

with aviation lighting, or a breakdown of flight safety installations, shall be subject to permission in accordance with this Federal Law, notwithstanding the permission required under other laws. The permission shall be granted if air safety is not adversely affected thereby. It shall contain such conditions and limitations as are required in the interest of air safety.

(2) Competent for the issuance of the permission designated in paragraph 1, shall be the Federal Ministry of Transport and Electric Power which shall obtain the concurrence of the Federal Ministry of National Defense.

Section 95. Marking of Obstructions to Air Navigation.

(1) If the marking of an obstruction to air navigation is required, the authority competent for the issuance of an exceptional permit (section 93) shall force the owner of the obstruction to air navigation to allow this measure.

(2) Within the safety zone of a civil airdrome the operator of the airdrome shall be forced by decree of the authority competent for the issuance of the exceptional permit to mark the obstruction to air navigation in accordance with paragraph 1. Within the safety zones of military airdromes, the Federal Ministry of National Defense shall be responsible for the marking of obstructions to air navigation; outside of safety zones, the Federal Civil Aviation Office.

Section 96. Obligation to Eliminate Obstructions to Air Navigation.

(1) The authority competent for the issuance of an exceptional permit in accordance with section 93 and the issuance of a permit in accordance with section 94, respectively, shall, with regard to air safety and protection of the public, decide whether, to what extent, and within which time, obstructions to air navigation and the installations designated in section 94, respectively, which were established or expanded in conflict with the provisions of this Federal Law, shall be removed, altered, or marked (section 95) by the owners at their own expense.

(2) The owner of objects which, owing to their nature, location, or position are apt to interfere with the operation of flight safety service installations (section 122), shall be enjoined by the Federal Civil Aviation Office by decree to remove such objects, whereby the requirements of air safety will be taken into account. The cost of removal as well as any damages resulting therefrom shall be refunded by the Federal Government. Claims for compensation shall be filed with the Federal Civil Aviation Office. If these claims are not recognized within a period of six months, the court shall, upon request of the owner, decide in a nonadversary proceeding.

PART VI—EXPROPRIATION FOR PURPOSES OF AIR NAVIGATION

Section 97. Right of Expropriation.

Title and other property rights may be expropriated or restricted if indispensable in the public interest (Expropriation for purposes of air navigation):

a) in the field of civil aviation:

aa) for the purpose of constructing or expanding flight safety installations, or