

Article 37

2. License and authorization for airports. Airports open to public navigation may be established and operated only by virtue of a license which shall be granted by the Department of the Post Office and Railroads.

For the establishment and operation of all other airports, authorization by the Federal Air Office shall be required.

The governments of the Cantons concerned shall be heard before the granting of a license or the delivery of an authorization.

A responsible supervisor shall be designated for each airport.

Article 38

3. Right of use. To the extent that military interests permit, airports belonging to the Federal Government shall also be open to civil aviation.

Aircraft in the service of the army, the customs and the police may use, without payment of a fee, civil airports supported by the Federal Government when no disturbance of civil aviation results therefrom.

Special arrangements regulating the exercise of the rights mentioned in paragraphs 1 and 2 shall not thereby be affected.

Article 39

4. Airport fees. Airport fees shall be submitted for the approval of the Federal Air Office.

Article 40

II. Service of air safety. The Federal Air Office shall organize a service of air safety.

This service shall include in particular the transmission of messages, traffic control, aids to navigation, aeronautical weather services and the marking of flight obstructions.

Article 41

III. Flight obstructions. The Federal Council may prescribe rules to prevent the creation of flight obstructions, to remove such obstructions, or to adapt them to the requirements of the safety of air navigation.

The federal laws on expropriation shall apply to complete or partial removal of flight obstructions that existed before these provisions were enacted.

Article 42

IV. Restrictions on realty. 1. Use without compensation. The Federal Government and the grantees of an airport license shall have the right to gratuitous use of public or private property for installations of the safety service, provided the normal use of such real property, such building or such installations, is not hampered.

However, any damage resulting from the construction and maintenance of installations of the safety service must be repaired.