

## **BL 5-34**

# **Regulations on commercial aerial photography flights**

**Edition 3, 16 December 2009**

In pursuance of § 32, § 75, § 78, § 82 and § 153 of the Danish Air Navigation Act, cf. Consolidation Act no. 731 of 21 June 2007, the Danish Transport Authority hereby lays down as follows on the authority of the Ministry of Transport, cf. Order no. 110 of 3 February 2009 on Civil Aviation Administration - Denmark's tasks and authorities, on publication of the regulations issued by the Administration and on the access to complain:

### **1. Reference documents**

1.1 BL 7-1, Regulations on air traffic rules, latest edition.

1.2 The document mentioned in 1.1 can be downloaded from Retsinformation's (Legal Information's) webpage [www.retsinformation.dk](http://www.retsinformation.dk) (in Danish only). Further the document can be downloaded from the Danish Transport Authority's webpage [www.trafikstyrelsen.dk](http://www.trafikstyrelsen.dk) and can be obtained by contacting

Danish Transport Authority  
Edvard Thomsens Vej 14  
DK-2300 Copenhagen S  
Denmark  
Tel.: +45 7221 8800  
Fax: +45 7262 6790  
E-mail: [info@trafikstyrelsen.dk](mailto:info@trafikstyrelsen.dk)

### **2. Definition**

*Commercial aerial photography flight:*

Flights against payment with the purpose of carrying persons who for commercial reasons make phot, film and/or video recordings of ground, water or aerial objects from aircraft.

### **3. Applicability**

3.1 This BL lays down regulations for aerial photography flight with Danish registered aircraft.

3.2 Furthermore, this BL lays down regulations on aerial photography flights with foreign registered aircraft operating under the terms of a Danish operating permit, cf. § 4(2) of the Danish Air Navigation Act.

3.3 The regulations in Part 6 shall only apply to operations within Danish territory.

## **4. Responsibility**

4.1 The person who has been granted permission to carry out commercial air photography flights, cf. 5.1, shall be responsible for compliance with the regulations in Parts 5 and 7.

4.2 The pilot-in-command shall ensure that the regulations in Part 8 are complied with.

## **5. Permission**

5.1 Commercial aerial photography flights must only be carried out subject to permission from the Danish Transport Authority.

5.1.1 The Danish Transport Authority's deadline for considering an application is one month from the time when the necessary documentation has been received.

5.1.2 The Danish Transport Authority may extend the deadline once. The reason for the extension and its duration will be notified to the applicant before the original deadline expires.

5.1.3 Permission shall not be considered granted if the Danish Transport Authority has not replied to the application before expiry of the deadline.

*Note: The Danish Transport Authority will submit an acknowledgement of receipt of the application with a statement of the consideration deadline.*

5.2 The permission is conditional on

- a. the applicant complying with the existing conditions in § 7(1) of the Danish Air Navigation Act for having an aircraft registered in this country,
- b. the head office/registered office of the applicant being legally situated in Denmark,
- c. the applicant being either registered sole owner of or, in accordance with a lease agreement, which must have been approved by the Danish Transport Authority, having exclusive right (full disposal) of at least one aircraft that is suitable for and in practice can be used for the kind of flights in question (principal aircraft),
- d. the presumption that the applicant is able to conduct the activities duly, and
- e. the applicant not having considerable outstanding debt to the public by which is meant amounts in the order of DKK 50,000 or above, cf. § 146 a(1) of the Danish Air Navigation Act. This requirement shall not apply to EU citizens and EU companies.

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

- a. The lessee shall have the exclusive right to use the aircraft in his company (full disposal).
- b. The lease period shall be at least 2 years and the term of notice, if any, shall be at least 6 months.
- c. The lessee shall have the full economical responsibility for the operation and maintenance of the aircraft.

- d. The rent shall be a fixed amount independent on the number of hours for which the lessee operates the aircraft.

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

5.3 The following conditions shall apply to the permission:

- a. The company shall be run in accordance with the EU Regulations and Danish rules and regulations in force at any time.
- b. In the company only Danish registered aircraft may be used, unless the Danish Transport Authority exceptionally authorises otherwise.
- c. The company is subject to the Danish Transport Authority's inspection, cf. § 150 e. of the Danish Air Navigation Act. The Danish Transport Authority's personnel shall travel free with the company's aircraft when used in connection with the inspection.
- d. With a view to estimating the operator's financial situation, the Danish Transport Authority may require the company's accounts submitted for inspection.
- e. Establishment of joint operation with other operators must not take place without the Danish Transport Authority's permission.
- f. If one of the principal aircraft, cf. 5.2 c., is not airworthy for a period of more than one month, the Danish Transport Authority shall be notified thereof.
- g. The Danish Transport Authority shall be notified in advance of any changes in the company's legal status, including ownership.

5.4 The permission is granted without time-limit and may be made conditional on further conditions if considered necessary. The Danish Transport Authority may further make such amendments, within the currency of the permission, in the existing terms and conditions, including stipulate additional terms and conditions, as considered necessary to ensure that the company is run in a way that is proper and adequate to the public.

5.5 The permission will be withdrawn if

- a. the holder so requests,
- b. the holder no longer meets the conditions for obtaining a permission, and the situation is not corrected within a time-limit stated by the Danish Transport Authority,
- c. the regulations in this BL or existing rules and regulations for the activities are substantially disregarded in connection with the exercise of the activities,
- d. it must be assumed that the holder is no longer able properly to maintain the authorised activities,
- e. the company has discontinued operations for 12 months or has not commenced operations within 12 months from the issue of the permission,
- f. the holder goes into liquidation, is subjected to proceedings in bankruptcy or suspends payments. The estate or, in case of notified suspension of payments, the estate administration, may, however, after permission from the Danish Transport Authority temporarily continue the activities with a view to winding up, realisation or financial reconstruction of the company,

- g. there are substantial changes in the ownership of the company, including changes in the board of directors and management which imply that the company no longer meets the existing conditions in § 7(1) of the Danish Air Navigation Act, to have an aircraft registered in this country,
- h. the company's majority shareholder, main partner in a private company or managing director is punished for violation of the Danish Criminal Code or the Danish Air Navigation Act, and the violation is estimated to endanger the company's access to conduct air navigation activities, or
- i. the holder has a considerable outstanding debt to the public by which is meant amounts in the order of DKK 100,000 or above, cf. § 146 a(2) of the Danish Air Navigation Act. This requirement does not apply to EU citizens or EU companies.

## **6. Special regulations for flight with helicopters at levels below 50 m (500 ft)**

If necessary for performing the task, the minimum flight level, cf. 5.4 b. of BL 7-1, may be deviated from in connection with flights with helicopters outside densely built-up areas, including areas with week-end cottages and camping sites and large open-air assemblies of persons, with the following limitations:

- a. The flight shall be planned and performed so that the surroundings are disturbed as little as possible. If it is noted that the flight causes inconvenience, reasonable measures shall immediately be taken to limit the inconvenience.
- b. Public roads and railways must not be overflown at levels below 15 m.
- c. During flight the helicopter must never come close to persons, grazing livestock, buildings or vehicles than 25 m unless permitted by the persons in question or by the owner of livestock, buildings and vehicles. If permitted, the distance may be reduced to the helicopter rotor diameter.
- d. The flight shall be performed so that emergency landing can be made at any time without risking injury to persons or damage to property on ground or water.
- e. During flight, only persons may be carried who have a necessary function in connection with the flight.

## **7. Exemption**

The Danish Transport Authority may in particularly exceptional cases grant exemption from the regulations in this BL if it is deemed compatible with the considerations on which the regulations in question are based.

## **8. Punishment**

8.1 Performance of commercial aerial photography flights without permission, cf. 5.1, is punishable by fine or imprisonment for up to 4 months under § 149(4) of the Danish Air Navigation Act.

8.2 Violation of the conditions in 5.3 and conditions laid down pursuant to 5.4 is punishable by fine or imprisonment for up to 4 months under § 149(13) of the Danish Air Navigation Act.

8.3 Violation of the regulations in Part 8 is punishable by fine or imprisonment for up to 2 years under § 149(8) of the Danish Air Navigation Act.

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

*Note: Attention is drawn to the regulation in § 110 a. of the Danish Criminal Code which reads as follows:*

*"Any person who intentionally or negligently without due permission*

*1) describes, photographs or in any other way depicts Danish, not publicly accessible military defence installations, depots, units, weapons, material or the like, or who duplicates or publishes such descriptions or pictures,*

*2) publishes regulations concerning mobilization of Danish forces and other war preparedness,*

*shall be punished with fine or imprisonment for up to 3 years.*

*(2) Any person who intentionally or negligently without due permission photographs from an aircraft over Danish state territory or publishes such illegally photographs."*

*Questions regarding aerial photographing of the installations mentioned in § 110 a. of the Danish Criminal Code shall be directed to*

*Forsvarets Nøglepunktafdeling  
Søndre Magasin  
Kastellet 42  
DK-2100 Copenhagen Ø  
Denmark  
Phone: +45 33 32 55 66.*

## **9. Implementation**

9.1 This BL comes into force on 28 December 2009.

9.2 At the same time BL 5-34, edition 2 of 13 June 1997 with later amendments is repealed.

Danish Transport Authority, 13 June 1997

Ole Asmussen

/ M. Dambæk