

This document is a translation of the original assessment in Swedish by SHK of the response to the recommendation. In case of discrepancies between this translation and the Swedish original text, the Swedish text shall prevail in the interpretation of the assessment.

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The Swedish Accident Investigation Authority's report RL 2017:06

On 5 May 2017, the Swedish Accident Investigation Authority (SHK) published its final report RL 2017:07 that treated the accident involving the hot air balloon SE-ZOU at Nynäs Fallet, Örebro County on 10 May 2016.

Two recommendations were issued to EASA in this report. EASA has submitted responses to these recommendations.

Recommendation RL 2017:06 R1

In the first recommendation EASA was recommended to consider introducing time margins between planned landing time and significant weather conditions.

EASA has responded that the intention of the new rules now being worked out is to create a simpler and more proportional regulatory framework for balloon air operations. According to this proposal, the new rules will contain a requirement on operators who conduct commercial operations to identify and evaluate safety risks in their operations, to take action to deal with these risks and to verify that such action is effective. The proposal also contains a requirement on the operators to establish procedures and draw up instructions for each balloon type regarding the crew members' duties and responsibilities. According to EASA, this should also include details relating to the pilot-in-command's duty to gather and assess weather forecasts and also take into account the forecasts for planned time and site for landing, with appropriate margins, so as to deal with possible changes in the weather in relation to the forecasts. The supervisory authority will also be required to continually verify that the operators are complying with the requirements.

According to EASA, effective implementation of the aforementioned regulatory framework is expected to form the basis of safe balloon air operations and to deal appropriately with the risk of operators operating outside weather minima. More detailed rules would conflict with the objective to supply a simpler and more proportional regulatory framework for balloon air operations.

According to SHK, the new system will surely function when it comes to larger operators. However, balloon air operations are often run by small operators that have limited resources for drawing up advanced safety management systems. According to SHK, these operators would be better served by being given clear, simple rules to relate to. In the light of this, SHK is of the opinion that EASA's response can only be considered partly satisfactory.

Recommendation RL 2017:06 R2

Through the second recommendation, EASA was recommended to consider introducing requirements for safety harness or other restraint systems for all types of balloons in commercial passenger operations and clarifying the conditions in which the system is to be used.

Also regarding this recommendation, EASA refers to the aim of the forthcoming regulatory framework as being to achieve a simpler and more proportional set of rules for balloon air operations that is based on the principle that the operators themselves are to identify, assess and deal with safety risks through their own actions and by drawing up their own operational procedures and instructions. Balloons that are equipped with a separate compartment for the pilot-in-command shall, however, be equipped with some form of safety line or equivalent. The same applies to balloons that have turning vents. The safety system shall at least be used during landing. For the passengers, including the pilot, there is also a requirement for there to be the opportunity to restrain themselves, e.g. using handgrips. This requirement applies to all balloons. EASA also states that a restraint system in a balloon without a separate compartment for the pilot-in-command would entail a risk of someone tripping or getting caught in the system or of restricting the pilot-in-command's freedom of movement. Additional rules concerning safety lines or equivalent would run directly counter to the aim of offering simpler and more proportional operating rules.

SHK notes that rules concerning restraint systems in balloons already exist for other types of balloon. However, the occurrence in question demonstrates that there is a risk of the pilot-in-command falling out of the basket also in this type of balloon. SHK argues that this risk is greater and more serious than that of someone getting tangled up in or tripping on lines or parts included in the restraint system.

A requirement for a safety management system may be regarded as an adequate measure for larger operators. As stated above, however, balloon air operators are often small organisations that have limited resources for drawing up advanced safety management systems. SHK believes that, for these operators, simple rules concerning some form of restraint system would be a more effective means of improving safety. In the light of this, SHK is of the opinion that EASA's response to the recommendation can only be considered partly satisfactory.

Best regards,

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