

Translation: Application — Operations requiring authorisation for high-risk commercial specialised operations

The Swedish Transport Agency's decision (Transportstyrelsens beslut)

Activities listed in Annex 1 in commercial specialised activities, due to their specific nature and the local environment in which they are carried out, are deemed to pose a high risk, in particular to third parties on the ground. Such activities are subject to the following conditions, in accordance with paragraph 2(a) of Article ORO.SPO.110 of Regulation (EU) 965/2012¹ authorisation prior to commencement of operations.

This decision replaces the previous decision with case number TSL 2017-1055.

The decision may be changed if EU rules are changed or if the Swedish Transport Agency deems it necessary for aviation safety reasons.

Statement of the matter (Redogörelse för ärendet)

Following a re-evaluation of low-level flights, paragraph 2 of the previous decision TSL 2017-1055 has been replaced.

This decision contains editorial changes, but also a new paragraph concerning low flying in paragraph 2. This sub-item is now specified for helicopters and airplanes.

According to ORO. SPO.110(a) of Regulation (EU) No 965/2012, shall the operator apply for and obtain an authorisation issued by the competent authority prior to commencing a high-risk commercial specialised operation.

¹ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council

There are two situations for which authorisation must be applied:

1. where the operator intends to carry out a mission over an area where third parties on the ground are likely to be threatened in the event of an emergency; In such cases, the operator shall apply for authorisation on its own initiative before commencing operations.
2. The second case concerns pre-designated activities where, due to the specific nature of the activity and the local environment in which it is carried out, the competent authority presents a high risk, in particular to third parties on the ground, but other operators may also be involved.

This decision specifies activities that require authorisation in accordance with paragraph 2 above.

Reasons for the decision (Skäl för beslutet)

The Swedish Transport Agency's has deemed it necessary to support the operators in determining which commercial specialised operations need to be authorised. According to the Swedish Transport Agency's assessment, certain activities that involve a high risk to others than third parties, such as the crew, will also require authorisation.

High-risk commercial specialised operations are operations where the risk of an emergency occurring is elevated for the the flight, e.g. when manoeuvring close to obstacles.

The examples listed in Appendix 1 are considered to be such that there is an increased risk of an accident compared to other activities.

How to appeal (Hur man överklagar)

This decision can be appealed. The appeal must be in writing and you must state which decision you are being appealed against and what change you want. The appeal must be addressed to the Administrative Court in Linköping, but sent to the Swedish Transport Agency, 601 73 Norrköping. The appeal must be received by the Swedish Transport Agency within three (3) weeks from the date on which you received this decision or, if you represent the public and the decision is appealed to an administrative court or administrative court of appeal, within three (3) weeks from the date on which the decision was announced.

The decision in this matter has been made by Head of Unit, Lars Haglund. Ola Johansson, Flight Inspector, Hans Fjällman, Legal adviser, and Karl-Axel Edén, Flight Inspector the latter submitting the report, took part in the final handling of the matter.

Lars Haglund
Head of the section for Operators and Airworthiness

This decision exists only in electronic format and therefore has no signature.

Information (Upplysningar)

This is a translation of the decision from Swedish to English. If the translation does not fully correspond to the Swedish content, the Swedish original will have priority.

Appendix/Appendices (Bilaga/Bilagor)

Annex 1: List of activities with particularly high-risk

Annex 1

List of operations generating particularly high-risk and which therefore require prior approval (authorisation) in accordance with paragraph 2(a) of Article ORO. SPO.110 of Regulation (EU) 965/2012:

- 1) Helicopter operations where the risk of an accident is increased due to the altitude/speed ratio (cf. H/V diagram).
- 2) Operations with
 - a. Helicopters - involving flight below 200 ft AGL (for example: reindeer herding, marking/stunning/killing of animals, certain aerial photography, powerline inspection)
 - b. Airplanes - involving flights below 500 ft AGL.
- 3) Operations with external loads/externally mounted special equipment over congested areas or where large crowds may be expected.
- 4) Landing on offshore installations; ships, etc.
- 5) Human External Cargo operations, including winching.
- 6) Operations with single-engine airplanes below 1000 ft AGL over densely congested areas.
- 7) Low height aerobatics.
- 8) Target towing.
- 9) Sensational flights.

Elaboration

1. The operation shall adhere to the recommendations/limitations of the Aircraft Flight Manual (AFM). For helicopters, there are areas where the probability of successful autorotation in the event of engine failure is low. For example, slingload operations, where the helicopter hovers at low altitude the H/V diagram is penetrated.

The AFM's H/V chart provides guidance on the likelihood of successfully auto-rotation at low altitudes, and describes effects of high or low speed. If the H/V chart is penetrated, the operation is considered high-risk. Even if the total weight of the helicopter is lower than that indicated in such a graph, the data in the diagram shall have precedence.

Slingload load operations are carried out close to obstacles and ground, which means an increased risk of collisions with objects but also settling with power.

2. Operations with

- a. Helicopter over terrain where a safe forced landing should not be expected when flying at altitudes below 200 feet, and it is not limited to very short intervals, and the intervals are not repeated frequently during a single mission. These examples are not exhaustive but are given to clarify the application. (Low-aerial photography at altitudes higher than specified does not qualify as an activity subject to authorisation as long as an emergency does not pose a risk to third parties). The operation takes place in the vicinity of obstacles that may cause unintentional contact or turbulence and affects/complicates manoeuvring.
- b. Aircraft at altitudes below 500 feet AGL entail an increased risk of collision with ground obstacles, an increased risk in the event of an emergency landing and a greater risk in the event of loss of control.
3. Over built-up areas where it is difficult or unlikely that SERA.3105 Regulation (EU) No 923/2012 can be complied with and the flight is carried out with a suspended load or, for example, equipment that means that the flight is to be considered specialised. Such equipment could be billboard, mounted camera, etc. The increased risk arises due to, for example, the risk of unintentional obstacle contact, slow flight, hovering at a height with a tailwind component or turbulence around, for example, buildings. Certain daylight conditions could also have an impact.

There is always a risk of dropping the load, unlike internal cargo.

4. Landing or take-off on ships, platforms or similar operations in varying conditions, such as (but not limited to) water surface temperature, sea state, helo decks, structures obscuring visibility and limiting manoeuvres.
5. Any specialised activity involving people disembarking or embarking during the flight, but also when people are outside the cabin in flight, such as wingstanding. Due to the purpose of the flight, the aircraft is often close to obstacles that may pose a risk of collision.
6. Congested areas where it is difficult or unlikely that SERA.3105 can be fulfilled and the flight is carried out with advertising banner or for example equipment that means that the flight is to be considered specialised. Specialised operations may involve special manoeuvres that

are close to the limits of the performance envelope. High obstacles may also pose special hazards during operations across cities.

7. Display flights as well as training for such activities with both airplanes and helicopters at altitudes when the probability of being able to cope with an abnormal situation is low. The risk of collision with ground objects or the ground is increased compared to other activities.
8. Towing of targets where there is a risk of injury due to shooting, but also when the target fall come into unexpected situations and create problems or be dropped. The activities are generally conducted in areas where live ammunition is being fired.
9. Flights where the primary purpose is the passenger's special experience during the flight, e.g. zero-G flight, aerobatic flight, etc