

Ordinance Governing the Admission of Foreign Warships and Military Aircraft to Danish Territory in Time of Peace

We, Margrethe the Second, by the Grace of God Queen of Denmark, hereby make known:

PART 1
GENERAL PROVISIONS

1. (1) This Ordinance shall apply to the admission of foreign warships and military aircraft to Danish territory when Denmark, as well as the State by which the vessel or aircraft is owned, are in a state of peace.
 - (2) Other vessels which are owned or used by a foreign State and which are not employed exclusively for commercial purposes shall be equated with foreign warships in the application of the provisions of this Ordinance.
 - (3) For the purposes of this Ordinance, the term “passage” means innocent passage within the meaning of international law.
 - (4) Where prior permission is required following this Ordinance, the application for such permission shall be submitted not less than ten weekdays in advance. Where prior notification of passage is required, such notification shall be given not less than three weekdays in advance of the proposed passage.
 - (5) The Minister of Defence may take exceptions to the provisions of this Ordinance.
2. (1) For the purpose of this Ordinance the term “Danish territory” means Danish land territory and Danish territorial waters and the air-space above those territories.
 - (2) Danish territorial waters embrace the territorial sea and internal waters as defined in the relevant

provisions in force at any given time.

PART 2 WARSHIPS

3. (1) Foreign warships shall not be allowed to stop or anchor within territorial waters except where prior permission to do so has been obtained through diplomatic channels or where stopping or anchoring is essential for ordinary navigation or is rendered necessary by force majeure or by distress.

(2) Simultaneous passage of the Great Belt, Samsøe Belt or the Sound of more than three warships of the same nationality shall be allowed, however, but be subject to prior notification through diplomatic channels. Notification shall not be required for the vessels referred to in section 1, subsection (2).

4. (1) Warships may pass through or stay in internal waters when prior permission for such passage or stay has been obtained through diplomatic channels.

(2) Passage of Hollaenderdybet/Drogden and passage of the Little Belt and, in connection therewith, the necessary navigation by the shortest route through internal waters between Funen, Endelave and Samsøe shall be allowed, however, subject to advance notification through diplomatic channels.

5. The permissions and notifications referred to in section 3 and 4 shall not be required for vessels in distress. In case of distress the vessel shall give the international distress signal and notify the Danish naval authority – possibly through a Danish coastal radio station.

6. (1) Warships without special permission may not conduct scientific or military activities within Danish territorial waters.

(2) Submarines are required to navigate on the surface while within Danish territorial waters.

(3) Warships shall show their naval or national flag while within Danish territorial waters. In port, however, flags may be used under traditional regulations governing the display of flags.

PART 3
MILITARY AIRCRAFT

7. (1) Prior permission, through diplomatic channels, is required before landing military aircraft within Danish territory.

(2) Permission to fly or land within Danish territory will be granted only if an ordinary International Civil Aviation Organization(ICAO) flight plan is submitted to the competent Danish air traffic control organization prior to the flight. The flight shall be carried out in accordance with the guidelines set out by ICAO and the provisions relative to those guidelines laid down by Danish aeronautical authorities.

(3) This provision shall not apply to aircraft in distress, or aircraft which, with the approval of Danish authorities, are conducting flights for humanitarian purposes.

8. (1) Military aircraft without special permission may not conduct scientific or military activity within Danish territory.

(2) Military aircraft may carry armament in fixed installations, however, without ammunition. Further, they are allowed to carry photographic devices without film, videotape, discs or any other equipment for the purpose of photographic registration. Electronic equipment other than that required for navigation of the aircraft may not be used by military aircraft over Danish territory.

PART 4
COMING INTO FORCE

9. (1) The Royal Ordinance will come into force on 1 May 1999.

(2) Royal Ordinance No. 73 of 27 February 1976, Governing the Admission of Foreign Warships and Military Aircraft to Danish Territory in Time of Peace, is hereby repealed.

DONE at Amalienborg Palace on 16 April 1999.

Under Our Royal Hand and Seal

Margrethe R.