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REPUBLIC OF AUSTRIA

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REGULATIONS CONCERNING THE USE OF THE AIRSPACE OF THE REPUBLIC OF AUSTRIA WITH FOREIGN MILITARY AIRCRAFT OR MILITARY OPERATED AIRCRAFT

Introduction

The Austrian authorities have recently reviewed the pattern of overflights of Austrian sovereign airspace and landings in Austria of foreign military aircraft and military operated aircraft. The improved procedures will be implemented as of April 1st 2016.

All new requests for overflights and landing will be required to observe the new procedures as per particulars stated below.

The Austrian Ministry of Defence and Sports is the authority responsible for receiving and processing requests from foreign countries for diplomatic flight clearance. All applications must be submitted on the European Union Diplomatic Clearance Form (EU DIC form). The completed EU DIC form should be forwarded through diplomatic channels.

1. Applicability:

These regulations are applicable to all military and military operated aircraft when requesting to

- transit Austrian airspace,
- operate within the territorial airspace of Austria or
- land at an Austrian civil or military aerodrome.

Note that the Republic of Austria has bilateral and multilateral agreements with certain countries. Such agreements give dispensation from the requirement for routine clearance application. Details are contained in separate correspondence with the countries concerned.

Foreign embassies in Austria shall forward **requests** concerning overflight of Austrian airspace or landing on Austrian territory **in English via e-mail** or in exceptional cases by facsimile.

The Austrian Ministry of Defence and Sports is the primary point of contact for all overflight requests.

Attached please find an address list of the relevant Austrian authorities.

2. Definitions:

Every military or military operated flight wishing to overfly, operate in or land on Austrian territory requires permission prior to entering Austrian airspace. The following are definitions of the two key overflight request types.

Military Flight:

A flight by an aircraft registered with its state's armed forces.

Military operated Flight:

A flight by an aircraft recorded in a civilian register but flying under the authorization of foreign state's armed forces, or fulfilling a military purpose.

3. Submission:

All applications must be submitted in writing with the **EU DIC form and Appendix 1 - 3** where applicable. The requesting state's reference number has to be stated in the EU DIC form field 1 (Reference number). The latest version of this form will be provided through www.bundesheer.at/english/index.shtml.

Requests should be forwarded to the Austrian Ministry of Defence and Sports **no later than 5 working days** prior to overflight/landing.

With flights transporting **dangerous goods** the requests should be forwarded **no later than 10 working days** prior to overflight/landing.

Requests submitted to the Austrian authorities later than the 5-working-day notification will be reviewed at the earliest convenience. For such requests, Austria cannot guarantee that an official response will be sent to the requesting state before the aircraft's scheduled flight commences.

If no advance notification for a requested overflight/landing is provided, entry into Austrian airspace by the aircraft may be denied.

Once authorization is granted, a **specific Diplomatic Clearance Number (LODCNXXXXXX)** will be issued for the flight/s concerned. The DCN (Diplomatic Clearance Number) has to be included in item 18 of the ICAO flight plan not separated by space characters. This DCN should also be used for any subsequent requests pertaining to the flight/s granted.

Military Flight Plans and associated update messages should also be filed at least 24 hours prior to activation of the flight plan to the **Aeronautical Fixed Telecommunication Network address LOXBDCNR** for pre-flight information.

3.1 Validity:

Unless otherwise stipulated the validity of the clearance granted will **cover a period of 3 days before and after the expected date of arrival** of the aircraft as stated in the Mission's note. In case flights are not to be executed during this period a renewal of the application is required.

3.2 Alterations:

Once the authorization has been granted the requesting state may be required to send an amendment to the approved overflight request as a result of unanticipated alterations

- to the flight plan or
- date of arrival

because of inclement weather, mechanical difficulties or operational problems. In such instances, the Austrian authorities require a **48-hour notification** (excluding Saturdays, Sundays and public holidays) prior to any change in flight plans.

3.3 Emergency Requests:

In exceptional operational circumstances, such as

- urgent medical evacuations,
- humanitarian and disaster relief missions and
- search and rescue operations

the request should be forwarded **no later than 24 hours** prior to overflight/landing.

If a state cannot submit a request within normal business hours, due to **urgent or emergency situations**, the state's embassy must contact the **Joint Forces Command/Duty Officer Air** in advance. Contact details for the Duty Officer Air are provided at the end of this document. The Duty Officer will provide assistance to the requesting state by contacting the appropriate authorities for emergency/after-hour requests.

3.4 Other Important Information:

The approval of the application, however, does not exempt the requesting operator from filing the appropriate ICAO flight plan in accordance with the requirements as specified in the Austrian Aeronautical Information Publication (AIP).

The flight has to be carried out in compliance with all national rules, international agreements, ICAO rules and restrictions described in the AIP AUSTRIA, ATC regulations, NOTAM or other special requirements.

4. **Dangerous Goods:**

All details of dangerous cargo should be indicated in Appendix 2 and submitted with the completed EU DIC form to the Austrian Ministry of Defence and Sports for approval. No live ammunition or other dangerous goods are to be carried into Austria without prior clearance.

The transport of dangerous goods is only permitted in accordance with the provisions of the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air or the International Air Transportation Association – Dangerous Goods Regulation (IATA-DGR).

All transports of hazardous materials which deviate from the provisions of the ICAO/IATA regulations require further assessment. Note that a minimum of 10 working days for processing is required. Applications which do not adhere to this term of timely approval cannot be guaranteed.

5. **War Material:**

All aircraft transporting weapons of war require previous authorization for the shipment either by the Austrian Ministry of Defence and Sports or by the Federal Ministry of the Interior.

5.1 **Prohibitions and Restrictions:**

Weapons of Mass Destruction: The import, export or transit as well as the sale, brokering and possession of nuclear, biological or chemical weapons of mass destruction is generally prohibited and punishable as a criminal offence according to Austrian national law.

Other weapons: The import, export or transit as well as the sale, brokering and possession of anti-personnel-mines and anti-detection mechanisms, blinding laser weapons and cluster munitions as defined in the cluster munitions convention is prohibited and punishable as a criminal offence, subject to the following exceptions:

- Import, possession and storage of anti-personnel mines for their immediate destruction.
- Import, export or transit as well as the sale, brokering and possession of laser systems, including laser systems used against optical equipment, whose legitimate military employment may result in blinding as an incidental or collateral effect.
- Import, export and transit, possession and storage of cluster munitions as defined in the cluster munitions convention for their immediate destruction.

5.2 **Military Flights:**

The aircraft operator is required to provide detailed information about **type and quantity** of the weapons to be shipped in the EU DIC form field 30 (Remarks) or on a separate sheet attached to the EU DIC form. The attachment should be indicated in the section LOAD INFORMATION. The completed overflight request form has to be sent to the Austrian Ministry of Defence and Sports for approval.

5.3 **Military Operated Flights:**

All military operated flights **not carrying military personnel** wishing to overfly, land or operate in Austrian territory, shipping **military technology and equipment according to the Austrian Regulation on war Material** must submit a request to the **Austrian Federal Ministry of the Interior** for special permit. For approval the completed Appendix 3 has to be transmitted by e-mail **no later than 40 working days** prior to overflight/landing to the address mentioned at the top of Appendix 3.

The overflight/landing request can only be permitted by the Austrian Ministry of Defence and Sports after the transport of weapons has been granted by the Austrian Federal Ministry of the Interior or otherwise it will be denied.

6. **Armament and Reconnaissance Equipment:**

Photographic imagery or electronic surveillance equipment must not to be carried without prior approval. Military aircraft which carry armament in fixed installations are required to submit a request for special permission by the Austrian Ministry of Defence and Sports.

During the sojourn in Austrian airspace or on Austrian territory, any type of Intelligence, Surveillance, Target Acquisition, Reconnaissance equipment (ISTAR) and/or Electronic Warfare (EW) equipment as well as Defensive Aids Sub Systems have to be rendered inoperative.

If a foreign state wishes to fly or operate armed aircraft (e.g. fully functional combat aircraft, bombers) or aircraft equipped with reconnaissance or electronic countermeasure equipment in Austrian airspace not rendered inoperative, the state will make the request using the provided EU DIC form field 19 (Armament), providing all

necessary and relevant information where applicable.

7. Tanker Operations:

Aerial refueling in Austrian airspace is not permitted.

8. Military Formation Flights:

Foreign military formation flights under instrument flight rules (IFR) conducting flights within FIR WIEN shall be in accordance with national regulations and permissions, in particular:

- a standard military GAT formation operating under IFR shall consist in general of MAX 4 aircraft;
- the formation shall operate as a single aircraft with regard to navigation and position reporting;
- the formation leader shall ensure that the formation is not exceeding 1 KM (0.5 NM) laterally and longitudinally and 30 M (100 FT) vertically;
- all aircraft of the formation shall be VHF and transponder equipped;
- unless otherwise instructed, only the lead aircraft shall squawk as directed by ATC.

Deviation from this regulation, e.g. additional limitations and/or requirements, must be stated in the permission for overflight of or landing on Austrian territory.

9. Aerodrome for Landings:

For landing and departure the use of either **civil or military aerodromes is mandatory.**

10. Military Aerodromes:

Prior permission is required before landing at military aerodromes in Austria. A prior permission request shall be submitted **no later than 5 working days** in advance of the execution of the flight. The request for landing permission is to be forwarded through the **Aeronautical Fixed Telecommunication Network (AFTN)**.

Operational coordination for landing requests (e.g. special handling requirements, refueling) is not activated by submission or approval of the Overflight Request Form. Direct coordination with the appropriate military airport ARO (Air Traffic Services Reporting Office) must still be arranged by the requesting state.

If a flight is cancelled for any reason, ARO is to be notified by AFTN message as soon as possible. **The landing/departure of foreign military or military operated aircraft outside the operational hours of the military aerodrome cannot be granted without payment.**

11. Off-field Landing and Departure:

In exceptional cases off-field landings of military aircraft or military operated aircraft can be approved. Off-field landings obey a special procedure and require an explicit permission by the landowner and the responsible provincial governor. Moreover all flights departing from a non EU or Non Schengen member state intending to perform an off-field landing are required to obtain a special approval by the Austro Control GmbH for not entering Austria through a civil or military airport.

If an aircraft operator wishes to perform an off-field landing the state's embassy must contact the Austrian Ministry of Defence and Sports **no later than 20 working days** prior to the execution of the flight.

LIST of ADDRESSES

POC for all overflight/landing requests:

Austrian Ministry of Defence and Sports

Military Aviation Division

Rossauer Lände 1

1090 VIENNA

Tel.: +43 (0)50 201-10-24308, 24309

Fax: +43 (0)50 201-10-17041

e-mail: overflight.permit@bmlvs.gv.at

POC for emergency overflight/landing requests that may occur outside of business hours:

Joint Forces Command/Duty Officer Air

Schwarzenberg Barracks

5071 WALS-SIEZENHEIM

Tel.: +43 (0)50 201-80-23015

Fax: +43 (0)50 201-80-17051

e-mail: skfuekdo.dhoopz@bmlvs.gv.at

POC for managing foreign state requests for military operated flights (per point above 5.3 above)

Austrian Federal Ministry of the Interior

Directorate General III

Department III/3

Tel.: +43 (0)1-53 126-3623

Fax: +43 (0)1-53 126-3760

e-mail: bmi-iii-3@bmi.gv.at

5 Appendices:

- European Union Diplomatic Clearance Form
- Detailed Itinerary Appendix 1
- Dangerous Goods Details Appendix 2
- Authorization of a War Material Transport Appendix 3
- EU DIC Form Guide Appendix 4

Applicant (name, address, telephone number, fax number, E-Mail): 		Date: 		
		Ref.No. 		
To Federal Ministry of the Interior P.O.B 100 1014 VIENNA fax: +43 (0) 1 53126 3760 e-mail bmi-iii-3@bmi.gv.at		Request for authorisation: <input type="checkbox"/> Import <input type="checkbox"/> Export <input type="checkbox"/> Transit <input type="checkbox"/> Import and Reexport <input type="checkbox"/> Export and Reimport of war material, KMG, BGBl.Nr. 540/1977.		
1.	Specification of the goods (war material): (quantity, exact description of the goods / type)	Qty.	description, type	ML-No.
2.	Value of the goods in €:			
3.	Exporter: (name and address)			
	Country:			
4.	Importer: (name and address)			
	Country:			
5.	Enduser: (name and address)			
	Country:			
6.	Intended use:			
7.	Transported by:	<input type="checkbox"/> car <input type="checkbox"/> train <input type="checkbox"/> aircraft <input type="checkbox"/> ship		
8.	Border crossing:	Entry into Austria:		
		Departure from Austria:		
9.	Date of the transport:			
10.	End-user Certificate (EUC): <input type="checkbox"/> yes / <input type="checkbox"/> no Import License: <input type="checkbox"/> yes / <input type="checkbox"/> no Import Certificate: <input type="checkbox"/> yes / <input type="checkbox"/> no			
11.	It is taken for knowledge that extensive restrictions apply for the import, export and transit as well as brokering of anti-personnel mines (APM), anti-detection mechanisms for APM, cluster munitions and blinding laser weapons. It is confirmed that in Section 1 no such war material is contained. <input type="checkbox"/> yes / <input type="checkbox"/> no If no , the purpose of the import/export/transit is <input style="width: 50px;" type="text"/>			
12.	Further remarks: <input type="checkbox"/> yes - (following page)			

_____ : pages _____

Signature of the applicant

DIC Form Guide

General instructions: this form has to be filled in English and in capital letters.

Guide for each item to be inserted:

- (1) Reference number of this document. One reference number refers to a single document.
- (2) Amendment to an already issued document.
- (3) State for which the respective column applies.
- (4) Insert a 'X' if a DIC request is made to the state specified in column (3).
- (5) Insert a 'X' if a DIC notification is made to the state specified in column (3).
- (6) Insert a 'X' if the intention is to land in the state specified in column (3).
- (7) Insert a 'C' if the flight is carrying ICAO/IATA compliant dangerous goods (DG) and 'NC' if carrying ICAO/IATA non-compliant dangerous goods (DG). Details for the DG's are to be inserted in Appendix 2.
- (8) Insert a 'X' if this document is an amendment to an existing DIC clearance document issued before.
- (9) Insert a 'I' if IFR, a 'V' if VFR, a 'Y' if IFR changing to VFR and a 'Z' if VFR changing to IFR.
- (10) Insert a 'X' if a DIC number already exists for the respective issue.
- (11) State requesting the issues towards the states mentioned in column (3).
- (12) Enter appropriate ICAO designator (i.e. C130, F16, etc.). If no designator assigned (or for formation flights comprising more than one type aircraft), indicate 'ZZZZ' and specify aircraft type(s) in item (30).
- (13) Insert the aircraft registration number.
- (14) If a spare aircraft is assigned for the mission, specify type and registration number.
- (15) Insert the mission call sign.
- (16) Insert the total number of crew members.
- (17) Insert the rank and name of the pilot in command.
- (18) Indicate whether or not the aircraft will be equipped with photographic sensors and/or cameras. If the answer is YES, specify the type in item (30).
- (19) Indicate whether the aircraft will carry any type of armament. If YES, specify the type in item (30).
- (20) Indicate whether or not the aircraft will be equipped with electronic warfare equipment. If the answer is YES, specify the type in item (30).
- (21) Indicate the date of flight in following format: DD MMM YY, HHMM Z.
- (22) Indicate the purpose of the flight (i.e. participation to an exercise TLP/Red Flag/..., Logistic flight in support of..., Flight to support Operation XYZ, etc.).
- (23) Indicate the departure airfield. If no identifier has been assigned, indicate 'ZZZZ' and specify the airport name in item (30).
- (24) Indicate all airfields at which a landing is anticipated, including stop overs and intermediate destinations. If no identifier has been assigned, indicate 'ZZZZ' and specify the airport name in item (30).
- (25) Indicate all airfields to be used as alternate airfields for the entire mission.
- (26) If requested, indicate which radio frequencies will be used while transiting or landing in certain states.
- (27) Indicate the total number of passengers. If some/all passengers are leaving the aircraft, specify in item (30).
- (28) Indicate the title/rank and name of any VIP on board.
- (29) Dangerous goods details are to be inserted in Appendix 2.
- (30) Remarks field.
- (31) Indicate the rank, name and first name of the POC to be contacted for questions related to the request/notification.
- (32) Indicate the telephone number of the POC to be contacted for questions related to the request/notification.
- (33) Indicate the e-mail address of the POC to be contacted for questions related to the request/notification.
- (34) Indicate the fax number of the POC to be contacted for questions related to the request/notification.
- (35) State issuing the DIC number.
- (36) Indicate the DIC number and validity period of the DCN (if applicable).
- (37) State to be overflown.
- (38) Indicate the entry point and timing or airfield + ETD (DD MMM YY, HHMM Z).
- (39) Indicate which route will be flown. Alternate routes must be clearly identified by 'ALTERNATE ROUTE'.
- (40) Indicate the exit point and timing or airfield + ETA (DD MMM YY, HHMM Z).
- (41) Indicate the UN number.
- (42) Indicate the proper shipping name.
- (43) Indicate the class or division.
- (44) Indicate the Packing Group. If not applicable indicate 'N/A'.
- (45) Indicate the gross weight.
- (46) Indicate the total net quantity, which is the mass or volume of the dangerous goods contained in a package excluding the mass or volume of any packing material, except in the case of explosive articles and of matches where the net mass is the mass of the finished article excluding packaging.
- (47) Indicate the number of packages.
- (48) Indicate the amount per package (if applicable).
- (49) For Class 1 only, indicate the total Net Explosive Quantity.
- (50) Remarks if any.