

## The Swedish Transport Agency regulations on traffic permits and the exercise of traffic rights;

TSFS 2017:70

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decided 8 June 2017.

The Swedish Transport Agency prescribes the following on the basis of Chapter 7, Sections 4 and 6 of the Aviation Ordinance (2010:770).

**AVIATION**

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### Scope

**Section 1.** These regulations apply to air transport for remuneration conducted to and from, within or over Sweden, and to specialised operation. These regulations do not apply

1. if permit for traffic derives from Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community,

2. to operators who are subject to the rules on specialised operation in accordance with 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, and

3. to the extent otherwise stipulated in a separate agreement with another country that is binding on Sweden, or the multilateral agreement of 30 April 1956 on commercial rights of non-scheduled air services in Europe (Swedish Treaties Series 1959:75).

### Definitions and abbreviations

**Section 2.** In these regulations the following terms are used with the definitions given.

*charter flight* non-scheduled air transport of passengers for remuneration by an aircraft type approved for the carriage of more than ten passengers or of cargo by an aircraft whose maximum permitted take-off mass exceeds 5,700 kg

*charterer* the person or persons leasing an aircraft for a specified period of time or for a specified journey

*EASA* European Aviation Safety Agency

<i>Union air carrier</i>	an air carrier holding a valid operating licence in accordance with Regulation (EC) No 1008/2008
<i>code share</i>	an arrangement between air carriers under which an air carrier places its designator code on a flight operated by another air carrier
<i>internal air transport market</i>	the EU Member States, Iceland, Norway and Switzerland, and any other state that by agreement with the EU is subject to all rights and obligations arising from Regulation (EC) No 1008/2008
<i>scheduled service</i>	<i>air</i> a series of flights where each flight is undertaken with aircraft for the carriage of passengers, cargo or mail possessing all the following characteristics: on each flight seats and/or capacity to transport cargo and/or mail are available for individual purchase by the public (either directly from the air carrier or from its authorised agents); it is operated so as to serve traffic between the same two or more airports, either according to a published timetable or with flight so regular or frequent that they constitute a recognisably systematic series
<i>aircraft operator</i>	a person or organisation that is not an air carrier and continuously decides on the use and operation of an aircraft
<i>air carrier</i>	a company with a valid operating licence or the equivalent
<i>serial flight</i>	more than four charter flights within two months to the same destination
<i>specialised operation (aerial work)</i>	all operations, except commercial air transport, where the aircraft is used for specific activities, such as agriculture, building or construction work, photography, land survey, surveillance and patrol, or advertising flight
<i>taxi flight</i>	non-scheduled air transport of passengers for remuneration by an aircraft type approved for the carriage of no more than ten passengers or of cargo by an aircraft whose maximum permitted take-off mass is 5,700 kg
<i>TCO authorisation</i>	flight safety approval issued by EASA for air carriers from a third country (Third Country Operator, TCO) to carry out commercial flights to and from the European Union and the EEA
<i>flight schedule</i>	timetable for planned traffic on a seasonal basis for winter and summer

<i>schedule approval</i>	approval of a flight schedule for air carriers designated in accordance with an air transport agreement or holding a traffic permit
<i>traffic permit</i>	permit for scheduled air service and charter between Sweden and countries outside the internal aviation market, for overflights of Swedish territory and for domestic aerial transports carried out by air carriers from a third country
<i>third country</i>	state not part of the internal aviation market
<i>wet lease</i>	lease agreements between air carriers pursuant to which the aircraft is operated under the AOC of the lessor

## General advice

**Section 3.** A pre-requisite to be permitted to operate in accordance with Section 1 is that the air carrier or the aircraft operator

1. pays Swedish air fees that have fallen due, and
2. can show that the air carrier or the aircraft operator complies with the insurance obligations arising from Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators.

In the case of third country air carriers, they must also have a TCO authorisation in accordance with Commission Regulation (EU) No 452/2014 laying down technical requirements and administrative procedures related to air operations of third country operators.

**Section 4.** Charter and taxi flights must also meet the following requirements:

1. The company performing the flight has an operating licence in accordance with Regulation (EC) No 1008/2008 or the equivalent permission in the country to or from which the flights will be operated.
2. The entire utilised capacity of the aircraft must have been hired by one or more charterers.
3. The destination is determined by the charterer.
4. Passenger tickets may not be offered to the public directly by the air operator or its agents.

**Section 5.** A permit in accordance with these regulations may not be transferred.

## Permits

**Section 6.** The following types of traffic require a permit from the Swedish Transport Agency:

1. Scheduled air service and charter between Sweden and a third country.

2. Third country operators running scheduled air service and charter between Sweden and countries within the internal aviation market and for domestic aerial transports.

3. Overflights of Swedish territory, except in cases stated in Section 20.

4. Specialised operations which will be carried out in Sweden by air carriers or aircraft operators from a third country.

5. Taxi flight intended to be carried out as a domestic flight in Sweden by a third country operator.

**Section 7.** An air carrier designated by a foreign state in accordance with an air transport agreement or an air carrier holding a traffic permit for this traffic need only a schedule approval.

### **Application for permit**

**Section 8.** An application for permit or a schedule approval shall be written in one of the Scandinavian languages or in English, and contain the information stated in the annex.

**Section 9.** The Swedish Transport Agency can, in addition to that described in these regulations, request additional information which is needed in order to examine the application and issue more detailed conditions for traffic.

### **Application for permit for scheduled air service**

**Section 10.** An application for a permit for scheduled air service must be filed no later than 45 days before the traffic begins.

**Section 11** If a Union air carrier applies for a permit for a service where traffic rights are limited in accordance with the Swedish Government's guidelines for the allocation of the limited air traffic rights (2006/C 177/06), published in the EUT C 177, 29.7.2006, pp. 23 and 24, the application must also include the information set out in the guidelines.

### **Application for schedule approval**

**Section 12.** An application for schedule approval for scheduled air service must be submitted to the Swedish Transport Agency before each schedule approval period, no later than thirty days prior to commencement of the traffic, unless a shorter period is prescribed in an air transport agreement.

**Section 13.** An application for approval of changes to a schedule must be submitted promptly to the Swedish Transport Agency.

### **Application for charter flight, serial flight and taxi flight**

**Section 14.** An application for individual flights (ad hoc flights) must have been received by the Swedish Transport Agency no later than 48 hours before the flight is due to begin. Saturdays, Sundays and Swedish public holidays are not included in this time span.

**Section 15.** An application for a serial flight must have been received by the Swedish Transport Agency no later than fourteen days before the flight is due to begin.

**Section 16.** A passenger list is to be kept by the applicant and submitted to the Swedish Transport Agency on request.

**Section 17.** Air carriers that according to the charter agreement shall arrange home transport are responsible for this being done with regard to the passengers involved, even if the charterer infringes a provision of the charter agreement. Home transport shall be undertaken to the airport that has been agreed with the passenger.

**Section 18.** Cargo may be transported on charter flights carrying passengers without special permission.

### **Application for specialised operation**

**Section 19.** An application for a permit for specialised operation must have been received by the Swedish Transport Agency no later than seven days before the work is due to begin.

### **Overflights**

**Section 20.** A traffic permit is not required to overfly Swedish territory and/or in Sweden make stops for non-traffic purposes

1. for scheduled air services - if the right derives from a bilateral or multilateral agreement, or
2. for flights other than scheduled air services by foreign aircraft - if the right derives from the Chicago Convention of 7 December 1944 on international civil aviation.

### **Wet lease**

**Section 21.** A Union air carrier engaged in air transport to and from, or within, Sweden with a leased aircraft and crew shall, when requested by the Swedish Transport Agency, be able to prove that its competent authority has approved the lease arrangement.

The traffic may be reviewed by the Swedish Transport Agency with regard to their compatibility with Sweden's air transport agreements.

**Section 22.** An air carrier other than a Union air carrier may conduct air transport to and from, or within, Sweden with a leased aircraft and crew only after approval by the Swedish Transport Agency.

The lessee must be able to prove that a competent authority has approved the lease.

### **Code share**

**Section 23.** In those cases where a traffic permit or schedule approval are required for traffic, code sharing may take place only after approval by the Swedish Transport Agency.

### **Exemptions**

**Section 24.** The Swedish Transport Agency may grant exemptions from these regulations.

### **Entry into force and transitional regulations**

1. This statute enters into force on 1 July 2017.
2. This statute repeals
  - a) the Swedish Transport Agency regulations (TSFS 2010:168) on traffic permits and on the exercise of traffic rights, and
  - b) the Swedish Transport Agency regulations (TSFS 2011:104) on charter and taxi flights between Sweden and abroad.
3. Traffic permits issued in accordance with older regulations are still valid.

On behalf of the Swedish Transport Agency

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## **What an application shall include**

### **Application for permit for scheduled air service and schedule approval**

An application for approval of a traffic permit and a flight schedule must include the following:

1. The name, address, telephone number and e-mail address of the air carrier.
2. The types of aircraft to be used.
3. Weekdays and times of desired flights.
4. Description of the routes to be served, including information on air transport on any route segments.
5. Flight number.
6. Air carriers without an operating licence (OL) in accordance with Regulation (EC) No 1008/2008 shall also include evidence of an insurance that is equivalent to the requirements in Regulation (EC) No 785/2004.
7. Air carriers that do not have an air operator certificate (AOC) in accordance with Regulation (EU) No 965/2012 shall also state the nationality and registration marks of the aircraft to be used.
8. Whether the operation will be conducted wholly or in part through wet lease.
9. Details of collaboration with other air carriers on a route segment to which the application applies (code sharing, franchising, etc.).

### **Application for charter flight, serial flight and taxi flight**

An application for permit for charter flight must include the following:

1. The name, address, telephone number and e-mail address of the air carrier.
2. The types of aircraft to be used.
3. Weekdays and times of desired flights.
4. Description of the routes to be served, including information on air transport on any route segments.
5. Flight number.
6. Air carriers without an operating licence (OL) in accordance with Regulation (EC) No 1008/2008 shall also include evidence of an insurance that is equivalent to the requirements in Regulation (EC) No 785/2004.
7. Air carriers that do not have an air operator certificate (AOC) in accordance with Regulation (EU) No 965/2012 shall also state the nationality and registration marks of the aircraft to be used.
8. Whether the operation will be conducted wholly or in part through wet lease.
9. Name and address of the charterer.
10. In the case of serial flight, a copy of the contract between the charterer and the air carrier shall be attached to the application.

### **Application for specialised operation**

If the operator does not have a permit for specialised operation (SPO) in accordance with Regulation (EU) No 965/2012, an application for permit for specialised operation shall include the following details:

1. The name, address, telephone number and e-mail address of the aircraft operator.
2. The types of aircraft to be used.
3. Weekdays and times of desired flights.
4. A description of the intended operations.
5. Evidence of an insurance that is equivalent to the requirements in Regulation (EC) No 785/2004.
6. Nationality and registration marks of the aircraft to be used.
7. Whether the operation will be conducted wholly or in part through wet lease.
8. Permit for specialised operation issued by the competent authority of the applicant's native country.