

Order on Corporate Aviation

In pursuance § 76 and subsection 10 of § 149 of the Danish Air Navigation Act, cf. Consolidation Act no. 373 of 4 June 1997 as amended by Act no. 346 of 17 May 2000 the Civil Aviation Administration - Denmark hereby stipulates on the authority of the Minister of Transport:

§ 1. In this Order the following is meant by:

Corporate aviation:

A company's carriage by aircraft of own employees as part of the conduct of the services in the company not falling within the situations mentioned in subsections 1 and 2 of § 75 of the Danish Air Navigation Act.

Carriage:

Transport of persons from one point to another.

Company:

One-man companies, partnerships and enterprises of any type as well as municipalities, state enterprises and authorities.

§ 2. This order applies to corporate aviation performed by companies domiciled in Denmark, including such companies' foreign branches not constituting independent legal persons.

§ 3. Corporate aviation may be performed by companies,

- 1) having, as registered owner or as registered user by long-term lease contract, sole right of disposal of the aircraft to be used for the flights, or
- 2) having employed on a full-time basis pilot(s) carrying out the flight or

whose full-time employed owner or joint owner carries out the flight.

By employed on a full-time basis is meant employment giving the employee the right to membership of an unemployment fund as full time insured.

(2) Corporate aviation may, on the conditions stated in subsection 1, be performed by a company being part of a group as defined in the public limited companies and private limited companies legislation, so that the company may carry employees from other companies within the group. The Civil Aviation Administration - Denmark may in specific cases accept other company constructions of corresponding character.

(3) Corporate aviation may further be performed by a group of up to 5 firms which, in common ownership or with equal parts, jointly leases, on a long term basis, the aircraft to be used for the flights.

(4) If flights are carried out on the basis of a leased aircraft, cf. number 1 of subsection 1, and subsection 2, the lease contract shall fulfil the following conditions:

- 1) The lease contract shall have a duration of at least one year;
- 2) the lessee (lessees) shall have the full financial responsibility for the operation and maintenance of the aircraft; and
- 3) the hire shall constitute a fixed amount which shall depend on the number of hours the lessee (lessees) operate(s) the aircraft.

§ 4. Companies wanting to perform corporate aviation shall notify the Civil Aviation Administration - Denmark before flight. The notification shall be made on a special form.

(2) The notification shall, among other things, contain information on

1) the registration marks of the aircraft, cf. number 1 of subsection 1 of § 3; or

2) the name of the pilot, cf. number 2 of subsection 1 of § 3.

(3) If the flights are carried out with a leased aircraft, cf. number 1 of subsection 1 and subsection 3 of § 3, copy of the lease contract shall be enclosed.

(4) If the company has employed the pilot(s) carrying out the flights, cf. number 2 of subsection 1 of § 3, on a full time basis, copy of the employment agreement(s) or equivalent documentation shall be enclosed.

(5) The Civil Aviation Administration - Denmark may require further documentation substantiating that the conditions for performing corporate aviation are fulfilled.

(6) Changes in the information stated in subsection 2 shall immediately be notified to the Civil Aviation Administration - Denmark.

(7) The notification is valid for three years.

(8) The Civil Aviation Administration - Denmark issues a receipt for the notification, including changes notified under subsection 5. Copy of the receipt, including changes, shall be carried during flight.

§ 5. The following additional conditions shall apply to corporate aviation:

1) For flights within Danish territory only Danish registered aircraft may be used, unless the Civil Aviation Administration - Denmark exceptionally so permits, cf. § 2 of the Danish Air Navigation Act.

2) The aircraft shall be maintained at an authorised repair station.

3) For each of the used aircraft a passenger insurance shall be taken out covering at least the sums stated in Council Regulation no. 2027/97 on air carrier liability in the event of accidents.

§ 6. Pilots performing corporate aviation shall at least meet one of the following requirements:

1) Hold a commercial pilot licence (B/CPL);

2) hold a private pilot licence (A/PPL) with instrument rating (IR) and have flown at least 200 hours; or

3) hold a private pilot licence (A/PPL) and have flown at least 350 hours.

(2) The hours mentioned in numbers 2 and 3 of subsection 1 shall be made up in accordance with the regulations in BL 6-04, Regulations on keeping flight time, and do not include flight time obtained on glider, free balloon and ultra-light aircraft.

(3) In the cases mentioned in numbers 2 and 3 of subsection 1, the pilot shall hold a Class 1 Medical Certificate in accordance with Regulations for Civil Aviation, BL 6-05, cf. however, subsection 2 of § 8.

(4) Companies in which persons are employed exclusively as pilots shall establish flight and duty regulation scheme that must be observed during flight. The scheme shall be approved by the Civil Aviation Administration - Denmark.

§ 7. Violation of the provisions in numbers 1-3 of § 3 and in the first sentence of subsection 1 of § 4 is punishable with fine or simple detention¹⁾, in pursuance of subsection 4 of § 149, cf. § 75, of the Danish Air Navigation Act.

(2) Violation of the provisions in subsection 4 of § 3, in subsections 6 and 8 of § 4 and in § 5 is punishable with fine.

(3) Violation of the provision in numbers 1-3 of § 6 is punishable with fine, simple detention or imprisonment for up to two years in pursuance of subsection 3 of § 149, cf. § 32, of the Danish Air Navigation Act.

(4) Violation of the provision in subsection 4 of § 6 is punishable with fine, simple detention or imprisonment for up to two years in pursuance of subsection 8 of § 149, cf. § 82, of the Danish Air Navigation Act.

§ 8. This Order comes into force on 7 June 2000.

(2) The provision in subsection 3 of § 6 shall only apply to pilots obtaining a private pilot licence (A/PPL) after 1 May 2001.

(3) The Civil Aviation Administration - Denmark may in particularly exceptional cases, where the provisions in this Order imply an intervention of an expropriation character, permit that companies which up until 1 June 2000 performed corporate aviation may continue to do so to a specified extent without complying with all the requirements in this Order.

Civil Aviation Administration - Denmark, 29 May 2000

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1) A pilot performing or attempting to perform corporate aviation that has not been notified to the Civil Aviation Administration - Denmark, or where essential conditions for the flight are not fulfilled, may have his licence suspended unconditionally in pursuance of number 5 of subsection 1 of § 150 of the Danish Air Navigation Act.