

Consolidated Air Navigation Act

The Air Navigation Act is hereby notified, cf. Consolidated Act no. 1149 of 13 October 2017 with the amendments following Act no. 731 of 8 June 2018, § 35 of Act no. 1706 of 27 December 2018, Act no. 970 of 26 June 2020, § 1 of Act no. 2072 of 21 December 2020, Act no. 2073 of 21 December 2020, § 1 of Act no. 2399 of 14 December 2021, and Act no. 1569 of 12 December 2023.

The amendments following no^s. 2 of § 1 of Act no. 1114 of 29 December 1997 amending the Air Navigation Act (Blood alcohol concentration limitation and amendment concerning the Eurocontrol Convention), have not been incorporated in this Consolidated Act as the time of implementation of these amendments is decided by the Minister for Transport, cf. subsection (2) of § 2 of Act no. 1114 of 29 December 1997.

The amendment following no. 1 of § 5 of Act no. 542 of 8 June 2006 on the amendment of the Criminal Code, the Administration of Justice Act and various other acts (Strengthening of the efforts to combat terrorism etc.), has not been incorporated in this Consolidation Act as the amendments subsequently have been repealed, cf. § 34 of Act no. 1706 of 27 December 2018 on collection, use, and storage of information on air passengers (the PNR Act).

The amendment following no. 9 of § 1 of Act no. 2399 of 14 December 2021 on amendment of the Air Navigation Act (Specification of the frames for restriction of the access to aviation and for granting permission to operate scheduled flights, legal basis for requirements regarding security clearances etc.) has not been incorporated in this Consolidation Act as it enters into force on 1 January 2025, cf. subsection (4) of § 4 of Act no. 2399 on 14 December 2021.

Section I

Civil aviation

Chapter 1

Preliminary regulations

§ 1. Aviation within Danish territory shall be carried out in accordance with the regulations of this Act and with the regulations issued in pursuance of the Act, unless otherwise laid down in EU regulations.

§ 1 a. The Minister for Transport may lay down such regulations that are necessary to implement the directives on aviation issued by the European Union, or that are necessary to apply the regulations on the aviation issued by the European Union, including the drone area.

- § 2.** Aviation within Danish territory may only be carried out with aircraft that have
- a) Danish nationality,
 - b) nationality in an EU or EEC state,
 - c) nationality in a third country with which agreement has been made with Denmark regarding such right to aviation within Danish territory, or
 - d) special authorization from the Minister for Transport.

(2) When an aircraft as mentioned in subsection (1)(b) is primarily used in connection with private flights within Danish territory for a period of more than 2 months, the owner or user shall notify the Danish Civil Aviation and Railway Authority thereof. The notification shall contain contact information on the informant, information on the aircraft type and registration, and information where the aircraft is based in Denmark.

(3) The permission mentioned in subsection (1)(d) shall be granted with such conditions that in each individual case are deemed necessary to ensure safe air transport, or that are otherwise deemed necessary for public safety.

§ 3. When required in the interest of public safety, or for military reasons, or when special circumstances so require, the Minister for Transport may lay down regulations stipulating that access to aviation within certain areas are limited or prohibited.

(2) When required by public safety, or when particularly special circumstances are otherwise present, the Minister for Transport may lay down regulations stipulating that access to aviation within the entire or parts of the Kingdom shall be temporarily limited or prohibited. The Minister may in that connection lay down regulations on conditions for access to aviation within the entire or parts of the Kingdom.

§ 4. This Act shall also apply to aviation with Danish aircraft outside Danish territory, unless otherwise provided for by this Act, or unless the Act is against foreign legislation which is applicable according to agreement with a foreign state, or unless it shall be applicable according to general principles of law.

(2) After agreement with a foreign state the Minister for Transport may determine that specified regulations in the Act, including regulations on punishment, shall apply to aviation with aircraft registered in the state in question, but left to a Danish user.

(3) After agreement with a foreign state the Minister for Transport may decide that specified regulations in the Act shall not apply to aviation with aircraft registered in Denmark and left to a foreign user.

§ 5. As regards the regulations on carriage by aircraft in Chapter 9, only the limitations in §§ 90, 90 a, 90 b, and 91 of the same Chapter shall be applicable, unless otherwise laid down in an agreement with a foreign state.

Chapter 2

Registration, nationality and marking

Registration of nationality

§ 6. In its capacity as registering authority the Danish Civil Aviation and Railway Authority keeps a register of aircraft (the register of aircraft nationality).

(2) Anybody has a digital access to information on the technical data of an aircraft registered in the Danish register of aircraft.

(3) The Minister for Transport may lay down regulations stipulating that public authorities and private companies with commercial relations to aviation may, upon application, get extended access to information on the identity of the owner and user of an aircraft in the Danish register of aircraft.

§ 7. An aircraft can only be registered in Denmark

- 1) if it has a Danish owner and the owner is resident or domiciled in Denmark or another state where the person in question cannot be registered as owner of an aircraft because of that person's the nationality,

- 2) when the aircraft is owned by EU or EEC citizens or EU or EEC companies etc. (legal persons) to the extent these are covered by the European Community's regulations, or
- 3) when the aircraft is owned by a person residing permanently in Denmark and the aircraft is used with place of departure in Denmark.
 - (2) Danish owners are:
 - 1) The Danish state and institutions governed by the state,
 - 2) Danish municipalities,
 - 3) Danish citizens,
 - 4) foundations domiciled in Denmark whose management consists exclusively of Danish citizens or persons covered by numbers 2-3 of subsection (1),
 - 5) organisations and similar unions domiciled in Denmark, of which at least half of the members are Danish citizens or persons covered by numbers 2-3 of subsection (1),
 - 6) limited liability companies and other companies with limited liability when the majority of partners are Danish citizens or persons covered by numbers 2-3 of subsection (1), and the company is under the full control of these partners, and
 - 7) limited liability companies exclusively with a Danish management and board of directors domiciled in Denmark.
 - (3) In special cases the Minister for Transport may permit that an aircraft operated regularly with place of departure in Denmark is registered even though the conditions in subsection (1) are not met.

§ 8. An aircraft registered in a foreign country must not be registered in this country, unless the aircraft is de-registered from the foreign register, and all holders of liens pertaining to the aircraft, which shall be acknowledged in this country according to foreign treaty, consent to the transfer as well, or the liens have been satisfied by ordinary legal process.

§ 9. An aircraft can only be registered if it has a certificate of airworthiness issued or approved by the Danish Civil Aviation and Railway Authority and if it meets the requirements that may be specified by the Minister for Transport with a view to mitigating noise nuisances and other nuisances and inconveniences to persons outside the aircraft.

§ 10. Registration is effected after written application from the owner.

(2) The application shall contain the necessary information documenting that the applicant is the owner, information regarding the owner's acquisition of the aircraft, and information on the aircraft itself, including when, where and by whom it was built.

(3) The application shall be accompanied by evidence documenting that the conditions under §§ 7-9 are met.

§ 11. If the registering authority can accept the application, the aircraft shall be registered, and registration marks shall be assigned to the aircraft.

(2) The following shall be entered in the register:

- a) The nationality and registration marks of the aircraft,
- b) necessary information for identification of the aircraft,
- c) information on the owner and the owner's acquisition of the aircraft,
- d) a note on the certificate of airworthiness of the aircraft,
- e) date of registration,
- f) other information after decision of the Minister for Transport.

§ 12. If there are changes in the ownership of the aircraft after registration, or if the aircraft has been modified to such an extent that it influences its identification, the owner shall immediately report it to the registration authority. The same is the case if the owner no longer meets the conditions under § 7. If the aircraft is transferred by agreement, in part or completely, to a new owner, the duty to report

also lies with the transferor. In case sale of an aircraft is made by order of the court or levied without delay under an execution or - in case of bankruptcy and administration by the court or by an executor of which the aircraft is included in the assets - it is the duty of the executive officer or the bankruptcy court (executor) to report to the registering authority on such cases.

(2) The registering authority shall make an entry of the reported information in the register with due regard being made to the regulations of §§ 10-11 or - in the event of information reported on cases mentioned in §§ 13-14 – de-register the aircraft from the register or make a note on the registry certificate of the aircraft.

§ 13. An aircraft shall be de-registered from the register if

- a) the application is made by the owner whose name is on the register,
- b) the conditions stated in § 7 are no longer met, and the Minister for Transport does not permit that the aircraft can remain on the register all the same,
- c) the aircraft has been scrapped or has sustained total damage in an accident,
- d) the aircraft has disappeared. An aircraft is considered disappeared when three months have elapsed after commencement of the last flight, and no information have been found stating that the aircraft is still intact.

(2) If any of the above-mentioned circumstances has occurred, the owner shall immediately report it to the registering authority, unless already reported in accordance with § 12.

(3) If the aircraft has not had a valid certificate of airworthiness for three years, it may be de-registered from the register if the owner does not obtain such certificate within a time limit fixed by the registering authority.

(4) An aircraft may be de-registered from the register if a notified change of ownership cannot be registered, because application for registration, documentation for acquisition of the aircraft, or declaration that the conditions in § 7 are met, not has been presented to the registration authority, and the new owner has not provided, within a deadline fixed by the registration authority, what is necessary for the registration.

§ 14. If there is a recorded lien against an aircraft, the aircraft must not be de-registered from the Danish register of aircraft unless the holder of the lien consents to such de-registration. However, an annotation will be made in the register about the event that could have caused de-registration. Such annotation does not affect the lien, but has in other respects the same function as a de-registration.

(2) If an aircraft is de-registered from the Danish register of aircraft, or if an annotation as mentioned in (1) is made, the registrar of the register of rights shall be informed hereof.

§ 15. If an aircraft registered in this country is let to a lessee or other person using the aircraft on the lessee's or other person's own account for an indefinite period or for a period of at least 14 days, each party to the lease arrangement may notify the registering authority about the arrangement to the effect that the annotation about the user and the user's right can be entered on the register.

§ 16. If an aircraft abroad has been constructed on a Danish account or given over in Danish ownership, and the conditions in §§ 7-8 for registration are met, the aircraft may be entered temporarily in a separate part of the Danish register aircraft, on conditions given by the Minister for Transport.

(2) The Minister may further permit that other aircraft complying with the conditions in §§ 7 and 8 and having a flight permit issued by the Danish Civil Aviation and Railway Authority may be entered in a separate part of the register of Danish aircraft.

(3) The regulation in (1) regarding Danish relations shall not apply to the extent otherwise follows from EU regulations.

§ 17. When the aircraft is registered it has Danish nationality.

(2) The registering authority issues a certificate of nationality and registration for the aircraft.

§ 18. When an aircraft has been de-registered from the register, or annotation has been made in accordance with § 14, it is the duty of the owner of the aircraft or, if it has been given over to foreign ownership, the former owner immediately to submit the certificate of nationality and registration to the Danish Civil Aviation and Railway Authority. If changes in any matter mentioned in the certificate have otherwise been entered in the register, it is the duty of the owner immediately to submit the certificate to the Danish Civil Aviation and Railway Authority who will make a note about the change or, if necessary, replace it with a new one.

§ 19. When the aircraft has been entered in the special part of the register mentioned in § 16, the aircraft has Danish nationality as long as the entrance is valid.

(2) The registering authority issues a temporary certificate of nationality and registration for the aircraft.

§ 20. A Danish aircraft operated under this Act shall have a Danish certificate of nationality and registration in accordance with the regulations of this Chapter.

(2) If operating within Danish territory, a foreign aircraft shall have a foreign certificate of nationality and registration or similar document issued in a foreign state with which agreement has been made on the right to operate within Danish territory.

(3) If the aircraft is operated with special permission in pursuance of subsection (1)(d) of § 2, any decision made by the Minister for Transport in this respect shall apply.

Marking

§ 21. An aircraft entered in the Danish register of aircraft in pursuance of § 11 or § 16 shall be marked with Danish nationality marks and the assigned registration marks. The aircraft shall bear these marks as long as it is in the register.

(2) Aircraft operated under the regulations of subsection (1)(c) of § 2 shall be marked in accordance with the rules applicable in the aircraft's native country.

(3) Aircraft operated with special permission in pursuance of subsection (1)(d) of § 2 shall be marked in accordance with the regulations issued by the Minister for Transport.

Chapter 3

Airworthiness

§ 22. Aircraft operated in civil aviation under this Act shall be airworthy.

(2) An aircraft shall not be regarded as airworthy unless it is constructed, built, equipped, and maintained and has such operational capacity so that it satisfies the safety requirements.

§ 23. Inspection of aircraft to state their airworthiness shall be made by the Danish Civil Aviation and Railway Authority who will also supervise that aircraft are airworthy as long as they are operated under this Act. The owner or user of an aircraft shall, upon request, give the Danish Civil Aviation and Railway Authority any information necessary for exercising the inspection.

(2) The Danish Civil Aviation and Railway Authority may let inspection and supervision be made by a Danish or foreign expert appointed by the Authority, or by a foreign authority.

§ 24. When it has been ascertained in connection with inspection or in any other way that an aircraft meets the requirements as regards airworthiness, the Danish Civil Aviation and Railway Authority

will issue a certificate of airworthiness. The certificate may be issued for a fixed period of time and may be limited to be valid for operation of a certain kind or within a certain territory. The Minister for Transport may decide that in the certificate of airworthiness or in a special document accompanying the certificate, detailed instructions may be entered regarding the preconditions for operating the aircraft to be observed in order that the aircraft can be regarded as airworthy.

(2) The certificate shall be renewed upon request if the aircraft meets the requirements to airworthiness applicable when the renewal is to be made. The Danish Civil Aviation and Railway Authority may leave it to the expert or authority mentioned in subsection (2) of § 23 to renew the certificate of airworthiness.

§ 25. A Danish aircraft operated under this Act shall have a certificate of airworthiness issued by the Danish Civil Aviation and Railway Authority or approved by the Authority.

(2) When operating within Danish territory a foreign aircraft shall have either certificate of airworthiness as mentioned in subsection (1), or a certificate, issued or approved by a foreign state, which according to agreement with this state shall be accepted in this country.

(3) An aircraft without certificate of airworthiness as mentioned in subsections (1) or (2) may be granted a special permission to operate by the Danish Civil Aviation and Railway Authority. Such permission may be revoked at any time.

§ 26. Unless otherwise decided by the Minister for Transport, a Danish certificate of airworthiness becomes invalid in the following cases:

- a) When the aircraft has not been subjected to the prescribed inspection,
- b) when the aircraft or its equipment has been modified to such an extent that it may influence the airworthiness,
- c) when the aircraft or its equipment has been damaged to such an extent that it obviously influences the airworthiness, and
- d) when the aircraft is not insured in accordance current regulations.

(2) When otherwise conditions have occurred that according to the Minister's estimate may influence the airworthiness, the Minister may declare the certificate of airworthiness invalid.

(3) In the case mentioned under subsection (1)(c) the invalidity remains until the damage has been corrected in compliance with regulations laid down by the Minister. In the case mentioned under subsection (1)(d) the invalidity remains until the aircraft is again properly insured. Furthermore, the invalidity lasts until the aircraft has been declared airworthy.

(4) When a certificate has become invalid, the Danish Civil Aviation and Railway Authority may claim it to be returned.

§ 27. What is laid down in §§ 24 and 26 about Danish certificate of airworthiness shall be equivalently applicable to approval of a foreign certificate of airworthiness and to renewal and invalidity of such approval.

§ 28. It is the responsibility of the owner or user of an aircraft operated under this Act that the aircraft is airworthy and that there is a valid certificate of airworthiness for the aircraft.

§ 29. The Danish Civil Aviation and Railway Authority and the expert or authority mentioned in subsection (2) of § 23 shall have access to any aircraft operated under this Act and shall have the right to make any investigation of the aircraft and its equipment deemed necessary to be able to carry out the inspection and supervision. The Danish Civil Aviation and Railway Authority and the expert or authority mentioned in subsection (2) of § 23 may require the owner or user and the crew to participate in the investigation and supervision, if necessary.

§ 30. In order to test the characteristics of an aircraft, or if otherwise for special reasons, the Danish Civil Aviation and Railway Authority may, as laid down by the Minister for Transport, exempt from the regulations in this Chapter and the regulations drawn up in connection with the regulations.

§ 31. The Minister for Transport may decide that the construction of aircraft and production of accessories and spare parts as well as specified maintenance, repair and modification works on aircraft, accessories and spare parts may only be carried out by persons with special approval or by a company whose technical organisation has been approved. The Minister may further decide that if such works are carried out by a company, they shall be signed for by a person who has an approval to do so.

Chapter 4

Aircraft manning

§ 32. An aircraft operated under this Act shall be adequately manned.

(2) The Minister for Transport will lay down regulations on manning.

(3) It is the responsibility of the owner or user of an aircraft that the aircraft is properly manned.

(4) Upon request from the Danish Civil Aviation and Railway Authority the owner or user of the aircraft shall inform which persons have been operators of the aircraft at any given time.

§ 33. The Danish Civil Aviation and Railway Authority supervises that the regulations on manning are complied with. The Authority may have the supervision carried out by a Danish or foreign expert or by a foreign authority.

§ 34. The Minister for Transport decides the conditions which, as regards citizenship, age, physical and psychical suitability, sobriety, training, and experience etc., can be required to be complied with in order to perform duty on an aircraft.

§ 35. The licence to perform duty on an aircraft as pilot-in-command or in another position decided by the Minister for Transport is issued by the Danish Civil Aviation and Railway Authority to the person who meets the requirements laid down for the service in question.

(2) The licence may be limited to apply to operation with certain types of aircraft, operation of a certain kind or operation within a specified territory.

(3) When the applicant complies with the conditions applicable for issue of the licence, the licence is issued without statement of expiry date or for a certain period of time.

(4) A licence may be denied anyone who has been sentenced for a punishable act justifying an obvious risk of abuse of the licence, cf. § 78 of the Danish Criminal Code.

§ 36. Any person performing duty on board an aircraft in one of the positions mentioned in § 35 shall hold a licence issued or approved by the Danish Civil Aviation and Railway Authority, or of a licence issued or approved by a foreign State which according to agreement with this State shall be acknowledged in this country.

(2) Any person performing duty on board a Danish registered aircraft in international aviation shall hold a licence issued or approved by the Danish Civil Aviation and Railway Authority.

(3) The Danish Civil Aviation and Railway Authority has the right, as regards operations over Danish territory, to refuse to acknowledge a licence issued to a Danish citizen by another State.

(4) Notwithstanding subsection (1), the Danish Civil Aviation and Railway Authority may grant special permission to perform duty on board an aircraft. Such permission may be revoked at any time.

§ 37. The Danish Civil Aviation and Railway Authority may revoke a Danish licence for a certain period of time, until further, or for the rest of the validity period if the holder does not meet the conditions for performing the duty, for which the licence is applicable.

(2) When the Danish Civil Aviation and Railway Authority has reason to believe that there is a situation which may justify a revocation according to subsection (1), the Authority may suspend the licence until the question of revocation has been settled.

(3) When a licence has been revoked or suspended in accordance with the regulations in this Section, it shall be deposited with the Danish Civil Aviation and Railway Authority.

§ 38. What is laid down in §§ 35 and 37 regarding Danish licence shall be equally applicable on approval of a foreign licence and on renewal and revocation of such an approval.

§ 39. The holder of a licence issued or approved by the Danish Civil Aviation and Railway Authority shall without delay inform the Authority of circumstances that may influence the question whether the holder still meets the conditions for the exercising his duties. The holder shall be under the obligation to submit to the examinations and tests that the Danish Civil Aviation and Railway Authority finds necessary.

§ 40. The Danish Civil Aviation and Railway Authority may permit an aircraft to be operated for commercial purposes, or if otherwise there are special reasons, even though the aircraft is not manned in accordance with the regulations in § 32.

Chapter 4 A

Working environment when on duty on board an aircraft

§ 40 a. The regulations in this Chapter include work for an employer performed by crew members when on duty on board an aircraft.

(2) The objective of the regulations is to create a basis for a safe and healthy working environment to the extent, the objective is not safeguarded by other regulations laid down in pursuance of this Act.

(3) The regulations aim at creating a basis permitting the enterprises and crew members together to solve the working environmental questions by themselves.

§ 40 b. An employer shall take care that the working environmental conditions on board an aircraft are completely secure, and that the performance of the work in a secure way is supervised efficiently.

§ 40 c. In enterprises with one to nine employees performing duty as crew member on board an aircraft, the activities of the enterprise concerning working environment in connection with this duty shall be carried out through personal contact between the employer and the employed crew members.

§ 40 d. In enterprises with ten or more employees performing duty as crew members on board an aircraft, the employees shall elect one working environment representative from the flight crew members and from the cabin crew members, respectively, for each aircraft type or other suitably defined working area to represent them in all matters concerning the employees' working environment when on duty on board an aircraft.

(2) The employer shall pay all expenses in connection with the working environment representative's activities and shall indemnify him/her for loss of earnings.

(3) The employer shall give the working environment representative the opportunity to obtain the necessary knowledge about or training in the safety-related questions.

(4) The employer shall ensure that the working environment representative is given reasonable time according to the specific circumstances to exercise his duties in connection with safety activities.

(5) The working environment representative shall enjoy protection against dismissal and any other deterioration of his conditions in the same way as shop stewards within the same or any similar sector.

(6) Disputes concerning protection under subsections (2) and (5) above, including questions of what rules to apply and breach of, or interpretation of the rules, shall be settled by the normal procedure for settling industrial disputes, cf. § 22 of the Labour Court Act.

§ 40 e. In enterprises with ten or more employees performing duty as crew members on board an aircraft, a working environment organization shall be set up.

(2) The working environment organization shall consist of a maximum of four working environment representatives and a corresponding number of representatives for the employer. The individual working environment organizations may agree on another composition.

(3) The working environment organization shall be advisory within the enterprise as regards planning and implementation of measures of importance to the working environment in connection with performing duty on board aircraft.

(4) The working environment organization shall meet at least once a year. A meeting shall be held on request of either member, however at most every second month. A meeting shall, however, always be held if a majority of the members requests so.

§ 40 f. The Danish Civil Aviation and Railway Authority shall regularly contact the working environment representatives and representatives from the working environment organization when visiting the enterprise. These shall be free to submit to the Danish Civil Aviation and Railway Authority any question concerning the working environment.

§ 40 g. The Minister for Transport lays down detailed rules on working environmental circumstances.

(2) The Minister for Transport further lays down rules on election of working environment representatives, their rights and duties, the setting up of working environment organizations, their activities, the training of the committee members, and on the daily management of the safety activities.

§ 40 h. The Minister for Transport shall establish a working environment council for aviation.

(2) The council may make proposals for, may assist in preparation of and shall comment on proposals for new or amended rules concerning working environment. The council may on its own initiative bring up issues of importance to the working environment for the flying crew. Furthermore the council may consider the individual cases put forward for the council by the Minister for Transport or by the Danish Civil Aviation and Railway Authority.

(3) The Danish Civil Aviation and Railway Authority may, to the necessary extent, give the council consultant assistance.

§ 40 i. The working environment council for aviation consists of one impartial chairman, four representatives for the employed crew members and four representatives for the employers. The Minister for Transport appoints the council's chairman, other members and deputies for these for three years at a time. The representatives for the employed crew members and employers shall be appointed on recommendation from the involved organisations and companies among persons having a practical knowledge about performing duty on board an aircraft.

(2) The National Working Environment Authority and the Danish Civil Aviation and Railway Authority participate in the council's activities and meet each with one representative without voting rights.

(3) The Minister for Transport lays down, to the necessary extent, further rules for the activities and financing of the council.

Chapter 5

Pilot-in-command and duty on board

§ 41. There shall be a pilot-in-command on all Danish aircraft used in aviation under this Act.

(2) The pilot-in-command has the supreme authority on board.

§ 42. The pilot-in-command shall ensure that the aircraft is airworthy and properly equipped, manned, and loaded and that the flight is otherwise prepared and carried out in accordance with existing regulations.

§ 43. The pilot-in-command shall supervise aircraft, crew, passengers and goods.

(2) When the pilot-in-command finds it necessary, the pilot-in-command may temporarily assign to the crew members another service than the one they are employed to perform.

(3) It is the duty of the passengers to follow the instructions given by the pilot-in-command for maintaining order on board.

(4) Under special circumstances the pilot-in-command may refuse to allow on board and has the right to set down crew members, passengers, or goods.

§ 44. When necessary in the interest of aircraft safety or protection of passengers or goods on board, or in order to maintain order and obedience on board, the pilot-in-command may implement measures, including use of force, to the extent that it can be justified in the circumstances.

(2) The crew members shall assist the pilot-in-command on their own initiative. At the pilot-in-command's request the passengers may also assist.

(3) When urgently necessary in the interest of aircraft safety or protection of persons or goods on board, crew members and passengers may, without being asked by the pilot-in-command, implement preventive measures, including use of force, to the extent that it can be justified in the circumstances.

§ 45. If a serious offence is committed on board an aircraft, the pilot-in-command shall, to clear up the matter, take all necessary measures that cannot be postponed without being detrimental.

(2) To the best of the pilot-in-command's abilities the pilot-in-command shall ensure that the offender does not escape and may, if necessary, take the offender into custody. Unless the offender consents to continue the flight in custody, the custody may only last until the offender can be handed over to the police in Denmark or to the relevant authority outside the Kingdom.

(3) Objects assumed to be important as pieces of evidence may be taken into custody by the pilot-in-command. The pilot-in-command shall give the Police or the relevant authority mentioned in subsection (2) the necessary information about the offence and hand over any pieces of evidence taken into custody.

(4) The regulation in subsection (2) of § 44 shall be equally applicable.

§ 46. The pilot-in-command shall ensure that prescribed aircraft documents are on board and that these are kept as per instruction.

§ 47. If the aircraft is in distress, the pilot-in-command shall do everything possible to ensure the aircraft, the persons on board and the goods. If it becomes necessary to leave the aircraft, the pilot-in-command shall do everything possible to secure the aircraft documents.

§ 48. (Repealed)

§ 49. Any person performing duty on board an aircraft shall obey his superior's orders when on duty, shall attend to the aircraft and to persons on board and goods and shall furthermore conscientiously perform his duties.

§ 50. No person may perform or attempt to perform duty on board an aircraft in any of the positions mentioned in § 35 if being under the influence of intoxicating liquor to such an extent that he is unable to perform his duties in a fully safe way, or if he has an alcohol concentration in his blood of 0.20 per thousand or more.

(2) Neither may any person perform or attempt to perform duty on board an aircraft in any of the positions mentioned in § 35 if, on account of illness, impairment, strain, lack of sleep, or being under the influence of narcotics or drugs or for similar causes, he is in such a state that he is unable to perform his duties on board an aircraft in a fully safe way.

(3) It is prohibited to let anyone perform duties on board an aircraft when the person in question is under influence as mentioned in subsection (1) or is in a state as mentioned in subsection (2).

(4) When meting out punishment, it shall be considered as aggravating circumstances if a person being in a state as mentioned in subsections (1) and (2) performs or attempts to perform duties on board an aircraft carrying persons for commercial reasons.

(5) If an employer or other superior shares the responsibility for a person's performing or attempting to perform duties on board an aircraft in a state as mentioned in subsections (1) and (2), the employer or the superior shall be punished as well.

(6) If a person who has been drinking alcoholic liquors in a public house where the innkeeper or the innkeeper's assistant knows or has reason to believe that the person in question is going to perform duties on board an aircraft, has been or will be influenced as mentioned in subsection 1 due to the person's drinking alcoholic liquors, the innkeeper or the innkeeper's assistant shall do their outmost, if necessary by calling the Police, to prevent the person in question from performing or attempting to perform such duties in such condition.

(7) In order to demonstrate a possible violation of subsection (1), the Police may at any time require a person covered by subsection (1) to make an exhalation test.

(8) The Police may present a person to have taken specimens of blood and urine if there is reason to believe that the person in question has violated the regulations in subsections (1) or (2), or if the person in question refuses or is in no condition to make an exhalation test. If special conditions call for it, the Police may also present the person in question for examination by a doctor.

(9) The Minister for Transport may lay down regulations after negotiation with the Minister of Justice on the tests and examinations mentioned in subsections (7) and (8).

§ 51. The Minister for Transport decides to which extent the regulations in this Chapter shall be applicable to foreign aircraft within Danish territory.

Chapter 6

Aerodromes and other aeronautical facilities

General regulations

§ 52. Aerodromes and other facilities servicing aviation shall meet the requirements laid down by the Minister for Transport.

(2) The Minister lays down regulations on operation and maintenance of such facilities and on inspection.

§ 52 a. Municipalities and municipality communities may own and operate aerodromes and affiliated activities, including parking facilities, on a commercial basis and may in that connection fix payment for the use of the aerodrome.

(2) A municipality may alone or with others undertake activities under subsection (1) in the form of a company.

§ 53. After negotiation with the Minister of Defence, the Minister for Transport may establish air routes and other areas within which aviation shall be subject to special regulation.

§ 54. For the safeguarding and relief of aviation an air navigation service shall be established. The Minister for Transport lays down the necessary regulations for the service and decides to what extent it may be attended to by other than government bodies.

Permission

§ 55. It is necessary to obtain a special permission by the Minister for Transport, in addition to the licence under § 60 or certification under EU Regulations in the aerodrome area, to establish and operate an aerodrome the use of which is open to the public, cf. however subsection (2). It is also necessary to obtain a permission to materially change such an aerodrome.

(2) It is necessary to obtain a special permission by the Government of Greenland, in addition to the licence under § 60, to establish and operate an aerodrome in Greenland the use of which is open to the public. It is also necessary to obtain a permission to change such an aerodrome.

(3) The Minister for Transport may prescribe that, taking into account its character, the extent and duration of the traffic, or other particular circumstances, an aerodrome covered by subsection (1) may be established and operated without permission. The Government of Greenland may prescribe that, taking into account its character, the extent and duration of the traffic or other particular circumstances, an aerodrome covered by subsection (2) may be established and operated without permission.

§ 56. Permission may only be granted if it deemed compatible with considerations of general interest.

§ 57. Permission shall be granted for a specified period of time and shall be made conditional upon the conditions deemed necessary.

(2) Additionally, the following special conditions may be laid down in permissions to establish and operate aerodromes that are of vital importance for Denmark's national and international air traffic communications:

- 1) The aerodrome shall be operated as an EU or EEC company covered by the European Union's regulations.
- 2) The company's principal objective shall be to own, operate, and enlarge the aerodrome. The company shall complete the enlargement of the aerodrome that is necessary to promote and ensure the handling of the air traffic to and from Denmark. The company may establish, acquire, and operate activities that are related in a businesslike and geographic way to the operation of the aerodrome.
- 3) The company may further establish, acquire, and operate other aerodrome activities and other activities if there is a business connection with aerodrome activities and if made in subsidiary companies or other undertakings with limited liability, and if the company has the necessary capital adequacy to meet the main objective mentioned in number 2.
- 4) The company must not issue guarantees to the undertakings mentioned in number 3 exceeding 20 per cent of the equity capital of the undertaking at the time when the guarantee is given.
- 5) The company may carry out the activities mentioned in number 3 through acquiring and owning equity interests in undertakings conducting the activities covered by number 3.

- 6) The company shall ensure that the aerodrome at any time covers Denmark's requirements for national and international, including intercontinental, flight services by being able to offer the necessary capacity as regards handling of air traffic.
- 7) In order to make allowance for social and primary traffic considerations the Minister for Transport may order the company, within reasonable time limits, to implement measures ensuring that the aerodrome meets the necessary capacity mentioned in number 6. The company may be ordered, within a reasonable time limit, to submit an account for the way in which the company intends to implement the measure directed by the Minister for Transport. In the the order the Minister shall point out that the order may be brought before the courts.
- 8) The Minister for Transport shall be informed in advance of the following measures:
 - a) Any proposal for decision, arrangement, alteration as regards the operation, or physical changes not covered by subsection (1) of § 55, implying a significant risk that the aerodrome cannot offer the necessary capacity described in number 6, and
 - b) any proposal for amendment of the company articles implying a significant risk that the aerodrome cannot offer the necessary capacity described in number 6.
- 9) The Minister for Transport may oppose to measures according to no. 8 if the Minister finds that they imply an significant risk that the aerodrome will not at any time be able to offer the necessary capacity described in number 6 so that significant social or primary traffic considerations are not considered. If the Minister for Transport wishes to oppose to the arrangement, the Minister shall provide a reasoned objection not later than one month after the notification has come to hand. In the objection the Minister for Transport shall point out that the objection may be brought before the courts. If the Minister for Transport objects, the arrangement cannot be implemented.
- 10) The company shall quarterly provide statistic information on the aerodrome air traffic to the Minister for Transport. Further, the company shall submit complete agendas for general meetings with appendices, if any, minutes from general meetings, and annual accounts for the company as well as all stock exchange announcements and other similar public announcements and documents.
- 11) Other special conditions safeguarding significant social or primary traffic considerations as regards the necessary capacity described in number 6.

(3) The Minister for Transport may lay down regulations on service and capacity objectives for aerodromes which are of vital importance to Denmark's national and international traffic connections, including rules on supervision and enforcement of the established service and capacity objectives.

§ 57 a. Aerodromes that are open to the public, cf. subsection (1) of § 55, shall give free access to transport of persons to and from the arrival and departure terminals of the aerodrome, including free parking for vehicles for at least 15 minutes in areas directly connected to the terminals, cf., however, subsection (2), unless the access to the terminals is limited by regulations in this Act concerning measures to safeguard civil aviation against acts of unlawful interference or regulations laid down in pursuance of this Act on the subject.

(2) Upon approval from the Minister for Transport, aerodromes open to the public may establish traffic management arrangements with a view to improving the use of the access roads, open spaces, facilities for parking etc. of the aerodrome.

(3) Aerodromes open to the public may collect payment from businesses that are performing commercial transportation of persons and that are covered by an approved traffic management arrangement in accordance with subsection (2). The total payments of the affected businesses must not exceed the total direct costs for establishment and operation of a payment arrangement of the aerodrome.

(4) Arrangements according to subsection (2) and payments according to subsection (3) shall be proportional, transparent, and non-discriminatory. Aerodromes shall publish information on approved traffic management arrangements when these either are with payment or require registration before access can be achieved to the arrival and departure terminals of the aerodrome.

(5) The Minister for Transport shall lay down regulations on approval of the arrangements mentioned in subsection (2), including regulations regarding which traffic management arrangements that require approval from the Minister for Transport. The Minister for Transport shall further lay down regulations on the costs mentioned in number 2 of subsection (3) as well as regulations on obtaining information from the aerodromes for use in the consideration of applications for approval of traffic management arrangements.

(6) The Minister for Transport shall lay down regulations on supervision of the arrangements mentioned in subsection (2), including supervising the affected businesses' total payments and the aerodrome's total direct costs for establishment and operation of arrangements with payment according to subsection (3). The Minister for Transport shall further lay down regulations on obtaining information from the aerodromes for the use of the supervision as well as regulations on reimbursement of payments collected.

§ 58. If, in connection with the exercise of the activities covered by the permission, the regulations of this Act or regulations contained in the permission or regulations otherwise applicable for such activities are violated, the permission may be revoked. If it is assumed that the holder of the permission is not able to carry out or maintain the operation in a proper way, the permission may also be revoked.

(2) The Minister for Transport may revoke the permission without prior notice if the company does not meet the condition imposed in pursuance of number 6 of subsection (2) of § 57 that the company shall ensure Denmark's requirements for national and international flight services by being able to offer the necessary capacity, or if the company disobeys an order given in accordance with number 7 of subsection (2) of § 57. The Minister for Transport may also revoke the permission without prior notice if the company does not notify the Minister of a measure covered by number 8 of subsection (2) of § 57, or if the company implements a measure in defiance of the Minister for Transport's objection in pursuance of number 9 of subsection (2) of § 57.

(3) The revocation shall contain information on the access to demand judicial review and on the time limit for this in pursuance of § 146 b.

§ 58 a. The Minister for Transport may take over, fully or in part, aerodromes of vital importance to Denmark's national and international flight services in order to ensure that the aerodrome at any time can cover Denmark's needs for national and international flight services by being able to offer the necessary capacity described in number 6 of subsection (2) of § 57. The compensation shall be fixed in pursuance of the regulations in Act on the procedure in connection with expropriation concerning real property.

§ 59. Anyone intending to establish and operate an aerodrome, which is not open to the public, shall, not later than three months before the work is started or the aerodrome is put into use, submit a notification to the Minister for Transport with information about the nature and extent of the expected use of the aerodrome. The Minister notifies the other involved state authorities as well as the relevant municipal authorities.

(2) Before expiry of the deadline of three months mentioned in subsection (1), the Minister shall announce the special conditions for the establishment and use of the aerodrome considered necessary out of consideration for aviation safety. If these considerations make it necessary, the Minister may forbid establishment and operation of the aerodrome.

(3) The same rules as in subsections (1) and (2) shall apply to changes to aerodromes that are not open to the public.

(4) The Minister lays down detailed regulations on the submission of the notifications mentioned in subsection (1).

Approval

§ 60. Aerodromes the use of which is open to the public and which shall not be certified according to EU regulations in the aerodrome area shall be approved by the Minister for Transport. Also changes of such aerodromes requires approval. The Minister lays down to what extent other aerodromes and other installations require approval.

(2) Conditions considered necessary will be attached to the Minister's approval.

(3) When the installation does not meet the requirements applicable at any time for approval of such installations, or the conditions laid down are substantially disregarded, the Minister may revoke the approval.

(4) If a situation occurs implying that the installation no longer meets the requirements and is the situation of such a nature that there is a flight safety risk involved in using the installation, the licence holder shall, to the necessary extent, take the installation completely or partly out of operation unless the Danish Civil Aviation and Railway Authority permits the continued use of the installation.

Compulsory acquisition and aeronautical obstacles

§ 61. Compulsory acquisition can take place for construction of aerodromes, establishment of other aeronautical installations, securing of air traffic, extension and change of existing installations, securing of the continued existence of such installations, necessary supplementary measures as well as with a view to utilisation, service, securing, visibility and operation of the mentioned installations in a practical way, including for establishment of the necessary access roads, storing places, garages, repair stations, hangars, service tenancies, administration buildings and safety installations, and for implementation of decisions made in pursuance of § 67.

(2) Compulsory acquisition for non-governmental installations requires permission from the Minister for Transport.

(3) Compulsory acquisition shall be made in accordance with the rules in Act on procedures in connection with compulsory acquisition concerning real property.

§ 62. Approach to aerodromes, the use of which is open to the public, shall be secured in accordance with the rules laid down below which, however, in exceptional circumstances may be deviated from by the Minister for Transport.

(2) The Minister may decide that the approach to aerodromes, the use of which is not open to the public, but which have substantial importance to society shall also be secured in accordance with the rules laid down below which, however, in exceptional circumstances may be deviated from by the Minister.

§ 63. If no special exception is made according to § 62, there shall be a plan for the aerodromes mentioned in § 62 approved by the Minister for Transport showing how to secure the approach.

(2) The plan shall define the area outside the landing area within which it is considered necessary to establish height limitations as regards buildings, plantation, masts, wires, and other aeronautical obstacles. At water and ice landing harbours the plan may also cover the actual harbour area.

(3) Within the area the height limitations on the individual areas are determined which are required for a safe take-off and landing in connection with approach and take-off climb over the area in question.

(4) In the plan there may be determined special sectors for approach and take-off climb in good weather conditions and with low visibility, respectively. The duration of the plan may be limited to a specified period of time.

§ 64. As far as the areas are concerned where aeronautical obstacles in accordance with the plan may not be more than 25 m above terrain, approach shall be secured by attachment of an easement against establishment of aeronautical obstacles exceeding the heights mentioned in the plan.

(2) The Minister for Transport may grant exemption from an easement attached pursuant to subsection (1). The exemption may be granted on condition, including repayment in full or partly of the compensation paid.

§ 65. As regards an area on which aeronautical obstacles according to the plan must be 25 m or more above terrain, any project implying aeronautical obstacles above the mentioned limit shall be submitted to the Danish Civil Aviation and Railway Authority. The duty to submit such projects shall be respected by all holders of rights in the area in question irrespective of when the right was created. The duty is registered on the property upon request from the Danish Civil Aviation and Railway Authority who will send copy of the request to the owner.

(2) If the project is not against the approach plan approved by the Minister for Transport, the Danish Civil Aviation and Railway Authority will issue a certificate stating this.

(3) If the implementation of the project is against the plan, the matter will be submitted by the Danish Civil Aviation and Railway Authority to the Minister for Transport who will decide whether the implementation may be permitted, taking into account the existing conditions in each individual case.

(4) If there are aeronautical obstacles exceeding the heights stated in the plan on the areas referred to in this paragraph when the plan is approved, the Minister shall decide whether the obstacle shall be removed or marked. The implementation of the measures deemed necessary shall, if necessary, take place by expropriation in accordance with the regulations in § 61.

§ 66. It is the duty of the owner of the aerodrome in question to supervise that the height limits prescribed for the individual properties are observed, and to report any violations to the Danish Civil Aviation and Railway Authority, if necessary.

§ 67. Obstacles situated outside the area of the aerodrome's approved plans which by their height are considered hazardous to aviation safety may be required to be removed or marked by the Danish by the Minister for Transport after negotiation with the Minister of Defence.

(2) All expenses - including any compensation to the owner or user - shall be paid by the Treasury.

§ 67 a. Projects for installations to be constructed in a height of 100 m or more above terrain outside the area of the approved plans for aerodromes shall be notified to the Danish Civil Aviation and Railway Authority. The construction of the installation must not be initiated before the Danish Civil Aviation and Railway Authority has issued a certificate stating that the obstacle is not considered to be hazardous to aviation safety.

(2) If the installation is considered hazardous to aviation safety, the Danish Civil Aviation and Railway Authority shall submit the matter to the Minister for Transport who will decide whether the certificate may be issued. The certificate may be made conditional on the obstacle to be marked or its height to be reduced and the expenses in this connection to be paid by the owner or user.

§ 68. The Minister for Transport may, after negotiation with the Minister of Defence, prohibit the installation and use of marks, lightning or sound installations, installations transmitting radio waves, or other installations if they endanger aviation safety, and may, if necessary, require these installations changed or removed.

(2) Whether, and if so, to what extent compensation shall be paid in connection with the measures taken in pursuance of subsection (1), shall be decided according to the general rules of Danish law.

Other regulations

§ 69. The Minister for Transport shall lay down regulations stating which aerodromes aircraft may use in connection with departure or landing.

§ 70. The Minister for Transport may issue regulations on access to and traffic on aerodromes and on aircraft's stay on these, and may, after negotiation with the Minister of Industry, prohibit navigation and stay in waters temporarily or permanently used as aerodromes. The Minister for Transport may determine regulations stating that general access authority to the airside area of the aerodrome can only be issued to persons approved by the Police.

(2) After negotiation with the Minister of Justice, the Minister for Transport may lay down regulations stating which authority within the Police shall consider cases on approval in accordance with 2nd sentence of subsection (1).

§ 70 a. After negotiation with the Minister of Justice, the Minister for Transport lays down regulations for the preparation of security programmes and for implementing measures to safeguard civil aviation against acts of unlawful interference for the airlines and aerodromes. In this connection, aerodromes and airlines may be ordered to conduct screening as mentioned in subsections (1)-(3) of § 70b.

(2) After negotiation with the Minister of Justice, the Minister for Transport may lay down rules to the effect that persons carrying out security control or having access to classified rules or security programmes in a company and who are security cleared in accordance with the Regulations on security within civil aviation issued by the European Union, shall be security cleared by the Danish Civil Aviation and Railway Authority. The Minister for Transport may further lay down rules on application for, conditions for, and granting and revocation of security clearances. Further the Minister for Transport may, after negotiation with the Minister of Justice, lay down regulations on the processing of classified information.

(3) After negotiation with the Minister of Justice, the Minister for Transport may lay down regulations for prevention of acts of unlawful interference with the civil aviation security for other installations serving civil aviation than airports. This includes that the Minister may direct the operator of an installation to fence it in and carry out access control, surveillance, and patrolling.

(4) The Minister may lay down regulations for acceptance, control, storage, carriage, and loading of goods and supplies delivered to airlines by cargo agents, courier companies, catering suppliers, or others intended for carriage completely or partially by aircraft.

(5) The Minister may lay down regulations for security clearance of cargo agents, courier companies, catering suppliers, and others making the deliveries mentioned in subsection (4) to airlines. A security clearance may be revoked in case of disregard of the regulations in this Chapter or regulations drawn up in pursuance hereof, or if the conditions or procedures laid down for the security clearance are disregarded.

(6) For security reasons the Police may, when security so requires, determine that the security measures mentioned in (1), (3), and (4) are temporarily intensified and supplemented by additional security measures.

(7) The Danish Civil Aviation and Railway Authority approves the security programmes mentioned in subsection (1) and supervises the implementation of the security measures mentioned in subsections (1), (3), (4), and (6).

§ 70 b. In order to safeguard civil aviation against acts of unlawful interference, screening of persons, baggage, goods, and supplies shall be carried out at aerodromes in accordance with the regulations specified in § 70a. The screening shall be carried out with the greatest possible consideration and must not go beyond what the purpose of the control necessitates.

(2) In connection with screening of a person that is not limited to the outer clothing, the person in question has the right to demand the presence of a witness. The body-search must not be carried out

or witnessed by a person of the opposite sex of the person being body-searched, unless the latter agrees.

(3) Any person refusing to subject to, or participate in, the search of the person's body shall be denied access to the aircraft and to the airside of the aerodrome. Baggage, goods, or supplies that have not been subject to security control in accordance with § 70a must not be introduced or carried on board an aircraft or into the airside of the aerodrome.

(4) Screening in accordance with subsections (1)-(3) can be carried out by the Police and, according to regulations determined by the Minister for Transport, by other authorities.

(5) After negotiation with the Minister of Justice the Minister for Transport may lay down detailed regulations whereby screening imposed upon aerodromes and airlines can only be carried out by persons approved to do so by the Police and having undergone training approved by the Danish Civil Aviation and Railway Authority.

(6) The Danish Civil Aviation and Railway Authority lays down the regulations for approval of technical equipment to be used in connection with the screening of persons, baggage, goods, and supplies.

§ 70 c. The Police may screen persons, documents, vehicles, and goods leaving the aerodrome area. The screening shall be carried out in accordance with the guidelines stated in the second sentence of subsection (1) of § 70 b, and subsection (2).

§ 71. The Minister for Transport may lay down regulations on tariff periods and payment for the use of a public aerodrome, including payment for ground handling, cf. however, fourth sentence. In this connection the Minister for Transport may determine that payment for ground handling shall exclusively be regulated to the extent where there is no possibility for competition and where the ground handling payments are necessary for the use of the public aerodrome. Payment for using state-owned aerodromes shall be approved by the Finance Committee of the Folketing. The Government of Greenland may lay down regulations for payment for the use of a public aerodrome in Greenland.

(2) The Minister for Transport may further lay down regulations on payment for the use of installations and operation of other aeronautical aids in the service of aviation. Payment may be charged in connection with overflights of Danish territory, the open sea, and foreign state's territory when agreed with the foreign state in question. The payment is payable by the user of both Danish and foreign aircraft in connection with operations in the area where aids can be used. If the identity of the user is unknown, the payment is payable by the owner of the aircraft unless the owner substantiates who the user was.

(3) If the payment under subsections (1) and (2) and EU Regulations in the aviation area is not paid in due time, a monthly interest will be added in accordance with the Act on Interest. Furthermore, the Minister for Transport may lay down regulations payment for reminders concerning the mentioned payments.

(4) The Minister for Transport may lay down regulations on collection and recovery of the payment under subsections (1) and (2) and EU Regulations in the aviation area, including regulations stating that, to the extent it follows from the Multilateral Agreement Relating to Route Charges, Danish authorities shall assist in recovery of Eurocontrol's outstanding claims.

(5) If the payment under subsections (1) and (2) and EU Regulations in the aviation area is not made in due time, the amounts with incurred interest may be recovered by distraint.

(6) The Minister for Transport may lay down regulations on obtaining information from the aerodromes to be used in connection with the administration of regulations issued in pursuance of (1). The Minister for Transport may further lay down regulations for aerodromes regularly to provide information to be used in connection with the Minister for Transport's supervision of airport charges.

§ 72. Aerodromes and other installations servicing aviation, the use of which is open to the public shall be open for use by foreign aircraft on the same conditions applying to Danish aircraft in similar international aviation when agreement in that respect has been made with the foreign state in question.

§ 73. The Minister for Transport shall determine the conditions to be met by any person to be on duty at an aerodrome, another aeronautical installation, or otherwise outside aircraft in positions of importance to aviation safety and shall lay down regulations regarding licence for such service.

§ 74. The regulations in § 50 shall be equivalently applicable to any person serving as air traffic controller, aircraft mechanic or, after decision by the Minister for Transport, in any other position of importance to flight safety.

Chapter 7

Permission to carry out aviation activities

§ 74 a. The regulations in this Chapter shall not apply to the extent otherwise laid down in EU Regulations.

§ 75. The Minister for Transport may grant permission for scheduled commercial air traffic over Danish territory unless special conditions go against it.

(2) Other commercial air traffic over the same area requires permission from the Minister unless the Minister decides otherwise.

(3) Notwithstanding subsection (2) air traffic may be carried out against payment without permission if

- 1) remuneration is made exclusively in full or partly for the expenses connected with the flight in question,
- 2) the pilot and the passenger have close relations through family or friendship relations, and
- 3) the flight has not been advertised or offered publicly.

(4) Notwithstanding subsection (2) flying clubs organised in nation-wide unions or leagues approved by the Minister for Transport may carry out air traffic against payment without permission if

- 1) the flight is part of the sports or leisure time flying activities in the club,
- 2) remuneration is made exclusively in full or partly for the expenses connected with the flight in question, and
- 3) the flights are not carriage from one place to another.

(5) A company's carriage by aircraft of its own employees not covered by the cases mentioned in subsections (1) and (2) shall be notified to the Danish Civil Aviation and Railway Authority. Such flights may only be carried out if the person performing this kind of flights is employed full time in the company, or the company as registered owner or registered user has the sole right of disposal of the aircraft by a long-term lease agreement.

(6) Ownership or disposal of an aircraft to be used in connection with flights covered by subsection (5) may be established by a group of up to 5 companies which in equal joint ownership own, or which with equal parts to each lease the aircraft on a long-term basis. Furthermore, flights may be carried out by a company which is part of a group of companies so that the company may carry out flights with employees in other companies within the group.

(7) Both one-man companies and partnerships and companies of any kind domiciled in the Danish state, as well as municipalities, state enterprises, and authorities are regarded as companies, cf. subsection (5).

(8) The Minister for Transport may decide that school flying, air exhibition, competition flying and other flying activities of a special kind require permission even though the activities are not carried out for commercial reasons.

§ 76. The Minister for Transport may lay down detailed rules on the demarcation between commercial and non-commercial air traffic and on the performance of such air traffic.

§ 77. Permission to carry passengers, mail, and goods may, when the carriage is performed exclusively between points within the Kingdom of Denmark, only be granted to persons meeting the conditions for having an aircraft registered in this country stated in subsection (1) of § 7.

(2) If the holder of a permission no longer complies with the conditions for obtaining such permission, the permission becomes invalid if the circumstances are not corrected within a time-limit specified by the competent authority.

(3) In exceptional cases the Minister for Transport may grant permission in accordance with § 75 even though the conditions under this paragraph are not met.

§ 78. Permission shall be granted for a specified period of time and shall be made conditional upon any condition deemed necessary.

§ 79. The permission may be revoked if the activities covered by the permission are carried out under substantial disregard of the regulations laid down in this Act or of regulations laid down in the permission or of regulations otherwise applicable to such activities. If it is deemed that the holder of the permission is not able properly to implement or maintain the activities permitted, the permission may likewise be revoked.

§ 80. In granting permission in accordance with this Chapter, the regulations in this Chapter may be deviated from to the extent agreement with a foreign state so requires.

§ 81. The Minister for Transport may lay down regulations on transfer of aircraft or fittings or spare parts to aircraft to another person for use on that person's own account.

Chapter 8

Regulations on air traffic etc.

§ 82. Flights shall be carried out in accordance with the regulations laid down by the Minister for Transport on measures to prevent collisions between aircraft and other accidents during flight or on measures, in general, to safeguard against hazards or inconvenience as a result of the flight.

§ 82 a. Danish registered aircraft shall meet the requirements on limitation of noise and other pollution nuisances which the Minister for Transport lays down. Orders on compliance with these requirements may be limited to defined geographical areas.

(2) The Minister for Transport may further lay down that, in order to be allowed to use Danish aerodromes, foreign aircraft shall comply with the requirements laid down in pursuance of subsection (1).

§ 83. The Minister for Transport may decide the air routes which aircraft shall follow when flying in air routes within Danish territory and may draw up special regulations stating which aerodrome shall be used in connection with departure or arrival.

(2) Furthermore, the Minister for Transport may, in accordance with guidelines agreed with the Minister of Defence, decide the air routes to be followed during flight within Danish territory, but outside controlled airspace, and draw up special regulations regarding operations over the Kingdom's boundaries, including where the boundary may be crossed.

§ 84. When required in the interest of public order and safety, the competent authority may direct an aircraft to land. The landing shall be made without delay. If no other instruction is given, the aircraft shall land at the nearest aerodrome within the Kingdom, the use of which for flight is open to the public, and where landing is possible.

(2) If an aircraft comes into an area where operation is forbidden, the aircraft shall without delay leave the area and in fastest way possible inform the competent authority and shall immediately, if the authority gives no other instruction, land at the nearest aerodrome within the Kingdom, the use of which is open to the public, and where landing is possible.

(3) If the regulations in this paragraph cannot be complied with, the competent authority may, by using relevant means, prevent the aircraft from further operation.

§ 85. Without permission from the Minister for Transport and the Minister of Justice or anyone authorised by these, an aircraft shall not carry explosives, war equipment, or war ammunition. After agreement with the Minister of Defence and the Minister of Justice, the Minister for Transport may by regulation make exemption from the regulation in the first sentence and lays down - also after negotiation with the Minister of Justice - the meaning of explosives, war equipment, and war ammunition.

(2) For the sake of public order and safety the Minister for Transport may prohibit or set up conditions for carriage of other than the goods mentioned in subsection (1).

(3) The Danish Civil Aviation and Railway Authority has the right at any time to investigate whether goods delivered for carriage by aircraft is covered by the regulations laid down in pursuance of the first sentences of subsections (1) and (2), and whether the conditions for carriage of such goods are met. The person who has the right to dispose of the goods shall to the extent possible have the opportunity to witness the investigation.

(4) Furthermore, the Minister for Transport may, after negotiation with the Minister of Defence and the Minister of Justice, prohibit or give specific regulations on access to carry or use cameras on board aircraft.

§ 86. If not otherwise laid down by special statutory regulations, the Minister for Transport shall prescribe which aircraft documents and to what extent they shall be carried on board, and how they shall be drawn up, kept, and filed.

§ 87. Any person who has a legal interest shall have access to be informed of the contents of the aircraft documents.

§ 88. The Minister for Transport decides to which extent any person performing duty on board aircraft shall carry licences and other documents.

§ 89. The Danish Civil Aviation and Railway Authority and the Police have the right to investigate an aircraft and check the documents of which the aircraft and the persons on duty shall be in possession.

(2) The Danish Civil Aviation and Railway Authority may delegate its authority under subsection (1) to holders of licenses to operate an aerodrome.

§ 89 a. The Minister for Transport may direct aerodromes, airlines, and other aviation users to submit statistical information on regularity, flight time and landing matters and similar aviation related information in the form decided by the Minister.

§ 89 b. For the use in the Danish Civil Aviation and Railway Authority's preventive flight safety work, the Minister for Transport may lay down regulations on reporting to the Danish Civil Aviation and Railway Authority of any safety-related incident, on the form of the report, and on storage, handing over, publication, and use of the reported information.

(2) The Danish Civil Aviation and Railway Authority's personnel, employees in other parts of the public administration, and any experts called in shall, under §§ 152 and 152 a-e of the Danish Criminal Code be under the obligation to keep secret any information reported in accordance with regulations laid down in pursuance of subsection (1).

Chapter 9

Carriage by aircraft

Applicability

§ 90. The regulations in this Chapter shall apply, cf., however subsections (2) and (3), §§ 90 a. and 90 b., to carriage of passengers, registered baggage, or goods by aircraft against remuneration or, if the carriage is performed by an air carrier, also to such carriage performed free of charge, and

- 1) performed domestically in Denmark,
- 2) covered by the Montreal Convention of 28 May 1999 for the unification of certain rules for international carriage by air, cf., however, subsection (3), or
- 3) performed by aircraft between Denmark and states that have not acceded to the Warsaw convention of 12 October 1929 on international carriage by air with later amendments.

(2) The regulations in this Chapter shall not apply where the carriage by aircraft is covered by Council Regulation (EC) No. 2027/97 of 9 October 1997 on air carrier liability in the event of accidents as amended by Regulation (EC) no. 889/2002 of the European Parliament and of the Council of 13 May 2002.

(3) The regulations in this chapter shall not apply to carriage by aircraft performed in pursuance of reservation made in accordance with Article 57 of the Warsaw Convention of 28 May 1999 for unification of certain rules for international carriage by air.

§ 90 a. The regulations in the Appendix to this Act shall apply to carriage to and from Denmark by aircraft from states that have not acceded to the Montreal Convention as mentioned in no. 2 of subsection (1) of § 90, but which have acceded to the Warsaw Convention as mentioned in no. 3 of subsection (1) of § 91.

(2) The regulations in this Chapter regarding carriage of goods by aircraft between Denmark and states that have acceded to the Warsaw Convention and the Montreal Protocol no. 4 of 25 September 1975 amending the Warsaw Convention shall, however, apply to such carriage of goods.

§ 90 b. In respect of carriage by aircraft domestically in Denmark or by an aircraft from an air carrier residing in Greenland or the Faeroe Islands and not holding a licence issued in pursuance of the regulations in Council Regulation (EEC) no. 2407/92 of 23 July 1992 on licensing of air carriers, and not covered by Council Regulation (EC) no. 2027/97 of 9 October 1997 on air carrier liability in the event of accidents as amended by Regulation (EC) no. 889/2002 of the European Parliament and of the Council of 13 May 2002, the carrier shall observe Articles 3 a, 5 and 6 regarding supplementary payment for special equipment, advance payment, and information to the passengers about the carrier's liability for passengers and baggage.

§ 91. In connection with carriage of mail the carrier shall not be responsible to the consignor or the consignee, but exclusively to the postal authorities and in accordance with the special rules applicable between the carrier and the postal authorities.

(2) Apart from the regulation in subsection (1) this Chapter shall not be applicable to carriage of mail.

(3) The regulations regarding documents of carriage in §§ 92-97 below shall not apply to carriage performed under exceptional circumstances and falling outside normal performance of air transport activities.

Documents of carriage

§ 92. In respect of carriage of passengers, a document of carriage shall be issued, cf. however, subsection (2), and the document of carriage shall contain an indication of

- 1) the places of departure and destination and
- 2) at least one stopover place if the places of departure and destination are within the same state, and one or more stopover places in another state have been agreed upon.

(2) The information mentioned in subsection (1) may be registered in another way if the carrier offers and upon request delivers written material about the information registered in such a way to the passenger.

(3) Even though the regulations in subsections (1) and (2) are not met, the contract of carriage shall, however, be valid, and the regulations in this Chapter shall apply to the carriage.

§ 93. The carrier shall issue a registered baggage certificate to the passenger for each piece of registered baggage.

§ 94. In respect of carriage of goods, an airway bill shall be issued.

(2) Issue of airway bill is not necessary if the information regarding the carriage is registered in another way, and the carrier delivers, upon request from the consignor, a goods receipt to the consignor containing sufficient information to identify the goods and giving the sender the possibility to be informed of the registered information.

§ 95. The airway bill shall be issued by the consignor in three original copies. The first copy shall be stamped "For carrier" and be signed by the consignor. The second copy shall be stamped "For consignee" and be signed by the consignor and the carrier. The third copy shall be signed by the carrier and returned to the consignor after receipt of the goods.

(2) If the carrier has issued the airway bill on the request of the consignor, the carrier shall be considered to act on behalf of the consignor, if not otherwise is proved.

(3) The signatures of the carrier and the consignor may be printed or stamped.

§ 96. If the carriage consists of several pieces of goods, the consignor shall issue separate airway bills if the carrier so requests.

(2) If another registration system is used, cf. subsection (2) of § 94, the carrier shall deliver separate goods receipts if the consignor so requests.

(3) If necessary in order to meet customs formalities or requirements of the police or similar public authorities, the carrier may require the consignor to issue a document stating the nature of the goods.

§ 97. The airway bill and the goods receipt shall contain indication of

- 1) the places of departure and destination,
- 2) at least one agreed stopover place if the places of departure and destination are within the territory of the same state, and one or more stopover places in another state are agreed, and
- 3) the weight of the consignment.

§ 98. Even though the regulations in §§ 94-97 are not complied with, the contract of carriage is still valid, and the regulations in this Chapter are applicable to the carriage.

§ 99. The consignor shall be responsible for the correctness of the information given in the airway bill by the consignor or any person acting on the consignor's behalf, or for registration or insertion in the goods receipt. If the information regarding the goods is incorrect or incomplete, the consignor shall be liable for any damage thus caused to the carrier or any person to whom the carrier is liable. The consignor shall also be liable in cases where the person having acted on behalf of the consignor is also agent for the carrier.

(2) If the consignor is not responsible under subsection (1) for incorrect or incomplete information registered or inserted in the goods receipt, the carrier shall be liable for damage thus caused to the consignor or any person to whom the consignor is liable. The same shall be applicable if any other person has registered the information of inserted the information in the goods receipt on behalf of the carrier.

§ 100. If not otherwise proved, the airway bill or the goods receipt shall be valid as proof of the carriage contracting, for receipt of the goods, and for the conditions for the carriage stated in the airway bill or the goods receipt.

(2) The statements in the airway bill or the goods receipt of the weight, dimensions, packaging, and the number of parcels of the goods shall be considered correct if not otherwise proved. Other information in the airway bill about the quantity, cubic content, or condition of the goods shall, however, not be valid as evidence against the carrier, unless the carrier in the presence of the consignor has examined the correctness of the information and has verified this by endorsement on the airway bill, or the information regards the visible condition of the goods.

Right to dispose of goods and delivery of goods

§ 101. The consignor may take back the goods at the aerodrome of departure or destination or may stop it in case of intermediate landing, if the consignor fulfils the consignor's obligations according to the contract of carriage and pays the extra costs connected with it. The consignor can, however, only exercise this right if it does not damage the carrier or other consignors.

(2) On the same conditions the consignor may order that the goods, during the voyage or at the destination, shall be delivered to another person than the one stated as consignee, or require the goods returned to the aerodrome of departure.

(3) If the consignor's order cannot be executed, the carrier shall immediately inform the consignor thereof.

(4) If the carrier executes the consignor's order without presenting the consignor's copy of the airway bill or the goods receipt, the carrier shall be liable for damage thus caused to the right holder of the airway bill or the goods receipt, however with the right of recourse against the consignor.

(5) The consignor's right to the goods shall terminate when the consignee obtains right to dispose of the goods in accordance with the regulations in § 102. If the consignee refuses to accept the goods, or if the consignee cannot be found, the consignor resumes his right to dispose of the goods.

§ 102. When the goods have arrived at the destination, the consignee may, unless the consignor has exercised the consignor's right under § 101, require the goods delivered by the carrier against payment of the amounts due and against fulfilment of the carriage conditions.

(2) As soon as the goods have arrived, the carrier shall inform the consignee thereof if not otherwise agreed.

§ 103. If the goods have not arrived at within seven days after the date on which they ought to have arrived, the consignee may claim the consignee's rights according to the contract of carriage against the carrier. The same shall apply if the carrier notifies that the goods have been lost.

§ 104. Any agreement deviating from the regulations in §§ 101-103 shall be invalid unless it is stated in the airway bill or the goods receipt.

§ 105. The consignor shall give the carrier the information and documents that are necessary for meeting the customs formalities and the requirements of the police and other public authorities before the goods can be handed over to the consignee. The consignor shall compensate the carrier for any damage following the absence, incorrectness, or insufficiency of such information and documents, unless the damage is due to errors or negligence on the part of the carriage or any person acting on behalf of the carrier.

(2) The carrier shall not be under the obligation to check whether the information and documents mentioned in subsection (1) are correct or sufficient.

Carrier's liability

§ 106. The carrier shall be liable for damage if a passenger is killed or suffers injury to body or health as a result of an event occurred on board an aircraft or in connection with the passenger embarking or disembarking. The carrier's liability also includes loss of provider in case of death.

§ 107. The carrier shall be liable for damage causing the loss of or damage to registered baggage as a result of an event occurred

- 1) on board an aircraft, or
- 2) within the period of time the registered baggage is under the care of the carrier.

(2) However, the carrier shall not be liable in so far as the damage is caused by faults or defects in the registered baggage or by its nature.

(3) The carrier shall be liable for the passengers' hand baggage, including their personal belongings, that is lost or damaged as a result of an event occurred on board an aircraft if the damage is due to errors on the part of the carrier, his employees, or agents.

(4) If the registered baggage has not arrived within 21 days after the date on which it ought to have arrived, the passenger may claim the passenger's rights according to the contract of carriage against the carrier. The same shall apply if the carrier states that the registered baggage has been lost.

§ 108. The carrier shall be liable for damage causing the loss of or damage to goods as a result of an event occurred during the period of time when the goods is under the care of the carrier.

(2) However, the carrier shall not be liable in so far as the damage is caused by

- 1) the nature of the goods or defects in the goods,
- 2) defective packing of the goods carried out by other persons than the carrier, the carrier's employees or any other person acting on the carrier's behalf,
- 3) act of war or armed conflict, or
- 4) exercise of public authority in connection with the import, export, or transiting of the goods.

(3) If the contract of carriage also covers transport over land or sea outside an aerodrome in connection with loading, handing over, or transshipment, any damage to the goods is presumed to have occurred within the period of time stated in subsection (1), if not otherwise proved.

(4) If the carrier, without the consent of the consignor, replaces in part or fully the part of the transport which in accordance with the contract of carriage should take place as air transport, with another form of transport, this part of the transport will also be regarded as air transport so that the carrier does not obtain a better legal position by this.

§ 109. The carrier shall be liable for damage as a result of delay in carriage of passengers, registered baggage, and goods, if the carrier does not prove that the carrier, the carrier's employees or any person acting on the carrier's behalf have taken all necessary measures which can reasonably be required to be taken to avoid the damage, or that this has not been possible for them.

§ 110. The compensation, including the compensation in accordance with subsection (1) of § 111, shall be reduced or shall not be paid if the carrier can prove that the claimant or any person from whom the claimant diverts the person's rights, intentionally or negligently has contributed to the damage. If a passenger is killed and if another than the passenger claims damages on that occasion, the compensation shall also be reduced or not paid if the passenger has contributed to the damage.

(2) Reduction or non-payment of the compensation in pursuance of subsection (1) shall only take place in consideration of the degree of contribution.

§ 111. When carrying passengers, the carrier's liability cannot, if a passenger is killed or suffers injury to body or health, be renounced or limited if the compensation does not exceed 128,821 Special Drawing Rights (SDR, cf. § 8) for each passenger, cf. however § 110.

(2) The carrier shall not be liable for damage according to subsection (1) exceeding 128,821 SDR for each passenger if the carrier can prove that

- 1) the damage is not the result of an intentional or negligent act or omission on the part of the carrier or the carrier's employees or agents, or
- 2) the damage exclusively is the result of an intentional or negligent act or omission on the part of a third party.

(3) When carrying passengers, the carrier's liability for damage as a result of delay shall be limited to 5,346 SDR for each passenger.

(4) When carrying registered baggage, the carrier's liability for damages as a result of loss of, damage to, or delay of registered baggage limited to 1,288 SDR for each passenger. If the passenger, when delivering the registered baggage to the carrier, has specifically stated the interest connected to the delivery of the registered baggage at the destination and has paid any additional freight fixed, the mentioned shall be valid as limit for the carrier's liability for damages. This shall not, however, apply in cases where the carrier proves that the amount exceeds the passenger's special interest as mentioned in the second sentence.

(5) When carrying goods, the carrier's liability for damages as a result of loss of, damage to, or delay of the goods is limited to 22 SDR per kilo. If the consignor, when delivering the goods to the carrier, has specifically stated the interest connected to the delivery of the goods at the destination and has paid any additional freight fixed, the mentioned amount shall be valid as limit for the carrier's liability for damages. This shall, however, not apply in cases where the carrier proves that the amount exceeds the consignor's special interest as mentioned in the second sentence. If part of the goods is lost, damaged, or delayed, only the total weight of the affected pieces of goods shall be assessed when the limit for the carrier's liability for damages shall be fixed. If the damage depreciates the value of other pieces of goods covered by the same airway bill, goods receipt, or the information registered in any other way, cf. subsection (2) of § 94, also the weight of these pieces of goods shall be included.

(6) The liability limits fixed in subsections (3) and (4) shall not be valid if it is proved that the carrier itself or the carrier's employees or agents, during the performance of their duties or business, have caused the damage by acting intentionally or negligently knowing that the damage could arise.

(7) The liability limits stated in subsections (1)-(5) do not prevent the courts from awarding the claimant the costs and add interest. This does not, however, apply if the carrier within six months from the date of the event causing the damage, or before institution of legal proceedings, in writing has offered the plaintiff at least as much in compensation as the sum in damages awarded.

(8) Conversion of SDR into national currency shall be made in accordance with the exchange rate used on the day of the judgement by the International Monetary Fund in its activities and in its transactions.

§ 111 a. If an aircraft accident results in the death of or injury to body or health of a passenger, the carrier shall, if required according to the national legislation of the carrier, cf. however § 90 b, immediately and not later than 15 days after identification of the person eligible for compensation make such an advance payment as may be necessary to cover the immediate economic needs and which is proportional to the extent of the damage suffered.

(2) An advance payment in case of death under subsection (1) cannot be less than 16,000 SDR.

(3) The advance payment does not imply acceptance of the liability for damages and the amount may be deducted from a subsequently assessed amount of damages, if any. The advance payment can only be claimed returned if it is subsequently proved that the person having received the advance payment intentionally or negligently caused or contributed to the damage or that the person was not the person eligible for compensation.

§ 112. Reservations aiming at relieving the carrier from liability or fixing a lower limit of liability than the one laid down in § 111 shall be null and void.

§ 113. The carrier may enter into a contract stating that higher liability limits shall apply to the carriage than the ones laid down in § 111, or that no liability limits at all shall apply.

§ 114. If the carrier's employees or any person acting on behalf of the carrier are sued for damages caused when performing their duties or business, the sum of the amount in damages imposed on them and the carrier must not exceed the liability limits determined for the carrier.

§ 115. If registered baggage or goods is/are received without reservation on the part of the consignee, it assumed that the goods have been delivered in good condition and in accordance with the document of carriage or information registered in any other way, unless otherwise proved.

(2) If the registered baggage or goods has/have been damaged or partially lost, notification shall be given to the carrier immediate after discovery of the damage, and not later than 7 days for registered baggage and 14 days for goods to be calculated from the date of receipt. In case of delay, notification must be given not later than 21 days from the date on which the registered baggage or goods was/were placed at the disposal of the consignee.

(3) Notification must be given by endorsement on the document of carriage or other written material, despatched within the time limit. The endorsement may be made electronically.

§ 116. If notification about the damage has not been given within the time limits prescribed in § 115, any claim for damages against the carrier will lapse, unless the carrier has acted fraudulently.

§ 117. Action for damages must be brought before the court having jurisdiction where the carrier is ordinary resident, or has his principal place of business, or has an establishment by which the contract of carriage has been made, or before the court having jurisdiction at the place of destination.

(2) In case of damage in consequence of death of or personal injury to passengers, the action for damages may also be brought before the court having jurisdiction in the state where the passenger resided or had a permanent residence at the time of the accident and from which

- 1) the carrier performs air transport of passengers either with own aircraft or with another air carrier's aircraft on the basis of a business contract, and
- 2) where the carrier operates its business in connection with air transport of passengers from premises leased or owned by the carrier itself or another air carrier with whom the carrier has a business contract.

(3) Application of the regulations in subsections (1) and (2) presupposes that the state in which the legal proceedings are instituted has acceded to the Montreal Convention.

§ 118. In accordance with the regulations of this Chapter, the right to damages shall cease if action is not brought before the court within two years, calculated from the date of arrival of the aircraft at the destination, or from the date on which the aircraft should have arrived, or from the date on which the carriage stopped.

§ 119. If a carriage, which according to the contract of carriage is deemed as one carriage, is to be performed by several carriers, each carrier accepting passengers, registered baggage, or goods, shall be liable for that part of the carriage which it is incumbent on the carrier in question to carry out.

(2) As regards carriage of registered baggage or goods, the consignor may, however, take action against the first carrier and the last carrier, who is entitled to have the registered baggage or goods delivered, even though the damage or delay has occurred when the goods was in another carrier's charge. If thus two carriers are liable, they shall be jointly and severally liable.

Carriage performed by another carrier than the contracting carrier

§ 119 a. The regulations laid down in §§ 119 (b) - 119 (f) shall apply if the entire or part of the carriage is performed by another carrier than contracting carrier unless it is proved that the actual carrier did not agree to the carriage.

(2) The regulations laid down in §§ 119 (c), 119 (e), and 119 (f) shall apply to only the part of the carriage which is performed by another carrier than the contracting carrier.

§ 119 (b). In applying the regulations in this Chapter, both the contracting carrier and the carrier actually performing the entire or part of the carriage shall be considered as carriers. The carrier who has made the contract of carriage shall be regarded as carrier for the entire carriage. The carrier who has performed the carriage shall be regarded as carrier as regards the relevant part of the carriage.

§ 119 (c). In estimating a carrier's liability, actions, and omissions by the other carrier, the carrier's employees or any person acting on behalf of the carrier in connection with the performance of their services or business, shall be considered to have the same effect as the contracting carrier's own actions and omissions. However, the one performing the carriage cannot incur liability exceeding the limits stated in § 111.

(2) If the contracting carrier has assumed obligations which exceed the carrier's liability under this Chapter, or if consignors have stated their interest in the delivery of the goods under 2nd sentence of subsection (2) of § 111, this shall not affect the one performing the carriage, unless this carrier has given its approval.

§ 119 d. Any notification given under the regulations of this Chapter to the one carrier will also have effect on the other carrier. Orders from the consignor under § 101 shall, however, only have effect if they are given to the contracting carrier.

§ 119 e. The total of the amounts in damages imposed on two or more carriers, their employees or anyone acting on their behalf, must not exceed the maximum amount in damages that can be imposed on one of the carriers. Each carrier shall only be liable up to the limit valid for the carrier in question.

§ 119 f. An action for damages, whether it is brought against one or more carriers, may be brought before a court which under § 117 is competent as regards action against the contracting carrier, or before the court at the place where the carrier performing the carriage resides or has his principal place of business.

(2) If action is brought against one of the carriers, and if that carrier if loosing case, intends to make a claim against the other carrier, the former carrier may summon the latter carrier to attend, without regard to the ordinary rules on venue, in order to submit the former carrier's claim against this carrier during the proceedings. The regulations in Chapter 23 of the Administration of Justice Act shall be equally applicable.

Combined carriage

§ 120. If the carriage is performed partly by aircraft and partly by other means of transport, the regulations in this Chapter shall only apply to the carriage by aircraft, cf. however subsection (4) of § 108.

(2) The conditions for the other means of transport may be included in the document concerning the carriage by aircraft if the regulations in this Chapter applies to the part of the carriage performed by aircraft.

Other regulations

§ 121. Regulations in the contract of carriage and any special agreements entered into before the occurrence of the damage with the purpose of violating the rules in the Montreal Convention of 28 May 1999 for the unification of certain rules for international carriage by air, either by stating which law shall be applicable or by changing the regulations on venue, are invalid.

(2) If the carriage is covered by this Chapter, the action for damages can only be brought before a Danish court or a court in a state which has acceded to the Montreal Convention of 28 May 1999 for the unification of certain rules for international carriage by air.

(3) Nothing in this Chapter shall prevent the one responsible for damage under the regulations in this Chapter from having recourse against any other.

(4) Arbitration agreements before the occurrence of the damage are only valid as regards carriage of goods and only if the arbitration agreement is written, and if the arbitration, at the option of the one claiming for damages, is to be made at one of the places that are legal venue under this Chapter, and only if the court of arbitration must comply with the regulations in this Chapter.

§ 122. The carrier must be able to document to be insured for an amount sufficient to cover the carrier's liability for damages under the terms of this Chapter.

§ 123. Nothing in this Chapter shall prevent the carrier from refusing to make a contract of carriage, from renouncing rights laid down in this Chapter, or from making such conditions that are not against the regulations in this Chapter.

§§ 124-126. (Repealed)

Chapter 9 a

*Regulation of drones**Definition*

§ 126 a. A drone shall mean any unmanned aircraft operated or intended for operating autonomically or operated by remote control without a pilot on board.

Geographic limitation in the use of drones

§ 126 b. Flights with drones may only be operated outside flight safety critical areas as regards flight safety and security and particularly sensitive natural resorts, cf. however subparagraphs (2)-(4) and § 126 f.

(2) The Minister for Transport may, after negotiation with the Minister of Justice, lay down detailed regulations for flights over critical areas as regards security.

(3) The Minister for Transport may, after negotiation with the Minister of Justice, lay down detailed regulations the purpose of which are to ensure privacy.

(4) The Minister for Transport may lay down detailed regulations on flights over critical areas as regards flight safety and over particularly sensitive natural resorts.

Third party liability insurance

§ 126 c. The owner of a drone shall have taken out third liability insurance in accordance with § 130.

(2) The Minister for Transport lays down detailed regulations on taking out third party liability insurance, cf. subparagraph (1), including exemptions from the requirement on taking out third party liability insurance.

Authority to lay down regulations on drones for the Faroe Islands and Greenland

§ 126 d. The Minister for Transport may lay down regulations for the Faroe Islands and Greenland corresponding to the Directives and Regulations issued by the European Union in the drone area with the changes necessary in relation to the Faroese and Greenland conditions, respectively.

Flights under the influence of alcoholic beverages, drugs affecting consciousness, illness etc.

§ 126 e. Flights or attempts at flights with drones must not be operated/made if the remote pilot has consumed alcoholic beverages to the extent that

- 1) the alcohol concentration in the blood during or after flight exceeds 0.50 per thousand or the alcohol concentration in the exhalation air during or after flight exceeds 0.25 mg per litre of air, or
- 2) the remote pilot cannot otherwise operate the drone in a fully satisfactory way.

(2) Flights or attempts at flights with drones must not be operated/made if the remote pilot's blood during or after flight contains drugs affecting consciousness which according to regulations laid down by the Minister for Transport are classified as hazardous to flight safety and which have not been taken in accordance with a legal prescription. The first sentence shall also apply to drugs taken by the person in question in accordance with a legal prescription if the drug has not been taken in accordance with the prescription.

(3) Flights or attempts at flights with drones must further not be operated/made if, on account of illness, impairment, strain, lack of sleep, or being under the influence of narcotics or drugs or for similar causes, the remote pilot is in such a state that person in question is unable to operate the drone in a fully satisfactory way.

(4) The Police may at any time require the remote pilot to give breath, spit, or sweat tests or to have the remote pilot's eyes inspected.

(5) The Police may present a remote pilot of a drone for taking blood or urine tests if there is reason to assume that the remote pilot has violated subsections (1), (2) or (3), or if the remote pilot refuses to co-operate in an exhalation test, spit test, sweat test, or eye inspection. If the suspicion concerns other conditions that influence of alcoholic beverages, the Police may also present the remote pilot for examination by a doctor. The same applies in connection with suspicion of influence of alcoholic beverages when special conditions so indicate.

(6) The Minister of Justice may lay down regulations on the tests and examinations mentioned in subsections (4) and (5).

Police and rescue preparedness

§ 126 f. After negotiation with the Minister of Defence, the Minister for Transport may lay down regulations on special conditions for drones used in connection with rescue preparedness.

(2) After negotiation with the Minister for Transport, the Minister of Defence may lay down regulations on special conditions for the Police's use of drones.

Market supervision

§ 126 g. The Minister for Transport or the public authority authorized by the Minister shall supervise the compliance with product requirements in the drone area.

(2) The Minister for Transport or the public authority authorized by the Minister under subsection (1) shall at any time against appropriate legitimation and without court order have access to a company's business premises, including storage rooms and means of transport, company books and documents concerning products which are controlled, including documents on type approval, CE marking, and the like in paper form etc and material kept in electronic form, with a view to supervising the compliance with product requirements established in the Regulations in the drone area laid down by the European Union. The police shall provide assistance to this end, if necessary.

(3) The Minister for Transport or the public authority authorized by the Minister under subsection (1) may at any time require that a businessman hands over free of charge information and documents concerning products under supervision, including documents on type approval, CE marking, and the like in paper form etc. and material kept in electronic form, with a view to supervising the compliance with product requirements established in the Regulations in the drone area laid down by the European Union. If the business owner is not in possession of the information and documents in question, the business owner shall be under the obligation to obtain these.

(4) A businessman must not use misleading or incorrect statements or omit important information regarding the legal use of drones. The Minister for Transport or the public authority authorized by the Minister under subsection (1) may order the businessman to stop staging misleading or incorrect information in connection with sale and marketing of drones.

(5) The Minister for Transport may lay down detailed regulations on the implementation and use of regulations regarding product supervision in the Directives and Regulations in the drone area issued by the European Union, including marking requirements in the drone area. The Minister for Transport may further lay down regulations on issue of orders and on revocation and withdrawal of drone products.

(6) The Minister for Transport may lay down regulations on a scheme of charges to cover costs in connection with the market control covered by subsections (2)-(4) and regulations issued in pursuance of subsection (5) and which is carried out by the public authority authorized in pursuance of subsection (1).

Chapter 10

Compensation for damages

§ 127. If the use of an aircraft for aviation purposes results in personal injury or damage to property outside the aircraft, the owner shall be liable to compensate for the damage. If the owner has left the use of the aircraft to an independent user who has assumed the full responsibility for the operation and maintenance of the aircraft, this liability instead rests with the user.

(2) The liability to pay damages shall no longer apply if it is established that the injured person himself has caused the damage intentionally or by gross negligence.

(3) In case of personal injury, compensation may be claimed for pain and bodily disfigurement. If the person who is entitled to compensation has lost his working capacity totally or partly, he shall be entitled to compensation for permanent reduction of his working capacity. If the injured person dies as a result of the accident, the person who loses dependency by the death, may claim damages for the loss that the person in question is assumed to have sustained.

(4) The person who has paid for the funeral may claim the expenses connected with the funeral reimbursed in so far as the expenses do not exceed what is appropriate according to the conditions of the deceased.

§ 128. The regulation in subsection (1) of § 127 shall not apply when the matter concerns personal injury or damage to property being within the area of an approved aerodrome, or to the extent the owner of the aircraft can document that it is not possible to take out an insurance.

(2) If the damage is caused to craft or cargo by collision between craft, the regulations in §§ 220 and 221 of the Merchant Shipping Act shall become applicable.

(3) If collision between two or more craft causes damage, the compensation for which rests with the persons on whose expense the craft are used, cf. subsection (1) of § 127, these persons shall be jointly and severally liable. The courts will, considering the existing circumstances, decide the size of the compensation paid that can be reclaimed by each of them from the person(s) sharing the responsibility.

§ 129. No injunction in the right to claim damages which might otherwise follow from general rules of law, is made by the regulations in §§ 127 and 128.

§ 130. The owner of an aircraft to be operated within Danish territory in accordance with § 2 (1)(a) or to be operated for testing purposes in accordance with subsection (1)(c) of § 2 shall - if the owner is not the state - take out and keep in force an insurance to cover claims for compensation arising against the owner or the user for personal injury or damages to property outside the aircraft as a result of the operation. If the insurance expires, the insurance company shall, however, be responsible to third party for damage according to the face value of the insurance for another two months after the company has notified the expiry of the insurance to the Minister, unless the aircraft - if it is registered - in the meantime has been removed from the register, or the permission to operation for testing purposes under subsection (1)(c) of § 2 in the meantime has been revoked. The Minister lays down regulations on the amount of the insurance sums.

(2) The Minister may decide that instead of insurance the owner of the aircraft shall provide other security approved by the Minister to cover the claims for damages mentioned in subsection (1).

(3) If the aircraft is operated within Danish territory in accordance with subsection (1)(c) of § 2 or - except from operations for testing purposes - subsection (1)(d) of § 2 the Minister decides whether there shall be an insurance or other security to cover the claims for damages mentioned in §§ 127 and 128.

§ 130 a. The Minister may lay down regulations stating that the owner of an aircraft shall take out and keep in force an insurance against personal injury, including lay down regulations on the amount of the insurance sums.

Chapter 11

Aircraft accidents

Rescue services

§ 131. Regulations on the search and rescue measures to be taken when an aircraft is missing, crashed, or in distress are issued, after negotiation with the Minister of Defence, the Minister for Industry, Business and Financial Affairs, and the Minister of Justice, by the Minister for Transport who may also issue regulations on the duty for private persons or undertakings to give the necessary assistance, as well as on remuneration for such assistance.

Salvage of aircraft

§ 132. Any person salvaging or contributing to the salvage of a crashed aircraft or an aircraft in distress, or goods on board, or anything that has belonged to such an aircraft or such goods, shall be entitled to salvage money in accordance with the rules laid down regarding salvage of vessels or goods be-

longing thereto, whether the salvage takes place at sea, on the ground or in the air. Any person rescuing or contributing to the rescue of lives in connection with the distress situation causing the salvage shall be entitled to part of the salvage money.

(2) Any person who has defrayed extraordinary expenses that have been absolutely necessary to save an aircraft, shall equally be entitled to remuneration of the expenses defrayed, unless that person has acted against an explicit and justified prohibition from the aircraft-in-command.

(3) The right to salvage money or remuneration of such extraordinary expenses must not exceed the value of the salvage - the aircraft respectively - plus freight for goods and passengers.

§ 133. The owner of salvaged goods shall only be liable with the value of the salvage, and the claim is secured by mortgage on the goods ahead of any encumbrance on the goods. If the goods are handed over, the mortgage will lapse.

(2) As regards mortgage on aircraft, the right to salvage money or remuneration of the extraordinary expenses mentioned in § 132, the regulations in § 5 of Act no. 135 of 31 March 1960 shall apply.

Investigation of aircraft accidents etc.

§ 134. The Minister for Transport sets up accident investigation board with the objective of investigating aircraft accidents and aircraft incidents, cf. § 136, with a view to preventing such accidents and incidents.

(2) The composition of the board is determined by the Minister for Transport.

(3) The board shall supplement itself with representatives from foreign states to the extent where Denmark by agreement has committed itself to do so. Furthermore, the board may supplement itself with particular specialists in cases where the board finds it necessary.

§ 134 a. The board further investigates accidents and incidents within the railway area, cf. Act on Railways. The board shall hereinafter be called the Accident Investigation Board for Civil Aviation and Railways (Accident Investigation Board Denmark).

§ 135. In this Act an aircraft accident (accident), aircraft incident (incident), and serious aircraft incident (serious incident) shall be interpreted in accordance with article 2 in Regulation (EU) no. 996/2010 of the European Parliament and of the Council of 20 October 2000 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC.

§ 136. The Accident Investigation Board Denmark shall investigate accidents and incidents covered by Regulation (EU) no. 996/2010 of the European Parliament and of the Council of 20 October 2000 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC. In addition to this, the Accident Investigation Board Denmark shall investigate the following accidents and incidents:

- 1) accidents involving civil aircraft registered in Denmark or in a foreign state when the accident occurs over or on Danish territory,
- 2) accidents involving civil aircraft registered in Denmark when the accident occurs outside any state's territory or over or on a territory where the state in question has not committed itself to investigate,
- 3) serious incidents involving civil aircraft with a maximum take-off mass above 2,250 kg when the incident occurs over or on Danish territory,
- 4) serious incidents outside Danish territory involving civil aircraft registered in Denmark with a maximum take-off mass above 2,250 kg, unless it has been agreed with foreign state that this state carries out the investigation, and
- 5) accidents where civil aircraft with a maximum take-off mass of 2,250 kg or below are involved when the accidents take place over or on Danish territory and where fatal or serious bodily injury occurs,

except however accidents where exclusively parachutes, hanggliders, airwave paragliders, or paratrike are involved.

(2) The Accident Investigation Board Denmark may in special circumstances after agreement let a foreign state carry out investigations according to subsection (1), no^s. 1-3. The Accident Investigation Board Denmark may further after agreement with foreign state carry out investigations incumbent on the foreign state to carry out.

(3) One or more representatives from the Accident Investigation Board Denmark shall participate in a foreign state's investigation of an accident or an incident involving a Danish registered, civil aircraft, if such participation is required in international agreements or when it is deemed practical and the state in question requests to or consents to it.

§ 137. If an accident or an incident, cf. § 136, has occurred over or on Danish territory or with Danish registered, civil aircraft, the Accident Investigation Board Denmark shall be notified without delay.

(2) The duty to report rests with the pilot-in-command. Further, the duty to report rests with the person serving as air traffic controller, or the person serving in another position of importance to flight safety according to the Ministry of Transport's decision in pursuance of § 74, if the person in question has provided air traffic service which has or may have been of importance to the aircraft accident or the aircraft incident. As regards aeronautical installations on ground the duty to report rests with the one responsible for the installation.

(3) If the pilot-in-command is not in a position to fulfil the duty in the first sentence of subsection (2), the duty shall rest with the owner or user of the aircraft.

(4) Detailed regulations on the duty to report, reporting routes, etc., may be laid down by the Minister for Transport.

§ 138. The Accident Investigation Board Denmark decides the extent of the investigations to be carried out in connection with an accident or an incident, cf. § 136. In doing so consideration may be taken for the purpose of the investigations of the Board, cf. subsection (1) of § 134, the extent of the accident or incident, the expected flight safety value of the investigation compared to the expenses, the importance of the task compared to other work incumbent on the Board at the time in question, available resources, and the like.

(2) It shall be determined by agreement between the Accident Investigation Board Denmark and the military authorities how to act in connection with accidents and incidents, cf. § 136, involving military aircraft as well or occurring within military territory.

§ 139. When an accident, cf. § 136, has occurred over or on Danish territory, the aircraft, its parts or contents, or other traces must not be removed or touched, before the Accident Investigation Board Denmark has concluded its investigations, unless the Police so permits in concert with the Board.

(2) Besides, the Accident Investigation Board Denmark shall decide when the investigation permits release of the aircraft in full or in part.

§ 140. The Accident Investigation Board Denmark shall have access, without court order, to investigate the aircraft or its remains irrespective of whether these are in a private area, and to make the necessary arrangements in this respect.

(2) The Accident Investigation Board Denmark may require manuals and other documents of importance to the investigation presented and may question the owner or user of the aircraft as well as the crew and any other person presumed to be able to give information of importance to the investigation.

(3) The Accident Investigation Board Denmark may require examination in court under the rules in § 1018 of the Administration of Justice Act.

(4) The assistance of the Police may be required to investigate to the extent deemed necessary.

(5) If there is suspicion of a criminal offence, the Police may independently carry out the investigation measures deemed necessary by the prosecution and may require assistance to do so by the Accident Investigation Board Denmark.

§ 141. The Accident Investigation Board Denmark shall continuously keep the Danish Civil Aviation and Railway Authority informed of any finds and circumstances in connection with an investigation deemed of significant importance to flight safety, and shall at the earliest time possible inform the Danish Civil Aviation and Railway Authority of its evaluations thereof.

§ 142. When the Accident Investigation Board Denmark has concluded its investigation, it prepares a draft report on the results of the investigation. The draft shall contain a statement on possible measures to prevent accidents or incidents of the same or similar nature.

(2) The draft report shall be submitted for comments to the owner or user of the aircraft or aeronautical installation and to other persons to whom the investigation has special importance in the opinion of the Accident Investigation Board Denmark. The Accident Investigation Board Denmark determines a deadline for receiving comments. The persons in question may express their wish for further investigation.

(3) The final report shall be sent to the Danish Civil Aviation and Railway Authority. The report shall be published at the same time, unless decisive considerations go against a publication.

§ 143. When the investigation carried out so indicates, the Accident Investigation Board Denmark may deviate from the regulations in § 142 and may instead prepare a statement.

(2) Furthermore, the Accident Investigation Board Denmark may prepare a statement in cases where the regulations in subsections (1)-(3) of § 142 shall otherwise be observed.

(3) Statements shall, if possible, be prepared within 60 days after the Accident Investigation Board Denmark has been informed of the accident or the incident. Statements shall be submitted to the Danish Civil Aviation and Railway Authority and shall be published at the same time.

§ 144. The Accident Investigation Board Denmark shall publish a list of its activities at least once a year.

§ 144 a. The Accident Investigation Board Denmark's staff, experts called in, and other persons contributing to an investigation carried out by the Accident Investigation Board Denmark shall, subject to §§152 and 152 (a)-(e) of the Penal Code, be under the obligation to keep secret from unauthorised persons anything of which they obtain knowledge in connection with the investigation.

(2) The Danish Civil Aviation and Railway Authority's personnel and any experts called in who under the terms of § 141 receive information from the Accident Investigation Board Denmark shall, under §§ 152 and 152 a-e of the Danish Criminal Code, be under the obligation to keep secret from unauthorised persons of what they thereby become cognisant.

§ 144 b. The Minister for Transport may lay down special regulations for the activities of the Accident Investigation Board Denmark.

(2) The Minister for Transport may impose on the Accident Investigation Board Denmark special tasks that have a general flight safety aim.

(3) An investigation in connection with such tasks shall be subject to the regulation in § 144 a.

(4) Reports on investigations under subsection (2) shall be given to the Minister for Transport and the Danish Civil Aviation and Railway Authority. The Minister decides whether the report shall be published.

(5) The Danish Civil Aviation and Railway Authority shall assist the Accident Investigation Board Denmark in its work if requested.

(6) The Accident Investigation Board Denmark may resume a concluded investigation if any new or substantial material in the case appears.

(7) The Minister for Transport may at any time request the Accident Investigation Board Denmark to carry out further investigations in a case.

Chapter 12

Miscellaneous regulations

§ 145. If, when a flight is commenced, there is reason to believe that the aircraft in question is not airworthy or properly manned, or that regulations otherwise applicable to the flight under this Act or regulations issued in pursuance of this Act are not observed, the authority in question may prohibit the aircraft from taking-off and, if necessary, prevent the aircraft from leaving the aerodrome until things are in order. The decision shall be taken by the Danish Civil Aviation and Railway Authority or anyone authorised by the Danish Civil Aviation and Railway Authority; in the latter case the decision shall without delay be notified to the Danish Civil Aviation and Railway Authority for trial.

§ 146. If the charge for the latest landing at, stay at, and departure from an aerodrome has not been paid for an aircraft departing from an aerodrome, the use of which is open to the public, the aerodrome licence holder may prevent the aircraft from leaving the aerodrome until the charge has been paid, or until the necessary security for payment has been given.

§ 146 a. An application for permission according to § 31, § 55, § 75, or Community legislation in the civil aviation area may be denied if the applicant is in considerable overdue debt to the public, by which is meant amounts in the order of DKK 50,000 and above.

(2) A permission as referred to in subsection (1) may be revoked if the holder is in considerable overdue debt to the public, by which is meant amounts in the order of DKK 100,000 and above. The revocation may be temporary from 1 to 5 years or until further notice. The decision shall contain information on the access according to § 146 b to demand the decision tested in court and on the time-limit for this.

§ 146 b. A decision according to § 58 and subsection (2) of § 146 a may be demanded brought before a court by the person to whom the decision pertains. Request for this shall be presented to the authority that has revoked the permission within 4 weeks after the decision has been notified to the person in question. The authority institutes legal proceedings against the person in question in the form of the civil procedure. A request for proceedings does not have delaying effect, but the court may decide that the person in question shall have access to exercise that person's activities, which need permission, during the case hearing. If a sentence according to which a revocation is not legal, is appealed, the court having pronounced the sentence, or the court before which the case has been brought, may decide that the activities which need permission must not be exercised during the appeal hearing.

§ 146 c. A revocation according to § 58 and subsection (2) of § 146 a may, after application, at any time be cancelled by the authority having taken the decision. If an application for cancellation is refused, the applicant may demand the decision tested by submission to a court if the revocation has been made until further notice, and at least 5 years have passed after the revocation, and at least 2 years have passed after the cancellation has most recently been refused by sentence. Second and third sentences of § 146 b shall be equivalently applicable.

§ 147. As regards exemption from detention, reference is made to the relevant existing legislation.

§ 147 a. Airlines and aerodromes the aeronautical use of which is open to the public shall make the necessary plans to ensure aviation in emergency management situations and other extraordinary situation.

(2) Airlines and aerodromes the aeronautical use of which is open to the public may be put under the obligation to make transport capacity and infrastructure available against full compensation in the situations mentioned in subsection (1).

(3) The Danish Civil Aviation and Railway Authority handles the overall coordination concerning the alert management which the Authority supervises.

(4) Persons participating in the emergency management shall, under the responsibility of §§ 152 and 152 e of the Danish Criminal Code, be obliged to keep secret confidential information of which they become aware in connection with the emergency management, cf., however, subsection (5).

(5) The confidential information covered by subsection (4) may be passed on to foreign authorities and international organizations when it follows Denmark's international obligations.

(6) The Minister for Transport may lay down regulations regarding the conditions mentioned in subsections (1) and (2).

§ 148. The airlines shall pay a charge to the Danish Civil Aviation and Railway Authority of DKr. 5.00 per passenger transported by the airline, except for passengers transporter in the period from 1 June 2021 to 31 December 2021. The charge shall be paid for passengers travelling by aircraft approved for more than ten passenger seats or with a maximum take-off mass of more than 5,700 kg departing from a Danish aerodrome the use of which is open to the public, cf. however subsection (3).

(2) The charge mentioned in subsection (1) covers costs connected with the Danish Civil Aviation and Railway Authority's tasks in connection with supervision with civil aviation, including supervision with actors who have not been imposed with the charge in pursuance of subsection (1), but whose activities are important for the safety of air traffic passengers.

(3) The charge mentioned in subsection (1) shall not be paid for passengers below the age of 2, transit and transfer passengers, and the airline's staff on official travel.

(4) The charge mentioned in subsection (1) shall be regulated once a year by 2 per cent added to the adjustment percentage for the fiscal year in question, cf. Act on a Rate Adjustment Percentage, and deducted by the passenger growth percentage between the two periods of 12 months starting 36 and 24 months, respectively, prior to the fiscal year in question. The resulting amount shall be rounded to the nearest 25 øre. Irrespective of subsection (1), the first regulation of amount will be on 1 January 2025. The Minister for Transport shall announce the regulation each year.

(5) The Minister for Transport lays down the fees for the Danish Civil Aviation and Railway Authority's other tasks concerning civil aviation, including access control and course activities in accordance with this Act or Community rules in the aviation area.

Yearly surpluses or deficits in connection with the collection of the charge mentioned in subsection (1) shall be regulated via a savings account.

(6) If payment of the charge according to subsection (1) and the fees according to subsection (5) are not made in due time, interest will be added in accordance with § 5 of the Act on Interest Rates.

(7) The Minister for Transport may lay down regulations on collection etc. of the charge according to subsection (1) and fees fixed in pursuance of subsection (5), including regulations on payment of reminders.

Chapter 13

Regulations on punishment

§ 149. Any person performing or attempting to perform duties on board an aircraft while under influence of intoxicating liquor in defiance of the regulations in subsection (1) of § 50 shall be punished by imprisonment of up to 2 years. The same punishment shall be imposed on any person who performs duties on board an aircraft despite the fact that the right to do so has been revoked, suspended

or taken away in pursuance of § 150. However, in particularly extenuating circumstances the punishment may be a fine.

(2) The regulations in subsection (1) shall be equivalently applicable to any person performing duty in any of the positions mentioned in § 74.

(3) Any person violating § 21, subsection (1) of § 22, second sentence of subsection (1) of § 23, subsections (1) and (2) of § 25, subsections (3) and (4) of § 32, subsections (1) and (2) of § 36, § 39, subsection (1) of § 41, § 42, subsections (2), (3), (5), and (6) of § 50, first sentence of subsection (1) and subsection (4) of § 60, § 74, cf. subsections (2), (3), (5), and (6) of § 50, subsection (2) of § 84, subsection (1) of § 85, § 130, and subsection (1) of § 139, cf. however, § 149 a, will be punished by fine or imprisonment of up to 2 years.

(4) Violation of subsections (1) and (2) of § 2, first to third sentences of subsection (1) of § 12, subsection (2) of § 13, § 20, § 40 b, subsection (1) of § 55, subsections (1) and (3) of § 59, § 66, subsections (1) and (2) and first sentence of subsection (5) of § 75, and third sentence of subsection (2) and subsection (3) of § 137, and subsection (3) of § 150 e will be punished by fine or imprisonment for up to 4 months. Attempts to violate subsections (1) and (2) and first sentence of subsection (5) of § 75 will be punished by fine or imprisonment for up to 4 months. For violation of § 40 b penalty may be imposed on an employer even though the violation cannot be set against him as intentional or negligent. No alternative sentence is laid down for the penalty by fine stated in the third sentence.

(5) Violation of § 18, subsection (3) of § 37, § 38, subsections (1) and (2) of § 57 a, subsection (1) of § 67 a, and § 72 will be punished by fine.

(6) A pilot-in-command or a crew member being guilty of gross neglect, neglect repeated several times or carelessness as regards the fulfilment of the duties resting with the person/persons in question under §§ 43-45, 49 and first sentence of subsection (2) of § 137, shall be punished by fine or imprisonment for up to 4 months. The same punishment will be imposed on any person who being guilty of gross neglect, neglect repeated several times or carelessness as regards the fulfilment of the duties resting with the person/persons in question under second sentence of subsection (2) of § 137. The same punishment will be imposed on any person who intentionally or by gross negligence falsely signs for anything regarding a piece of work the carrying out of which the person in question has the authority to sign for according to regulations issued in pursuance of § 31. If a person covered by the first or third sentence by the person in question's offence has endangered other persons' lives or health or the aircraft, the punishment may rise to imprisonment of up to 2 years.

(7) Any person omitting to obey an order or a prohibition issued under this Act, in accordance with regulations issued in pursuance of this Act, or with EU regulations covered by the Act will be punished with fine or imprisonment for up to 4 months. The punishment for disregard of an order in accordance with subsection (1) of § 84 may, however, rise to imprisonment for 2 years.

(8) Violation of regulations laid down in pursuance of §§ 3, 82, 82 a, 83, and subsections (2) and (3) of § 85 will be punished by fine or imprisonment of up to 2 years, cf. however, § 149 a.

(9) Violations of noise regulations issued in pursuance of §§ 82 and 82 a will, however, only be punished if the violation may be set against the person in question as intentional or grossly negligent and only by fine. Penalty may be imposed on companies etc. (legal persons) for violation of noise regulations issued in pursuance of §§ 82 and 82 a even though the violation cannot be set against the legal person or a person attached to the legal person as wilful or negligent. Similarly, an owner of a one-man company may be punished with fine even though the violation cannot be set against the owner or a person attached to the owner as wilful or negligent. No alternative sentence is laid down for the penalty.

(10) Furthermore, it may be determined in the regulations laid down in pursuance of this Act that violation of the regulations results in fine or imprisonment for up to 4 months. It may further be laid down in the regulations issued in pursuance of Chapter 4 A that penalty may be imposed on an employer violating the regulations or orders or prohibitions issued in pursuance of the regulations even though the violation cannot be set against him as wilful or negligent. No alternative sentence is laid down for the penalty.

(11) Violation of regulations in EC Regulations in areas covered by this Act will be punished by fine or imprisonment for up to 4 months, cf. however § 149 a

(12) Violation of terms and conditions laid down in pursuance of subsections (1) and (2) of § 57, subsections (2) and (3) of § 59, and subsection (2) of § 60 will be punished by fine or imprisonment for up to 4 months.

(13) Violation of terms issued in pursuance of § 78 will be punished by fine or imprisonment for up to 4 months. The same punishment will be imposed on any person who for commercial reasons arranges carriage by aircraft knowing that the carry is carried out in defiance of such terms.

(14) For violation committed by companies etc. (legal persons), penalty may be imposed under Chapter 5 of the Criminal Code, cf. however subsection (9).

(15) Cases where it is a question of imprisonment or of suspending the right to perform duty on board an aircraft, cf. § 150, or in any other special position, cf. § 74, shall be considered in accordance with the regulations in Chapters 77 and 78 of the Administration of Justice Act. Cases where it is exclusively a question of fine are considered according to the regulations in Chapter 80 of the Administration of Justice Act.

(16) Violation of the regulations in subsection (1) of § 126 b, subsection (1) of § 126 c, and subsections (2) and (3) of § 126 g, will be punished by fine.

(17) Violation of the regulations in subsections (1)-(3) of § 126 e, will be punished by fine. The punishment may rise to imprisonment for up to 1 year if the remote pilot has previously been convicted under subsections (1)-(3) of § 126 e.

(18) The Minister for Transport may lay down regulations to the effect that, in cases concerning violation of regulations laid down in pursuance of subsection (3) of § 57 that are not estimated to be punishable by higher punishment than fine, the Minister may declare in a fine notice that the case may be decided without legal proceedings if the one who has committed the offence pleads guilty of the offence and declares to be ready to pay a fine stated in the fine notice within a specified time-limit. The regulations in numbers 2 and 3 of subsection (1) and subsection (2) of § 834 of the Administration of Justice Act regarding requirements to the contents of an indictment and regarding the fact that an accused person shall not be under the obligation to speak shall apply by analogy to fine notices according to the first sentence. If the fine notice is adopted, further prosecution shall lapse. The adoption shall have the same effect as a judgment.

§ 149 a. Any person who has reported an occurrence in accordance with regulations laid down in pursuance of § 89 b or in accordance with EU regulations on reporting of occurrences in areas covered by the Act that has occurred as a consequence of the person's simple negligence cannot be punished for the circumstance in question if the circumstance has only become known to other persons than the reporter as a consequence of the reporting.

(2) Any person who omits to report an occurrence in accordance with regulations laid down in pursuance of § 89 b or EU regulations on reporting of occurrences in areas covered by the Act, cannot be punished for not reporting if the occurrence concerns a circumstance that has arisen as a consequence of the person's grossly negligent or intentional action.

§ 150. The right to perform duty on board an aircraft will be suspended when

1. the duty has been performed in defiance of essential considerations for flight safety,
 2. the suspension is justified in the nature of the offence committed, and in any other available information about the person charges as regards his duties on board an aircraft,
 3. the person in question has performed or attempted to perform duties on board an aircraft while under the influence of intoxicating liquor as stated in subsection (1) of § 50,
 4. the person in question has carried out or attempted to carry out one or more flights without the necessary permission to do so, or if essential conditions for a permission granted have been violated,
- or

5. the person in question has carried out or attempted to carry out one or more flights covered by subsection (5) of § 75 without notifying the flight(s), or if essential conditions for an undertaking's performing carriage by aircraft of own employees have been violated.

(2) The suspension under numbers 3-5 of subsection (1) shall be made unconditional. The suspension under numbers 1 and 2 of subsection (1) shall be made conditional unless the person in question

1. intentionally has caused injury to any person or damage to property, intentionally has endangered such person or property, or otherwise has performed duty in a particularly negligent way,
2. on several occasions has been guilty of offences individually comprehended by number 1 of subsection (1),
3. previously has had his right to perform duties on board an aircraft suspended conditionally, and the new offence has been committed during the probation period, or
4. previously had the right to perform duties on board an aircraft suspended unconditionally, and the new offence has been committed within 5 years from the expiry of the suspension period.

(3) Suspension may, in particularly extenuating circumstances, be made conditional in cases where suspension under subsection (2) would otherwise be made unconditional.

(4) If a person who either has the right of Danish citizenship, is a resident of the Danish state, or is employed in a Danish airline, has been punished in a foreign state for an offence which, judged under this Act, would have resulted in suspension of the right to perform duties on board an aircraft under this section, such suspension may be made in connection with public legal action brought against the person in question on the order of the Public Prosecutor.

(5) If the Danish Civil Aviation and Railway Authority finds that the conditions for an unconditional suspension of the right to perform duties on board an aircraft are present, the Authority may revoke the right temporarily. In connection with the decision the Danish Civil Aviation and Railway Authority shall inform the person in question of the access to appeal, cf. subsection (6).

(6) Any person whose right to perform duty on board an aircraft has been revoked temporarily may demand the revocation tested before the courts. The courts shall decide the revocation by court order.

(7) The period during which the right has been revoked shall be deducted from the suspension period.

(8) If the driving licence of a person who has the right to perform duty on board an aircraft is suspended unconditionally, the Danish Civil Aviation and Railway Authority may suspend that person's right to perform duty on board an aircraft for the period of time during which suspension is made, if the offence for which the person in question has been sentenced justifies an obvious risk of abuse of this right. The Danish Civil Aviation and Railway Authority shall inform the person in question about this in connection with the decision.

(9) The regulations in subsections (1)-(8) shall be equivalently applicable to any person performing duty in any of the positions mentioned in § 74.

(10) The remote pilot shall have his privilege to operate a drone suspended, including the privilege to operate a drone for which permission is required according to Article 5 of European Commission Implementing Regulation no. 947/2019/EU of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft if

- 1) the remote pilot is guilty of violating subsection (1) of § 126 e not covered by number 1 of subsection (12),
- 2) the remote pilot is guilty of violating second sentence of subsection (2) of § 126 e or of violating subsection (3) of § 126 e not covered by number 2 of subsection (12), or
- 3) the remote pilot of the drone, without taking essential precautions as regards flight safety, has caused injury to persons or damage to property or has given rise to risk for this.

(11) Conditional suspension under subsection (10) is made on condition that the person in question does not operate a drone during a trial period of 3 years from final sentence under such circum-

stances that the privilege to operate a drone shall be suspended. For conditional suspension the fixing of the period of suspension is postponed.

(12) The remote pilot of a drone shall have the privilege to operate a drone, including the privilege to operate a drone for which permission is required according to Article 5 of European Commission Implementing Regulation no. 947/2019/EU of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft, unconditionally suspended if

- 1) the remote pilot is guilty of violating subsection (1) of § 126 e with an alcohol concentration in the blood during or after flight exceeding 1.20 per thousand or an alcohol concentration in the exhalation air during or after flight exceeding 0,60 mg per litre of air,
- 2) the remote pilot is guilty of violating the first sentence of subsection (2) of § 126 e or in aggravating circumstances is guilty of violating subsection (3) of § 126 e,
- 3) the remote pilot intentionally has caused injury to other persons or damage to property, intentionally has caused such danger or otherwise has operated a drone in a particularly reckless way,
- 4) the remote pilot is guilty of several circumstances each individually covered by subsection (10),
- 5) the remote pilot previously has had the privilege to operate a drone suspended and has committed a new offence covered by subsection (10) during the period of probation, or
- 6) the remote pilot previously has had the privilege to operate a drone suspended unconditionally and has committed a new offence covered by subsections (1)-(3) or subsection (10) within 2 years after the expiry of the period of suspension.

(13) In particularly mitigating circumstances the suspension may be made conditional in cases where suspension under subsection (12) otherwise should be unconditional.

(14) If the Danish Civil Aviation and Railway Authority estimates that the conditions are present for an unconditional suspension of the privilege to operate a drone, including the privilege to operate a drone for which permission is required according to Article 5 of European Commission Implementing Regulation no. 947/2019/EU of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft, the Danish Civil Aviation and Railway Authority may temporarily suspend the privilege to operate a drone. In this connection the Danish Civil Aviation and Railway Authority shall guide the remote pilot regarding the test by submission to a court, cf. subsection (15).

(15) Any person whose privilege to operate a drone, including the privilege to operate a drone for which permission is required according to Article 5 of European Commission Implementing Regulation no. 947/2019/EU of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft, has been temporarily suspended, may claim the suspension tested by submission to a court. The court shall make a decision about the suspension by court order.

(16) The period of time in which the privilege to operate a drone, including the privilege to operate a drone for which permission is required according to Article 5 of European Commission Implementing Regulation no. 947/2019/EU of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft, has been suspended, shall be deduced from the period of suspension.

(17) Appeal of a sentence by which the suspension has been unconditional after the privilege to operate a drone, including the privilege to operate a drone for which permission is required according to Article 5 of European Commission Implementing Regulation no. 947/2019/EU of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft, has been suspended in pursuance of subsection (14) shall not have delaying effect for the decision on suspension of the sentence, unless otherwise determined by the city court in a court order. In other cases, the city court may, upon request from the prosecution, decide by court order that an appeal shall not have delaying effect.

(18) If in a case in which the privilege to operate a drone, including the privilege to operate a drone for which permission is required according to Article 5 of European Commission Implementing Regulation no. 947/2019/EU of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft, has been suspended in pursuance of subsection (14), sentence is passed in favour of the defendant as regards the question of suspension, or if the suspension is conditional, the Drone Awareness Accreditation or the permission according to Article 5 of European Commission Implementing Regula-

tion no. 947/2019/EU of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft, shall be returned even if the sentence is appealed.

(19) If the privilege to operate a drone, including the privilege to operate a drone for which permission is required according to Article 5 of European Commission Implementing Regulation no. 947/2019/EU of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft, has been suspended for more than 3 years in accordance with this Act, the question of recovery of the privilege before the expiry of the suspension period may be brought before the courts. The bringing before the courts shall be made in accordance with the regulations of subsection (3) of § 78 of the Danish Criminal Code, and it cannot be brought before the courts earlier than 3 years after the period of suspension. The privilege can only be recovered in particularly special cases. If the privilege to operate has previously been suspended unconditionally, the recovery of the privilege to operate a drone, including the privilege to operate a drone for which permission is required according to Article 5 of European Commission Implementing Regulation no. 947/2019/EU of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft, before the expiry of the suspension period can only be made quite exceptionally, and the bringing before the courts can be made at the earliest when 6 years of the suspension period has passed.

(20) If the privilege to operate a drone, including the privilege to operate a drone for which permission is required according to Article 5 of European Commission Implementing Regulation no. 947/2019/EU of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft, has been suspended again before the expiry of the suspension period, the time-limits for bringing the question of recovery before the courts mentioned in subsection (19) shall be calculated from the date of the latest sentence by which the right to operate a drone has been suspended.

(21) In case of criminal prosecution, the regulations in Chapter 93 a of the Administration of Justice Act shall apply to claims for damages for suspension or withdrawal of the right to operate a drone, including the privilege to operate a drone for which permission is required according to Article 5 of European Commission Implementing Regulation no. 947/2019/EU of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft.

(22) Subsections (1)-(9) of § 150 and §§ 150 a-150 d shall not apply in connection with suspension of the privilege to operate a drone, including the privilege to operate a drone for which permission is required according to Article 5 of European Commission Implementing Regulation no. 947/2019/EU of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft.

§ 150 a. Conditional suspension is on condition that the person in question, during a period of probation of 3 years from final sentence, does not perform duty on board an aircraft in such circumstances that the person in question shall be deprived of the right to do so. In special circumstances a probation of up to 5 years may be fixed for the conditional suspension.

(2) In connection with conditional suspension, the fixing of the period of suspension is postponed. If the person convicted commits a new act in the probation time that results in suspension of the right to perform such duty, the courts fix a collective suspension for this act and the previously judged offence.

(3) Unconditional suspension is for a specific period of not less than 6 months or for life.

(4) Notwithstanding suspension for a specific period the person in question may begin training with a view to recover the right to perform duty on board an aircraft in accordance with the rules normally applicable for recovery, however, at the earliest 3 months before the expiry of the suspension period.

§ 150 b. Appeal of a sentence involving unconditional suspension after the right to perform duty on board an aircraft has been revoked in pursuance of subsection (5) of § 150, shall not have delaying effect on the suspension decision of the sentence, unless otherwise decided by the city court by order. In other cases, the city court may decide by order, after request from the prosecution, that appeal shall not have delaying effect.

(2) If acquittal sentence as regards the question of suspension is passed in a case where the licence has been revoked in pursuance of subsection (5) of § 150, or if conditional sentence is passed, the right shall be recovered in accordance with the applicable rules even though the sentence is appealed.

(3) When the right to perform duty on board an aircraft has been revoked or suspended in pursuance of this Act, the person in question shall deliver that person's licence to the Danish Civil Aviation and Railway Authority.

(4) If any person has had the right to perform duty on board an aircraft suspended for more than 3 years in pursuance of this Act or any previous act, the question of recovery of the right may be brought before the courts before expiry of the suspension period. The bringing before the courts shall be made in accordance with the rules in subsection (3) of § 78 of the Danish Criminal Code and cannot be made before 3 years of the suspension period have passed. The right can only be restored in particularly exceptional circumstances. If the person in question has previously had the right to perform duty on board an aircraft suspended, the restoring of the right before expiry of the suspension period can only be made quite exceptionally and at the earliest when 6 years of the suspension period have passed.

§ 150 c. The rules in Chapter 93 a of the Administration of Justice Act shall apply to claims for compensation for suspension or revocation of the right to perform duty on board an aircraft in connection with criminal prosecution.

§ 150 d. Notwithstanding the regulations in § 1 and subsection (1) of § 4, the regulations in this Act on punishment and suspension of the right to perform duty on board an aircraft shall also apply to acts made outside Danish territory by persons holding Danish licences, cf. § 35, with the limitations following §§ 7, 10, 10 a, and 10 b of the Danish Criminal Code.

§ 150 e. The Minister for Transport shall supervise the observance of the regulations in this Act and the regulations laid down in pursuance of the Act as well as with EU Regulations in the aviation area. The Minister may in the supervision issue the bans and injunctions deemed necessary to avert an imminent, significant hazard to flight safety. The Minister may also order that circumstances that contradict the Act and the regulations laid down in pursuance thereof, as well as EU Regulations in the aviation area, are put right immediately or within a specified time limit.

(2) The Minister for Transport and others who perform supervision tasks in the aviation area, of regulations laid down in pursuance of the Act, and of EU Regulations covered by the Act, shall have, to the extent necessary for performing the supervision, access to any aircraft used in civil aviation under this Act and installations or activities covered by the regulations and rules mentioned in subsection (1), and shall have access to all relevant documents and accounts.

(3) Persons and companies subjected to the supervision mentioned in subsection (1) shall upon request give the supervising authority any necessary piece of information that is important for the exercise of the supervision.

§ 150 f. As part of the supervision activities under this Act, the Minister for Transport shall supervise the observance of the legislation on no-smoking environments and Chapter 2 of the Act on Electronic Cigarettes etc. The Minister for Transport shall order, if relevant on specified conditions, that circumstances in conflict with the legislation on no-smoking environments and Chapter 2 in the Act on Electronic Cigarettes shall be corrected immediately or within a given time-limit.

(2) Subsections (2) and (3) of § 150 e, subsection (1) of § 152, and § 152 a shall apply by analogy.

(3) Upon negotiations with the Minister for Health, the Minister for Transport may lay down specified regulations on the exercise of the supervision.

Chapter 14

Implementation regulations

§ 151. With due regard to aviation safety or public interests the Minister for Transport may, as regards aircraft without pilot or aircraft operating by means of other things than engines, or aircraft of special nature, exempt from the rules of the Act and make special regulations, however, not as regards regulations of civil law or criminal contents.

(2) The Minister may lay down regulations on devices meant for moving in the air without being aircraft.

§ 152. The Minister for Transport may decide that the Danish Civil Aviation and Railway Authority - in addition to the same authority given by the regulations of this Act - shall exercise certain powers conferred to the Minister under this Act.

(2) Furthermore, the Minister may delegate powers to make decisions in the drone area which according to this Act is conferred to the Minister or the Danish Civil Aviation and Railway Authority, or which according to EU regulations in the drone area is conferred to the competent or authorized authority to

- 1) other public authorities,
- 2) private organisations,
- 3) companies, or
- 4) experts.

(3) The Minister may moreover leave powers to make decisions which according the Act are conferred to the Minister or the Danish Civil Aviation and Railway Authority to

- 1) other public authorities,
- 2) private organisations, or
- 3) experts.

§ 152 a. The Minister for Transport may lay down regulations on the access to complain of decisions made by public authorities in pursuance of the air navigation legislation, including regulations stating that the decisions cannot be complained of.

§ 153. The Minister for Transport may lay down detailed regulations to implement and implication of the regulations in this Act.

(2) The Minister may further authorise the Danish Civil Aviation and Railway Authority to notify the regulations mentioned in subsection (1).

§ 153 a. In the regulations the Minister for Transport may lay down under this Act, the Minister may lay down that international adoptions in English within the applicability of the Act shall be applicable notwithstanding they are not in Danish.

(2) The Minister for Transport may decide that regulations laid down in pursuance of subsection (2) of § 3 shall not be entered in the Gazette when the character of the circumstances mentioned in subsection (2) of § 3 necessitates immediate publication. Such regulations are instead published on the Ministry of Transport's or the Danish Civil Aviation and Railway Authority's homepage.

(3) The Minister for Transport may lay down regulations stating that the technical regulations laid down in pursuance of the Act are not entered in the Gazette. Such regulations are instead published on the Danish Civil Aviation and Railway Authority's homepage, cf. however subsections (4) and (5).

(4) The Minister for Transport may lay down regulations stating that the announcement of technical regulations laid down in pursuance of the Act, may be made via the aeronautical information service special to aviation when circumstances call for it.

(5) The Minister for Transport may lay down regulations stating that technical regulations laid down in pursuance of the Act and which out of consideration for aviation safety are classified, shall be announced by physical or digital presentation directly to the involved parties.

§ 153 b. The Minister for Transport may lay down regulations stating that applications, complaints, and other enquiries concerning the aviation area, including EU regulations in the aviation area, shall be submitted to the Danish Civil Aviation and Railway Authority by use of a digital solution made available by the Danish Civil Aviation and Railway Authority. The Minister may also lay down regulations stating that applications, complaints, and other enquiries not submitted by use of a digital solution made available by the Danish Civil Aviation and Railway Authority may be refused by the Danish Civil Aviation and Railway Authority, cf. however subsection (3).

(2) The Minister may further lay down regulations stating how a citizen or a company who is not able to use a digital solution, may submit an application, a complaint, or an enquiry.

(3) The Minister for Transport may lay down regulations stating that the Danish Civil Aviation and Railway Authority quite extraordinarily may omit to refuse an application, a complaint, or an enquiry which has not been submitted by use of a digital solution made available by the Danish Civil Aviation and Railway Authority.

(4) A digital application, complaint, or enquiry shall be regarded as having been received when it is available for the Danish Civil Aviation and Railway Authority.

(5) The Minister for Transport may lay down regulations stating that access to the digital solutions made available by the Danish Civil Aviation and Railway Authority shall take place via electronic identification arrangements.

Section II **Military and other non-commercial** **state air traffic**

Chapter 15

§ 154. The Minister of Defence decides to which extent and with which changes and additions the regulations on civil aviation in this Act and the regulations issued in pursuance thereof shall be applicable to Danish military aircraft and otherwise in connection with military air traffic. Regulations concerning civil aviation may only be implemented after negotiation with the Minister for Transport if they differ from the regulations in this Act.

(2) What is determined about salvage in § 132 shall, however, always apply to the aircraft mentioned in subsection (1).

§ 155. As regards Danish aircraft that are not military, but are exclusively used by the Danish state for non-commercial purposes, the regulations on civil aviation in this Act - except the regulation in § 133 - shall apply.

(2) The Minister for Transport may decide that certain of the rules of the Act shall not be applicable to the aircraft mentioned in subsection (1). What is decided about salvage in § 132 and about punishment in Chapter 13 shall, however, always be applicable to the aircraft mentioned in subsection (1).

§ 156. Air traffic over Danish territory with foreign military aircraft and with other foreign aircraft exclusively used for state purposes of a non-commercial nature may only be carried out after prior permission granted or in accordance with regulations governing foreign military aircraft's access to Danish territory in times of peace.

(2) Such permission and related conditions will be granted for military aircraft by the Minister of Defence after necessary negotiation with the Minister for Transport, and for all other aircraft mentioned in subsection (1) by the Minister for Transport.

Section III Implementation and temporary regulations etc.

Chapter 16

§ 157. The date of coming into force of the Act shall be determined by Royal Decree.

(2) It may be decided by Royal Decree that certain of the regulations in the Act shall come into force separately.

(3) When the Act comes into force, Act no. 175 of 1 May 1923 on civil aviation, as amended in accordance with Act no. 124 of 7 May 1937, and the regulations issued in pursuance thereof shall be repealed, unless these explicitly are kept in force by order in pursuance of this Act.

(4) Furthermore, Act no. 411 of 12 July 1946 on safeguarding approach to public airports and aerodromes as well as Act no. 123 of 7 May 1937 on carriage by aircraft are repealed, cf. however, § 126.

§ 158. The Act shall only apply in Greenland with the floating relaxations stated in the special Greenland legislation. If it should become necessary to make compulsory acquisition in Greenland in pursuance of this Act, the actual rules on the procedures in this connection shall be laid down by special act.

(2) The Act shall not apply in the Faroe Islands. It may, however, be decided by Royal Decree that the Act shall also apply in the Faroe Islands to the extent and with the amendments submitted by the Faroese Parliament.

Act no. 1114 of 29 December 1997 (Alcohol limit and amendment concerning the Eurocontrol Convention)¹⁾ contains the following implementation regulations:

§ 2

(1) The Act shall come into force on the day after the publication in Gazette, cf., however, subsection (2).

(2) The Minister for Transport determines the time of implementation of numbers 2-5 of § 1.

§ 3

The regulations in numbers 2 and 5 of § 1 shall not apply for the Faroe Islands and Greenland.

Act no. 346 of 17 May 2000 (Corporate operations, aerodromes in Greenland etc.)²⁾ contains the following implementation regulation:

§ 2

(1) The Act comes into force on 1 June 2000.

(2) The Minister for Transport may in particularly special cases permit that companies operating flights covered by subsection (5) of § 75 of the Air Navigation Act as worded by no. 12 of § 1 of this Act may continue, to a specified extent, this type of operations after the implementation of the Act without meeting all requirements in § 75 of the Air Navigation Act.

Act no. 2072 of 21 December 2020 (Publication of the Register of Danish Aircraft, working environment, and reporting of occurrences)³⁾ contains the following implementation regulations:

§ 3

- (1) The Act comes into force on 1 January 2021.
- (2) Regulations stipulated in pursuance of subsection (1) of § 89 b of the Danish Air Navigation Act, cf. Consolidation Act no. 1149 of 13 October 2017, remains in force until they are repealed or replaced by regulations issued in pursuance of subsection (1) of § 89 b as worded in this Act.

§ 4

The Act shall not apply to the Faroe Islands and Greenland, but may by Royal Decree partly or in full be put into force for the Faroe Islands and Greenland with the amendments dictated by Faroese and Greenland conditions.

Act no. 2399 of 14 December 2021 (Clarification of the frames for restraining access to aviation and for granting of permission to operate scheduled flights, legal base for requirements for security clearances etc.)⁴⁾ contains the following implementation regulations:

§ 4

- (1) The Act comes into force on 31 December 2021, cf. however subparagraphs (2)-(4).
- (2) (Left out)
- (3) (Left out)
- (4) Number 0 of § 1 of the Act comes into force on 1 January 2025.
- (5) Regulations laid down in pursuance of subsections (2)-(4) of § 70 a of the Danish Air Navigation Act, cf. Consolidation Act no. 1149 of 13 October 2017, remains in force until they are repealed or replaced by regulations issued in pursuance of subsections (3)-(5) of § 70 a of the Danish Air Navigation Act.

§ 5

The Act shall not apply to the Faroe Islands and Greenland, but may by Royal Decree partly or in full be put into force for the Faroe Islands and Greenland with the amendments dictated by Faroese and Greenland conditions.

Act no. 1569 of 12 December 2023 (Access to aviation within Danish territory by aircraft, delegation to private of certain tasks in the drone area, and change of the frames for Accident Investigation Board Denmark's investigations etc.)⁵⁾ contains the following implementation regulations:

§ 2

- (1) The Act comes into force on 1 January 2024.
- (2) Permissions granted according to the subsection (1)(c) of § 2 of the Danish Air Navigation Act applicable up until this date, maintain their validity until these permissions expire.

(3) Regulations stipulated in pursuance of subsection (3) of § 152 of the Danish Air Navigation Act, cf. Consolidation Order no. 1149 of 13 October 2017 remain in force until they are repealed or replaced by regulations issued in pursuance of subsection (4) of § 152 of the Danish Air Navigation Act, cf. number 18 of § 1 of this Act.

§ 3

The Act shall not apply to the Faroe Islands and Greenland, but may by Royal Decree partly or in full be put into force for the Faroe Islands and Greenland with the amendments dictated by Faroese and Greenland conditions.

Ministry of Transport, 31 January 2024

Thomas Danielsen

/ Christian Løvenbalck Haxthausen

- 1) The amendment of the Act concerns subsection (1) of § 50, subsections (2) and (3) of § 54, and third and fourth sentences of subsection 2, and subsections (3) and (5) of § 71.
- 2) The amendment of the Act concerns § 7, subsection 4 of § 32, subsection (2) of § 40 g, § 55, subsections (3) and (5) of § 70 a, subsections (1) and (3) of § 71, subsections (3)-(7) of § 75, § 76, § 89 a, subsection (1) of § 140, § 144 a, subsection (3) of § 148, subsections (3), (4), and (15) of § 149, and subsections (1) and (2) of § 150
- 3) The amendment of the Act concerns § 6, subsections (1), (3), and (4) of § 40 g, § 89 B, and § 149 a
- 4) The amendment of the Act concerns § 3, subsections (2), (5), (6), and (7) of § 70 a, subsection (1) of § 75, subsection (1) of § 148, and subsections (2)-(5) of § 153.
- 5) The amendment of the Act concerns § 2, subsection (3) of § 20, subsections (2) and (3) of § 21, subsections (1) and (3) of § 130, subsection (1) of § 134 a, subsections (1) and (3) of § 136, subsection (1) of § 137, subsections (1) and (2) of § 138, subsections (1) and (2) of § 139, subsections (3) and (5) of § 140, subsections (1) and (2) of § 142, subsections (1) and (3) of § 143, § 144 a, § 144 b, subsection (4) of § 149, subsections (2) and (4) of § 152, and § 153 b.

Carriage by aircraft

Applicability

§ 90. The regulations in this Appendix apply to carriage to and from Denmark by aircraft from states that have not acceded to the Montreal Convention of 28 May 1999 for the unification of certain rules for international carriage by air, but that have acceded to the Warsaw Convention of 12 October 1929 for international carriage by air with subsequent amendments, cf. however subsection (2) of § 90 a in Chapter 9.

(2) Unless otherwise stated the references in this Appendix refer to the regulations in the Appendix.

§ 90 a. The regulations apply to carriage by aircraft of passengers, registered baggage or goods for reward. If the carriage is performed by an air carrier, the Act shall equally apply even though the carriage is gratuitous.

§ 91. The regulations do not apply to carriage of mail.

(2) The regulations regarding documents of carriage in §§ 92-98 below do not apply to carriage performed under exceptional circumstances and falling outside normal performance of air transport activities.

Documents of carriage

§ 92. In respect of carriage of passengers, a ticket shall be delivered containing:

- 1) an indication of the places of departure and destination,
- 2) if the places of departure and destination are within the territory of one state, one or more agreed stopping places being within the territory of another state, an indication of at least one such stopping place,
- 3) a notice to the effect that the carriage may be subject to the Warsaw Convention or an act of equal contents and that the Convention or the act normally limits the air carrier's liability for personal injury and for loss of or damage to baggage.

(2) If not otherwise substantiated, the ticket shall be accepted as proof of the agreement for carriage and of the conditions for the carriage.

(3) If a ticket has not been delivered, or if it does not have the prescribed information, or if it is lost, the agreement for carriage shall still be valid. If, with the consent of the carrier, the passenger embarks without a ticket having been delivered, or if the ticket does not include the notice required by no. 3 of subsection (1), the carrier shall not be entitled to avail himself of the regulation on limitation of liability of § 111.

§ 93. In respect of the carriage of registered baggage, a baggage check shall be delivered. If the baggage check is not combined with or incorporated in a passenger ticket which complies with the regulations of subsection (1) of § 92, it shall contain

- 1) an indication of the places of departure and destination.
- 2) if the places of departure and destination are within the territory of one state, one or more agreed stopping places being within the territory of another state, an indication of at least one such stopping place,

3) a notice to the effect that the carriage may be subject to the Warsaw Convention or an act of equal contents and that the Convention or the act normally limits the air carrier's liability for personal injury and for loss of or damage to baggage.

(2) If not otherwise substantiated, the baggage check shall be accepted as proof of the registration of the baggage and of the conditions for the carriage.

(3) If a baggage check has not been delivered, or if it does not have the prescribed information, or if it is lost, the agreement for carriage shall still be valid. If the carrier takes charge of the baggage without a baggage check having been delivered or if the baggage check does not include the notice required by no. 3 of subsection (1), or if it is not combined with or incorporated in a passenger ticket which includes the information mentioned in no. 3 of subsection (1) of § 92, the carrier shall not be entitled to avail himself of the regulations on limitation of liability of subsection (2) of § 111.

§ 94. Every carrier of goods has the right to require the consignor to make out and hand over to him a document called an airway bill, and every consignor has the right to require the carrier to accept this document.

(2) If an airway bill has not been delivered, or if it does not have the prescribed information, or if it is lost, the agreement for carriage shall still be valid.

§ 95. The airway bill shall be issued by the consignor in three copies and delivered to the carrier together with the goods. The first copy shall be stamped "For carrier" and be signed by the consignor. The second copy shall be stamped "For consignee" and be signed by the consignor and the carrier. This copy shall accompany the goods. The third copy shall be signed by the carrier and returned to the consignor after receipt of the goods.

(2) The carrier shall sign the airway bill prior to the loading of the goods on board the aircraft. The signature of the carrier may be stamped. The signature of the consignor may be printed or stamped.

(3) If, at the request of the consignor, the carrier makes out the airway bill, he shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

§ 96. If the carriage consists of several pieces of goods, the consignor shall issue separate airway bills if the carrier so requests.

§ 97. The airway bill shall contain statement of:

- 1) an indication of the places of departure and destination,
- 2) if the places of departure and destination are within the territory of one state, one or more agreed stopping places being within the territory of another state, an indication of at least one such stopping place,
- 3) a notice to the effect that the carriage may be subject to the Warsaw Convention or an act of equal contents and that the Convention or the act normally limits the air carrier's liability for loss of or damage to goods.

§ 98. If, with the consent of the carrier, goods are loaded on board the aircraft without an airway bill having been made out, or if the airway bill does not include the notice required by no. 3 of § 97, the carrier shall not be entitled to avail himself of the regulations on limitation of liability of subsection (2) of § 111.

§ 99. The consignor shall indemnify the carrier against all damage suffered by him, or by any other person to whom the carrier is liable, by reason of the irregularity, incorrectness or incompleteness of the particulars and statements furnished by the consignor.

§ 100. If not otherwise proved, the airway bill shall be valid as proof of the carriage contracting, for receipt of the goods and for the conditions for the carriage.

(2) The statements in the airway bill relating to the weight, dimensions, packing and the number of parcels of the goods shall be considered correct if not otherwise proved. Other information in the airway bill relating to the quantity, volume or condition of the goods do not, however, constitute evidence against the carrier, unless the carrier in the presence of the consignor has examined the correctness of the information and has verified this by endorsement on the airway bill, or the information regards the visible condition of the goods.

Right to dispose of the goods and delivery of the goods

§ 101. Subject to his liability to carry out all his obligations under the contract of carriage, the consignor has the right to dispose of the goods, if it can be made without loss for the carrier or other consignors, by withdrawing them at the aerodrome of departure or destination, or by stopping them in the course of the journey on any landing, or by calling them to a person other than the place of destination or in the course of the journey to a person other than the consignee named in the airway bill, or by requiring them to be returned to the aerodrome of departure. The consignor must, however, repay any expenses occasioned by the exercise of this right. If it is impossible to carry out the orders of the consignor, the carrier must so inform him forthwith.

(2) If the carrier obeys the orders of the consignor without requiring the production of the part of the airway bill delivered to the latter, he will be liable, without prejudice to his right of recovery from the consignor, for any damage which may be caused thereby to any person who is lawfully in possession of that part of the airway bill.

(3) The right conferred on the consignor ceases at the moment when that of the consignee begins in accordance with § 102. Nevertheless, if the consignee declines to accept the airway bill or the goods, or if he cannot be communicated with, the consignor resumes his right of disposition.

§ 102. Except in the circumstances set out in § 101, the consignee is entitled, on arrival of the goods at the place of destination, to require the carrier to hand over to him the airway bill and to deliver the goods to him, on payment of the charges due and on complying with the conditions of carriage set out in the airway bill.

(2) Unless otherwise agreed, it is the duty of the carrier to give notice to the consignee as soon as the goods arrive.

§ 103. If the carrier admits the loss of the goods, or if the goods have not arrived at the expiration of seven days after the date on which they ought to have arrived, the consignee is entitled to put into force against the carrier the rights which flow from the contract of carriage.

§ 104. Any agreement deviating from the regulations in §§ 101-103 shall be invalid, unless it is stated in the airway bill.

§ 105. The consignor shall furnish such information and attach to the airway bill such documents as are necessary to meet regulations on customs, octroi or police, before the goods can be delivered to the consignee. The consignor shall compensate the carrier for any damage occasioned by the absence, insufficiency or irregularity of any such information or documents, unless the damage is due to the fault of the carrier or his agents.

(2) The carrier is under no obligation to enquire into the correctness of sufficiency of the information and documents.

Carrier's liability

§ 106. The carrier is liable for damage sustained in the event of death or wounding of a passenger or any bodily injury suffered by a passenger if the accident which caused the damage so sustained took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

107. The carrier is liable for damage sustained in the event of the destruction, or loss of, or of damage to, any registered baggage or goods, if the occurrence which caused the damage so sustained took place during the carriage by air during which the baggage or goods is in charge of the carrier, whether in an aerodrome or on board an aircraft or, in the case of a landing site outside an aerodrome, in any place whatsoever.

2) If the contract of carriage also includes carriage by land or by sea performed outside an aerodrome, for the purpose of loading, delivery or transshipment, any damage to the baggage or goods is presumed, subject to proof to the contrary, to have been the result of an event which took place during the period specified in subsection (1).

§ 108. The carrier is liable for damage occasioned by delay in the carriage by air of passengers, registered baggage or goods.

§ 109. The carrier is not liable if he proves that he and his agents have taken all necessary measures to avoid the damage, or that it was impossible for him or them to take such measures.

§ 110. If the carrier proves that the damage was caused by or contributed to by the negligence of the injured person, the carrier is wholly or partly exonerated from his liability.

§ 111. The liability of the carrier is limited to a sum of 16,000 Special Drawing Rights (the SDR) in the carriage of persons, cf. subsection (5). Nevertheless, a higher limit of liability may be agreed. The Minister for Transport may impose standard conditions for agreements on higher limits of liability.

(2) In the carriage of registered baggage or goods, the liability of the carrier is limited to a sum of 17 SDR per kilogramme. If the passenger or consignor has made, at the time when the package was delivered to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum if the case so requires, the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that the sum is greater than the passengers or consignors actual interest in delivery at destination. In the case of loss, damage or delay of part of the registered baggage or goods, or of any object contained therein, the weight to be taken into consideration in determining the amount to which the carriers liability is limited will be only the total weight of the package or packages concerned. Nevertheless, when the loss, damage or delay of a part of the registered baggage or goods, or of an object contained therein, affects the value of other packages covered by the same baggage check or air waybill, the total weight of such package or packages shall be taken into consideration in determining the limit of liability.

(3) As regards objects of which the passenger takes charge himself the liability of the carrier is limited to 332 SDR for each passenger.

(4) The limits prescribed in this section shall not prevent the courts from awarding the plaintiff the costs of the action. This does not, however, apply to actions in which the compensation awarded, apart from the costs of the action, does not exceed the amount that may have been offered by the carrier in a written notice to the plaintiff within a period of six months from the date of the occurrence causing the damage, or before the commencement of the action, if that is later.

(5) The SDR is the Special Drawing Rights as defined by the International Monetary Fund. In defining liability limits, the value of Danish kroner in terms of the SDR is to be calculated at the date of the judgement.

§ 112. Any regulation tending to relieve the carrier of liability or to fix a lower limit of liability than that which is laid down in § 111 is null and void.

(2) In the carriage of goods the regulations of subsection (1) do not apply to regulations governing loss or damage resulting from the inherent character or defect of the goods carried.

§ 113. The limits on carriers liability specified in § 111 shall not apply if it is proved that the damage resulted from an act or omission of the carrier, his servants or agents, done with intent to cause damage or recklessly and with knowledge that damage would probably result.

§ 114. Where the carrier's servants are prosecuted for damage caused in the performance of their services of lesser seriousness than that which is mentioned in § 113, the compensation imposed on them and the carrier must not exceed the limit determined for the carriers liability.

§ 115. Receipt of the registered baggage or goods without reservation on the part of the consignee, the goods are presumed to have been delivered in good condition and in accordance with the document of carriage, unless otherwise proven.

(2) In the case of damage to or partial loss of the goods, complaint must be given to the carrier immediately after discovery of the damage and, at the latest, seven days for baggage and fourteen days for goods calculated from the date of receipt. In the case of delay, the complaint must be made at the latest within twenty-one days from the date on which the goods were placed at the disposal of the consignee.

(3) Every complaint must be made in writing upon the document of carriage or by notice in writing despatched within the times aforesaid.

§ 116. Failing complaint within the times prescribed in § 115, no action shall lie against the carrier, save in the case of fraud on his part.

§ 117. An action for damages must be brought either before the court having jurisdiction where the carrier is ordinarily resident, or has his principal place of business, or has an establishment by which the contract has been made, or before the court having jurisdiction at the place of destination.

(2) Any action for damages must, in the case of carriage falling within the scope of the Warsaw Convention, be brought only before a Danish court or before the court in the territory of one of the high contracting parties.

§ 118. The right to damages under the regulations of this Appendix shall be extinguished if an action is not brought within two years, reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped.

§ 119. If a carriage, which according to the agreement of carriage is to be deemed as one undivided carriage, is to be performed by various successive carriers, each carrier who accepts passengers, registered baggage or goods, shall be liable for that part of the carriage which is performed under his supervision.

(2) As regards carriage of registered baggage or goods, the consignor will have a right of action against the first carrier, and the consignee who is entitled to delivery will have a right of action against the last carrier, and each may take action against the carrier who performed the carriage during which the damage or delay took place. If two carriers are hence liable, they will be so jointly and severally.

Carriage performed by other than the contracting carrier

§ 119 a. The regulations laid down in §§ 119 b - 119 f apply if the whole or part of carriage is performed by other than the carrier actually entering into the contract of carriage unless it is proved that the actual carrier did not agree to the carriage.

(2) The regulations laid down in § 119 c, § 119 e, and § 119 f apply to only that part of the carriage which is performed by other than the contracting carrier.

§ 119 b. In cases governed by the regulations laid down in this Appendix, both the contracting carrier and the actual carrier shall be deemed to be carriers, the former for the whole of the carriage, the latter solely for the carriage which he performs.

§ 119 c. As to carriers liability, the acts and omissions of the contracting carrier and of his servants and agents acting within the scope of their employment are deemed, in relation to the carriage performed by the actual carrier, to be also those of the actual carrier. But no such act or omission will subject the actual carrier to liability in excess of the limits specified in § 111.

(2) Any special agreement under which the contracting carrier assumes obligations not contemplated in this Appendix, or any special declaration of interest in delivery at destination contemplated by the passenger or consignor in clause 2 of subsection (2) of § 111, does not affect the actual carrier unless agreed to by him.

§ 119 d. Any given order under the regulations of this Appendix to the carrier will have the same effect whether addressed to the contracting carrier or to the actual carrier. Nevertheless, orders referred to in § 101 are only effective if addressed to the contracting carrier.

§ 119 e. The aggregate of the amounts recoverable from the two carriers and their servants and agents must not exceed the highest amount which could be awarded against the carriers. Each carrier will only be liable for the limit of liability applicable to him.

§ 119 f. An action for damages may be brought against one of the carriers separately or against both together before the court which governed by subsection (1) of § 117 has jurisdiction as regards actions for damages against the contracting carrier, or before the court having jurisdiction where the actual carrier is ordinary resident or has his principal place of business. The regulations laid down in subsection (2) of § 117 will equally apply to this action.

(2) If an action is brought against only one of those carriers, and if that carrier, if he proves unsuccessful in the action, intends to sue the other carrier, he will have the right, irrespective of the common rules on local courts, to require the other carrier to be joined in the proceedings to vindicate his claim. The regulations laid down in Chapter 34 of the Administration of Justice Act will equally apply to this action.

Combined carriage

§ 120. In the case of combined carriage performed partly by air and partly by any other mode of carriage, the regulations of this Act apply only to the carriage by air.

(2) Conditions relating to other modes of carriage may be inserted in the document of air carriage.

Other regulations

§ 121. Any reservation contained in the contract and all special agreements entered into before the damage occurred by which the parties deviate from the regulations regarding the act to be applied or about the venue shall be null and void.

(2) For the carriage of goods arbitration agreements entered into before the damage are only valid if the arbitration is to take place at one of the places that are legal venue under § 117, and the case, in so far as is falls within the scope of the Warsaw Convention, is to be decided in accordance with the regulations of the Convention. If the carriage falls within the scope of the Guadalajara Convention of 18 September 1961 on international carriage by air performed by a person other than the contracting carrier, it is further

a condition that the matter be settled in accordance with the regulations of the Guadalajara Convention. As regards carriage performed by another carrier than the contracting carrier, the arbitration shall take place within one of the places that are legal venue under § 119 f.

§ 122. For documents of carriage by air issued outside the Kingdom or relating to international air carriage, it is sufficient, as regards the information prescribed in number 3) of subsection (1) of § 92, number 3) of subsection (1) of § 93 and number 3) of § 97, that it appears from the document of carriage that the carriage may be subject to the regulations of the Warsaw Convention, and that these regulations normally limit the carrier's liability for the carriage mentioned in the regulation in question.

§ 123. By the Warsaw Convention is meant in this Act the agreement on international carriage by air concluded on 12 October 1929 in Warsaw as amended by the protocol signed in the Hague on 28 September 1955.

§ 124. The regulations in this Appendix shall not apply to international carriage by air performed in pursuance of reservation made in accordance with the additional protocol to article 2 of the Warsaw Convention of 12 October 1929 or with article XXVI of the Hague Protocol of 28 September 1955.

§ 125. As long as the Warsaw Convention of 12 October 1929 is applicable in the relations between Denmark and other states having acceded this Convention, but which have not ratified or joined the Hague Protocol of 28 September 1955, the regulations in Act no. 123 of 7 May 1937 on carriage by aircraft shall still be applicable for agreements of carriage entered after the coming into force of this Act and falling within the scope of the Warsaw Convention of 12 October 1929. The regulations in § 114 shall be equivalently in the mentioned cases. The same shall apply to the regulations in §§ 119 a - 119 f and second and third sentences of subsection (2) of § 121. Further, the regulations in subsection (2) of § 112 shall be applicable as regards carriage performed by another carrier than the contracting carrier. When reference is made in §§ 114 and 119 a - 119 f, the corresponding regulations in Act no. 123 of 7 May 1937 shall apply instead.

(2) For the agreements of carriage dealt with in the first sentence of subsection (1), the following liability limitations shall apply instead of those stated in § 22 of Act no. 123 of 7 May 1937:

- 1) injury to passengers: 8,300 SDR,
- 2) damage to registered baggage or goods: 17 SDR,
- 3) damage to baggage not delivered to the care of the carrier: 332 SDR.

(3) SDR shall mean the calculation unit dealt with in subsection (5) of § 111.

§ 126. The regulations in §§ 119 a - 119 f, second and third sentences of subsection (2) of § 121, and first sentences of § 126 shall only be applicable to the extent they are compatible with treaty obligations towards states that have not ratified or joined the Guadalajara Convention of 18 September 1961 on international carriage by air performed by a person other than the contracting carrier.