

NOTE ON VIOLATIONS TO OVERFLIGHT REGULATIONS IN NATIONAL PARKS

There are currently 11 national parks covering nearly 8% of French territory, including 8 parks in mainland France: Vanoise (1963), Port-Cros (1963), Pyrenees (1967), Cévennes (1970), Ecrins (1973), Mercantour (1979), Calanques (2012), and the Forêts National Park (2019). Each national park is developed and managed by a national public institution under the supervision of the Ministry of the Environment.

The French Environmental Code provides that a creation decree delimits the perimeter of the national park, consisting of an area of membership subject to protection guidelines and a core of the park subject to measures to protect the natural, cultural, and landscape heritage (Articles L.331-2 and 3 of the French Environmental Code). Each park is managed by a charter approved by ministerial decree, and may establish existing activities and regulate, or even prohibit, overflights within the park at an altitude of less than 1,000 meters above the ground, in accordance with Article L.331-4-2 of the French Environmental Code. The charter is supplemented by orders issued by the park management to take into account the specific environmental characteristics of each park.

Violations of the provisions of the Environmental Code may be recorded by commissioned officers as well as by sworn officers of the French Office for Biodiversity, which since 2020 has been responsible for administrative policing (under the authority of the Prefect) and judicial police (under the authority of the Prosecutor), tasked with recording violations, as well as by judicial police officers and agents of the territorially competent gendarmerie.

Recent work by the National Parks Commission within the FFVP (French Federation of Flying and Transport) has made it possible to take stock of the situation and, based on a study conducted in 2024 using a database of flight records, to assess the number of glider incursions into national parks, regardless of flight height. This largely involves short overflights at heights above 600 meters above the ground.

The Commission also reviewed the decrees and charters of the various national parks affected by glider flight activities, to document varying situations.

- *Cévennes National Park: Overflight of the heart of the park at an altitude of less than 1,000 meters above the ground is prohibited for motorized aircraft and subject to regulations for non-motorized aircraft; however, there are no current restrictions for gliders, which cannot be considered as part of the regulations agreed upon for free-flyers;*
- *Pyrenees National Park: Overflight of the heart of the park at an altitude of less than 1,000 meters above the ground is prohibited for motorized aircraft, and is subject to regulations governing periods, sites, and zones, and even authorizations, for non-motorized aircraft, by decree of 2022;*
- *Mercantour National Park: Overflight of the heart of the park at an altitude of less than 1,000 meters above the ground is prohibited for motorized aircraft, and is subject to regulations, even authorizations and fees where applicable, for non-motorized aircraft, with a 2016 decree prohibiting overflight at an altitude of less than 1,000 meters above the ground for gliders, and the removal of special flight corridors in 2017;*
- *Ecrins National Park: Overflight of the heart of the park at an altitude of less than 1,000 meters above ground level is prohibited for motorized aircraft and subject to regulations and authorizations for non-motorized aircraft, with transit routes and no-fly zones. Glider flights have been the subject of a negotiated order between the FFVP and the park management;*
- *Vanoise National Park: Overflight of the heart of the park at an altitude of less than 1,000 meters above ground level is prohibited for motorized aircraft and subject to regulations and authorizations, or even fees where applicable, for non-motorized aircraft, with a 2015 order regulating the periods and zones for overflight at an altitude of less than 1,000 meters above ground level for gliders;*
- *Forêts National Park: Overflight of the heart of the park at an altitude of less than 1,000 meters above ground level is prohibited for motorized and non-motorized aircraft, except with overflight authorizations;*

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In the event of an infraction observed during a glider flight below 1,000 meters above ground level (i.e., 3,300 ft) during slope, thermal, or transit flights, or during a prohibited period or zone, a warning letter may be sent to the offender or to the club management. This can be an opportunity to initiate a useful discussion about the constraints of glider flight and the potential impact of flights on the environment and birdlife.

If the facts are the subject of an infraction report drawn up by a sworn officer of the national park or the OFB, the offender will be interviewed. It should be noted that, in the case of a violation, no compulsory custody measures are possible. The timing of this voluntary hearing must therefore be agreed upon, while the offender may be interested in suggesting to the investigator (by having them transcribe their statements before reviewing and signing them) that they hear any relevant witness (instructor, club president, other pilot) to explain the context (deteriorating weather conditions during the flight, flight safety requirements, navigational errors, etc.).

Note that in contravention matters, no intentional element is required to constitute an offense, but only a material element consisting of failure to comply with a no-fly zone or the minimum height requirement. While the fine is applicable as many times as there are offenders, in the case of a two-seater glider, only the criminal liability of the pilot-in-command (as defined in Annex I of EU Regulation No. 1178/2011) should be retained, as the person responsible for the flight, for compliance with operational procedures, and for the aircraft that failed to comply with the no-fly zone or the minimum required height.

While it is up to the sworn officer (environmental inspector, OFB officer, or judicial police officer/agent) to draw up a report of the offense and to conduct a hearing of the offender and any third-party hearings relevant to the investigation, the criminal proceedings are then referred to the prosecutor's office of the territorially competent judicial court, which alone decides whether or not to prosecute.

Essentially, the following offenses and penalties may be incurred :

Offence	Penalty	Penalty
UNAUTHORIZED FLIGHT OVER A NATIONAL PARK AT A HEIGHT OF LESS THAN 1,000 METERS	ART.R.331-68, ART.R.331-71, ART.L.173-7, Section 2 of the Environmental Code.	Fifth-class offense * maximum fine of €1,500.
REPEAT OFFENSE OF UNAUTHORIZED FLIGHT OVER A NATIONAL PARK AT A HEIGHT OF LESS THAN 1,000 METERS	ART.R.331-73, ART.R.331-68, ART.R.331-71, ART.L.173-7, Section 2 of the Environmental Code.	Fifth-class violation * maximum fine of €3,000.
UNAUTHORIZED GAMBLING OR SPORTS IN A NATIONAL PARK RESERVE	ART.R.331-66, ART.R.331-71, ART.L.173-7, Section 2 of the Environmental Code.	Class 4 Offense * / ** Maximum fine of €750
WILLFUL DISTURBANCE OR DISTURBANCE OF ANIMALS BY ANY MEANS WHATSOEVER WITHOUT AUTHORIZATION	ART. R.331-65, ART.R.331-71, ART.L.173-7, Section 2 of the Environmental Code.	Class 4 Offense * / ** Maximum fine of €750

* : Please note that natural or legal persons may also be liable to the additional penalty of confiscation of the property used to commit the offense (ART R.331-71 and R331-72 C. ENV.)

** : Offenses punishable by the provisions of Articles R. 331-63 to R. 331-66, when committed in a full reserve, are liable to the fine provided for 5th class offenses (ART. R.331-70 C. ENV.)

For Class IV fines, proceedings are handled by the Public Prosecutor (OPM) at the police court. The OMP may uphold the fine, dismiss it if the offense is insufficiently proven, or refer the dispute to the police court with territorial jurisdiction.

For Class V fines, the Public Prosecutor with territorial jurisdiction may decide:

- 1) to dismiss the fine if the offense is not established or insufficiently proven, or to dismiss it conditionally (referring to non-repetition) if the offense is less serious; 2) an alternative (if accepted) to criminal prosecution (composition fine, environmental citizenship training, etc.)
- 3) a penal order (simplified criminal prosecution, without a hearing, but subject to appeal before the police court)
- 4) criminal prosecution before the police court (with a hearing before the police court)

For the purpose of a voluntary hearing, the offender may request the assistance of a lawyer, but the issue does not appear to require it, unless they are entitled to free assistance under a legal protection contract. This assistance of a lawyer should only be considered if summoned to appear in court, although it is not mandatory. A foreign pilot may also request the assistance of a translator to ensure the regularity of the report, or even the court hearing. If a glider is identified—but not the pilot, if applicable—criminal or administrative liability may be considered for the individual or legal entity (club) that owns the glider.

The search to identify the pilot who flew over a national park in violation of the applicable regulations is carried out by commissioned and sworn agents of the national parks or the OFB, in particular. In addition to consulting aircraft registration databases to identify the owner, matching the glider with its pilot on the day and time of the offense may require investigators to request the aerodrome managers to provide the movement log (or "flight sheet") kept in accordance with the police measures applicable to the aerodrome, the fees register, or any document allowing the invoicing of services provided to the aircraft pilot.

In the absence of an amicable response, and with the prior agreement of the Public Prosecutor. A requisition for the collection of information may be authorized (with seizure, if necessary, of the original document or a copy, including a digital copy) by a judicial police officer pursuant to Article 77-1 of the French Code of Criminal Procedure, or by a commissioned and sworn officer of the national park or the OFB pursuant to Article L.172-11 of the French Environmental Code. Refusal to respond to such a requisition without legitimate reason and as soon as possible is punishable by a fine of up to €3,750, pursuant to Article 60-1 of the French Code of Criminal Procedure.

Pursuant to Article 9 of the French Code of Criminal Procedure, criminal prosecution is no longer possible after one year following the last procedural act initiated in the proceedings.

In addition to the criminal penalties incurred, the protection of public property is also exercised through the procedure for major highway violations (Articles L 2132-2 of the General Code of Public Property and L 774-1 of the Code of Administrative Justice), which also makes any offender liable to legal action (not subject to the one-year limitation period for contraventions under Article 9 of the Code of Criminal Procedure) to obtain payment of the costs of interim or emergency measures that the public establishment of the national park may have been required to take to restore the site or to stop the disturbance of the public property. This may lead to a settlement or, alternatively, to a judgment before the administrative court, seized at the request of the director of the national park, according to an adversarial procedure without the need for a lawyer.

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Immediately after a report of the offense has been issued, and unless the facts are seriously disputed, a meeting between the president of the club concerned and the park management could lead to a proactive approach, suggesting that the offender be subject to an alternative measure to administrative or criminal prosecution, in the form of an environmental awareness course, which some OFB departments have implemented (based on the idea of paid two-day road safety awareness courses).

The existence or absence of criminal or administrative prosecution does not preclude the application of the provisions of the club's internal regulations if it is established that the driver knowingly violated them. In the event of a proven violation, and even more so if it is repeated, the matter could be referred to the Club's internal disciplinary bodies or the FFVP, particularly in the case of offenses committed during a national or international event authorized or organized by the Federation.

It therefore remains important to make the association's statutes and internal regulations binding on everyone, whether local members or temporary users of the club's facilities, and to ensure that flight instructions are posted. A specific welcome booklet, translated into at least English/German, could be provided if the club regularly welcomes external or foreign pilots.

Note dated February 1, 2025, updated May 7, 2025,
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