

ble if the interests of national defense take priority over those of civil aviation.

Section 100. Conflict with Other Expropriation Rights.

Title and other property rights in land for which an expropriation right also exists under another Federal law, may only be expropriated with the consent of the Federal Ministry that has jurisdiction over the implementation of that Federal law.

PART VII—AVIATION ENTERPRISES

Section 101. Definition.

Aviation enterprises shall be:

- a) Enterprises engaging in the commercial transportation of persons and goods by aircraft (air transport enterprises);
- b) Enterprises engaging in the commercial charter of aircraft (aircraft charter enterprises).

A. AIR TRANSPORT ENTERPRISES

Section 102. Types of Air Transport Enterprises.

(1) An air transport enterprise may engage in scheduled air traffic (scheduled air carrier) or in nonscheduled air traffic (nonscheduled air carrier) or in both types of commercial air transportation at the same time.

(2) Scheduled air traffic shall be the scheduled transportation of persons or goods by aircraft on designated routes serving public traffic. Nonscheduled air traffic shall be any other commercial transportation of persons or goods by aircraft.

Section 103. Transport Permit.

(1) For the operation of an air transport enterprise as well as for every expansion of its scope of operation, designated by decree, permission by the Federal Ministry of Transport and Electric Power shall be required (transport permit).

(2) Notwithstanding any conflicting provincial laws, the air transport operator may operate such auxiliary enterprises as may directly and exclusively serve the traffic functions of the air transport enterprise concerned.

Section 104. Requirements for Application for the Issuance of a Transport Permit.

(1) The application for issuance of a transport permit shall state the reasons which, in the opinion of the applicant, would constitute a need for the enterprise to be founded. Furthermore, credible evidence of the financial means necessary for the establishment and operation of the enterprise shall be furnished.

(2) The application shall further contain the following information:

- a) Last and first name (firm), residence (seat), and location of the enterprise,
- b) name, residence, and citizenship of the persons authorized to represent the enterprise,