

Guidelines on how to apply for first registration of aircraft/re-registration in Denmark - Foreign owner, Danish user

General

An aircraft may only operate in Denmark if it is registered either in Denmark or in another state.

The civil aviation legislation contains rules stating when you as owner have the *duty* to have the ownership of your aircraft registered in Denmark and when you have the *right* to have it registered.

Duty to registration

Danish licence

If the aircraft is used in commercial air transportation and it is covered by a *Danish licence* issued in accordance with the EU Regulation on licensing¹ the ownership of the aircraft shall be registered in Denmark irrespective of the owner's nationality. The aircraft is covered by the licence if it is on the operator's AOC (Air Operator Certificate).

Danish permission

If a permission to perform other commercial operations than air transportation (e.g. sightseeing, training, photography, commercial, agricultural and wire inspection flights) the aircraft operated shall be registered in Denmark.

Private flights - residence in Denmark

If an aircraft is used for private flights by persons or companies (irrespective of nationality) residing in Denmark, the change of ownership of the aircraft shall normally be registered in Denmark.

Right to registration

In order to make it possible for the Danish Transport, Construction and Housing Authority to inspect the aircraft on Danish register, § 7 of the Danish Air Navigation Act contains some basic requirements to the owner's and the aircraft's connection with Denmark. These requirements shall be met in order to have the change of owner registered in Denmark.

¹ Regulation (EC) No. 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for operation of air services in the community

Application form

Part 1 - Information on the aircraft

We recommend that you fill in the form "*Application for first registration of aircraft/re-registration in Denmark - Foreign owner, Danish user*". If you do, you can be sure that you include all the information requested.

The majority of the fields in the application form need no further explanation. Only the items which experience has shown result in questions will be clarified below.

Latest state of registration

An aircraft cannot be registered in Denmark if it at the same time is registered in a foreign register of aircraft.

Certificate of airworthiness etc.

An aircraft can only be registered in the Register of Danish Aircraft if it has a valid certificate of airworthiness or a Danish permit to fly (e.g. to return the aircraft from abroad).

If the aircraft is going to be operated from abroad to Denmark, there shall be both a permit to fly and a temporary certificate of registration.

If it has only a permit to fly, only a temporary certificate of registration can be issued.

All questions in connection with issuance of certificate or airworthiness or operating permit shall be directed to the Danish Transport, Construction and Housing Authority, Centre for Aviation, Carsten Niebuhrs Gade 43, DK-1577 Copenhagen W, Denmark.

Part 2 - Information on the applicant(s)

In cases where the owner of the aircraft is identical with the latest registered owner in the register of aircraft of the export country, we need no further documentation for the applicant's ownership of the aircraft than a notification from the registration authority of the export country that the aircraft has either been removed from the national register of aircraft of the exporting country or has never been registered. In addition the notification shall contain information on whether there are liens or other mortgages in the aircraft and the name of the latest registered owner.

If the owner of the aircraft is *not* identical with the latest registered owner in the register of aircraft of the exporting country, we shall have documentation for the ownership of the aircraft in the form of an original contract of sale, Bill of Sale, declaration of transfer of ownership* or the like between the latest registered owner of the aircraft and the present owner (the applicant).

The document regarding the transfer of ownership shall be signed by the former owner (the transferor).

If the transferor is a company, the document shall be signed by the person or persons who according to the company's provisions regulating the authority to bind the company can make arrangements on behalf of the company. Documentation for the powers of the signer/signers to make arrangements on behalf of the company shall be enclosed and shall be certified by a notary. (Regarding certification by a notary, see Part 4.)

If the aircraft is not transferred directly from the latest registered owner of the aircraft to the present owner (the applicant), but a number of transfers have been made since the latest registered owner was in possession of the aircraft (the aircraft may for example have been transferred from the latest registered owner x, from x to y, and finally from y to the applicant), we shall have the above-mentioned documentation for ownership of the aircraft for each link of the "transfer chain".

Part 3 - Information on the user

If the user of the aircraft holds a *Danish licence* to carry out commercial air transportation and the aircraft is covered by a licence issued in accordance with the EU licensing regulation, the aircraft shall be registered in Denmark, irrespective of the nationality of the owner. The aircraft is covered by the licence if it is entered on the operator's AOC (Air Operator Certificate).

If the aircraft is *not* covered by a Danish licence, the application form shall be accompanied by an application for exemption to registration in the Register of Danish Aircraft. It is the foreign owner of the aircraft who must apply for the exemption. The condition for obtaining an exemption is that the aircraft has some kind of connection with Denmark.

It shall be stated in the application for exemption on which basis the owner is of the opinion that the requirement of connection with Denmark is met, including:

- Who will operate the aircraft
- What is the purpose of operating the aircraft
- The duration/date of expiry of the hire/lease agreement
- Where the aircraft will be operated
- Who shall be responsible for the maintenance of the aircraft
- Whether the user has the full right of disposal of the aircraft

The application for exemption shall be signed by the owner of the aircraft. If the owner is a company, the document shall be signed by the person or persons who according to the company's provisions regulating the power to bind the company can make arrangements on behalf of the company. Documentation for the powers of the signer/signers to make arrangements on behalf of the company can be found in the Central Business Register (virk.dk). If the company is not registered in the Central Business Register, or if it is a firm, a union or a club etc., the articles and signed minutes from the latest general meeting or certification by a notary shall be enclosed. (Regarding certification by a notary, see part 4.)

* The declaration of transfer of ownership can be downloaded from our homepage www.tbst.dk.

² Regulation (EC) No. 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for operation of air services in the community

Part 4 - Documentation etc.

Documentation for the owner's ownership of the aircraft

The Danish Transport, Construction and Housing Authority shall have documentation for the new owner's ownership of the aircraft.

Documentation may be appended in the form of a declaration of transfer of ownership, original contract of sale, Bill of Sale or similar document between the latest registered owner in the Register of Danish Aircraft and the present owner (the applicant) It must appear from the document that the aircraft has actually been transferred to the new owner.

The document regarding the transfer of ownership shall be signed by the former owner (the transferor).

If the transferor is a company, the document shall be signed by the person or persons who according to the company's provisions regulating the power to bind the company can make arrangements on behalf of the company. Documentation for the powers of the signer/signers to make arrangements on behalf of the company can be found in the Central Business Register (virk.dk). If the company is not registered in the Central Business Register, or if it is a firm, a union or a club etc., the articles and signed minutes from the latest general meeting or certification by a notary shall be enclosed. (Regarding certification by a notary, see below.)

If the aircraft is not transferred directly from the latest registered owner of the aircraft to the present owner (the applicant), but a number of transfers have been made since the latest registered owner was in possession of the aircraft (the aircraft may for example have been transferred from the latest registered owner x, from x to y, and finally from y to the applicant), the Danish Transport, Construction and Housing Authority shall have the above-mentioned documentation for ownership of the aircraft for each link of the "transfer chain".

Information from the registration authority of the export country

An aircraft cannot be registered in Denmark if it at the same time is registered in a foreign register of aircraft. Therefore, the Danish Transport, Construction and Housing Authority must have information from the registration authority of the export country stating that the aircraft has either been de-registered from the register of aircraft of the export country or that it has never been registered.

In addition the notification shall contain information on whether there are liens or other mortgages in the aircraft and the name of the latest registered owner.

*The declaration of ownership can be downloaded from our homepage www.tbst.dk.

Third party liability insurance

A third party liability insurance shall have been taken out for the aircraft in accordance with Regulation (EC) no. 785/2004 of 21 April 2004 on insurance requirements for air carriers and aircraft operators as amended by Regulation (EU) no. 285/2010 of 6 April 2010.

For aircraft in Greenland or the Faroe Islands the third party liability insurance shall be in accordance with Order no. 271 of 15 April 2005 on aircraft insurance and minimum limits for insurance for operations in Greenland and the Faroe Islands.

The applicant shall see to it that the insurance company in question submits a declaration to the Danish Transport, Construction and Housing Authority stating that the compulsory insurance has been taken out.").

Power to bind the company

The application form shall be signed by the owner of the aircraft. If the owner is a company, the document shall be signed by the person or persons who according to the company's provisions regulating the power to bind the company can make arrangements on behalf of the company. Documentation for the powers of the signer/signers to make arrangements on behalf of the company can be found in the Central Business Register (virk.dk). If the company is not registered in the Central Business Register, or if it is a firm, a union or a club etc., the articles and signed minutes from the latest general meeting or certification by a notary shall be enclosed. (Regarding certification by a notary, see below.)

Power of Attorney

The owner of the aircraft always has the possibility to give another person Power of Attorney to sign the different document to be used in connection with the registration of the aircraft. It must clearly appear from the Power of Attorney that the person in question can sign exactly the document in question. The Power of Attorney shall be signed by the owner of the aircraft. If the owner is a company, the document shall be signed by the person or persons who according to the company's provisions regulating the power to bind the company can make arrangements on behalf of the company. Documentation for the powers of the signer/signers to make arrangements on behalf of the company can be found in the Central Business Register (virk.dk). If the company is not registered in the Central Business Register, or if it is a firm, a union or a club etc., the articles and signed minutes from the latest general meeting or certification by a notary shall be enclosed. (Regarding certification by a notary, see below.)

The original Power of Attorney shall always be shown to the Danish Transport, Construction and Housing Authority.

Certification by a notary

If a document is signed by a foreign company, the company's power to bind the company shall as an overriding rule be documented by a certification by a notary. The notary shall confirm the competence of the signer/signers to make arrangements on behalf of the company. It is very important that the notary confirms that the signer/signers can sign exactly the document in question on behalf of the company (Bill of Sale, Power of Attorney etc.). A certification by a notary meeting the above-mentioned requirements may be worded as follows:

"On this [date] day of [month and year] before me personally appeared [the name of the person who has signed the application for exemption or the power of attorney], a person known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed in the within document and proved to that on the basis of satisfactory evidence that he/she was duly authorised to sign and execute the same on behalf of [the name of the company that owns the aircraft].

Witness by hand and official seal.

[Signature and seal of the notary]"

Thus it is not satisfactory that the notary merely stamps and signs the document in question. Neither is it satisfactory that the signer's identity and/or position is certified by the notary.

Fee

A fee must be paid for registration in accordance with the Order on fees in force at any time. The Danish Transport, Construction and Housing Authority sends a bill to the applicant.

Free of fee is: 1. final registration of owner who is temporarily registered

Application for exemption

The application for exemption shall be signed by the owner of the aircraft. If the owner is a company, the document shall be signed by the person or persons who according to the company's provisions regulating the power to bind the company can make arrangements on behalf of the company. Documentation for the powers of the signer/signers to make arrangements on behalf of the company shall be enclosed and shall be certified by a notary. (Regarding certification by a notary, see below.)

Lease agreement

Copy of the lease agreement between the owner and user of the aircraft shall accompany the application form. This shall apply whether the basis for the registration of the aircraft in the Register of Danish Aircraft shall be a Danish licence or an exemption granted by the Danish Transport, Construction and Housing Authority. The lease agreement shall be signed both by the owner and by the user of the aircraft. Certificate of registration will be issued with a date of expiry corresponding to the expiry date of the lease agreement. If the aircraft is not leased directly from owner to user (the aircraft is for example leased from owner to x and then from x to the user), copy of both/all lease agreements shall be enclosed, and the duration of both/all lease agreements shall be stated on the application form.

The application form and the required documentation etc. shall be submitted to:

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5Htb". Office for Aviation

Carsten Niebuhrs Gade 43

DK-1577 Copenhagen W

Denmark

Tel.: +45 7221 8800

www.tbst.dk info@tbst.dk

§ 7 of the Danish Air Navigation Act has the following wording:

"§ 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 national-ity,
- 2) when the aircraft is owned by EU or EEC nationals 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 nationals,
- 4) foundations domiciled in Denmark whose management consists exclusively of Danish nationals 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 nationals or persons covered by subsection (1), numbers 2 and 3,
- 6) limited companies of which the majority of partners are Danish nationals 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."