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Statens Haverikommission
P.O. Box 125 38
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This document is a translation made by SHK of the original response in Swedish to the safety recommendation. In case of discrepancies between this translation and the Swedish original text, the Swedish text shall prevail in the interpretation of the response.

Serious incident at Malmö Airport on January 10, 2014 involving the aircraft SE-LIS of the model Fokker F27 Mark 050, operated by Amapola Flyg AB

In its final report, the Swedish Accident Investigation Authority addressed a recommendation to the Swedish Transport Agency, which was recommended to:

Examine, in consultation with EASA and the Swedish Work Environment Authority, the application of the Swedish Work Environment Authority's regulations and general advice (AFS 2005:6) on medical checks in working life and the Swedish Work Environment Authority's regulations (AFS 2005:20) on the medical examination of flight personnel in civil aviation regarding the employer's obligation to offer flight personnel within civil aviation working nights, a medical examination for work environment reasons. RL 2014:19 (R1)

The Swedish Transport Agency has made contact with EASA, referring to the Swedish Work Environment Authority's requirements, which are based on Council Directive 93/104 EC. EASA responded as follows:

Council Directive 93/104/EC of 23 November 1993 is related to "certain aspects of the organisation of working time". It is applicable to the "night workers" and definition is given in article 2. It is a general directive applicable to "all sectors of activity, both public and private, (Article 1(3)). It is mainly dealing with the safety of workers. For aviation purposes we have further developed documents as you know. They are developed in accordance with the mentioned Directive and are directly related to the flight safety. The question raised by the Swedish colleagues is answered in Article 9(3) of the Directive. This is clearly national responsibility and is not within our Agency's remit.¹

¹ John Franklin, Safety Analysis and Research Section Manager, EASA

The Swedish Transport Agency has in consultation with the Swedish Work Environment Authority² agreed that the aviation physicians fulfil the competence requirements for implementing the health check requirement described in AFS 2005:6³ and AFS 2005:20⁴. This means that this health check will be offered by the aviation physicians to flight personnel in conjunction with regular health checks.

The employer is to offer the employees a medical check in the event of night work pursuant to AFS 2005:6, Sections 63-67. Medical checks that are arranged or offered pursuant to Section 3 or Section 4 are not to entail any costs for the employees.

In order to implement SHK's recommendation RL 2014:19 (R1), the Swedish Transport Agency will take the following measures:

The Swedish Transport Agency will send out a letter to the aviation physicians describing the requirement to offer flight personnel within civil aviation in night work this health check, which is free of charge to the employee. The letter to the physicians will be sent out before 30 April 2015.

At the aviation physician seminar on 23 October 2015, the Swedish Transport Agency will follow up that the health check requirement for night workers is being carried out.

The Swedish Transport Agency, following consultation with the Swedish Work Environment Authority and the above-mentioned measures, considers recommendation RL2014:19(R1) to be implemented.

Yours sincerely

[signature]
Simon Posluk
Accident Chair

² Swedish Work Environment Authority *Response to enquiry concerning the application of regulations regarding the work environment of flight personnel.*

³ AFS 2005:6 *Medical checks in working life and general advice on the application of the regulations*

⁴ AFS 2005:20 *Medical examination of flight personnel in civil aviation*