

BL 5-2

Regulations on agriculture flights

Edition 5, 13 June 1997

In pursuance of § 32, subsection 2 of § 75, 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 6-46, Licence for performing agriculture flights, latest edition.

1.3 BL 7-1, Rules of the Air, latest edition.

2. Definition

Agriculture flights:

Spraying, powdering, sowing or fertilisation of forest and agricultural areas from an aircraft.

3. Applicability

3.1 This BL lays down regulations for agriculture flights with Danish registered aircraft.

3.2 This BL further lays down regulations for agriculture flights 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.

3.3 The regulations in Part 11 shall only apply to flights within Danish territory.

4. Responsibility

4.1 The operator shall ensure

a. that there is a permission from the Civil Aviation Administration - Denmark, cf. Part 5, and

b. that the conditions in paragraph 5.3 are met.

4.2 The pilot-in-command shall ensure

a. that the operations manual, when necessary, is revised to ensure that all information is updated. The revisions shall be forwarded to involved personnel and to the Civil Aviation Administration - Denmark,

that the regulations in Part 6 are complied with,

c. that agriculture flights are only performed from sites of the type mentioned in paragraph 7.1,

d. that the measures mentioned in paragraph 7.1.1 have been taken

- when agriculture flights are carried out,
 - e. that the regulations in paragraph 10.1 are complied with, and
 - f. that the agriculture flights are furthermore performed in a safe way and in accordance with the existing rules, including the contents of the operations manual.
- 4.3 The pilot-in-command is responsible for
- a. the regulations in paragraphs 7.1.1, 10.2, 10.3 and Part 11 being complied with, and
 - b. the requirements to take-off and landing states in the aircraft operations manual being observed.

5. Permission

5.1 Agriculture flights may only be carried out subject to permission from the Civil Aviation Administration - Denmark.

- 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.
- f. the applicant having employed a flight operations manager, cf. paragraph 9.1,
- g. the applicant submitting an operations manual, cf. paragraph 8.1.

5.2.1 The lease agreement mentioned in paragraph 5.1 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 ef-

ected 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 condi-

tions, 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, or
 - 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 shall meet the airworthiness requirements contained in Part 7 of BL 1-12.

7. Aerodromes

7.1 Agriculture aviation may be carried out from the following aerodromes:

- a. Public, approved aerodromes.
- b. Other places on condition that the owner's permission to use the area in question to this purpose has been obtained.

7.1.1 When using the places mentioned in b., take-off, landing and manoeuvring in this connection shall be carried out in such a way that there will be no danger to third party or third party's property. In this connection such measures shall be taken that unauthorised traffic in the landing area is prevented.

8. Operations manual

8.1 An operations manual shall be prepared and maintained containing such information and instructions that are necessary for the engaged personnel to accomplish their tasks safely. The operations manual shall at least contain the following parts:

- a. Guidelines for selecting and establishing landing fields.
- b. Regulations for flying under aerial power lines.

- c. Flight and duty period regulations.
- d. Safety regulations for handling chemicals and fuel.
- e. Instructions concerning flight accidents and incidents, unintentional spraying and accidents in connection with the handling of chemicals, including detailed instructions for notification and reporting.
- f. Copy of relevant authority regulations.

8.1.1 The operations manual shall be immediately available to all personnel and shall be written in a language that can be understood by all employees.

8.1.2 The operations manual and all amendments are valid when approved by the flight operations manager.

8.1.2.1 The Civil Aviation Administration - Denmark may require amendments and supplements to the manual of importance to safety.

9. Personnel

9.1 The operator shall appoint an flight operations manager as general manager of the agriculture flight activities. The flight operations manager shall be approved by the Civil Aviation Administration - Denmark.

9.1.1 In order to be approved as flight operations manager the applicant must meet the following conditions:

- a. The person in question must hold or have held an agriculture aviation licence and must have gained such experience in agriculture flights that he/she has a thorough knowledge of all safety matters in connection with performing agriculture flight activities.
- b. The person in question must be considered qualified to undertake the task with the operator by the Civil Aviation Administration - Denmark.

- 9.1.2 The approval will be withdrawn
- a. when the operator or flight operations manager so requests,
 - b. if the flight operations manager grossly or repeatedly neglects his duties under this BL, or
 - c. if the person in question is deprived of his rights to act as flight operations manager by judgement in pursuance of § 79 of the Criminal Code.

9.1.3 The approval will be repealed if the operator's approval to perform agriculture flights is withdrawn.

9.2 The pilot-in-command of an aircraft used for agriculture flights shall hold a valid agriculture aviation licence, cf. BL 6-46.

10. Planning

10.1 Before commencing an agriculture flight the pilot-in-command shall be provided with maps in suitable scales on which the area(s) to be prepared, the take-off and landing field and aerial power lines and other obstacles, if any, are indicated.

10.2 Before commencing an agriculture flight the pilot-in-command shall inspect both the areas to be prepared and the contemplated take-off and landing field.

10.3 Considering the wind and weather conditions etc. the pilot-in-command shall ensure that the flight is planned in a safe way. In this connection measures shall be taken to safeguard surrounding areas, buildings, persons, animals and vehicles to the greatest possible extent against unintentional spraying etc.

11. Operational regulations

When agriculture flights are performed outside densely built-up areas, including areas with weekend cottages, inhabited camping sites and large open-air assemblies of persons, the flight may be performed under the minimum flight level, cf. paragraph 5.4 b. of BL 7-1,

when necessary for performing the task, with the following limitations:

- a. Agriculture flights shall be performed so that persons or property on ground or on water are never exposed to undue hazard.
- b. Agriculture flights shall be performed so that the surroundings are disturbed as little as possible. If it is noted that the flight causes inconvenience, measures shall be taken to limit the inconvenience.
- c. Agriculture flights shall be performed so that unintentional spraying etc. of surrounding areas, buildings, persons, animals and vehicles is avoided to the greatest possible extent.
- d. If it is noted that unintentional spraying etc. has taken place, the spraying shall be discontinued immediately and must not be resumed until it has been ascertained that repetition can be avoided.
- e. Flight over public roads and railway must not be performed at levels below 15 meters.
- f. Aerial power lines may be underflown if the pilot-in-command has ascertained beforehand on the basis of ground observations or other information that this can be done without collision hazard.
- g. When agriculture flights and any related manoeuvres are performed, including take-off and landing, the aircraft must not at any time come closer to people, grazing livestock, buildings or vehicles than 25 meters. This shall, however, not apply if the persons in question have agreed, or if the owner of animals, buildings or vehicles have permitted so.
- h. During agriculture flights any person on board shall wear an appropriate protection helmet and be fastened with shoulder and loin harness.

- i. No passengers must be carried on agriculture flights. This shall, however, not apply to personnel under training for agriculture aviation, personnel engaged in testing or controlling the pilot-in-command, or the Civil Aviation Administration - Denmark's inspectors.

12. Exemption

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

13. Complaints

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

14. Punishment

14.1 Performance of agriculture flights without permission will be punished with fine or simple detention in pursuance of subsection 4 of § 140 of the Air Navigation Act.

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

14.3 Violation of the remaining regulations in this BL is punishable under subsection 8 of § 149 of the Air Navigation Act with fine, simple detention or imprisonment for up to 2 years.

14.4 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.

15. Implementation

15.1 This BL comes into force on 1 August 1997.

15.2 At the same time BL 5-2, 4 edition of 1 October 1981, is repealed.

Civil Aviation Administration - Denmark, 13 June 1997

Ole Asmussen

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