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Implemented EU legislation:		
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AERIAL WORK

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1 SCOPE OF APPLICATION

This regulation shall be applied to all types of aerial work, until the Commission Regulation 965/2012 on flight operations gradually becomes applicable.

2 APPROVAL REQUIRED FOR AERIAL WORK

National provisions on approval required for aerial work are contained in Section 70 of the Aviation Act.

3 AERIAL WORK WITHOUT APPROVAL

3.1 In addition to what is specified in Section 70 (1) and (2) of the Aviation Act, aerial work operations not deviating from the Rules of the Air or any flight operational regulations supplementary to them may be carried out without approval.

3.2 An approval from the Finnish Transport Safety Agency is nevertheless required for:

- a) towing of aircraft or other objects, except for sailplane and glider towing,
- b) hoist operations, and
- c) sling load operations.

3.3 The aircraft shall have a certificate of airworthiness, unless:

- a) the operator carries out aerial work operations at his own cost, without request or assignment from another party,
- b) the flight is a sailplane towing flight carried out by a member of a registered sport aviation association, or by a member of an association located under the same nationwide parent organisation of sport aviation associations, or by a member of a foreign sport aviation association, when the sailplane pilot belongs to the said association and pays a remuneration that only covers the cost of the operation, without an intention to gain profit,
- c) the flight is a parachute dropping flight carried out by a member of a registered sport aviation association, or by a member of an association located under the same nationwide parent organisation of sport aviation associations, or by a member of a foreign sport aviation association, when the parachutist belongs to the said association and pays a remuneration that only covers the cost of the operation, without an intention to gain profit, or
- d) the flight is an occasional search or rescue flight carried out at the request of an authority.

3.4 The pilot shall hold a valid commercial pilot licence (aeroplane/helicopter) or a higher category of aviation licence, depending on the class of aircraft used, and a class I medical certificate, even if the operations are not conducted for remuneration or hire, unless:

- a) the operator carries out aerial work operations at his own cost, without request or assignment from another party,
- b) the flight is a sailplane towing flight carried out by a member of a registered sport aviation association, or by a member of an association located under the same nationwide parent organisation of sport aviation associations, or by a member of a foreign sport aviation association, when the sailplane pilot belongs to the said association and pays a remuneration that only covers the cost of the operation, without an intention to gain profit,
- c) the flight is a parachute dropping flight carried out by a member of a registered sport aviation association, or by a member of an association located under the same nationwide parent organisation of sport aviation associations, or by a member of a foreign sport aviation association, when the parachutist belongs to the said association and pays a remuneration that only covers the cost of the operation, without an intention to gain profit,
- d) the flights are occasional search or rescue flights carried out at the request of an authority, or
- e) the flights are forest fire patrol flights operated under an assignment, and the following conditions are fulfilled:

- i) The operations are conducted by a registered sport aviation association, and the members of the association are not paid any remuneration or hire;
- ii) The pilot-in-command holds at least a private pilot licence and has gained 100 hours flying experience. In addition, he/she must have completed refresher flight training provided by a flight instructor within the previous 12 months, covering slow flight, stall and aeroplane performance limitations, as deemed sufficient by the flight instructor. The flight instructor may, however, consider a person competent to act as pilot-in-command on forest fire patrol flights without refresher flight training based on his/her recent flying experience, instruction flights or proficiency checks. The flight instructor shall record any refresher flight training provided or the pilot's competence for the duty without refresher flight training in the pilot log book.
- iii) Only persons with duties related to forest fire patrol or being trained for those duties are carried on board.
- iv) The pilot-in-command shall ensure that any persons carried on board who are not members of the association are aware that the operations are conducted under requirements applicable to private flight operations, which are less stringent than those applied to commercial aviation as regards safety.

4 REQUIREMENTS FOR THE ISSUE AND VALIDITY OF AN AERIAL WORK CERTIFICATE

4.1 Size of organisation, staff number and staff qualifications of an applicant for or holder of an aerial work certificate

4.1.1 The operator shall appoint an accountable manager with overall responsibility for the operations and a flight operations manager responsible for flight operations. The nominated persons shall be acceptable to the Finnish Transport Safety Agency as regards their knowledge, skills and experience, taking into account the nature and scale of the operations.

4.1.2 For large-scale or complex flight operations, the Finnish Transport Safety Agency may require the persons nominated as postholders to undertake examinations to demonstrate their competence for the duties in question.

4.1.3 The Finnish Transport Safety Agency may accept the same person to be appointed as a nominated postholder for several positions, if appropriate for the nature and scale of the operations.

4.1.4 The pilot of an aircraft to be used for aerial work operations shall hold a valid commercial pilot licence for aeroplanes or helicopters or a higher category of aviation licence, and a class I medical certificate, even if the operations are not conducted for remuneration or hire. In addition, the pilot must have undergone training organised by the operator as required for his/her duties. Records shall be kept for the training and maintained for at least three years. On application and on justifiable grounds, the Finnish Transport Safety Agency may grant an exemption from the requirement for a commercial pilot licence, provided that the pilot has training or experience as appropriate for the task and the aerial work operations are conducted at the applicant's own cost.

4.2 Aircraft to be used for operations under the aerial work certificate

The aircraft must have a certificate of airworthiness, unless otherwise approved by the Finnish Transport Safety Agency on justifiable grounds.

4.3 Aerial work instructions

4.3.1 The operator shall establish aerial work instructions for the tasks to be conducted. The instructions must take into account the nature and scope of the operations, any special hazards involved, and the aircraft and equipment used. Detailed requirements for the content of aerial work instructions are given as an appendix to this aviation regulation.

4.3.2 The Finnish Transport Safety Agency may require changes to the aerial work instructions if they contain requirements, instructions or information that are contrary to regulatory provisions or not suitable for the actual operations, or if the Agency deems the content of the aerial work instructions insufficient or inappropriate.

4.4 Financial status of the applicant for or holder of an aerial work certificate

The operator shall have sufficient financial resources to organise the flight operations safely. The financial resources are considered insufficient if the operator has been declared bankrupt or placed in liquidation or if it has significant payment disruptions.

4.5 Application for an aerial work certificate

4.5.1 Applications for an aerial work certificate shall be submitted to the Finnish Transport Safety Agency in writing at least 30 days before the intended operations are commenced. The application shall include:

- a) applicant's name, domicile, postal address and telephone number;
- b) base aerodrome from which the operations will mainly be conducted;
- c) evidence on the issues required in paragraphs 4.1 – 4.3 above, and at the Finnish Transport Safety Agency's request also on issues referred to in 4.4 above.

4.5.2 Attachments to the application:

- a) written consent of the nominated postholders referred to in paragraph 4.1 above for their assigned duties, as well as details on their training for and experience in the intended tasks; and
- b) a list of aircraft to be used, including a certificate attesting the right of use if the applicant has not been registered as the owner or operator of the aircraft. In addition, evidence showing that the aircraft has sufficient performance characteristics and suitable properties for the intended operations, when the aircraft is used for hoist work or sling load operations or when the intended operations may pose a specific hazard to third parties.

4.6 Validity of an aerial work certificate

4.6.1 Aerial work certificates are valid for an unlimited time.

4.6.2 The certificate holder shall, without delay, inform the Finnish Transport Safety Agency of any changes to the information provided in accordance with paragraphs 4.3 and 4.5 above.

5 BASIC OPERATIONAL REQUIREMENTS

5.1 Operational requirements to be complied with

5.1.1 In all aerial work operations using aeroplanes, the requirements specified in Aviation Regulation OPS M2-1 governing general aviation on aeroplanes shall be complied with in addition to this regulation.

5.1.2 In all aerial work operations using helicopters, any current provisions on private flight operations with helicopters in Finland shall be complied with in addition to this regulation.

5.2 Restrictions on the number of persons on board

In aerial work operations conducted under an aerial work certificate, only the staff necessary for the duties are allowed to be carried on board. This restriction is not, however, applicable to persons undergoing training for aerial work operations who are being familiarised with the special task in question during the flight, or to any persons involved in the development of working procedures or equipment, or to persons who manage or inspect the operator's activities.

6 EXEMPTIONS

The Finnish Transport Safety Agency may, on application, grant exemptions from the requirements laid down in this regulation in the event of unforeseen urgent operational circumstances or operational needs of a limited duration, provided the level of safety is not adversely affected. When applying for an exemption, the applicant shall provide evidence on how an equivalent level of safety will be achieved.

7 TRANSITIONAL PROVISION

Paragraph 4.3 on aerial work instructions shall apply from 1 November 2015. Until that date, paragraph 4.1.3 in the earlier aerial work regulation to be revoked by this regulation shall apply to aerial work instructions.

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APPENDIX Requirements for aerial work instructions

The aerial work instructions shall cover at least the following subjects:

1. Description of the aerial work operations
 - a. Nature of work and characteristics: operations below minimum flight altitude, hovering outside ground effect, special hazards
 - b. Requirements for the work: special flying skills, crew requirements incl. staff outside the aircraft, security and protection equipment
 - c. Operational area and environment (e.g. unsuitable for forced landing, water areas) and any resulting requirements and limitations (incl. weather minima, minimum flight altitudes)
 - d. Risk assessment considering the requirements in item c), risk mitigation measures in this type of aerial work.
2. Aircraft and equipment
 - a. Aircraft fleet and use of each individual aircraft for various types of aerial work
 - b. Equipment: list any equipment installed on the aircraft or otherwise necessary for the operations that are not part of the aircraft basic equipment.
 - c. Performance requirements arising from the duties.
3. Flight crew
 - a. Minimum crew requirements
 - b. Crew selection criteria, taking into account total flying experience, recent flying experience, and recent flying experience in the duty concerned
 - c. Familiarisation training, incl. training programme
 - d. Refresher training, incl. training programme
 - e. Training required for transitioning from one aircraft type or variant to another, incl. training programme
 - f. Flight and duty time limitations and rest requirements.
4. Other necessary aircrew and ground staff
 - a. Description of duties
 - b. Staff selection criteria
 - c. Familiarisation training, incl. training programme
 - d. Refresher training, incl. training programme
 - e. Flight and duty time limitations and rest requirements.
5. Operating procedures for normal, abnormal and emergency situations
 - a. Operating procedures for flight crew and other aircrew (incl. crew resource management)
 - b. Operating procedures for ground staff.
6. Operating site and ground equipment
Size of landing or loading area, ground equipment necessary for refuelling, fire extinguishment, hoist operations, ground signalling etc.