

Guidelines on how to apply for de-registration from the Register of Danish Aircraft

General

The regulations governing de-registration from the Register of Danish Aircraft are contained in §§ 13 and 14 of the Danish Air Navigation Act.

Application form

Part 1 - Information on the aircraft

We recommend that you fill in the form "*Application for de-registration from the Register of Danish Aircraft*". 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.

Are any rights to the aircraft recorded in the Register of Rights to Aircraft?

An aircraft in which liens have been registered in the Register of Rights to Aircraft can only be removed from the Register of Danish Aircraft if the holder of the lien has given his consent, cf. § 14 (1) of the Danish Air Navigation Act. Such consent can be endorsed on the application or submitted separately.

If the holder of the lien does not give his consent, the aircraft cannot be removed from the Register of Danish Aircraft. Instead, an annotation will be made in the Register of Danish Aircraft, cf. § 14 (1). When an annotation is made in the Register of Danish Aircraft, the aircraft is not de-registered from the Register of Danish Aircraft and can therefore not be registered in another country's register of aircraft. However, in all other respects the aircraft is regarded as de-registered. Thus it cannot be used for air operations.

Part 2 - Information on the reason for de-registration

If the reason for the de-registration of the aircraft from the Register of Danish Aircraft is that the aircraft has been sold to abroad, the country to which the aircraft is exported shall be stated.

If the reason for the de-registration is other than sale of the aircraft (e.g. breaking up, accident or disappearance), this shall be stated.

Part 3 - Documentation etc.

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 Civil Aviation and Railway 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.

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

Danish Civil Aviation and Railway Authority

Attn.: Office for Aviation

Carsten Niebuhrs Gade 43

DK-1577 Copenhagen W

Denmark

Tel.: +45 7221 8800

www.trafikstyrelsen.dk

info@trafikstyrelsen.dk

§§ 13 and 14 of the Danish Air Navigation Act have the following wording:

"§ 13. An aircraft shall be removed from the register if

- a) the application is made by the owner whose name is on the register,
- b) the conditions stated in § 7 are no longer met, and the Minister of Transport does not permit that the aircraft can remain on the register all the same,
- c) the aircraft has been scrapped or has sustained total damage in an accident,
- d) the aircraft has disappeared. An aircraft is considered disappeared when three months have elapsed after commencement of the last flight, and no information have been found stating that the aircraft is still intact.

(2) If any of the above-mentioned circumstances has occurred, the owner shall immediately report it to the registering authority, unless already reported in accordance with § 12.

(3) If the aircraft has not had a valid certificate of airworthiness for three years, it may be removed from the register if the owner does not obtain such certificate within a time-limit fixed by the registering authority."

"§ 14. If there is a recorded lien against an aircraft, the aircraft must not be removed from the register of air-craft nationality unless the holder of the lien consents to such removal. However, an annotation will be made in the register about the event that could have caused removal. Such annotation does not affect the lien, but has in other respects the same function as a removal.

(2) If an aircraft is removed from the register of aircraft nationality, or if an annotation as mentioned in subsection (1) is made, the registrar of the register of rights shall be informed hereof."