

PART II—AIRCRAFT AND FLIGHT CONTRIVANCES

A. AIRCRAFT

Section 11. Definition.

(1) Aircraft shall be craft which are suitable for the carriage of persons or goods by air without mechanical connection with the ground, regardless of whether they are heavier-than-air (as for instance, aircraft, gliders, ornithopters, helicopters, gyroplanes, and parachutes) or lighter-than-air (as for instance, airships and free balloons).

(2) Military aircraft shall be aircraft which bear the identification mark of a military aircraft. All other aircraft shall be civil aircraft.

(3) An aircraft shall be considered as being in flight:

a) for heavier-than-air aircraft, from the moment when power is applied for the actual takeoff movement until the completion of the actual landing movement;

b) for lighter-than-air aircraft, from the moment of its release from the ground until it is again secured to the ground.

Section 12. Requirements for Use of Aircraft in Flight.

(1) Unless otherwise provided for in sections 7 and 20, a civil aircraft may be used in flight only if:

a) it is licensed by the Federal Civil Aviation Office by decree in accordance with section 13, or

b) it is licensed in another State and such license is validated by the Federal Civil Aviation Office by a decree in accordance with section 18, or

c) the license issued in another State is recognized on the basis of international agreements.

(2) Military aircraft may be used in flight only if, and as long as they are airworthy (section 17).

Section 13. Licensing of Civil Aircraft.

(1) Civil aircraft shall be licensed by the Federal Civil Aviation Office, upon application by the aircraft operator, by written decree if they meet the requirements set forth in section 14. The license shall, within the framework of the application, cover all purposes for which the aircraft is designed and technically equipped.

(2) The operator of a civil aircraft shall be the person who operates the civil aircraft on his own account and who possesses such power of disposal over it as is required by such operation.

Section 14. Conditions for Licensing Civil Aircraft.

(1) A civil aircraft shall be licensed in accordance with section 13, if:

a) it possesses Austrian nationality (section 15),

b) it is airworthy (section 17) and so technically equipped that the noise caused by its operation is not more than is unavoidable under the technical standards of the time, and

c) it has taken out such liability insurance as is prescribed by law.

(2) For parachutes, the condition specified in paragraph 1, subparagraph a) shall not be required.