

# Guidance to the Regulations on additional requirements for air transport operations in Svalbard and other polar regions

## Re Section 1 – Scope

The provision defines the geographic and substantive area of application of the Regulations.

The term ‘aviation in Svalbard and Jan Mayen’ is used to indicate that the Regulations shall apply to those who conduct civil flights in these archipelagos. Overflights of the archipelagos and flights between the mainland and constructed landing sites in the archipelagos are not covered by the Regulations.

The Regulations shall apply to both Norwegian and foreign air transport operators who perform such flights. The Regulations shall not apply to unmanned aircraft, given that safety considerations, especially relating to the survival of persons on board, are not yet relevant in connection with the use of unmanned aircraft. The term ‘aircraft’ means that activities in the air involving craft not deemed to be aircraft, such as parachutes or paragliders, are not covered by the Regulations.

For the purpose of these Regulations, ‘Svalbard’ refers to the archipelago and the territorial waters around it.

As regards the area of application of the Regulations in polar regions outside Norway, they shall, in the same way, be understood to regulate air transport operations within these areas. Flights to and from these areas are therefore not deemed to fall under the scope of the Regulations.

As regards the area of application of the Regulations in the southern hemisphere, they shall apply to all areas south of the 60<sup>th</sup> parallel south, cf. the area of application of the Antarctic Treaty. The Bouvet Island is situated north of the 60<sup>th</sup> parallel south but has been included in the area of application because of its desolate location and challenging climate.

## Re Section 2 – Definitions

Point a): ‘Water covered in ice’ refers to ice that can carry the weight of the crew and aircraft sufficiently long for the crew to evacuate the aircraft without having to enter the water.

Point b): In this context, persons who are necessary to conduct the air operation, for example, helicopter hoist technical crew members, rescue crew and operators of other equipment used onboard to achieve the purpose of the flight, will be considered part of the crew.

Point c): The definition specifies the geographic area of application of the Regulations outside Svalbard. In the Antarctic Treaty, the Antarctic is defined as the area south of 60° South Latitude.

### **Re Section 3 – Winter training**

Winter training should be conducted in the form of initial training and regular refresher training courses.

It is possible to adapt the training to the operator's needs, but the training programme must be approved by the Civil Aviation Authority. The minimum requirement will be a theoretical course. The training should include extended first aid skills, use of emergency equipment, passenger care and survival in winter conditions. The training should include conditions of darkness and practical training.

### **Re Section 4 – Flight preparation**

The purpose of risk assessments is to make the operator or the person conducting the flight aware of the risks that apply and to make them assess whether the flight requires special safety measures over and above the minimum requirements set out in the rules and SOP. In other contexts, this type of assessment is called a safe job analysis.

That is also the purpose behind the requirement in the second paragraph concerning standard operational procedures. In the latter case, however, the risk assessment shall be standardised as part of the operator's operating manual.

The requirement for a flight plan leads to enhanced safety since a search and rescue operation will be initiated if the aircraft does not arrive at the destination. If the flight is to be conducted in areas where an air traffic service (with an alert service) is not provided, such a service must be organised by the operator, as set out in Section 10 of the Regulations. The requirement to submit a flight plan is therefore not applicable.

### **Re Section 5 – Personal equipment**

The reason for the requirement of a reflective vest or reflective outer garments is that such reflective garments can facilitate search with the use of a night vision imaging system (NVIS). A reflective survival suit is deemed to meet the requirement for reflective outer garments.

### **Re Section 6 – Rescue and emergency equipment**

Survival equipment and provisions should be dimensioned so as to cover the needs of everyone on board until such time as the expected time of rescue, or, if such a time cannot be estimated, for five days. The equipment should include a handbook in survival under the relevant conditions. In Arctic regions, it is important to be aware of the risk of polar bear encounters and to bring equipment capable of stopping and scaring away polar bears.

### **Re Section 9 – Instrument flights**

The provision does not require flights to be conducted in accordance with the instrument flight rules or using a night vision imaging system (NVIS), but such an option shall be available for the aircraft

and crew. The use of NVIS requires the operator to be certified for the use of such equipment. This follows from the common European rules in Regulation (EC) No 965/2012, Annex V (Part SPA).

#### **Re Article 10 – Alert service and tracking of aircraft**

Since several technical solutions are available for the tracking of aircraft, the provision is limited to a functional requirement. The requirement is also dependent on the availability of necessary satellite coverage. The provision also makes no requirement as to who is performing the actual tracking of the aircraft. Tracking can be performed by the air transport operator or as a service by others. If the flight is tracked by the air traffic service, for example, with the use of ADS-B, the requirement can also be met by installing compatible transponders in the aircraft.

#### **Re Section 11 – Weather radar**

Weather radars in aircraft enable the identification of potential weather hazards, particularly showers, along the route. Moreover, ground mapping can be used as an approach aid to identify obstacles on the final part of the approach at low altitudes over water. The use of weather radars should be addressed in the operator's SOP; ref. Section 4 second paragraph in the Regulation.

#### **Re Section 12 – Radio altimeter**

The operator should prepare procedures for the use of radio altimeter settings ('bugs') to provide audio and visual alerts in the event of deviations from the desired altitude above ground or water that entail a heightened risk of impact with the ground/water.

#### **Re Section 16 – Emergency flotation equipment**

For commercial air transport (CAT), the operator must take account of the forecast sea and wave conditions to ensure that the forecasted sea state does not exceed the design limitations of the helicopter's emergency flotation equipment. In this context, reference is made to AIC-N 24/19.

#### **Re Section 17 – Exemption**

In the event of unforeseen or disproportionate consequences for individual operators, the Regulations include an exemption provision. However, the applicant must be able to demonstrate that flight safety is maintained. The wording 'may grant exemption' shall be understood to mean that the Civil Aviation Authority decides the application based on a discretionary assessment. The Civil Aviation Authority may therefore also emphasise other relevant factors than those specified in the provision.