

Section 78. Permission to Establish Ground Facilities for Civil Aviation.

(1) Permission shall be required for the establishment and use, as well as for every essential alteration of a ground facility on a civil airdrome (ground facility for civil aviation).

(2) The Federal Ministry of Transport and Electric Power shall be competent for the issuance of this permission, when the height of the ground facility exceeds the limits established in section 85, paragraph 2, subparagraphs a and b, or when the installation causes optical or electrical interferences (section 94). The Federal Ministry of Transport and Electric Power shall decide in concurrence with the Federal Ministry of National Defense.

(3) In all cases in which the Federal Ministry of Transport and Electric Power does not have jurisdiction, the provincial governor shall decide.

Section 79. Requirements for the Permission of Ground Facilities for Civil Aviation.

(1) A permission in accordance with section 78, paragraph 1, shall be given when the project is required for, or useful to safety of air navigation.

(2) The permission shall prescribe such conditions or limitations as may be necessary for averting dangers or for ensuring efficient operation.

Section 80. Removal of Ground Facilities for Civil Aviation.

After revocation of a civil airdrome permit, the provincial governor shall decide with a view to the requirements of public safety whether and to what extent the last airdrome operator shall remove at his own expense ground facilities at an airdrome and restore the condition existing prior to the establishment of the ground facilities for civil aviation.

C. MILITARY AIRDROMES

Section 81. Preparatory Work for Military Airdromes.

(1) When the planning of a military airdrome requires preparatory work on private land and the owner of the land does not want to permit the work, the Federal Ministry of National Defense shall force him by decree to allow the preparatory work (Verpflichtungsbescheid).

(2) The Federal Government shall compensate the landowner for any damage caused by the preparatory work. In case an agreement on the compensation is not reached, the court shall decide in a non-adversary proceeding. Claims for compensation shall be filed not later than three months after the day on which the Federal Ministry of National Defense has proved to have informed the landowner of the completion of the preparatory work.

Section 82. Establishment, Alteration and Closing of Military Airdromes.

(1) The Federal Ministry of National Defense shall be responsible for the establishment, alteration and closing of military airdromes. The Federal Ministry of National Defense shall obtain the concurrence of the Federal Ministry of Transport and Electric Power with respect to the projected location of a military airdrome.