

Section 4. Air Space Restrictions.

(1) For areas bounded on all sides, the following permanent or temporary restrictions may be promulgated with respect to the transit of aircraft (restricted areas):

- a) The prohibition of transit (prohibited areas);
- b) the order that transit is permissible only subject to certain restrictions (restricted areas); and
- c) the warning that transit is attended by risks (danger areas).

(2) Restricted areas shall be located in such a way that their lateral boundaries coincide with landmarks easily visible from the air. The upper boundary of the restricted area shall be formed by a horizontal plane where absolute altitude above sea level is to be given. The same shall apply to the lower boundary insofar as it is not determined by the surface of the earth or coincides therewith.

Section 5. Power to Determine Air Space Restrictions.

(1) The Federal Ministry of Transport and Electric Power in concurrence with the Federal Ministry of National Defense and the other Federal ministries concerned, shall establish by ordinance air space restrictions within the meaning of section 4, paragraph 1, subparagraphs a and b, or shall draw attention to danger areas within the meaning of section 4, paragraph 1, subparagraph c) insofar as this is required:

- a) in the interest of air safety, or
- b) to eliminate disturbing effects of aviation on persons and property, or
- c) to safeguard search and rescue measures (section 135), or
- d) to maintain public peace, order, and safety.

(2) In the cases designated in paragraph 1, subparagraph b, the competent provincial government shall be given the opportunity to state its views prior to the issuance of the ordinance.

(3) Unless otherwise provided for in paragraph 4, the Federal Ministry of National Defense in concurrence with the Federal Ministry of Transport and Electric Power and other Federal ministries concerned, shall establish by ordinance the air space restrictions in accordance with section 4, paragraph 1, subparagraphs a and b, which are required in the interest of national defense.

(4) The Federal Ministry of National Defense, furthermore, shall establish restricted areas in so far as this is required:

- a) to prevent violations of air sovereignty, or
- b) to prepare for an operation of the Federal Army in accordance with section 2, paragraph 1, subparagraphs a and b of the Defense Law, Federal Law Gazette No. 181/1955, if there is imminent danger, or
- c) to carry out an operation of the Federal Army in accordance with section 2, paragraph 1, subparagraph b of the Defense Law.

(5) Restricted areas in accordance with paragraph 4 may only be established for a maximum duration of two weeks.