

BL 5-8

Regulations on aerial target flights, aerial target towing, aerial advertisement flights and dropping of advertisement articles

Edition 2, 13 June 1997

In pursuance of § 32, subsection 2 of § 75, § 78 and § 82 of the Air Navigation Act, cf. Consolidation Act no. 162 of 7 March 1994, the Civil Aviation Administration - Denmark hereby stipulates as follows on the authority of the Ministry of Transport, cf. Order no. 138 of 17 February 1997 on delegation of authorities to the Civil Aviation Administration - Denmark and on publication of the Regulations issued by the Administration:

1. Reference documents

1.1 BL 1-12, Regulations on certificate of airworthiness and flight permit as well as airworthiness requirements, generally, latest edition.

1.2 BL 6-49, Regulations on certificate as operator of aeroplane used for towing banners and/or towed targets, latest edition.

2. Definitions

Aerial advertisement flight):

Flights with aircraft using on the fuselage or on the planes installed advertising devices or which tows an advertisement banner or other advertisement articles.

Aerial target flights:

Flights where an aircraft functions as target in connection with aiming drills.

Aerial target towing:

Flights where an aircraft tows targets to be used in connection with aiming drill or target practice.

Dropping of advertisement articles:

Dropping during flight of handbills or other advertisement articles from an aircraft.

3. Applicability

3.1 This BL lays down regulations for aerial target flights, aerial target towing, aerial advertisement flights and dropping of advertisement articles carried out with Danish aircraft.

3.2 This BL further lays down regulations for aerial target flights, aerial target towing, aerial advertisement flights and dropping of advertisement articles carried out with foreign registered aircraft operating under the terms of a Danish operating permit, cf. subsection 2 of § 4 of the Air Navigation Act.

4. Responsibility

4.1 The owner or user of the aircraft shall ensure that the regulations in Part 5 are met and that the aircraft is fitted and equipped in accordance with the regulations in Part 6 of this BL.

4.2 The pilot-in-command shall ensure that the regulations in Parts 7 and 8 are met.

5. Permission

5.1 Commercial aerial target flights, aerial target towing, aerial advertisement flights and dropping of advertisement articles must only be carried out by air operators holding the Civil Aviation Administration - Denmark's permission to do so.

Note: Attention is drawn to the fact that certain types of flights mentioned in the BL also requires the permission of the Police according to police regulations.

5.2 The permission is conditional on

- a. the applicant complying with the existing conditions in subsection 1 of § 7 of the Air Navigation Act for having an aircraft registered in this country,
- b. the applicant's head office/registered office being legally situated in Denmark,
- c. the applicant being either registered sole owner of or, in accordance with a lease agreement which must be approved by the Civil Aviation Administration - Denmark, having the exclusive right (full disposal) of at least one aircraft that is suitable for and in practice can be used for the type of flights in question (the principal aircraft),
- d. the presumption that the applicant is able to conduct the activities in a proper way.
- e. the applicant not having considerable outstanding debt to the public by which is meant amount in the order of DKK 50,000 and above, cf. subsection 1 of § 146 a. of the Air Navigation Act.

5.2.1 The lease agreement mentioned in paragraph 5.2 c. shall meet the following conditions:

- a. The lessee shall have the exclusive right to use the aircraft in his company (full disposal).
- b. The lease period shall be at least 2 years, and term of notice, if any, shall be at least 6 months.
- c. The lessee shall have the full financial responsibility for the operation and maintenance of the aircraft.
- d. The rent shall be a fixed amount independent on the number of hours for which the lessee operates aircraft.

Note: In addition to a fixed rent a small additional hourly charge may be agreed.

5.3 The following conditions shall apply to the permission:

- a. The company shall be run in accordance with the EU Regulations and Danish rules and regulations in force at any time.
- b. In the company only Danish registered aircraft may be used unless the Civil Aviation Administration - Denmark exceptionally authorises otherwise. Insurance shall have been effected for each of the aircraft used covering liability for injury to person or damages to property outside the aircraft, cf. § 130 of the Air Navigation Act.
- c. The company is subject to the Civil Aviation Administration - Denmark's inspection. The owner shall obey any order from the Civil Aviation Administration - Denmark and shall give the Civil Aviation Administration - Denmark of any information relevant to the exercise of the inspection. The Civil Aviation Administration - Denmark's inspectors shall have free access to the holder's premises, aircraft, documents etc. to the extent necessary for the exercise of the inspection. The Civil Aviation Administration - Denmark's personnel shall travel free with the company's aircraft

- when used in connection with the inspection.
- d. With a view to estimating the operator's financial situation the Civil Aviation Administration - Denmark may require the company's accounts submitted for inspection.
 - e. Establishment of joint operation with other operators must not take place without permission from the Civil Aviation Administration - Denmark.
 - f. If one of the principal aircraft, cf. paragraph 5.2 c., is not airworthy for a period of more than one month, the Civil Aviation Administration - Denmark shall be notified thereof.
 - g. The Civil Aviation Administration - Denmark shall be notified in advance of changes in the company's legal status, including ownership.

5.4 The permission is granted for a determined period of time, normally 5 years, and may be made conditional on further conditions if considered necessary. The Civil Aviation Administration - Denmark may further make such amendments, within the duration of the permission, in the existing terms and conditions, including establish additional terms and conditions, as considered necessary to ensure that the company is run in a way that is proper and adequate to the general public.

5.5 The permission will be revoked if

- a. the holder so requests,
- b. the holder no longer meets the conditions for obtaining a permission, and the situation is not corrected within a time-limit specified by the Civil Aviation Administration - Denmark,
- c. the regulations in this BL or existing rules and regulations for the activities of the undertaking are substantially disregarded in connection with the exercise of the activities,

- d. it must be assumed that the holder is no longer able properly to maintain the authorised activities,
- e. the company has discontinued operations for 12 months or has not commenced operations 12 months after the issue of the permission,
- f. if the holder goes into liquidation, is subjected to proceedings in bankruptcy or suspends payments. The estate or, in case of notified suspension of payment, the estate administration, may, however after permission from the Civil Aviation Administration - Denmark temporarily continue the activities with a view to winding up, realisation or financial reconstruction of the company,
- g. there are substantial changes in the ownership of the company, including changes in the board of directors and management which imply that the company no longer meets the existing conditions in subsection 1 of § 7 of the Air Navigation Act, to have an aircraft registered in this country,
- h. the majority shareholder, the main partner in a private company or the managing director is punished for violation of the Criminal Code or the Air Navigation Act, and the violation is estimated to endanger the company's access to conduct air navigation activities, or

- i. the holder has a considerable outstanding debt to the public by which is meant amounts in the order of DKK 100,000 or above, cf. subsection 2 of § 146 a of the Air Navigation Act.

6. Material

The aircraft and the equipment used shall meet the airworthiness requirements contained in Part 7 of BL 1-12.

7. Personnel

7.1 The pilot-in-command shall at least hold a commercial pilot licence of III class. If the aeroplane is used for towing banners and/or target towing, the pilot-in-command shall also hold the certificate mentioned in BL 6-49.

7.2 During the performance of the flight only persons may be carried who have a necessary function in connection with the flight, as well as persons that are necessary for carrying out the working activity connected with the purpose of the flight. Such persons shall be instructed about all conditions of importance to safety.

8. Operational regulations

8.1 Sufficient fuel shall always be carried to fly from the point of departure to the destination and back to the point of departure or any alternative landing site with the addition of a fuel reserve corresponding to 45 minutes' flying at normal cruise speed.

8.2 The flight shall be planned so that the requirements to take-off and landing distance stated in the aircraft flight manual can be met and so that take-off and landing otherwise can be carried out safely. In connection with target towing and advertisement flights the pilot-in-command shall ensure that there are no obstacles in the picking up/dropping direction that exceed a diagonal line of 1:40 measured from the limits of the area in question.

8.3 Aerial target towing may only be carried out in VMC.

8.4 Aerial target flights over areas used by the Defence may upon agreement with the commanding officer in question may be carried out at altitudes down to 50 m over terrain or water on condition that descent to and climb from the mentioned altitudes take place within the limits of the areas owned by the Defence.

8.5 In connection with dropping of advertisement articles the handbills shall be distributed and packed so that the circulars when dropped freed from each other. The size of the handbills must not exceed 12 x 18 cm and the weight of the paper used must not exceed 100 g per m².

9. Exemption

The Civil Aviation Administration - Denmark may in quite exceptional cases grant exemption from the regulations in this BL if it is deemed compatible with the considerations on which the regulations in question are based.

10. Complaints

Complaints of the decisions taken by the Civil Aviation Administration - Denmark in pursuance of this BL may be presented to the Ministry of Transport.

11. Punishment

11.1 Performance of flights without permission, cf. paragraph 5.1, is punishable with fine or simple detention in pursuance of subsection 4 of § 149 of the Air Navigation Act.

11.2 Violation of the conditions in paragraph 5.3 and conditions stipulated under paragraph 5.4 is punishable with fine or simple detention in pursuance of subsection 13 of § 149 of the Air Navigation Act.

11.3 Violation of the regulations in Parts 7 and 8 is punishable with fine, simple detention or imprisonment for up to 2 years in pursuance of subsection 8 of § 149 of the Air Navigation Act.

11.4 Criminal liability may be imposed on companies etc. (legal persons) under the rules of Chapter 5 of the Danish Criminal Code, cf. subsection 14 of § 149 of the Air Navigation Act.

12. Implementation

11.1 This BL comes into force on 1 August 1997.

12.2 At the same time BL 5-8, 1 edition of 1 November 1959 is repealed.

Civil Aviation Administration - Denmark, 13 June 1997

Ole Asmussen

/M. Dambæk