace above its territory. The state has the right to exercise its authority over the airspace above its land and maritime territories. Due to its unique nature, the legal system of airspace consists of rules derived from agreements found in bilateral, regional and global conventions¹⁶. Article 3.3 of Law No. 98-06, mentioned earlier, states that one of this law's objectives is to define the rules for using national airspace within the framework of ratified international agreements governing international civil aviation. Additionally, Article 83 of the same law stipulates that any aircraft crossing national borders must follow the designated air route as determined by the National Civil Aviation Agency.

3. The airport: The airport is one of the most important elements of air navigation. It consists of a set of facilities that enable aircraft carrying passengers and/or cargo to take off and land safely. For an airport to fulfil its mission effectively, factors such as comfort, speed and safety must be present both at the airport and beyond. For example, safety considerations extend beyond the airport to encompass its airspace¹⁷.

Recognising the importance of airport construction, Law No. 98-06 devotes the first section of Chapter Four to construction and operational rules, beginning with Article 40. The process of establishing airports involves more than just creating land areas designated for the take-off and landing of aircraft; it must also comply with internationally recognised technical and engineering specifications. This is because establishing airports is linked to a state's sovereignty over its territory, national economy and security given their connection to vital¹⁸, strategic sectors such as air transport which require substantial resources and rigorous procedures.

In Algeria, despite legal texts affirming the need for technical and engineering specifications that align with international standards to provide high-quality services, many airports have lacked these standards. However, this issue has been addressed, as evidenced by the improvements observed in recent years.

¹⁴- Shahnaz Sharaf, op. cit., p. 62.

¹⁵- Nasri Diab Khater, 'Transport Geography: 'Between Theory and Practice'', Dar Al-Janadriya, Jordan, 2010, p. 292.

¹⁶- Shahnaz Sharaf, op. cit., p. 66.

¹⁷- Nasri Diab Khater, op. cit., p. 285.

¹⁸- Sorour Boukmouch, op. cit., pp. 17-18.

4. Meteorology: Meteorological information forms the basis of air navigation procedures. Meteorological services¹⁹ are one of the most important factors contributing to the safety of aircraft and their occupants²⁰. Therefore, aircraft in flight are typically equipped with information on current and expected weather conditions, such as wind speed, temperature and humidity levels, as these factors significantly impact air navigation²¹.

Annex III of the Chicago Convention sets out how meteorological services for aircraft should be provided in order to achieve the three fundamental goals of international and national legislation, regulations and policies: ensuring the safety, efficiency and regularity of civil aviation. Meteorological information is made available to all aviation sector stakeholders, and countries are required to provide communication links between their airport meteorological offices and air traffic control towers. Law No. 98-06 includes several legal provisions regarding meteorology in aviation²². For instance, Article 102, as amended in 2015, states that the purpose of aviation meteorology is to guarantee the safety, security, effectiveness, and organisation of air navigation. Article 103 stipulates that all parties involved in air navigation must be provided with meteorological information to enable them to perform their assigned tasks.

An executive decree was issued in application of Article 102 of Law No. 98-06²³ to define the technical specifications for meteorological assistance services in air navigation²⁴. Article 3 of this decree defines these services as a set of operations aimed at ensuring the safety, regularity and efficiency of air navigation. This covers aircraft landing and take-off operations and the provision of flight documents for the aircraft crew, facilitating flight planning and coverage. These services include all meteorological information provided by the technical structures of the National Meteorological Office. Furthermore, Article 5 of the same decree emphasises the installation of meteorological stations and aviation safety offices at every airport to meet the needs of air navigation.

Second Section: Rules of Air Navigation

The first section of Chapter Five of the Civil Aviation Law comprises the air navigation rules set out in Articles 67 to 92. In this section, we will focus on the most important rules relating to aircraft, airspace and crew.

First: Rules of Air Navigation Related to the Aircraft

Article 67(1) of Law No. 98-06 states that no aircraft may fly, take off or land at a national airport unless it meets the general conditions for airworthiness and operation as defined by regulation. Law No. 15-14 added a second paragraph to this article, which

¹⁹- Shahnaz Sharaf, op. cit., p. 12.

²⁰- Nadia Mohammed Maawad, *Liability Arising from Air Traffic Control Operations*, 2nd edition, Dar Al-Nahda Al-Arabiya, Egypt, undated, p. 32.

²¹- Nasri Diab Khater, op. cit., p. 274.

²²- Salman Ali Al-Masri and Saleh Mohammed Al-Roudan, op. cit., p. 183.

²³- The third paragraph of Article 102 of the amended and supplemented Law No. 98-06 states: 'The technical specifications for meteorological assistance services for air navigation are determined by regulation.'

²⁴- Executive Decree No. 19-167, dated 29 May 2019 and published in the Official Gazette No. 37-2019, defines the technical specifications for meteorological assistance services for air navigation.

states in Article 9: 'A second paragraph is added to Article 67 of Law No. 98-06 as follows: Technical rules related to air movement are determined by regulation.' This regulation was indeed issued in 2009 under Executive Decree No. 09-207²⁵, the first article of which confirms that it was issued in accordance with the aforementioned Article 67.

The first chapter of this decree is titled 'General Conditions for Airworthiness'. An aircraft is only permitted to engage in air navigation if it is equipped with a valid airworthiness certificate in accordance with applicable regulations and meets all the requirements established in national and international legislation. Additionally, it must possess a set of documents according to the aircraft's type and the flight's nature, such as an aircraft registration certificate, crew member certificates, a flight log, a passenger list detailing their seating arrangements, cargo shipping documents and an operating handbook.

Another general condition for airworthiness is that the aircraft, including its engines, equipment, and radio devices, must be regularly maintained. The operator must maintain records of the maintenance for all aircraft and keep them for at least 90 days from the date of the related equipment repair²⁶.

The second chapter of the same decree is titled "General Conditions for the Operation of Aircraft." It begins with the requirement that every aircraft must be operated in accordance with the provisions of the airworthiness certificate²⁷, within the approved limits specified in the flight handbook or other documents associated with the airworthiness certificate²⁸. Article 13 of this executive decree requires the aircraft to comply with the following provisions: operational safety conditions, conditions for loading and refueling aircraft, preparation conditions for the aircraft's flight, necessary procedures during flight, other ground operations and precautionary procedures, cabin crew, flight crew, technical operations assistant, operating handbooks, and safety, with a separate branch dedicated to each type of these provisions in the same decree.

Article 70 of the amended and supplemented Law No. 98-06 states that the technical conditions for the use of aircraft, as well as the preparation and safety rules on board, are defined by regulation. These conditions were addressed in Executive Decree No. 09-208²⁹, which set out the relevant regulations in a series of articles. The first chapter is dedicated to the general technical conditions for using aircraft. Starting from the first section, the legislator emphasises in Article 2 the necessity of respecting the performance limits of the aircraft within the granted flight conditions, as well as their use as included in the operating handbook and related documents prepared in accordance with the provisions of Annex VI of the Convention on International Civil Aviation. The procedures set forth by the authority responsible for civil aviation are also to be respected. The second section addresses aircraft equipment, while the third

²⁵- Executive Decree No. 09-207, dated 11 June 2009 and published in the Official Gazette No. 35-2009, defines the general conditions for the airworthiness and operation of aircraft.

²⁶- Articles 6 and 7 of the same executive decree.

²⁷- Article 31 of the Chicago Convention states that all aircraft used for international air navigation must be fitted with a certificate of airworthiness issued or validated by the aircraft's country of registration.

²⁸- Article 10 of Executive Decree No. 09-207 states the same.

²⁹- Executive Decree No. 09-208, dated 11 June 2009 and published in the Official Gazette No. 35-2009, defines the technical conditions for the use of aircraft and the rules for preparation and safety on board.

section focuses on specific technical conditions such as additional equipment for aircraft on over-water flights, flights with anticipated icing risks, night flights and communication and navigation equipment. The second chapter addresses the rules for preparation and safety on board aircraft, beginning with Article 34.

Second: Rules of Air Navigation Related to Airspace

The Algerian legislator established these rules starting from Article 72 of the amended and supplemented Law No. 98-06 mentioned earlier, and the following articles. According to Article 73 of the same law, the following aircraft may fly in Algerian airspace, provided they comply with the mandatory air navigation rules and procedures:³⁰

- Algerian state aircraft;
- foreign state aircraft authorised under the provisions of Article 74;
- Aircraft registered in the aviation register that possess the documents stipulated in Articles 68 and 69;
- Aircraft that can use Algerian airspace under international agreements;
- Aircraft authorised by the civil aviation authority, represented by the National Civil Aviation Agency.

According to Article 74, no foreign state aircraft may fly over or land in national territory unless authorised by a permit issued by the competent national authority³¹, in accordance with the conditions of this permit. Furthermore, every aircraft crossing national borders must follow the air route specified by the National Civil Aviation Agency³². According to Article 68 of the Chicago Convention, each country can designate the routes to be followed by all international air routes over its territory, as well as the airports that can be used.

International air navigation cannot flourish and remain stable without the two freedoms of flight and landing³³. However, these freedoms are not absolute: a state may restrict flights over certain areas of its territory or impose specific conditions³⁴. Article 9 of the Chicago Convention acknowledges this, allowing each contracting state to uniformly restrict or prohibit the flight of aircraft from other states over certain areas of its territory for military necessity or public safety. However, no discrimination may be exercised in this regard between aircraft from these states using regular international air routes, so as not to hinder air navigation unnecessarily.

³⁰- Note that Article 73 was amended by Law No. 08-02, dated 23 January 2008 (Official Gazette No. 04, 2008).

³¹- According to the second and third paragraphs of Article 74 of the amended and supplemented Law No. 98-06, an aircraft is considered a foreign state aircraft if it is owned, leased or chartered by a foreign state or an international organisation; or if it is registered in a state that is not a party to the Chicago Convention on International Civil Aviation, and has not entered into any air agreement with Algeria.

³²- (Article 83 of the amended and supplemented Law No. 98-06.)

³³- Mohammed Farid Al-Areeni, *op. cit.*, p. 32.

³⁴- Article 90 of the amended and supplemented Law No. 98-06.

Contracting states must inform other contracting states and the International Civil Aviation Organization as soon as possible of the locations of prohibited areas within their territory, as well as of any subsequent changes. Each contracting state also has the right to temporarily and immediately restrict or prohibit flights over its entire territory or part of it in exceptional circumstances, during emergencies or for public safety, provided this restriction or prohibition is applied without discrimination based on nationality to aircraft from all states. Additionally, each contracting state may, according to the rules it establishes, require any aircraft entering the aforementioned areas to land at a designated airport within its territory as soon as possible.

Third: Rules of Air Navigation Related to the Aircraft Crew

The crew plays a pivotal role in achieving the aircraft's purpose. Consisting of all personnel necessary for operating the aircraft³⁵, the crew is under the command of the captain³⁶. According to Article 188 of Law No. 98-06, the captain is responsible for the aircraft and its cargo. The captain is responsible for piloting the aircraft and ensuring its safety during flight³⁷. In this capacity, they have authority over all passengers and are authorised to disembark any crew member or passenger, and to jettison or discharge any cargo, including fuel, that may endanger the aircraft or its occupants. Additionally, the captain records any births or deaths that occur on board³⁸.

Therefore, Article 12 of Law No. 98-06 emphasises that aircraft must be piloted by qualified personnel holding certificates and qualifications that comply with national and international standards and are legally validated by the National Civil Aviation Agency. The Agency also conducts regular oversight of the professional qualifications and physical readiness of aviation personnel.

According to Article 32(1) of the Chicago Convention, the captain and other members of the flight crew of every aircraft operating in international navigation must hold valid qualifications and licences issued or recognised by the state in which the aircraft is registered. Article 4(1) of Executive Decree No. 04-414 specifies civil aviation certifications as follows:

- Certificate: This recognises a set of theoretical and scientific knowledge. It is issued by the Civil Aviation Authority upon passing an examination, and possession of it is definitive.
- Competency certificate: This recognises a set of general theoretical and practical knowledge.
- Licence: This certificate acknowledges the holder's qualifications, abilities and rights to perform the corresponding duties, provided they possess the specific qualifications for

³⁵- Salman Ali Al-Masri, Saleh Mohammed Al-Roudan, op. cit., p. 51.

³⁶- Article 185 of the amended and supplemented Law No. 98-06.

³⁷- Executive Decree No. 04-414, dated 20 December 2004 and concerning the conditions and methods for exercising the functions performed by civil aviation personnel (Official Gazette No. 82-2004), was amended by Executive Decree No. 09-206, dated 11 June 2009 and published in Official Gazette No. 35-2009. According to Article 2/4, the aircraft commander is defined as "the pilot who is in command and is responsible for the safe operation of the flight and for the tasks assigned to him under Law 98-06".

³⁸- Article 186 of the amended and supplemented Law No. 98-06.

the aircraft type and meet the applicable flight and medical fitness conditions. It is issued by the National Civil Aviation Agency after passing an examination and is valid for a limited period. To maintain this validity, the required qualifications must be verified.

Additionally, Article 4, paragraph 2, states that if a licence is issued by another state party to the Convention on International Civil Aviation, it must be validated by the civil aviation authority according to applicable regulations, particularly Executive Decree No. 04-109³⁹. Each contracting state retains the right not to recognise the qualifications and licences granted to any of its nationals by another contracting state concerning flights over its territory⁴⁰. Licensing must comply with the international requirements outlined in the specific annexes of the Chicago Convention, particularly Annex I, 'Licensing of Personnel', which states that anyone providing services to an aircraft, whether in flight or on the ground, must hold a licence granting them that authority. According to international standards, every crew member must possess a licence for their area of work from the competent authorities in their state or recognised by them, and it must be valid.

Moreover, general conditions for appointment, such as health status, are considered crucial for working in civil aviation and are subject to ongoing evaluation and monitoring in accordance with specific regulations and instructions⁴¹. Article 87 of the amended and supplemented Law No. 98-06, under the title 'Rules of Air Navigation', states that navigation certificates, competency certificates, licences and qualifications of civil aviation personnel, issued by or recognised by the state to which the aircraft belongs, are valid for flights over national territory, provided reciprocal treatment is accepted under international treaties or bilateral air agreements.

Fourth Section: The National Air Navigation Authority as a Tool for Ensuring Air Navigation Safety

The management of air navigation cannot be achieved solely through the enactment of laws; structures and institutions must also be established to oversee the implementation of these laws. In Algeria, the National Air Navigation Authority is legally authorised to operate air navigation space, monitor airspace and provide security. We will learn more about it below.

Firstly: The establishment of the National Air Navigation Authority.

Since Algeria's independence, various bodies have managed air navigation. The first of these was the Air Traffic and Security Authority, established under Decree No. 62-204. This authority was subsequently dissolved by Article 1 of Order No. 68-01⁴². Order No. 68-01 then established a public administrative entity called the Office of Air Navigation

³⁹- Executive Decree No. 04-109, dated 13 April 2004 and published in Official Gazette No. 24-2004, defines the conditions for the accreditation of flight crew members' flight certificates and other personnel on board a civilian aircraft registered in Algeria.

⁴⁰- Article 32/2 of the aforementioned Chicago Convention.

⁴¹- Salman Ali Al-Masri, Saleh Mohammed Al-Roudan, op. cit., p. 65.

⁴²- Order No. 68-01, dated 6 January 1968, concerning the dissolution of the Civil Aviation and Air Security Management Authority, the establishment of the Air Navigation and Meteorology Office, and the ratification of its basic law (Official Gazette No. 4, 1968).

and Meteorology, which was quickly dissolved by Order No. 68-643⁴³ and replaced by a public industrial and commercial entity known as the National Office for the Exploitation of Meteorology and Aviation. Article 2 of its founding legislation stated that it was responsible for implementing the general policy regarding air navigation and meteorology. In 1975, meteorological activities were transferred to the National Office of Meteorology, which was established under Order No. 75-25⁴⁴.

In 1983, Decree No. 83-311⁴⁵ was issued, with Article 1 amending the basic law of the National Office for the Exploitation of Meteorology and Aviation, as defined in Order No. 68-643. Article 2 of this decree renamed the entity the National Office for Aviation and Its Security, classifying it as an economic entity and a commercial entity with third parties. In 1991, Executive Decree No. 91-149⁴⁶ was issued whereby Article 1 converted the entity into a public body with an economic and commercial nature. It was granted legal personality and financial independence and was renamed the National Air Navigation Authority. It is the only entity legally authorised to operate air navigation space in Algeria, monitor airspace and provide security⁴⁷. According to Article 2 of the same decree, the authority is considered a commercial entity in its dealings with others and is subject to commercial law, while its relations with the state are governed by the rules applicable to the administration.

Secondly, the administrative organisation of the National Air Navigation Authority.

According to Article 3 of Executive Decree No. 91-149, the National Air Navigation Authority is placed under the supervision of the Minister of Transport. It is managed by a Board of Directors and operated by a General Director, in accordance with Article 8 of the same decree. We will explore these two organisations below.

1. Board of Directors

According to Article 10 of Executive Decree No. 91-149, the Board of Directors consists of the following representatives:

- The Minister of Transport
- The Minister of National Defence
- The Minister of the Interior

⁴³- Order No. 68-643, dated 26/12/1968 and published in the Official Gazette No. 2/1969, establishes the National Institution for the Exploitation of Meteorology and Aviation.

⁴⁴- Order No. 75-25, dated 29/04/1975 and published in the Official Gazette No. 36/1975, established the National Office of Meteorology.

⁴⁵- Executive Decree No. 83-311, dated 7 May 1983 and published in the Official Gazette No. 19, amends the basic law of the National Institution for the Exploitation of Meteorology and Aviation, renaming it the National Institution for the Exploitation of Aviation and its Security.

⁴⁶- Executive Decree No. 91-149, dated 18 May 1991 and published in the Official Gazette No. 25, amends the basic law of the National Institution for the Exploitation of Aviation and its Security, renaming it the 'National Institution for Air Navigation'.

⁴⁷- Sorour Boukmouch, op. cit., p. 54.

- The Minister of Public Works
- The Minister of Finance
- The Minister of Post and Telecommunications
- The planning authority
- Two employees of the authority, appointed for a renewable term of three years by the Minister of Transport based on a proposal from their respective authority. It is noteworthy that the Board of Directors is representative of various specialised sectors.

The Board of Directors holds regular sessions at least twice a year, upon invitation from its chairman, and extraordinary sessions upon proposal from the majority of its members or the General Director of the authority⁴⁸. The Board deliberates on and makes decisions regarding the following matters: the authority's development policy, medium-term and annual plans, the authority's internal regulations, collective agreements, the operating budget, performance reports and financial statements, and the organisational structure⁴⁹.

2. General Director

The General Director of the National Air Navigation Authority is appointed according to Article 16 of the Decree establishing the Authority, through an Executive Decree approved by the Council of Government, based on a proposal from the Minister of Transport. His duties may also be terminated in the same manner. Article 17 of the aforementioned executive decree lists the responsibilities assigned to the General Director as follows:

- He exercises authority over all employees.

He appoints the Authority's employees within the framework of the basic law governing them.

- He has the authority to make disbursements.

He concludes all contracts, agreements and arrangements in accordance with applicable regulations.

- Preparing the annual activity report.

- He represents the authority in all civil matters.

- He ensures compliance with security regulations and the authority's internal regulations.

⁴⁸- Article 12 of Executive Decree No. 91-149.

⁴⁹- Article 14 of the same decree.

Specifically, he is responsible for proposing general work programmes, investment project plans and programmes, performance reports and financial statements, utilisation of results and annual activity reports, annual status reports, reports on debts, draft collective agreements and their amendments, collective labour agreements, internal regulations, organisational structure proposals and projects to expand the authority's activities into new sectors.

Thirdly, the financial organisation of the National Air Navigation Authority.

The National Air Navigation Authority enjoys financial independence, and Executive Decree No. 91-149 includes a separate section pertaining to financial provisions. The financial year for the authority begins on 1 January and ends on 31 December each year. According to Article 21 of the same decree, the authority's budget consists of sections for revenues and expenses.

In terms of revenues, there are regular and extraordinary revenues. Regular revenues consist of income generated from services related to the authority's aviation activities, as defined in applicable legislation, as well as income from non-aviation activities, rescue assistance, firefighting and other services provided to third parties. Extraordinary revenues include state subsidies, grants, bequests, additional revenues, miscellaneous funds and loan funds.

Article 11(2) of Executive Decree No. 01-112, for example, specifies the rates and amounts of air navigation fees and allocates⁵⁰ 75% of flight and landing fees to the National Air Navigation Authority. The remaining amounts are distributed to the National Civil Aviation Agency and the National Meteorological Office.

The National Air Navigation Authority's expenses include operational expenses, equipment and maintenance expenses, and other necessary expenses to achieve its objectives. Each financial year, before 30 April, the authority submits its budget assessment to the Ministry of Transport, detailing the amounts required to cover the cost of services and related liabilities⁵¹. While contributions from the state are significant, they do not affect the authority's financial independence as this refers to a degree of freedom within the annual budget framework⁵².

Fourth: The Tasks of the National Air Navigation Authority

The National Air Navigation Authority is a fundamental element of the national air transport system, ensuring public service on behalf of the state. Its activities aim to guarantee the safety of air navigation in the airspace, in accordance with commitments arising from treaties and agreements in this field⁵³. Since it is tasked with implementing the national policy on air navigation safety in coordination with the relevant authorities

⁵⁰- Executive Decree No. 01-112, dated 5 May 2001 and published in the Official Gazette No. 26, defines the rates and amounts of air navigation fees and the methods of distribution. It was amended and supplemented by Executive Decree No. 20-74, dated 28 March 2020 and published in the Official Gazette No. 19.

⁵¹- Article 12 of the general specifications document defining the costs and consequences of the public service designated for the National Institution for Air Navigation, attached to Decree No. 91-149.

⁵²- Shahnaz Sharaf, op. cit., p. 15.

⁵³- Article 1 of the general specifications document attached to Decree No. 91-149.

and institutions, several tasks have been assigned to it under Executive Decree No. 91-149, particularly Articles 6 and 7, as well as the conditions annexed to it. These tasks can be summarized as follows:

- Ensuring compliance with procedures and technical rules relating to aircraft movement, both in the air and on the ground, and with the establishment of airports and related facilities and equipment.

- Coordinating with institutions involved in the technical operation of airports open to civil air traffic, particularly in organising and managing various interests to ensure aviation safety. This includes monitoring air traffic, disseminating necessary meteorological information for air navigation and managing aviation radio communications.

Participating in search and rescue operations and security prevention activities in coordination with the relevant authorities.

Concluding any agreement, contract or arrangement related to its objectives with any national or foreign institution while observing applicable laws and regulations.

- Managing and investing in allocated properties, improving the quality of air navigation safety services, maintaining security facilities and regularly reporting on facility and service operations.

- Implementing human resources through training plans and knowledge updates required by technological advancements, as well as providing the necessary means, equipment and facilities to carry out its mission. Evidence of this can be seen in the establishment of several air traffic control towers operating with the latest technologies at various airports.

Conclusion:

The development of a country is measured by the advancement of its transport systems, with air transport being one of the most important types and a key indicator of progress and sophistication. For a country to have an effective air transport system, it must be organised on sound foundations, as reflected in domestic legislation and international agreements. One of these foundations is air navigation. Based on the information presented, we have reached the following conclusions:

Despite the various definitions of air navigation, which differ based on perspective, it remains one of the most critical components of organising air transport.

Air navigation is linked to several elements, the most important of which are the aircraft, airspace, airports and meteorology. In Law No. 98-06, the Algerian legislator addresses all these elements, establishing the general rules related to civil aviation in accordance with the Chicago Convention of 1944 and its amendments.

For air navigation to contribute to the organisation of air transport, a set of rules must be followed. Some of these relate to the aircraft, which must meet certain operational

conditions, while others relate to airspace. Here, the Algerian legislator has defined which aircraft are permitted to fly and the routes they must follow. In addition, rules concerning the aircraft crew have been established, as they play a pivotal role in aviation.

- The National Air Navigation Authority is solely responsible for managing air navigation and has undergone several phases of establishment. It is making significant efforts to organise air transport.

Based on the above, we can propose the following recommendations:

- Issuing a unified legislative text concerning air navigation that organises it from various aspects instead of scattered and outdated texts that do not keep pace with rapid developments in air navigation and related fields.

- Developing airports and improving the services they provide, while ensuring security in their surroundings. After all, they are the gateway for air transport for both Algerian and foreign travellers.

- Increasing the number of modern aircraft to raise the number and level of flights and improve air navigation.

- Enhancing recognition of the work of the National Air Navigation Authority and promoting its role, given that it is largely unknown despite its significant responsibilities.

References:

1. International Agreements:

- The Chicago Convention on International Civil Aviation, 7 December 1944.

2. Orders:

- Order No. 68-01 of 6 January 1968 on the dissolution of the Air Traffic and Security Authority, the establishment of the Office of Air Navigation and Meteorology and the approval of its basic law (Official Gazette No. 4, 1968).
- Order No. 68-643 of 26 December 1968 on the establishment of the National Office for the Exploitation of Meteorology and Aviation (Official Gazette No. 2-1969).
- Order No. 75-25 of 29 April 1975 on the establishment of the National Meteorological Office, Official Gazette No. 36-1975.

3. Laws:

- Law No. 98-06 of 27 June 1998 establishing the general rules relating to civil aviation (Official Gazette No. 48-1998).
- Law No. 08-02 of 23 January 2008 amending and supplementing Law No. 98-06 (Official Gazette No. 4-2008).

- Law No. 15-14 of 15 July 2015 amending and supplementing Law No. 98-06 (Official Gazette No. 41-2015).

Decrees:

- Executive Decree No. 63-84 of 5 March 1963 concerning the accession of the People's Democratic Republic of Algeria to the Chicago Convention on International Civil Aviation, signed on 7 December 1944, and its amendments (Official Gazette No. 14-1963).
- Executive Decree No. 83-311 of 7 May 1983 amending the basic law of the National Office for the Exploitation of Meteorology and Aviation, renaming it the National Office for Aviation and its Security (Official Gazette No. 19-1983).
- Executive Decree No. 91-149 of 18 May 1991 amending the basic law of the National Office for Aviation and its Security, and renaming it the 'National Air Navigation Authority', Official Gazette No. 25-1991.
- Executive Decree No. 01-112 of 5 May 2001 specifies the rates and amounts of air navigation fees and their distribution methods. It was published in Official Gazette No. 26-2001 and was amended and supplemented by Executive Decree No. 20-74 of 28 March 2020, which was published in Official Gazette No. 19-2020.
- Executive Decree No. 04-109 of 13 April 2004 sets out the conditions for the accreditation of flight certificates for flight crew members and other personnel on a civil aircraft registered in Algeria (Official Gazette No. 24-2004).
- Executive Decree No. 04-414 of 20 December 2004 concerning the conditions and methods for performing functions by civil aviation personnel (Official Gazette No. 82-2004), supplemented by Executive Decree No. 09-206 of 11 June 2009 (Official Gazette No. 35-2009).
- Executive Decree No. 09-207 of 11 June 2009 specifies the general conditions for the airworthiness and operation of aircraft (Official Gazette No. 35-2009).
- Executive Decree No. 09-208 of 11 June 2009 specifies the technical conditions for the use of aircraft and the rules for preparation and safety on board (Official Gazette No. 35-2009).
- Executive Decree No. 19-167 of 29 May 2019 sets out the technical specifications for meteorological assistance services for air navigation (Official Gazette No. 37-2019).

Books:

- Saja Matar Hanoun, The Legal Organisation of the Aircraft, 1st edition, Arab Center for Publishing and Distribution, Cairo, Egypt, 2024.
- Salman Ali Al-Masri and Saleh Mohammed Al-Roudan, Introduction to International Air Law, 1st edition, Dar Wael, Amman, Jordan, 2017.
- Mohammed Riyad, Geography of Transport, Hindawi Foundation, United Kingdom, 2018.
- Mohammed Farid Al-Arini, Air Law: International and Domestic Air Transport, Dar Al-Jamia Al-Jadida, Egypt, 2016.
- Nadia Mohammed Maawad, Liability Arising from Air Traffic Control Operations, 2nd edition, Dar Al-Nahda Al-Arabiya, Egypt, no publication date.
- Nasri Dhiab Khater, Geography of Transport: Between Theory and Practice', Dar Al-Janadriya, Jordan, 2010.

Theses and University Papers:

- Sarour Boukmouch, 'The Legal System for the Exploitation of Air Transport in Algeria', PhD thesis in Private Law, University of Algeria 1, Faculty of Law, 2015–16.
- Shahnaz Sharaf, 'The Public Facility for Air Navigation in Algeria (ENNA)', Master's thesis in Law, State and Public Institutions Branch, University of Algeria 1, Faculty of Law, 2012–13.