

Air Navigation Act Order

The Air Navigation Act is hereby notified, cf. Consolidated Act no. 959 of 12 September 2011¹⁾ with the amendments following Act no. 654 of 12 June 2013 and Act no. 655 of 12 June 2013.

The notified wording of the Act concerning 148 will enter into force at the time the Minister of Transport decides after negotiation with the Minister of Justice, cf. § 9 (4) of Act no. 542 of 8 June 2006 amending the Criminal Code, the Administration of Justice Act and various other acts (Strengthening of actions to oppose terrorism etc.).

The amendments following §§ 54 and 71, following § 1, no^s. 2-5, 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 the this Consolidated Act as the implementation of these amendments is decided by the Minister of Transport, cf. § 2 (2) of Act no. 1114 of 29 December 1997.

I Civil aviation

Chapter 1

Preliminary provisions

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

§ 1 a. The Minister of 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 area issued by the European Union.

§ 2. Aviation within Danish territory may only be carried out with aircraft that are

- a) of Danish nationality, or
- b) of a nationality of a foreign State with which agreement has been entered into on such aviation, or
- c) authorised by special permission from the Minister of Transport.

(2) The permission mentioned in (1)(c) shall be made conditional upon such conditions that are deemed necessary to ensure safe

air transport, or that are otherwise deemed necessary for public safety. The permission may be revoked at any time.

§ 3. When required in the interest of public safety or for military reasons, the Minister of Transport may decide that access to aviation within certain areas may be limited or prohibited.

(2) When required by public safety, or when particularly special circumstances are present, the Minister of Transport may decide that access to aviation within the entire Kingdom shall be temporarily limited or prohibited.

§ 4. This Act shall also apply to aviation with Danish aircraft outside Danish territory, unless otherwise provided for by this Act, and 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 of Transport may determine that specified provisions in the Act, including provisions 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 of Transport may decide that specified provisions in the Act shall not apply to aviation with aircraft registered in Denmark, and left to a foreign user.

§ 5. As regards the provisions 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 stipulated 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 Transport Authority keeps a register of aircraft (the register of aircraft nationality).

(2) Regarding registration of rights in aircraft, Act no. 135 of 31 March 1960 shall apply²⁾.

§ 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 owner of an aircraft because of his 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 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 subsection (1), numbers 2 and 3,
- 5) organisations and similar unions domiciled in Denmark, of which at least half of the members are Danish citizens or persons covered by subsection (1), numbers 2 and 3,
- 6) limited companies of which the majority of partners are Danish citizens or persons covered by subsection (1), numbers 2 and 3, and the company is under the full control of these partners,
- 7) limited companies exclusively with a Danish management and board of directors domiciled in Denmark.

(3) In special cases the Minister of 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 removed 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 Transport Authority and if it meets the requirements that may be specified by the Minister of Transport with a view to averting 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 his 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 uphold the application, the aircraft shall be entered on the register, and registration marks shall be assigned to the aircraft.

(2) The following shall be entered on 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 his 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 of 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 provisions of §§ 10-11 or - in the event of information reported on cases mentioned in §§ 13-14 - remove the aircraft from the regis-

ter or make a note on the registry certificate of the aircraft.

§ 13. An aircraft shall be removed 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 of 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 removed 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 removed 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 not 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 removed from the register of aircraft nationality unless the holder of the lien consents to such removal. However, an annotation will be made in the register about the event that could have caused removal. Such annotation does not

affect the lien, but has in other respects the same function as a removal.

(2) If an aircraft is removed from the register of aircraft nationality, or if an annotation as mentioned in subsection (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 his 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 his right can be entered on the register.

§ 16. If an aircraft has been constructed abroad on the Danish buyer's 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 register of Danish aircraft, on conditions given by the Minister of 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 Authority may be entered in a special part of the register of Danish aircraft.

(3) The provision in subsection (1) regarding Danish relations shall not apply to the extent otherwise stipulated in EU regulations.

Nationality

§ 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 removed 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 Transport Authority. If otherwise changes in

any matter mentioned in the certificate have been entered in the register, it is the duty of the owner immediately to submit the certificate to the Danish Transport Authority who will make a note about the change or, if necessary, replaces 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 issued according to the provisions of this Chapter.

(2) If operating within Danish territory, a foreign aircraft shall have a foreign certificate of nationality or 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 § 2 (1)(c), any decision made by the Minister of Transport in this respect shall apply.

Marking

§ 21. An aircraft entered on the Danish register of nationality 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 on the register.

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

(3) Aircraft operated with special permission in pursuance of § 2 (1)(c) shall be marked in accordance with the regulations issued by the Minister of 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 Transport 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 Transport Authority any information necessary for exercising the inspection.

(2) The Danish Transport 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 Transport 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 of 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 at request if the aircraft meets the requirements to airworthiness applicable when the renewal is to be made. The Danish Transport 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 Transport 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 Transport Authority. Such permission may be revoked at any time.

§ 26. Unless otherwise decided by the Minister of 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 provisions.

(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 (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 (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 Transport Authority may claim it to be returned.

§ 27. What is stipulated 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 Transport 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 Transport 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 Transport Authority may, as stipulated by the Minister of Transport, exempt from the provisions in this Chapter and the regulations drawn up in connection with the provisions.

§ 31. The Minister of 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 of 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) After request from the Danish Transport 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 Transport 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 of 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 of Transport is issued by the Danish Transport 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 Transport 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 Transport Authority.

(3) The Danish Transport 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 Transport Authority may grant special permission to perform duty on board an aircraft. Such permission may be revoked at any time.

§ 37. The Danish Transport 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 Transport 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 provisions in this Section, it shall be deposited with the Danish Transport Authority.

§ 38. What is stipulated 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 Transport 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 subject himself to the examinations and tests that the Danish Transport Authority finds necessary.

§ 40. The Danish Transport 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 provisions in § 32.

Chapter 4 A

Working environment when on duty on board an aircraft

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

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

(3) The provisions 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 four 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 five or more employees performing duty as crew members

on board an aircraft, the employees shall elect one safety 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 safety representative's activities and shall indemnify him for loss of earnings.

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

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

(5) The safety 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 five or more employees performing duty as crew members on board an aircraft, a safety committee shall be set up.

(2) The safety committee shall consist of a maximum of four safety representatives and a corresponding number of representatives for the employer. The individual safety committees may agree on another composition.

(3) The safety committee 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 safety committee 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 Transport Authority shall regularly contact the safety representatives and representatives from the safety committee when visiting the enterprise. These shall be free to submit to the Authority any question concerning the working environment.

§ 40 g. The Minister of Transport lays down further rules on working environmental circumstances, including on occupational health service.

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

(3) The State shall provide subsidies for the establishment of occupational health services which comply with the rules laid down in pursuance of subsection (1) above. The Minister of Transport lays down, after negotiation with the Minister of Finance, detailed rules with regard to the subsidies.

(4) Local authorities may provide subsidies for occupational health services which comply with the rules laid down in pursuance of subsection (1) above. The Minister of Transport lays down, after negotiation with the Minister of the Interior, detailed rules with regard to the powers of local authorities to provide subsidies.

§ 40 h. The Minister of 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 of Transport or by the Danish Transport Authority.

(3) The Danish Transport 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 of 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 Transport Authority participate in the council's activities and meet each with one representative without voting rights.

(3) The Minister of 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 deemed 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 his abilities the pilot-in-command shall ensure that the offender does not escape and may if necessary take him into custody. Unless the offender consents to continue the flight in custody, the custody may only last until he 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 provision 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 his utmost to ensure the aircraft, the persons on board and the goods. If it becomes necessary to leave the aircraft, he shall do his utmost 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 his 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 his drinking alcoholic liquors, the innkeeper or his assistant shall do their utmost, if necessary by calling the Police, to prevent him 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 an urine if there is reason to believe that he has violated the provisions in subsections (1) or (2), or if he 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 of 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 of Transport decides to which extent the provisions in this Chapter shall be applicable to foreign aircraft within Danish territory.

Chapter 6

Aerodromes and other aeronautical facilities

General provisions

§ 52. Aerodromes and other facilities servicing aviation shall meet the requirements stipulated by the Minister of 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 (1) in the form of a company.

§ 53. After negotiation with the Minister of Defence the Minister of 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 of 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 of Transport, in addition to the licence under § 60, 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 change such an aerodrome.

(2) It is necessary to obtain a special permission by the Greenland Home Rule, 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 of 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 Greenland Home Rule 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. The Minister of 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.

§ 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 in readiness to meet the main objective mentioned in number 2.
- 4) The company shall 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 all times 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 of Transport may direct 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 of Transport. In his order the Minister shall point out that the order may be brought before the courts.
- 8) The Minister of Transport shall be informed in advance of the following measures:
 - a) Any proposal for decision, arrangement or alteration as regards the operation 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 of Transport may oppose to measures according to no. 8 if the Minister finds that they imply a significant risk that the aerodrome will not at any time be able to offer the necessary capacity described in number 6 so that social or primary traffic considerations are not considered. If the Minister of Transport wishes to oppose to the arrangement, the Minister shall object no later than one month after the notification has come to hand. In his objection the Minister of Transport shall point out that the order may be brought before the courts. If the Minister of Transport objects, the arrangement cannot be effected.
- 10) The company shall quarterly provide statistic information on the aerodrome air traffic to the Minister of 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 company 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.

§ 58. If, in connection with the exercise of the activities covered by the permission, the provisions 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 of 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 6 of subsection (2) of § 57. The Minister of 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 of 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 of 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 requirements 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 provisions in Act on the procedure in connection with expropriation concerning real property.

§ 59. A person 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 of Transport with information about the nature and extent of the expected use of the aerodrome. The Minister notifies the other involved state authorities and the relevant local authorities.

(2) Before expiry of the deadline 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 further regulations on the submission of the notifications mentioned in subsection (1).

Approval

§ 60. Aerodromes the use of which is open to the public shall be approved by the Minister of Transport. Also changes of such aerodromes requires approval. The Minister stipulates 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 Transport 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 of 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 of 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 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 of Transport showing how to secure the approach.

(2) The plan shall state 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, respectively in good weather conditions and with low visibility. 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 ground, approach shall be secured by attachment of an easement against establishment of aeronautical obstacles exceeding the heights mentioned in the plan.

(2) The Minister of Transport may grant exemption from an easement attached pursuant to subsection (1). The exemption shall 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 Transport 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 after request from the Danish Transport 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 of Transport, the Danish Transport 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 Transport Authority to the Minister of 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 on the areas referred to in this paragraph when the plan is approved exceeding the heights stated in the plan, 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 provisions 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 vio-

lations to the Danish Transport Authority, if necessary.

§ 67. The Minister of Transport may, after negotiation with the Minister of Defence, require obstacles situated outside the area of the aerodromes' approved plans which by their height are considered to be hazardous to aviation safety, removed or marked by the Danish Transport Authority.

(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 Transport Authority. The construction of the installation must not be initiated before the Danish Transport Authority has issued a certificate stating that the obstacle is not considered to be hazardous to aviation safety.

(2) If the installation is considered to be hazardous to aviation safety, the Danish Transport Authority shall submit the matter to the Minister of 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 of 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 provisions

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

§ 70. The Minister of 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 of 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.

§ 70a. With the agreement of the Minister of Justice, the Minister of Transport determines 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) The Minister may, after negotiation with the Minister of Justice, determine 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.

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

(4) The Minister may determine regulations for security licensing of goods agents, courier companies, catering suppliers and others making the deliveries mentioned in

subsection (3) to airlines. A security licence may be revoked in case of disregard of the provisions in this Chapter or regulations drawn up in pursuance hereof, or if the conditions or procedures stipulated for the security licence are disregarded.

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

(6) The Danish Transport Authority approves the security programmes mentioned in subsection (1) and supervises the implementation of the security measures mentioned in subsections (1)-(3) and (5).

§ 70b. 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 the limits for control reasons.

(2) If the screening of a person requires a body-search (unclouted), 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) Anyone refusing to subject to, or participate in, the search of his/her body must 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 of Transport, by other authorities.

(5) With the agreement of the Minister of Justice, the Minister of Transport may determine further regulations whereby screening imposed upon aerodromes and airlines can only be carried out by persons vetted by the

Police and having undergone training approved by the Danish Transport Authority.

(6) The Danish Transport Authority determines 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 of Transport may lay down provisions for payment for the use of a public aerodrome, including payment for ground handling, cf. however, fourth sentence. In this connection the Minister of Transport and Energy may determine that payment for ground handling shall exclusively be regulated to the extent where there is not possibility for competition and where the ground handling payments are necessary for the use of the public aerodrome. Payment for using state aerodromes shall be approved by the Finance Committee of the Folketing. The Greenland Home Rule may lay down provisions for payment for the use of a public aerodrome in Greenland.

(2) The Minister of Transport may further lay down provisions for payment for the use of installations and operation of other aeronautical aids. 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 of Transport may lay down provisions regarding fee for reminders concerning the payment of the mentioned payments.

(4) The Minister of Transport may lay down provisions on collection and recovery of the payment under subsections (1) and (2) and EU Regulations in the aviation area, including provisions 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 expenses.

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

§ 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 of 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 provisions regarding licence for such service.

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

Chapter 7

Permission to carry out aviation activities

§ 74 a. The provisions in this Chapter shall not apply to the extent otherwise stipulated in EEC Regulations.

§ 75. Scheduled commercial air traffic requires permission from the Minister of Transport.

(2) Other commercial air traffic 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 of 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,
- 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 Transport 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 of Transport may decide that school flying, air exhibition, competition flying and other flying activities require special permission even though the activities are not carried out for commercial reasons.

§ 76. The Minister of Transport may determine further 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 shall be annulled if the circumstances are not corrected within a time-limit specified by the competent authority.

(3) In exceptional cases the Minister of 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 provisions laid down in this Act or of provisions laid down in the permission or of provisions otherwise applicable to such activities. If it may be 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 provisions in this Chapter may be deviated from to the extent to which agreement with a foreign state requires it.

§ 81. The Minister of Transport may lay down regulations on transfer of aircraft or accessories or spare parts to aircraft to another person for use on that persons 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 of Transport on measures to prevent collisions between aircraft and other accidents during flight or on measures, in general, to safeguard against risks 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 of Transport lays down. Orders on compliance with these requirements may be limited to defined geographical areas.

(2) The Minister of Transport may further stipulate 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 of 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 of 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 provisions 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 of Transport and the Minister of Justice or anyone authorised by these, an aircraft shall not carry explosives, munitions or war ammunition. After agreement with the Minister of Defence and the Minister of Justice, the Minister of Transport may by regulation make exemption from the provision in the first sentence and stipulates - also after negotiation with the Minister of Justice - the meaning of explosives, munitions and war ammunition.

(2) For the sake of public order and security the Minister of Transport may prohibit

or set up conditions for carriage of other than the goods mentioned in subsection (1).

(3) The Danish Transport Authority has the right at any time to investigate whether goods delivered for carriage by aircraft is covered by the provisions 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 as far as possible have the opportunity to witness the investigation.

(4) Furthermore, the Minister of 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 stipulated by special enactment, the Minister of 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 of Transport decides to which extent any person performing duty on board aircraft shall carry licences and other documents.

§ 89. The Danish Transport 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 Transport Authority may delegate its authority under subsection (1) to holders of licenses to operate an aerodrome.

§ 89 a. The Minister of 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. The Minister of Transport may give regulations stating that, for the use in the Danish Transport Authority's preventive flight safety work, persons covered by § 35 or § 74, companies and employees in companies as well as aircraft owners shall report to the Danish Transport Authority any operational interruption and other irregular circumstance of importance to flight safety that has not resulted in an aircraft accident or a serious aircraft incident, cf. § 135. The Minister determines in which situations reporting shall be made, when and in what form the notification shall be given and what it shall contain.

(2) The Danish Transport 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), cf. however, (3).

(3) The information may be passed on to foreign authorities and international organisations when it

- 1) follows from international agreement or obligation or
- 2) is of major importance to the preventive flight safety work of the foreign authority or organisation, and the authority or organisation in question is subject to secrecy at least to the same extent as the Danish Transport Authority.

(4) The Danish Transport Authority publishes reports on information reported according to rules laid down in pursuance of subsection (1), cf. however subsection 3.

Chapter 9

Carriage by aircraft

Applicability

§ 90. The provisions 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 for reward or, if the carriage is performed by an air transport undertaking, also to such carriage performed gratuitously, and

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

(2) The provisions in this Chapter regarding carriage of goods by aircraft between Denmark and states that have acceded 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 internally 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 provisions 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 provision in subsection (1) this Chapter shall not be applicable to carriage of mail.

(3) The provisions 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:

- 1) an indication of the places of departure and destination and
- 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.

(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 provisions in subsections (1) and (2) are not met, the contract of carriage shall, however, be valid, and the

provisions 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 are registered in another way, and the carrier delivers, after request of the consignor, an goods receipt to the consignor containing sufficient information for identification of the goods and giving the consignor 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:

- 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, and
- 3) the weight of the consignment.

§ 98. Even though the provisions in §§ 94-97 are not complied with, the contract of carriage is still valid, and the provisions 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 his 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 oth-

erwise 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. If the consignor fulfils his obligations according to the contract of carriage and pays the extra costs connected with it, the consignor may take back the goods at the aerodrome of departure or destination or may stop it in case of intermediate landing. 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 provisions 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 his 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 the expiration of seven days after the date on which they ought to have arrived, the consignee may claim his rights according to the contract of carriage against the carrier. The same shall apply if the carrier states that the goods have been lost.

§ 104. Any agreement deviating from the provisions 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 of negligence on the part of the carrier 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 dependency 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,
- 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 defects or faults 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 at the expiration of 21 days after the date on which it ought to have arrived, the passenger may claim his 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 by defects in the goods,
- 2) defective packing of the goods carried out by other persons than the carrier, his employees or any other person acting on his 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 caused as a result of delay in carriage of passengers, registered baggage and goods, if the carrier does not prove that the carrier, his employees or any person acting on his 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 his 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 113,000 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 113,000 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 his 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 4,694 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 1,131 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 19 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 83) and 84) shall not be valid if it is proved that the carrier himself or his 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) Recalculation of SDR to national currency shall be made after 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 admission 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 tending to relieve the carrier of liability or to fix 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 his business in connection with air transport of passengers from premises leased or owned by the carrier himself or another air carrier with whom the carrier has a business contract.

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

§ 118. In accordance with the provisions of this Chapter, the right to damages shall cease if action is not brought 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 him 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 provisions laid down in §§ 119 (b) - 119 (f) shall apply if the whole 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 provisions laid down in §§ 119 (c), 119 (e), and 119 (f) shall apply to only that part of the carriage which is performed by another carrier than the contracting carrier.

§ 119 (b). In applying the provisions 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, his employees or any person acting on behalf of him in connection with the performance of their service or business, shall be considered to have the same effect as the contracting carrier's own actions and omissions. However, the person 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 person performing the carriage, unless this person has given his approval.

§ 199 d. Any notification given under the provisions 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 any person 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 he loses his 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 his claim against this carrier during the proceedings. The provisions 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 provisions 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 provisions in this Chapter applies to the part of the carriage performed by aircraft.

Other provisions

§ 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 provisions on venue, are invalid.

(2) If the carriage is covered by this Chapter, the action for damages can only be brought to 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 person responsible for damage under the provisions in this Chapter from having recourse against any other person.

(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 person 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 provisions in this Chapter.

§ 122. The carrier must be in a position 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 provisions in this Chapter.

§ 124. (Repealed.)

§ 125. (Repealed.)

§ 126. (Repealed.)

§ 126 a. (Repealed.)

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 provision in § 127 (1) 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 provisions 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 provisions 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 § 2 (1)(c) shall - if the owner is not the state - take out and keep in force an insurance to cover claims for compensation arising against him 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 § 2 (1)(c) in the meantime has been revoked. The Minister stipulates 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 § 2 (1)(c) or - except from operations for testing purposes - § 2 (1)(c) 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 provisions stating that the owner of an aircraft shall take out and keep in force an insurance against personal injury, including lay down provisions 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 of Industry and the Minister of Justice, by the Minister of 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 stipulated regarding salvage of vessels or goods belonging 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 to 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 1960³⁾ shall apply.

Investigation of aircraft accidents etc.

§ 134. The Minister of Transport sets up a board of accident investigation 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 of 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 Accident Investigation Board investigates accidents and incidents within the railway area, cf. Act on Railways. The Accident Investigation Board shall hereinafter be called the Accident Investigation Board for Civil Aviation and Railways (Accident Investigation Board).

§ 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 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 shall investigate the following accidents and incidents:

- 1) accidents involving civil aircraft registered in Denmark or 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, and
- 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.

(2) The Accident Investigation Board 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 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 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. An accident or an incident, cf. § 136, occurring over or on Danish territory or with Danish registered, civil aircraft shall be reported to the Accident Investigation Board 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 and Energy'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.

(3) If the pilot-in-command is not in a position to fulfil the duty in the first sentence of subsection (1), the duty shall rest with the owner or user of the aircraft. For aeronautical installations on ground the

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

§ 138. The Accident Investigation Board 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 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 has concluded its investigations, unless the Police so permits in concert with the Board.

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

§ 140. The Accident Investigation Board 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 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 Board may require official inquiry 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.

§ 141. The Accident Investigation Board shall currently keep the Danish Transport 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 Transport Authority of its evaluations thereof.

§ 142. When the Accident Investigation Board has concluded its investigation, it prepared a draft to 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 Board. The Board 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 Transport 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 Board may deviate from the provisions in § 142 and may instead prepare a statement.

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

(3) Statements shall, if possible, be prepared within 60 days after the Board has been informed of the accident or the incident. Statements shall be sent to the Danish Transport Authority and shall be published at the same time.

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

§ 144 a. The Board staff, experts called in and other persons contributing to an investigation carried out by the Board 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 Transport Authority's personnel and any experts called in who under the terms of § 141 receive information from the Board 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 of Transport may lay down special provisions for the activities of the Board.

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

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

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

(5) The Danish Transport Authority shall assist the Board in its work if requested.

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

(7) The Minister of Transport may at any time impose on the Board to carry out further investigations in a case.

Chapter 12

Miscellaneous provisions

§ 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 provisions 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 Transport Authority or anyone authorised by the Danish Transport Authority; in the latter case the decision shall without delay be notified to the Danish Transport 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 his activities, which need permission, during the case hearing. If a judgement according to which a revocation is not legal, is appealed, the court having pronounced the judgement, 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 judgement. § 146 b, second and third sentences, 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 general 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 general public may be put under the obligation to make transport capacity and infrastructure available against full compensation in the situations mentioned in (1).

(3) The Danish Transport 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, (5).

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

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

§ 148. For the Danish Transport Authority's carrying out supervision with civil aviation, an airline shall pay a charge of DKr. 6.00 per passenger transported by the airline. The charge shall be paid for passengers travelling by an aircraft that is approved for more than ten passenger seats or which maximum take-off mass is above 5,700 kg, and which departs from a Danish aerodrome the aeronautical use

of which is open to the general public, cf., however (2).

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

(3) The charge mentioned in (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 regulation of duties, 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. The Minister of Transport shall announce the regulation each year.

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

(5) If payments according to (1) and regulations stipulated in pursuance of (6) are not made in due time, interest will be added in accordance with § 5 of the Act on Interest.

(6) In addition to this, the Minister of Transport may lay down regulations on payment to fully or partly cover the costs in connection with other tasks, including public business and supervision activities, in accordance with this Act or Community regulations within the aviation area.

(7) The Minister of Transport may lay down regulations regarding collection etc. of the charge mentioned in (1) and fees fixed in pursuance of (6), including regulations on payment of reminders.

Chapter 12 a.

Passenger information

§ 148 a. Air carrier shall register and keep for one year information on passengers and crew members on aircraft arriving to or departing from Denmark.

(2) Upon request from the Police Intelligence Agency the air carrier shall give the information mentioned in subsection (1) to be

used in the prevention and investigation of violations of Chapters 12 and 13 of the Criminal Code.

(3) After negotiation with the Minister of Justice, the Minister of Transport shall stipulate further provisions on registration and keeping in pursuance of subsection (1) and on the air carriers' practical assistance to the Police Intelligence Agency in pursuance of subsection (2).

(4) The Minister of Transport may, after negotiation with the Minister of Justice, lay down further provisions on the Police Intelligence Agency's access to the air carriers' booking systems to be used for prevention and investigation of violations of Chapters 12 and 13 of the Criminal Code.

Chapter 13

Provisions 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 provisions 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 provisions 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, sentence 2 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 pun-

ished by fine or imprisonment of up to 2 years.

(4) Violation of subsection (1) of § 2, sentences 1-3 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), (2) and first sentence of subsection (5) of § 75, and sentence 3 of subsection (2), 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, 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 him 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 him under sentence 2 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 he 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 his 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 provisions 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 provisions 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 laid stipulated 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 stipulated 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 provisions in EEC 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 § 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 im-

prisonment 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 provisions 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 provisions in Chapter 80 of the Administration of Justice Act.

§ 149 a. A person who in accordance with rules laid down in pursuance of § 89 b has reported circumstances that have not resulted in an aircraft accident or serious aircraft incident, cannot be punished for the circumstance in question for violation of § 42, regulations laid down in pursuance of §§ 31, 52, 54, 82 or 83, or regulations in EU regulations in areas covered by the Act.

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

1. wilfully has caused injury to any person or damage to property, wilfully has endangered such person or property, or otherwise has performed his duties in a particularly negligent way,
2. on several occasions has been guilty of offences individually comprehended by item 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 his 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 is a Danish citizen, a resident of the Danish state, or an employee 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 Transport Authority estimates 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 provisionally. In connection with the decision the Authority

shall inform the person in question of the access to appeal, cf. subsection (6).

(6) Any person whose right to perform duties on board an aircraft has been revoked provisionally may demand the revocation tested in court. The court 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 a person who has the right to perform duties on board an aircraft has his driving licence suspended unconditionally, the Danish Transport Authority may suspend that person's right to perform duties 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 Transport Authority shall inform the person in question about this in connection with the decision.

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

§ 150 a. Conditional suspension is on condition that the person in question, during a period of probation of 3 years from final sentence, does on perform duty on board an aircraft in such circumstances that he 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 time of not less than 6 months or for life.

(4) Notwithstanding suspension for a specific period of time the person in question may begin training with a view to recover his right to perform duty on board an aircraft in

accordance with the rules normally applicable for recovery, however, 3 months before the expiry of the suspension period at the earliest.

§ 150 b. Appeal against 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 sentence is passed conditional, 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 his/her licence to the Danish Transport 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 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 provisions in § 1 and subsection (1) of § 4, the provisions 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 of Transport shall supervise the observance of the provisions in this Act and the provisions laid down in pursuance of the Act and 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 provisions stipulated in pursuance thereof, as well as EU Regulations in the aviation area, are put right immediately or within a specified timelimit.

(2) The Minister of Transport and others who perform supervision tasks in the aviation area, of provisions 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 provisions 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 of Transport shall supervise the observance of the legislation on no-smoking environments. The Minis-

ter of Transport shall order, if necessary on specified conditions, that circumstances in conflict with the legislation on no-smoking environments 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 of the Interior and Health, the Minister of Transport may stipulate specified provisions on the exercise of the supervision.

Chapter 14

Implementation provisions

§ 151. With due regard to aviation safety or public interests the Minister of 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 provisions, however, not as regards regulations of civil law or criminal contents.

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

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

(2) Furthermore the Minister may delegate his power to make decisions which according to this Act is conferred to the Minister or the Authority, to:

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

(3) The Minister may lay down provisions on consideration of cases and access to complain of the decisions mentioned in subsection (2).

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

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

(2) The Minister may further authorise the Danish Transport Authority to notify the regulations mentioned in subsection (1).

§ 153 a. In the provisions the Minister of Transport may stipulate 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 may lay down provisions on publication of the provisions laid down in pursuance of the Act.

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 of 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 of 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 of Transport, and for all other aircraft mentioned in subsection (1) by the Minister of Transport.

III Implementation and temporary provisions 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 provisions 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 provisions 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 exemptions stated in the special Greenland legislation⁴. 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 act⁵.

(2) The Act shall not apply in the Faeroe Islands. It may, however, be decided by Royal Decree that the Act shall also apply in the Faeroe Islands to the extent and with the amendments submitted by the Faeroese Lagting⁶.

In Act no. 1114 of 29 December 1997 it is stipulated in § 2 that the act shall come into force the day after publication in the Gazette with the reservation that the Minister of Transport will determine the time of implementation of the amendments appearing from §§ 54 and 71.

§ 2 of Act no. 346 of 17 May 2000 amending the Air Navigation Act contains the following provision:

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

(2) The Minister of 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.

In Act no. 538 of 8 June 2006 amending the Administration of Justice Act and a number of other acts (Police and courts reform) it is stipulated in § 110 that the Act shall not apply to the Faeroe Islands and Greenland, but that among others § 97 of the Act (concerning amendments to subsection (15) of § 149 of the Air Navigation Act) by Royal Decree may

partially or in full enter into force for the Faeroe Islands with the differences that the special Faeroese conditions dictates, cf. note 6.

In Act no. 542 of 8 June 2006 amending the Criminal Code, the Administration of Justice Act and a number of other acts (Strengthening of the effort to fight terrorism etc.) it is stipulated in subsection (4) of § 9 that the Minister of Transport shall determine, after negotiations with the Minister of Justice, the date for entering into force of § 148 of the Air

Navigation Act as worded by no. 1 of § 5 of this Act. In the same Act it is stipulated in § 10 that the Act shall not apply to the Faeroe Islands and Greenland, but that among others § 97 of the Act (concerning amendments to the Air Navigation Act, cf. § 148 a and subsection (5) of § 149) by Royal Decree may partially or in full enter into force for the Faeroe Islands and Greenland with the differences that the special Faeroese and Greenland conditions dictate, cf. notes 6 and 4.

Danish Transport Authority, 12 September 2011

CARSTEN FALK HANSEN

/ Per Veingberg

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- ¹⁾ By mistake Consolidated Act no. 959 of 12 September 2011 did not include the amendment of the Air Navigation Act following § 31 in Act no. 512 of 6 June 2007 on smoke-free environments, by which § 150 f is inserted in the Air Navigation Act. The amendment is included in this Consolidated Act.
 - ²⁾ Cf. Consolidated Act no. 620 of 15 September 1986 as amended by § 14 of Act no. 396 of 13. June 1990, Act no. 1088 of 23 December 1992 and § 13 of Act no. 1082 of 20 December 1995.
 - ³⁾ Cf. Consolidated Act no. 620 of 15 September 1986 as amended by § 14 of Act no. 396 of 13. June 1990, Act no. 1088 of 23 December 1992 and § 13 of Act no. 1082 of 20 December 1995.
 - ⁴⁾ In Greenland the Act shall apply as phrased in Consolidated Act no. 408 of 11 September 1985 as amended by Act no. 117 of 11 March 1987, Act no. 429 of 13 June 1990, Act no. 837 of 18 December 1992, Act no. 1087 of 23 December 1992, Act no. 328 of 14 May 1997, Act no. 1114 of 29 December 1997, Act no. 346 of 17 May 2000, Act no. 340 of 16 May 2001, Act no. 1074 of 17 December 2002, § 2 of Act no. 323 of 5 May 2004, Act no. 475 of 9 June 2004, Act no. 278 of 20 April 2005 and Act no. 242 of 21 March 2007.
 - ⁵⁾ Cf. Act for Greenland on the procedure in respect of expropriation concerning property, cf. Consolidated Act no. 69 of 15 February 1993.
 - ⁶⁾ The Act as phrased in Consolidated Act no. 408 of 11 September 1985 as amended by Act no. 117 of 11 March 1987, Act no. 429 of 13 June 1990, Act no. 1087 of 23 December 1992, Act no. 328 of 14 May 1997, Act no. 1114 of 29 December 1997, Act no. 346 of 17 May 2000, Act no. 340 of 16 May 2001, Act no. 1074 of 17 December 2002, § 2 in Act no. 323 of 5 May 2004, Act no. 475 of 9 June 2004, § 2 in Act no. 278 of 20 April 2005, § 13 in Act no. 581 of 24 June 2005, § 97 in Act no. 538 of 8 June 2006, § 5 in Act no. 542 of 8 June 2006, Act no. 242 of 21 March 2007 and Act no. 470 of 18 May 2011, has been implemented for the Faeroe Islands by Decree no. 130 of 3 March 1989, Decree no. 573 of 9 August 1990 and Decree no. 905 of 4 July 2013 with amendments as stated in the Decrees.

Carriage by aircraft

Applicability

§ 90. The provisions 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 provisions do not apply to carriage of mail.

(2) The provisions 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 provision 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 provisions 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 provisions 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 provisions 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 provisions 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 of 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 provision 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 provisions of subsection (1) do not apply to provisions 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 provisions 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 provisions 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 provisions 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 provisions 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 provisions 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 provisions 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 provisions 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 provisions 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 provisions

§ 121. Any reservation contained in the contract and all special agreements entered into before the damage occurred by which the parties deviate from the provisions 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 provisions 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 provisions 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 provisions of the Warsaw Convention, and that these provisions normally limit the carrier's liability for the carriage mentioned in the provision in question.

§ 123. By the Warsaw Convention is meant in this Act the agreement on international car-

riage by air concluded on 12 October 1929 in Warsaw as amended by the protocol signed in the Hague on 28 September 1955.

§ 124. The provisions 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 provisions 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 provisions in § 114 shall be equivalently in the mentioned cases. The same shall apply to the provisions in §§ 119 a - 119 f and second and third sentences of subsection (2) of § 121. Further, the provisions 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 provisions 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 provisions 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.