

Mailing list

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.

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Your date  
18/01/2019

Your designation  
Reference: L-22/18

Our preceding date

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## **Response of the Swedish Armed Forces to SHK's final report RL 2019:02**

### **Introduction**

In its final report RL 2019:02 – Accident at Järkö, Blekinge County on 10 March 2018, the Swedish Accident Investigation Authority (SHK) recommends the Armed Forces to: *“Complete the work that is in progress to clarify the organisation and accountability structure of the Home Guard (Hemvärnet) soldiers flying for FFK, clarifying the chain of command, and the occupational safety and employer responsibility”*.

In this response, the Armed Forces' planned measures are outlined to clarify the organisation and accountability structure that applies when the Swedish Volunteer Air Corps (FFK), as an operator subject to civilian aviation regulations<sup>1</sup>, independently operates flights, carries out course activities according to a special decision from the training and procurement unit of the Armed Forces Training & Development Staff (HKV PROD FPE)<sup>2</sup>, and carries out flights within the scope of the Home Guard's training system<sup>3</sup>.

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<sup>1</sup> The activities of FFK are not regulated within the military aviation system as defined in Section 2 of the Swedish Armed Forces' regulations for military aviation (FSS 2016:1).

<sup>2</sup> Described in further detail in the Swedish Armed Forces' mission (VU).

<sup>3</sup> Described in further detail in the Home Guard Manual (HvH) 2018.

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## **Background**

FFK is a voluntary defence organisation conducting aviation activities pursuant to a decision regarding aviation safety issued by the Swedish Transport Agency. This decision refers in part to the EASA<sup>4</sup> regulations for non-commercial operations with other than complex-motor-powered aircraft.

Some of FFK's members enter agreements with the Swedish Armed Forces, in accordance with Ordinance (1994:524) on voluntary defence activities, and are assigned to the Home Guard squadrons in wartime. Before such agreements can be made, FFK is responsible, in accordance with Section 4 of the Armed Forces regulations on voluntary defence activities within the Armed Forces (FSS 1995:20), for the skills development and contract education of the volunteer. Once this basic training has been completed, the volunteer can enter an agreement with the Armed Forces and receive a wartime posting (Section 5 of FFS 1995:20). A person who has entered such an agreement is referred to as contract personnel.

The Armed Forces has not acquired any aviation systems (aircraft) for the Home Guard squadrons manned by contract personnel from FFK. Instead, the required quantity of civilian aircraft is assumed to be commandeered in times of heightened alert or war by way of special agreement or pursuant to the Disposal Act (1978:262) and provisions issued in accordance therewith. For this reason, rented civilian aircraft are used to fulfil the needs of the Home Guard before the Disposal Act becomes applicable. This means that, in peacetime, the Armed Forces pays the rental cost for the civilian aircraft used, on the one hand, for operations carried out independently by FFK in order to maintain the skills of the Home Guard pilots (called personal training), and on the other, for operations within the scope of the Home Guard training system.

## **Laws, ordinances and other regulations**

- The Work Environment Act (1977:1160) regulates the division of work environment responsibilities.
- The Transport Agency's decision (04/06/2018 TSL 2018-3159) provides aviation safety conditions for the operations of the Swedish Volunteer Air Corps.
- The FFK operating manual (FFK/DHB) and organisational manual (FFK/OHB) provide the framework, regulations and conditions for FFK's air operations.
- Applicable sections of the Armed Forces regulations (FFS).

## **Organisation and the work environment responsibilities for each role**

### Responsibility of the Swedish Volunteer Air Corps

The Armed Forces makes the assessment that FFK is conducting professional, non-commercial, civilian aviation without any employees, making it subject to the Work Environment Act (AML) and associated provisions in applicable parts (see Chapter 3, Section 5 of AML).

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<sup>4</sup> European Union Aviation Safety Agency

In these operations, contract personnel from FFK must be equated with employees (see Chapter 1, Section 3, first paragraph, point 3 of AML). This means that the Armed Forces has made the assessment that FFK, when conducting aviation activities on behalf of the Home Guard, is **responsible for safety**, in applicable parts, in accordance with Chapter 3, Sections 1–12 of AML in relation to their own contract personnel.

#### Responsibility of the Armed Forces

If FFK is carrying out aviation activities within the scope of a special decision by HKV PROD FPE, or within the Home Guard training system, the Armed Forces makes the assessment that the organisational unit (OrgE) that orders the training activities, and is thereby responsible for the joint workplace (premises, barracks, shooting range, exercise area, etc.<sup>5</sup>), is **responsible for coordination** of work environment matters (see Chapter 3, Sections 7 d–e of AML).

#### Summary

With this description of organisation and role division, the Armed Forces makes the assessment that the work environment responsibilities of the Armed Forces and FFK complement one another as intended when FFK is carrying out aviation activities within the scope of the Home Guard training system.

Planned measures:

Based on this summary, the Armed Forces will cooperate with FFK in order to clarify the organisation and role division in terms of work environment responsibility when FFK is carrying out aviation activities within the scope of the Home Guard training system.

Responsible unit: C PROD

Completed by: 01/09/2019

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During the work on this response, PROD RIKSHV has been in contact with Tony Hagman, Work Environment Inspector at HKV SÄKINSP.

This response has been issued by Flight Safety Inspector Col. Anders Janson. Also participating in the final processing was corps commander Thomas Alexandersson (FFK), Head of Section Stefan Hallén (C LEDS TF Friv), Col. Peter Nilsson (PROD FPE UTB), LtCol Bengt Fransson (SC PROD RIKSHV), with Maj Carl Johan Frödin (FLYGI) reporting.

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<sup>5</sup> See Systematic Work Environment Manual (H Arb 2017), p. 61

[Signature]

Flight Safety Inspector

Mailing list  
Swedish Accident Investigation Authority

For the purpose of information:  
LEDS  
C PROD