

Order on the Danish Civil Aviation and Railway Authority's tasks and authorities, on the access to complain, and on publication of certain of the Danish Civil Aviation and Railway Authority's publications

In pursuance of § 131 of Act on Public Roads etc, cf. Consolidation Act no. 421 of 25 April 2023, § 99, subsection (1) of § 112, and subsection (1) of § 113 of the Railway Act, cf. Consolidation Act no. 1091 of 11 August 2023, subsections (1) and (5) of § 17 and (5) of Act on the Cityring, cf. Consolidation Act no. 1939 of 30 September 2021, § 1 a, § 152, § 152 a, subsection (2) of § 153, and subsections (3)-(5) of § 153 a of the Danish Air Navigation Act, cf. Consolidation Order no. 1149 of 13 October 2017, as amended by Act no. 970 of 26 June 2020, Act no. 2399 of 14 December 2021, and Act no. 1569 of 12 December 2023, subsections (1) and (2) of § 134 a of the Road Traffic Act, cf. Consolidation Order no. 168 of 14 February 2023, § 31 of the Act on Transport Companies, cf. Consolidation order no. 215 of 1 March 2023, § 27 of the Postal Act, cf. Consolidation Act no. 461 of 27 April 2023, § 17 a of Act on Harbours, cf. Consolidation Act no. 457 of 23 May 2012, § 27 of Act on Metroselskabet I/S and Udviklingselskabet By og Havn, cf. Consolidation Act no. 291 of 16 March 2023, and § 12 of Act no. 441 of 8 May 2018 on safety in net and information systems in the transport sector and the unwritten access to delegate to a subordinate authority, the following is stipulated:

Chapter 1

Tasks

§ 1. The Danish Civil Aviation and Railway Authority is an authority under the Danish Ministry of Transport.

§ 2. The Danish Civil Aviation and Railway Authority exercises the following tasks:

- 1) Regulation, approvals, and supervision in the rail area concerning interoperability, safety, preparedness, and railway security.
- 2) Regulation, approvals, and supervision in the civil aviation area, including preparedness.
- 3) Running of Bornholm's Airport.
- 4) Exercise of state tasks in the transport company area concerning approval of tariffs as well as coordination of public transport and division of ticket revenues in the metropolitan area.
- 5) Regulation, approvals, and supervision in the postal area.
- 6) Regulation, approvals, and supervision concerning safeguarding harbour facilities and harbours.
- 7) Issue of permissions to establish a commercial harbour, extension of an existing commercial harbour as well as deepening, filling up, and excavation of canals and their regulation.
- 8) Appointment of operators of essential transport services as well as regulation and supervision concerning safety in net and information systems in the transport sector.
- 9) Vurdering af Virkning på Miljøet (Evaluation of Effect on the Environment) (VVM authority) for state road and railway projects as well as harbour projects.
- 10) Complaints in the driving licence area concerning driving licences, driving tests, and driving instructor tests as well as recovery and alcohol interlock.

Chapter 2

Authorities

Authorities under the Railway Act etc.

§ 3. The Danish Civil Aviation and Railway Authority attends to the state tasks under the Railway Act and tasks following EU Regulations concerning safety in the rail area.

(2) Attending to tasks concerning interoperability, safety, preparedness, and railway safeguarding in the railway area includes issue of decisions, stipulation of rules, and supervision.

§ 4. The Minister for Transport's authorities in subsections (4) and (5) of § 9, subsection (2) of § 11, § 12, subsection (5) of § 38 k, § 38 p, § 38 q, subsection (2) of § 39, subsection (2) of § 39 a, § 39 c, subsections (6), (7), and (8) of § 40, subsection (3) of § 48, subsection (3) of § 49, subsection (4) of § 53, § 54, § 56, subsection (5) of § 58, subsection (2) of § 59, subsection (4) of § 60 b, subsection (2) of § 60 c, subsection (5) of § 61, subsection (4) of § 62, subsection (2) of § 63, subsections (2) and (84) of § 66, subsections (2) and (3) of § 67, subsections (1) and (2) of § 68, subsection (7) of § 69, subsection (5) of § 78, subsections (7) and (8) of § 80, § 100, subsection (2) of § 101, subsection (2) of § 102), subsections (5) and (9) of § 109, § 110, subsections (4) and (8) of § 111, and subsection (3) of § 112 of the Railway Act are exercised by the Danish Civil Aviation and Railway Authority.

(2) The Minister for Transport's authorities in § 29 of the Railway Act are exercised by the Danish Civil Aviation and Railway Authority as regards stipulation of rules and standards for establishment, maintenance, and operation of railway infrastructure, including the environmental conditions of the infrastructure and such conditions that otherwise are of importance to the consistency and safety of the railway infrastructure.

(3) The Minister for Transport's authorities in subsection (1) of § 102 of the Railway Act concerning compliance with and use of EU acts are exercised by the Danish Ministry of Civil Aviation and Railway Authority as regards interoperability, safety, preparedness, and railway security in the railway sector as well as environmental and nature protection conditions covered by the Railway Act, with the exception of rules with a view to implementing Directive (EU) 2021/1187 of the European Parliament and of the Council of 7 July 2021 on streamlining measures for advancing the realisation of the trans-European transport network (TEN-T). The rules are laid down as Orders.

Authorities under the Cityring Act

§ 5. The Minister for Transport's authorities in subsection (4) of § 15 of the Cityring Act are exercised by the Danish Civil Aviation and Railway Authority.

Authorities under the Danish Air Navigation Act etc.

§ 6. The Minister for Transport's authorities in subsection (1)(d) of § 2, subsection (1) of § 3, subsections (2) and (3) of § 4, subsection (3) of § 6, subsection (3) of § 7, § 9, subsection (1)(b) of § 13, subsections (1) and (2) of § 16, subsection (3) of § 20, subsection (3) of § 21, subsection (1) of § 24, subsections (1)-(3) of § 26, § 30, § 31, subsection (2) of § 32, § 34, subsection (1) of § 35, § 40 g, subsection (3) of § 40 i, subsection (9) of § 50, § 51, § 52, § 53, § 54, subsections (1) and (3) of § 55, numbers 7-10 of subsection (2) of § 57, subsection (3) of § 57, subsections (2), (5), and (6) of § 57 a, subsection (2) of § 58, subsections (2), (2), and (4) of § 59, subsections (1)-(3) of § 60, § 62, subsection (1) of § 63, subsection (2) of § 64, subsections (3) and (4) of § 65, subsection (1) of § 67, subsection (1) of § 68, § 69, § 70, subsections (1)-(5) of § 70 a, subsections (4) and (5) of § 70 b, subsections (1)-(4) and (6) of § 71, § 73, § 74, subsections (1), (2), (4), and (8) of § 75, § 76, subsection (3) of § 77, § 81, § 82, § 82 a, § 83, subsections (1), (2), and (4) of § 85, § 86, § 88, § 89 a, subsection (1) of § 89 b, subsections (2)-(4) of § 126 b, subsection (2) of § 126 c, § 126 d, subsection (2) of § 126 e, § 126 f, § 126 g, § 130, § 130 a, § 131, subsection (6) of § 147 a, subsections (4), (5), and (7) of § 148, subsection (18) of § 149, subsections (1) and (2) of § 150 e, subsections (1) and (3) of § 150 f, § 151, first sentence of subsection (3) of § 152, subsection (1) of § 153, subsection (1) of § 153 a, subsections (1)-(3) and (5) of § 153 b, subsection (1) of § 154, subsection (2) of § 155, and subsection (2) of § 156 of the Danish Air Navigation Act as well as subsection (1) of § 111 (1) of the appendix to the Act, are exercised by the Danish Civil Aviation and Railway Authority. Further

the Danish Civil Aviation and Railway Authority attends to tasks assigned to the Authority in the Danish Air Navigation Act and tasks which according to EU Regulations in the aviation area shall be attended to by an authority, including a competent or authorizing authority, appointed by the Member State, and tasks to be attended to by a Member State, excluding, however, tasks concerning appointment of authorities.

(2) The Minister for Transport's authorities in § 1 a of the Danish Air Navigation Act are exercised by the Danish Civil Aviation and Railway Authority with the exception of laying down rules on access to complain according to the regulation and rules with a view to implementing Directive (EU) 2021/1187 of the European Parliament and of the Council of 7 July 2021 on streamlining measures for advancing the realisation of the trans-European transport network (TEN-T).

(3) Further the Minister's authorities in subsection (2) of § 3 and first sentence of subsection (2) of § 153 a of the Danish Air Navigation Act to temporarily limit, condition, or prohibit access to aviation within parts of or the entire Kingdom are exercised by the Danish Civil Aviation and Railway Authority, if the limitation, the condition, or the prohibition is exclusively is due to flight safety reasons.

(4) The Danish Civil Aviation and Railway Authority may, under subsection (2) of § 152 of the Danish Air Navigation Act, delegate powers to other public authorities, private organizations, or experts to make decisions in the drone area which according to the Danish Air Navigation Act or subsection (1) have been assigned to the Danish Civil Aviation and Railway Authority, or which according to EU regulations in the drone area have been assigned the competent or authorizing authority.

(5) The Danish Civil Aviation and Railway Authority may, under subsection (2) of § 152 of the Danish Air Navigation Act, delegate powers to other public authorities, private organizations, or experts to make decisions which according to the Danish Air Navigation act or subsection (1) have been assigned to the Danish Civil Aviation and Railway Authority as regards aviation characterized as hobby and where it otherwise is regarded as secure for flight safety.

(6) Chapters 2-7 of the Danish Public Administrative Act shall apply to private organizations and experts who in accordance with subsections (4) and (5) are assigned with the competence to make decisions. The Danish Civil Aviation and Railway Authority may lay down regulations on filing etc. of documents and on confidentiality.

Authorities under the Road Traffic Act

§ 7. The Minister for Transport's authorities in subsection (2) of § 32 a and § 52 b are exercised by the Danish Civil Aviation and Railway Authority.

Authorities under the Act on Transport Companies

§ 8. The Minister for Transport's authorities in subsections (4) and (5) of § 2, subsection (1) of § 4, subsections (7)-(9) of § 6 b, § 6 c, § 6 d, subsections (2) and (4) of § 7, § 8, § 10, and subsection (4) of § 12 of the Act on Transport Companies are exercised by the Danish Civil Aviation and Railway Authority.

Authorities under the Postal Act

§ 9. The Minister for Transport's authorities under the Postal Act are exercised by the Danish Civil Aviation and Railway Authority.

Authorities under the Act on Harbours

§ 10. The Minister for Transport's authorities in subsections (1) and (2) of § 2, § 3, § 4, subsections (1) and (2) of § 14 a, subsection (2) of § 15, subsection (1) of § 17, and subsections (2) and (5) of § 21 of the Act on Harbours are exercised by the Danish Civil Aviation and Railway Authority.

(2) The Minister for Transport's authorities in § 1 a of the Act on Harbours are exercised by the Danish Civil Aviation and Railway Authority with the exception of laying down rules on access to complain according to the stipulation and rules with a view to implementing Directive (EU) 2021/1187 of the European Parliament and of the Council of 7 July 2021 on streamlining measures for advancing the realisation of the trans-European transport network (TEN-T).

Authorities under the Act on Metroselskabet I/S og Udviklingselskabet By og Havn I/S

§ 11. The Minister for Transport's authorities in subsections (3)-(5) of § 24, subsection (1) of § 25, and subsection (1) of § 26, of the Act on Metroselskabet I/S og Udviklingselskabet By og Havn I/S are exercised by the Danish Civil Aviation and Railway Authority.

Authorities under the Act on Public Roads

§ 12. The Minister for Transport's authorities in subsection (4) of § 17 k, § 17 p, and § 17 q of the Act on Public Roads are exercised by the Danish Civil Aviation and Railway Authority.

Authorities under the Act on safety in net and information systems in the transport sector

§ 13. The Minister for Transport's authorities in § 3, subsection (3) of § 4, subsection (1) of § 5, § 6, § 7, § 8, subsection (1) of § 9, § 10, and § 11 of the Act on safety in net and information systems in the transport sector are exercised by the Danish Civil Aviation and Railway Authority.

Authorities under the Act on Registration of Rights to Aircraft

§ 14. The Minister for Transport's authorities in § 31 of the Act on Registration of Rights to Aircraft are exercised by the Danish Civil Aviation and Railway Authority.

Other authorities

§ 15. The Danish Civil Aviation and Railway Authority exercises the authorities assigned to the Minister for Transport in notes no. 121 ad 28.53.02., 28.53.05. and 28.56.04. to § 28 to the Finance Act concerning pool for investments in public bus transport, green bus pool for regional busses and islands, pool for green busses and green flex traffic, pool for better bus accessibility in the entire country, pool for data suppliers, pool for advancement of bicycle parking in combination with public transport, pool for super bicycle paths and bicycle parking, pool for green transformation of domestic ferries, pool for green transformation of domestic ferries II, harbour and fishing pool, harbour pool 2022, investment pool for small, regional Danish airports, and financial contribution to improvement of public transport in peripheral regions.

§ 16. The Danish Civil Aviation and Railway Authority exercises the authorities assigned to the Minister for Transport in note no. 126 ad 28.53.04. to § 28 to the Finance Act regarding youth cards.

§ 17. The Danish Civil Aviation and Railway Authority exercises the authorities assigned to the Minister for Transport in note no. 128 ad 28.53.03. to § 28 to the Finance Act regarding social discounts for passenger groups on the remote bus routes.

§ 18. The Danish Civil Aviation and Railway Authority exercises the authorities assigned to the Minister for transport in note no. 140 ad 28.53.01. to § 28 to the Finance Act concerning the arrangement for compensation for rises in prices for commuters in public transport as a consequence of Fare West.

Chapter 3

Announcement of certain technical regulations

Regulations regarding railways

§ 19. Regulations for international railway transport of dangerous goods (the RID Regulation) of 1 May 2015 and later amendments are not entered in the Gazette, cf. subsection (1) of § 99 of the Railway Act.

(2) The RID Regulation and later amendments are announced by publication on the Danish Civil Aviation and Railway Authority's homepage.

§ 20. Regulations and technical specifications issued by the Danish Civil Aviation and Railway Authority under §§ 29 and 56 of the Railway Act may be prepared as Regulations for Railway (Bestemmelser for Jernbane (BJ)).

(2) The Technical Specifications for Interoperability (TSI) stipulated by the Danish Civil Aviation and Railway Authority in accordance with Directives in the railway area may be implemented in Danish law as Regulations for Railway (Bestemmelser for Jernbane (BJ)).

(3) The regulations and technical specifications mentioned in subsection (1) issued as BJs are not entered in the Gazette, but are announced by publication on the Danish Civil Aviation and Railway Authority's homepage www.trafikstyrelsen.dk.

Regulations regarding aviation

§ 21. Technical regulations issued by the Danish Civil Aviation and Railway Authority under § 6 are not entered in the Gazette, cf. however subsection (2).

(2) Regulations stipulated under § 40 g, subsection (9) of § 50, § 70, subsections (1)-(5) of § 70 a, subsections (4) and (5) of § 70 b, § 76, subsections (1)-(2) and (4) of § 85, subsections (2)-(4) of § 126 b, subsection (2) of § 126 c, § 126 d, subsection (2) of § 126 e, subsections (5) and (6) of § 126 g, § 130, § 130 a, and § 131 of the Danish Air Navigation Act are issued as ministerial orders which are announced in the Gazette.

(3) Technical regulations that are exempted from announcement in the Gazette, cf. subsection (1), are prepared as Regulations for Civil Aviation (BL), cf. however subsections (4)-(8). Regulations for Civil Aviation (BL) are announced by publication on the Danish Civil Aviation and Railway Authority's homepage www.trafikstyrelsen.dk.

(4) Technical regulations in the form of specified instructions to air traffic service units are prepared as ATS instructions that are announced by publication on the Danish Civil Aviation and Railway Authority's homepage www.trafikstyrelsen.dk.

(5) Technical regulations that according to international obligations are stipulated in AIP ("Aeronautical Information Publication") are announced by publication in AIP.

(6) Technical regulations that are classified for air safety reasons are announced by physical or digital communication directly to the involved parties.

(7) Technical regulations on temporary prohibition or restriction areas issued in pursuance of § 3 (1) of the Danish Air Navigation Act are announced by publication of notice in the Danish Civil Aviation and Railway Authority's homepage www.trafikstyrelsen.dk.

(8) Technical regulations on temporary prohibition or restriction areas issued in pursuance of subsection (1) of § 3 of the Danish Air Navigation Act may, when required by circumstances, be announced by issue of NOTAM.

(9) The Technical Instructions of the Organization for International Civil Aviation for the safe transport of dangerous goods by air with later amendments are not announced in the Gazette. These instructions are announced by publication on the Danish Civil Aviation and Railway Authority's homepage www.trafikstyrelsen.dk.

Chapter 4

Access to complain

§ 22. Complaints of the decisions taken by the Danish Civil Aviation and Railway Authority under subsections (2)-(4) of § 23 shall be presented not later than 4 weeks after the decisions of which the complaint is taken, has been notified to the party concerned.

(2) The Minister for Transport may disregard the deadline when circumstances call for it.

(3) Complaints to the Minister for Transport do not have delaying effect. The Minister for Transport the Danish Civil Aviation and Railway Authority may, however, if circumstances are special, give delaying effect to a complaint.

Access to complain under the Railway Act

§ 23. The Danish Civil Aviation and Railway Authority's decisions taken under the Railway Act or rules stipulated in pursuance thereof, cf. § 4 of this Order, cannot be complained of to the Minister for Transport or other administrative authority, cf., however subsections (2)-(4).

(2) Decisions whether persons in the railway area possess the necessary health and professional qualifications may be complained of to the Minister for Transport.

(3) The Danish Civil Aviation and Railway Authority's decisions taken under rules stipulated in pursuance of subsections (2) and (3) of § 67 of the Railway Act, cf. subsection (1) of this Order, may be complained of to the Minister for Transport.

(4) The Civil Aviation and Railway Authority's decisions taken under rules stipulated in pursuance of § 110 of the Railway Act, cf. subsection (1) of § 4 of this Order, may only be complained of to the Minister for Transport as regards legal questions.

Access to complain under the Cityring Act

§ 24. The Danish Civil Aviation and Railway Authority's decisions taken under § 15 of the Cityring Act or rules stipulated in pursuance thereof, cf. § 5 of this Order, cannot be complained of to the Minister for Transport or other administrative authority.

Access to complain under the Danish Air Navigation Act

§ 25. The Danish Civil Aviation and Railway Authority's decisions taken under § 6 of this Order or under the Danish Air Navigation Act, rules stipulated in pursuance of thereof, Regulations for Civil Aviation, and EU Regulations in the aviation area cannot be complained of to the Minister for Transport, cf. however subsection (2).

(2) Decisions taken under subsections (4) and (5) of § 6 of this Order may be complained of to the Minister for Transport.

Access to complain under the Road Traffic Act

§ 26. The Danish Civil Aviation and Railway Authority's decisions taken under the Road Traffic Act or rules stipulated in pursuance thereof, cf. § 7 of this Order, cannot be complained of to the Minister for transport or other administrative authority.

Access to complain under the Act on Transport Companies

§ 27. The Danish Civil Aviation and Railway Authority's decisions taken under the Act on Transport Companies and rules stipulated in pursuance thereof, cf. § 8 of this Order, cannot be complained of to the Minister for Transport or other administrative authority.

Access to complain under the Postal Act

§ 28. The Danish Civil Aviation and Railway Authority's decisions taken under the Postal Act and rules stipulated in pursuance thereof, cf. § 9 of this Order, cannot be complained of to the Minister for transport or other administrative authority.

Access to complain under the Act on Harbours

§ 29. The Danish Civil Aviation and Railway Authority's decisions taken under the Act on Harbours and rules stipulated in pursuance thereof, cf. § 10 of this Order, cannot be complained of to the Minister for transport or other administrative authority.

Access to complain under the Act on Metroselskabet I/S og Udviklingselskabet Byg og Havn I/S

§ 30. The Danish Civil Aviation and Railway Authority's decisions taken under the Act on Metroselskabet I/S og Udviklingselskabet Byg og Havn I/S and rules stipulated in pursuance thereof, cf. § 11 in this Order cannot be complained of to the Minister for Transport or other administrative authority.

Access to complain under the Act on Public Roads

§ 31. The Danish Civil Aviation and Railway Authority's decisions taken under the Act on Public Roads or rules stipulated in pursuance thereof, cf. § 12 of this Order, cannot be complained of to the Minister for Transport or other administrative authority.

Access to complain under the Act on safety in net and information systems in the transport sector

§ 32. The Danish Civil Aviation and Railway Authority's decisions taken under the Act on safety in net and information systems in the transport sector and rules stipulated in pursuance thereof, cf. § 13 in this Order, cannot be complained of to the Minister for Transport or other administrative authority.

Chapter 5

Implementation

§ 33. This Order shall enter into force on 1 January 2024.

(2) Order no. 665 of 30 May 2023 on the Danish Civil Aviation and Railway Authority's tasks and authorities, on the access to complain and on publication of certain of the Danish Civil Aviation and Railway Authority's publications is repealed.

Ministry of Transport, 12 December 2023

THOMAS DANIELSEN

/ Pia Valentin Mortensen