

(2) Permissions in accordance with paragraph 1 shall prescribe such conditions, limitations and terms as are required in the interest of national defense and civil aviation.

(3) Prior to issuance of the permission in accordance with paragraph 1, the Federal Ministry of National Defense shall obtain the concurrence of the Federal Ministry of Transport and Electric Power if the use involved is not exclusively serving military interests or if the establishment of permanent installations is involved.

B. CIVIL AIRDROMES

Section 63. Public and Private Airdromes.

A public airdrome (Flugplatz) shall be deemed a civil airdrome which is under obligation to operate (section 75, paragraph 5) and which is open under equal conditions to all participants in air traffic. All other civil airdromes shall be deemed private airdromes.

Section 64. Airports.

An airport (Flughafen) shall be deemed a public airdrome which is intended to be used by international air traffic and which is equipped with the necessary installations therefor.

Section 65. Landing Fields.

(1) A landing field (Flugfeld) shall be deemed a civil airdrome which is not an airport.

(2) A glider landing field shall be deemed a landing field intended to be used for gliding. A power landing field (Motorflugfeld) shall be deemed a landing field intended to be used for powered aircraft operations.

Section 66. Ordinance Concerning Civil Airdromes.

The Federal Ministry of Transport and Electric Power shall establish by ordinance the requirements for the individual types of civil airdromes (section 63 through 65) with a view to the volume of operation and in accordance with the requirements of safety of air navigation (Civil Airport Ordinance).

Section 67. Preparatory Work for Civil Airdromes.

(1) When the planning of a civil airdrome requires preparatory work on private land and when the landowner does not want to permit such work, the authority of jurisdiction under paragraph 2 shall, upon request by the applicant for a civil airdrome permit, force the landowner by decree to allow the preparatory work provided the applicant is reliable and the project economically and technically feasible. (Verpflichtungsbescheid-decree establishing the obligation to tolerate the preparatory work). The authority shall determine in this decree an adequate time limit within which the preparatory work must be completed.

(2) The Federal Ministry of Transport and Electric Power shall have jurisdiction for the issuance of the decree in accordance with paragraph 1 in cases involving the planning of airports; in all other cases the provincial governor shall have jurisdiction.

(3) The applicant shall compensate the landowner for any damage caused by the preparatory work. In case an agreement cannot be reached on the amount of compensation, a court shall decide in a nonadversary proceeding. Claims for compensation shall be filed not