

BL 5-50

Regulations on approval of operators to carry out commercial air transportation according to JAR-OPS 1 and/or JAR-OPS 3

Edition 3, 4 May 2004

In pursuance of §§ 78 and 82 of the Air Navigation Act, cf. Consolidation Act No. 373 of 4 June 1997, the Civil Aviation Administration - Denmark hereby stipulates as follows on the authority of the Ministry of Transport, cf. Order No. 810 of 19 November 1998 on delegation of authorities to the Civil Aviation Administration - Denmark and on publication of the Regulations issued by the Administration:

1. Reference documents

1.1 Joint Aviation Requirements (JAR), JAR-OPS 1, Sections 1 and 2, latest edition.

1.2 Joint Aviation Requirements (JAR), JAR-OPS 3, Sections 1 and 2, latest edition.

1.3 Joint Aviation Requirements (JAR), JAR-1, Definitions and Abbreviations, latest edition.

1.4 BL 6-37, Regulations on licence as cabin crew member, CA licence, including basic training, latest edition.

1.5 Council Regulation no. 2407/92 of 23 July 1993 on licensing of air carriers.

1.7 The documents mentioned in paragraphs 1.1 - 1.3 may be bought from

Global Info Centre
IHS Nordic A.S.
Strandvejen 130
DK-2900 Hellerup
Denmark

Tel.: +45 3940 2240

Fax: +45 3940 2300

E-mail: info@ihsnordic.com

1.6.1 Section 1 of the documents can be found on the Civil Aviation Administration - Denmark's homepage www.slv.dk.

1.7 The document mentioned in paragraph 1.4 can be found on Retsinformation's (Legal Information's) homepage www.retsinfo.dk and on the Civil Aviation Administration - Denmark's homepage www.slv.dk. The document may further be bought on application to

Civil Aviation Administration - Denmark
Service Centre
Ellebjergvej 50
DK-2450 Copenhagen SV
Denmark

Tel.: +45 3618 6412

Fax: +45 3618 6022

E-mail: dcaa@slv.dk

1.8 The document mentioned in paragraph 1.5 can be found on the European Union's homepage www.europa.eu.int/eur-lex.

2. Definitions

"The Authority":

Where "the Authority" is mentioned in JAR-OPS 1 or JAR-OPS 3, this shall mean the Civil Aviation Administration - Denmark.

Definitions of other terms and abbreviations used in JAR-OPS 1 and JAR-OPS 3 are contained in JAR-1, "Definitions and Abbreviations."

HEMS flights (Helicopter Emergency Medical Service):

A helicopter flight with the purpose of rendering emergency aid, first aid or medical assistance to people in distress where immediate and quick transportation of e.g. medical personnel, medical equipment and supplies (including blood, organs and medicine) as well as injured persons and other persons in this connection is of vital importance.

3. Applicability

3.1 This BL lays down regulations on the implementation of Joint Aviation Requirements (JAR), JAR-OPS 1 and/or JAR-OPS 3 as well as regulations for issue of Air Operator Certificate (AOC) to operators to carry out commercial air traffic according to JAR-OPS 1 and/or JAR-OPS 3.

3.2 The regulations in this BL apply to operators domiciled in Denmark, the Faeroe Islands or Greenland and carrying out commercial air traffic which includes transportation of passengers, mail and/or cargo with aeroplanes and/or helicopters, including sightseeing flights.

4. Application and approval

4.1 An operator may only carry out commercial air traffic, cf. paragraph 3.2, if approved to do so according to JAR-OPS 1 and/or JAR-OPS 3.

4.2 Application for approval according to JAR-OPS 1 and/or JAR-OPS 3 shall be submitted to the Civil Aviation Administration - Denmark on a special application form ob-

serving the time limits and requirements to appendices stated in JAR-OPS 1 and/or JAR-OPS 3 in paragraphs 1.185 and 3.185, respectively.

Note: Application form can be found on the Civil Aviation Administration - Denmark's homepage www.slv.dk and can also be obtained by contacting the Civil Aviation Administration - Denmark, Operations Division, P.O. Box 744, Ellebjergvej 50, DK-2450 Copenhagen SV, Denmark.

4.3 Approval according to JAR-OPS 1 and/or JAR-OPS 3 and any conditions for approval will be stated in the operator's Operations Specifications (OS). Operators approved according to JAR-OPS 1 and/or JAR-OPS 3 will have an AOC issued.

5. Operation of aviation activities

5.1 An operator holding an AOC based on JAR-OPS 1 and/or JAR-OPS 3 shall comply with the regulations in JAR-OPS 1/JAR-OPS 3 instead of the corresponding rules in the regulations and Regulations for Civil Aviation (BL), cf., however, paragraphs 5.2-5.3.

Note: In addition to the provisions in JAR-OPS 1.985 (d) and (e) and JAR-OPS 3.085 (d) and (e) § 50 of the Air Navigation Act shall apply.

5.2 Cabin crew members shall continue to be licensed in accordance with BL 6-37. Thus, BL 6-37 replaces the corresponding regulations in JAR-OPS 1 and/or JAR-OPS 3.

5.3 Article 10 in Council Regulation (EEC) no. 2407 of 23 July 1993 according to which any form of lease of aircraft shall be approved by the Civil Aviation Administration - Denmark, shall apply until further notice instead of JAR-OPS 1.1658(d) and JAR-OPS 3.1658(d).

6. Search and rescue

6.1 Operators holding a licence to carry out commercial air transportation and an AOC issued on the basis of JAR-OPS 1 and/or JAR-OPS 3 may without special permission according to § 75 of the Air Navigation Act have their operational specifications extended to include search and rescue when such operations are described in the operations manual.

6.2 The flights shall be carried out in accordance with the provisions in JAR-OPS 1 and/or JAR-OPS 3 and with any further requirements which appear from the approved operations manual, cf., however, paragraph 6.3.

6.3 The existing regulations may be disregarded if necessary for the performance of the service. In such case and in cases where special treatment is required by the Air Traffic Services (ATS), the operator shall, within 8 days after the incident, submit a report on this to the Civil Aviation Administration - Denmark.

7. Exemption

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

8. Punishment

8.1 Any person violating the regulation in paragraph 4.1 will be punished with fine or imprisonment for up to 2 years in pursuance of subsection 8 of § 149 of the Air Navigation Act.

8.2 Any person from an operator holding an approval under paragraph 4.1 who violates the regulations in JAR-OPS 1 and/or JAR-OPS 3, will be punished with fine or imprisonment for up to 2 years in pursuance of subsection 8 of § 149 of the Air Navigation Act.

8.3 Any person violating the conditions for an approval given under this BL will be punished with fine or imprisonment for up to 4 months in pursuance of subsection 13 of § 149 of the Air Navigation Act.

8.4 Penalty is imposed on companies etc. (legal persons) in accordance with the rules in Chapter 5 of the Criminal Code, cf. subsection 14 of § 149 of the Air Navigation Act.

9. Implementation

9.1 This BL comes into force on 1 July 2004.

9.2 At the same time BL 5-50, 2 edition of 13 July 1999 is repealed.

The Civil Aviation Administration - Denmark, 4 May 2004

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/Per Veingberg