

Order on the Civil Aviation Administration - Denmark's tasks and authority, on publication of the regulations laid down by the Administration and on the access to complain

In pursuance of §§ 1 a, 150 e, 152, 152 a, 153 and 153 a of the Danish Air Navigation Act, cf. Consolidated Order no. 731 of 21 June 2007, the following is stipulated:

Tasks

§ 1. The Civil Aviation Administration - Denmark is an administration under the Ministry of Transport.

§ 2. The Civil Aviation Administration - Denmark assists the Minister of Transport and other authorities in questions within the civil aviation area. The Administration regulates and supervises the exercise of civil aviation. Further the Civil Aviation Administration - Denmark runs Bornholm's Airport.

Authorities

§ 3. Where authorities under the Danish Air Navigation Act or EU Regulations have been conferred on the Minister of Transport, cf. however § 4, the authority is exercised by the Civil Aviation Administration - Denmark on behalf of the Minister.

(2) In pursuance of § 152 (2) of the Danish Air Navigation Act the Civil Aviation Administration - Denmark may lay down regulations on leaving authority to other public authorities, private organizations or experts to make decisions conferred on the Administration under the Danish Air Navigation Act or this Order, within hobby related aviation and where it otherwise can be considered reasonable as regards flight safety.

(3) Chapters 2-7 of the Danish Administration of Justice Act and § 6 of the Danish Public Administration Act shall apply to private organizations and experts on whom

competence to make decisions has been conferred. The Civil Aviation Administration - Denmark may lay down regulations on filing of documents and on confidentiality.

Authorities not delegated to the Civil Aviation Administration - Denmark

§ 4. The following authorities shall not be delegated to the Civil Aviation Administration - Denmark:

- 1) § 3 (2) on deciding that the access to aviation within the Kingdom shall be temporarily limited or forbidden.
- 2) § 40 h on establishment of a working environment council for aviation.
- 3) § 40 i on appointment of a chairman and other members of the Working Environment Council for Aviation.
- 4) § 55 (1) on permission to establish and operate an aerodrome the use of which is open to the public, and on permission to make major changes of such aerodromes.
- 5) § 58 a on taking over, partly or fully, aerodromes of vital importance to Denmark's national and international flight services.
- 6) § 61 (2) on permission for compulsory acquisition for non-governmental installations.
- 7) § 75 (1) and (2) on laying down regulations on and permitting scheduled commercial air traffic not covered by Council regulations on air traffic, except from traffic and time table approvals.
- 8) §§ 134 and 144 b on setting up a board of accident investigation, on determining the composition of the board and on

laying down regulations for the board's activities etc.

- 9) §§ 135 (3) and 137 (3) on laying down regulations on the duty to report etc. aircraft accidents and aircraft incidents.
- 10) § 152 on conferring authority to make decisions which under the Act has been conferred to the Minister or the Administration, to others and on laying down regulations on the consideration of cases and access to complain of such decisions, cf. however § 3 (2).
- 11) § 155 (2) on deciding that certain of the rules of the Act shall not be applicable to Danish aircraft that are not military, but are exclusively used by the Danish state for non-commercial purposes.

Regulations

§ 5. Regulations issued by the Civil Aviation Administration - Denmark are issued as Regulations for Civil Aviation (BL), cf. however (4).

(2) Regulations for Civil Aviation are not entered in the Gazette.

(3) Information on the contents of the regulations may be obtained by contacting the Civil Aviation Administration - Denmark where copies of the regulations can be seen and bought. Further the regulations can be found on the Civil Aviation Administration - Denmark's homepage www.slv.dk.

(4) Regulations laid down in pursuance of §§ 40 g (1), (3) and (4), 50 (9), 70, 70 a, 70 b (1)-(5), 85 and 130-131 shall be issued as orders which shall be entered in the Gazette.

§ 6. The Civil Aviation Administration - Denmark may in exceptional cases exempt from the regulations.

Access to complain

§ 7. Decisions made in pursuance of regulations laid down under § 3 (2) in this Order may be complained of to the Civil Aviation Administration - Denmark.

(2) The Civil Aviation Administration - Denmark's decisions made in pursuance of § 7 (1) and in pursuance of the Danish Air Navigation Act, orders issued in pursuance thereof, Regulations for Civil Aviation and EU Regulations in the area cannot be complained of to the Minister of Transport, cf. however (3).

(3) The Civil Aviation Administration - Denmark's decisions made in pursuance of Chapter 4 and § 73 of the Danish Air Navigation Act and of regulations issued in pursuance thereof, may be complained of to the Minister of Transport.

(4) Complaints to the Civil Aviation Administration - Denmark or to the Minister of Transport do not have delaying effect. The Civil Aviation Administration - Denmark or the Minister of Transport may, however, give a complaint delaying effect if the circumstances are special.

Implementation

§ 8. This Order shall enter into force on 15 January 2008.

(2) At the same time Order no. 795 of 3. September 2001 on delegation of authorities to the Civil Aviation Administration - Denmark and on publication of the Regulations issued by the Administration is repealed.

Ministry of Transport, 18 December 2007

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