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SE-MAA application decision to Provisions of application - Traffic rules for military aviation (FFS 2020:4) for operators other than Swedish military aviation

Scope

This decision of application describes and complements how traffic rules and the possibility of using operational needs are to be regulated when aviation is carried out by operators other than Swedish military aviation. This applies to foreign military aviation, other state aviation and civil aviation, who must comply or apply to comply with *the Swedish Armed Forces Regulation 2020:4 (FFS 2020:4)* together with related *Provisions of Application*.

Background

Foreign military aviation

FFS 2020:4 together with related *Provisions of Application* apply to foreign military aviation activities in Sweden in accordance with the *Swedish Aviation Ordinance (2010: 770)*¹ chapter 14, 3§. This is stated in *FFS 2020:4*, chapter 1, 1 and 2§§ as follows.

¹ In *the Swedish Armed Forces Regulation 2020:4 (FFS 2020:4)* named *Swedish Civil Aviation Regulation (2010:770)*

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1§ This Regulation contains traffic rules for military aviation. The Regulation also applies outside Swedish territory for military aviation if it is compatible with the foreign law stated. If the provisions of the foreign law are more restrictive, those provisions apply. The Regulation also applies to foreign military aviation operations in Sweden in accordance with chapter 14, 3§ of the Swedish Civil Aviation Regulation (2010:770). The Regulation regulates Remotely Piloted Aircraft System only to the extent as determined by the Swedish Military Aviation Authority (SE-MAA).

2§ When operational needs exist, the rules in this Regulation shall be applied under the conditions specified in each chapter.

Guidance Material to 2§ give further explanation.

When operational needs exist, other rules may be permitted. The preconditions for this are set out in the respective chapter. The operator must describe the conditions for how the respective provision is applied. It is the operator's responsibility to prove that the rule / procedure allows an acceptable level of risk to be maintained. Operators other than the Swedish Armed Forces need the Swedish Armed Forces support for such other rules to get an approval by the Swedish Military Aviation Authority (SE-MAA).

For the application of this regulation, see 1. below.

Other aviation

For other aviation covered by the *Swedish Civil Aviation Regulation (2010:770)* chapter 14, 5 or 23§§, SE-MAA decides based on the *Swedish Armed Forces Regulation for military aviation 2019:10 (FFS 2019:10)*, chapter 15, 1 and 2§§, which traffic rules must be followed depending of the submitted application.

For the application of this regulation, see 2. and 3. below.

Application decision

1. Foreign military aviation covered by the *Swedish Aviation Ordinance (2010:770)* chapter 14, 3§ according to

"1. foreign military aviation activities in Sweden that are conducted within the framework of



a) an exercise with Swedish units that takes place with the consent of the government, or

(b) international military testing, training and exercise activities; and

2. Finnish military aviation activities in Sweden when support is provided in accordance with 2 or 3§§ of the Act (2020: 782) on operational military support between Sweden and Finland. "

the following applies:

For foreign military aviation as above and which is part of an exercise or equivalent in collaboration with Swedish military aviation from the Swedish Armed Forces, The Swedish Armed Forces Materiel Administration (FMV) or SAAB, the traffic rules approved by SE-MAA in those operator's Operational Manual apply, with any further restrictions determined by each operator. This provided that foreign military aviation does not have more restrictive rules in its national regulations. If foreign military aviation needs traffic rules that are not covered by those operators' Operational Manual, an application to SE-MAA must be sent by the Wing Commander Flying in the Swedish Armed Forces, FMV or SAAB to obtain approval from SE-MAA.

In cases where foreign military aviation does not cooperate with Swedish military aviation from the Swedish Armed Forces, FMV or SAAB, *FFS 2020:4* together with related *Provisions of Application* applies. This provided that foreign military aviation does not have more restrictive rules in its national regulations. In cases where there are operational needs that require other rules than those specified in *FFS 2020: 4* together related *Provisions of Application*, the foreign military operator must state these in its application to SE-MAA to obtain an approval.

Foreign military aviation during the transfer over Swedish airspace to the activities described in a) and b) above, shall normally follow the civil traffic rules stated in Sweden unless there are special needs.

For foreign military aviation as described above, which has received a diplomatic clearance to make an entry into Swedish airspace without the condition "*according to the Swedish Armed Forces' more detailed provisions*", must follow civil traffic rules stated in Sweden.

2. Foreign aviation covered by the *Swedish Aviation Ordinance (2010:770)* chapter 14, 5§ according to

"Aviation performed in Sweden by another state, or a company established in another state, and which is related to maintenance, modification or testing for military purposes."



the following applies:

For foreign aviation as above who wants to fly in accordance with Swedish military traffic rules, the operator must make an application to SE-MAA, according to *FFS 2019:10* chapter 15, 1§, to fully comply or partially comply with *FFS 2020:4* together with related *Provisions of Application*. In cases where there are operational needs that require other rules than those specified in *FFS 2020: 4* together with related *Provisions of Application*, the operator must state these in its application to SE-MAA to obtain an approval.

In all other cases, foreign aviation must follow civil traffic rules stated in Sweden.

3. Certain aviation covered by the *Swedish Aviation Ordinance (2010: 770)* chapter 14, 23§ the following applies.

If there are special reasons, certain aviation who wants to fly in accordance with Swedish military traffic rules can get an approval by SE-MAA. The operator must make an application to SE-MAA, according to *FFS 2019: 10* chapter 15, 2§, to fully comply or partially comply to *FFS 2020: 4* together with related *Provisions of Application*. In cases where there are operational needs that require other rules than those specified in *FFS 2020:4* together with related *Provisions of Application*, the operator must state these in its application to SE-MAA to obtain an approval.

In all other cases, civil traffic rules stated in Sweden must be followed.

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This Application decision is decided by Flight Safety Inspector, colonel Magnus Liljegren

SE-MAA