

c) the type of air transport enterprise planned (section 102) and activities proposed such as, for instance, sightseeing flights, taxi flights, and tours,

d) the proposed conditions of transportation,

e) the proposed flight operation area, i.e., the area in which the planned operations are to be carried out,

f) the number and type of aircraft intended to be used,

g) the proposed organization of operations.

(3) In the case of scheduled air traffic, the application shall further contain information on the scheduled air services planned.

(4) The Federal Ministry of Transport and Electric Power shall require such additional information and data as are necessary to assure that the requirements for determination according to section 106 are met.

Section 105. Investigation of Project.

(1) Prior to the issuance of the permit, the Federal ministries concerned, the province, and the community in which the enterprise is located, as well as the Federal Chamber of Commerce and the Austrian Chamber of Labor Diet shall be given the opportunity to state their views on the project.

(2) If an air transport operator wishes to operate scheduled air services, an opportunity to state its views shall be given, in addition, to every air transport enterprise with a seat in Austria, which operates scheduled air services.

Section 106. Requirements for the Issuance of a Transport Permit.

(1) The transport permit shall be issued if:

a) the applicant possesses Austrian citizenship, is reliable, and technically qualified,

b) safety of operation is ensured and credible evidence of the financial capacity of the enterprise is furnished,

c) a need exists for such enterprise and the operations planned guarantee that the need is appropriately and economically met.

(2) In the event that the operator is not a physical person, the enterprise must have its seat in Austria, and ownership must be held preponderantly by Austrian citizens. The provisions of section 16, paragraph 3, shall apply accordingly.

(3) A further requirement for the licensing of scheduled air carriers shall be that the establishment of the enterprise is in the public interest. This is particularly not the case when the enterprise is apt to endanger the traffic functions of an already existing Austrian scheduled air carrier.

Section 107. Decree Concerning Transport Permit.

(1) When the requirements specified in section 106 are met, the transport permit shall be issued within the framework of the application. This shall be done by written decree; failure to do so shall constitute a defect which may render the license null and void.

(2) The decree concerning the transport permit shall specify:

a) the type of air transport enterprise (section 102),

b) the scope of the permit in accordance with the need including the area of flight operations,