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## Impact assessment of the regulations on U-space services

### The Swedish Transport Agency's proposal:

The Swedish Transport Agency proposes that regulations on U-space be drawn up to supplement Commission Implementing Regulation (EU) 2021/664 of 22 April 2021 on a regulatory framework for the U-space.

## A. General

### 1. What is the problem or the reason for the regulation?

#### 1.1 Ambiguity in Regulation (EU) 2021/664

Since 26 January 2023, Commission Implementing Regulation (EU) 2021/664 of 22 April 2021 on a regulatory framework for the U-space has been applicable in Sweden. The Regulation gives the Member States the right to regulate certain details concerning the U-space, in particular with regard to update rate and latency in two different U-space services.

The Swedish Transport Agency considers that certain wording in the Regulation and in the Regulation's AMC<sup>1</sup> is unclear or so broadly expressed that it risks creating situations where services in the U-space airspace within the EU are not performed uniformly, and also where they cannot be used in a simple and uniform manner.

Problems will arise if different U-space service providers develop different approaches that result in users experiencing a lack of consistency or unpredictability in how the services are delivered in certain potentially safety-critical moments. It may also lead to costly future adjustments to the systems managing the services. Furthermore, the lack of clarity risks impairing user-friendliness and hampering the Swedish Transport Agency's supervision.

A specific example of this lack of clarity is that it is difficult to determine whether the traffic information service should include information on known traffic that is outside a U-space airspace, but which may nevertheless affect the operation of the UAS within the U-space airspace. This lack of clarity risks leading to traffic information services varying in scope depending on the provider.

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<sup>1</sup>Acceptable Means of Compliance.

Since the concept of U-space is in its growth phase and there are no U-space service providers on the Swedish market as yet, it is difficult to assess the potential extent of this problem. However, in some identified areas, a lack of uniformity in the exercise of the services may quickly arise.

Regulation (EU) 2021/664 on U-space and its associated AMC and GM<sup>2</sup> will be reviewed and updated in the coming years. In the first stage, the AMC and GM will be updated. The updates may affect those parts that the Swedish Transport Agency is currently choosing to regulate. However, since the Swedish Transport Agency does not have knowledge of the exact content of future updates, the need for national regulation remains.

## **2. What is to be achieved?**

In short, the objective of Regulation (EU) 2021/664 is to create the conditions for the safe, secure and efficient integration of UAS into airspace where a large number of UAS can be operated simultaneously, and where a large number of UAS are operated alongside manned aircraft. The Swedish Transport Agency has the same objective with the draft regulation.

The Swedish Transport Agency wishes to provide U-space service providers and UAS operators with clearer rules and support on how certain regulatory requirements are to be interpreted and translated into a Swedish context. The Swedish Transport Agency also aims to simplify the supervision of U-space service providers by encouraging uniform application of the regulatory requirements that we have identified as unclear or too broadly formulated.

## **3. What are the possible solutions?**

### **3.1 Impact if nothing is done?**

If nothing is done in the areas where the Regulation has delegated responsibility for regulation to the Member States, the Swedish Transport Agency will need to make individual administrative decisions for each U-space service provider. This risks creating uncertainty in the area, undesirable and different ways of applying the rules, which could have a negative impact on flight safety. One such example would be if U-space service providers themselves were to choose limit values that are not appropriate in terms of their operations and the aviation system in which they operate.

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<sup>2</sup> Guidance Material.

In areas where the Swedish Transport Agency itself may choose to regulate, we assess that there will be no short-term consequences for not taking any action, as there are only a few certified U-space service providers within the EU, and no certified providers<sup>3</sup> in Sweden as of yet.

However, taking into account current developments in U-space, we believe that the long-term effects could be significant. Uncertainty surrounding how UAS operators and U-space service providers should relate to certain parts of Regulation (EU) 2021/664, may lead to varying applications, making it difficult for UAS operators to use the services. It is also likely that the Swedish Transport Agency's supervision will be hampered if nothing is done.

In conclusion, the Swedish Transport Agency considers that the effects of nothing being done are small in the short term, but greater in the longer term. The more the concept matures and is integrated into the existing aviation system, and the more U-space service providers establish themselves on the market, the greater these problems may become.

### 3.2 Alternatives that do not involve regulation

An alternative is to provide information, via the Swedish Transport Agency's website or directly through contact with those concerned, on the areas in which the Swedish Transport Agency considers the Regulation to be unclear.

Another option is for the Swedish Transport Agency to decide, by administrative decision, on parts of what we are currently wanting to regulate through the draft regulation and for specific restrictions or conditions to be introduced for each individual certificate for this purpose.

### 3.3 Regulatory alternatives

The Swedish Transport Agency considers that there are two regulatory options.

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<sup>3</sup> The Swedish Civil Aviation Administration is the designated exclusive provider of information services in all U-space airspaces in Sweden. The Swedish Transport Agency is the designated competent authority for Regulation (EU) 2021/664 and shall therefore certify the Swedish Civil Aviation Administration. U-space service providers may be certified by EASA or by an EU Member State and may thereafter provide services in all Member States.

## **Option 1**

The first option is for the Swedish Transport Agency to adopt general recommendations to the EU Regulation in which we explain, clarify and help UAS operators and U-space service providers to understand the Regulation in the desirable way in order to achieve the intended objectives.

## **Option 2 (the Swedish Transport Agency's proposal)**

The second option is to introduce national regulations governing how UAS operators and U-space service providers should relate to the Regulation in order to achieve the intended objectives and, in certain cases, to adopt general recommendations on the regulations.

Option 2 includes the following regulatory proposals:

### ***Applications for certification as a U-space service provider shall be made on a designated form (Section 4).***

The Swedish Transport Agency proposes that the application should be made on a specific application form.

### ***UAS operators shall be required to provide information about themselves (Section 5).***

The Swedish Transport Agency proposes that each UAS operator should be obliged to provide the information requested from the national operator register to the selected U-space service provider in order for the provider to provide its services in accordance with Implementing Regulation (EU) 2021/664. Currently, U-space service providers have no opportunity to access information in the operator register through electronic disclosure, which is why the Swedish Transport Agency provides that UAS operators wishing to use a service must themselves provide their chosen service provider with information from the register upon request.

### ***U-space service providers shall be able to receive information (Section 9)***

It must be possible for U-space service providers to receive information from the national operator register.

### ***Requirement for exempt operators to use U-space services (Sections 6 to 7)***

Operators exempted from Regulation (EU) 2021/664 by Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency shall apply the U-space concept and the regulatory framework of that Regulation as far as possible. Section 7 clarifies that operators may be exempted from the provision in Section 6.

***Any flight that cannot meet the set thresholds shall be terminated (Section 8)***

For safety reasons, any flight that cannot comply with the thresholds should be terminated before a new permit to fly is requested.

***Information regarding the planned start or termination of operations shall be provided at least 90 days in advance (Section 10).***

This proposal imposes an obligation on U-space service providers to inform the Swedish Transport Agency of planned activities.

***Specified minimum update frequency values (Section 11)***

In accordance with Regulation (EU) 2021/664, the Swedish Transport Agency shall regulate the update frequency in the network identification service and the traffic information service.

***Law enforcement authorities should have access to information (Section 12)***

Regulation of which relevant authorities should be able to access the information referred to in Article 8(2) of Regulation (EU) 2021/664.

***Priority shall be given to flights that are part of any life-saving operations (Section 13).***

Regulation on priority with regard to flight authorisations within U-space airspace.

***Traffic information shall also be provided for airspace in the immediate vicinity of the U-space airspace (Section 14).***

What 'proximity' means is clarified using a function-based rule. The rule leaves it open for each U-space service provider to determine an appropriate distance based on the UAS flights taking place within the U-space airspace, the complexity and traffic situation of the surrounding airspace, and the available infrastructure supporting the services. The Swedish Transport Agency proposes that GM1 to Article 8(1) of Implementing Regulation (EU) 2021/664 may be followed until more experience and data from the operation of U-space airspace is available.

#### **4. Who will be affected?**

Those affected are private individuals using U-space services, companies providing U-space services and companies using U-space services, as well as municipalities, regions, county administrative boards and government agencies that may use U-space services or provide UAS services in the future.

## 5. What are the impacts of the regulation?

In assessing the impacts, it is important to distinguish between U-space as an enabler for the safe operation of unmanned aviation and the effects that unmanned aviation itself may have. This impact assessment covers only effects and costs that are likely to arise if the Swedish Transport Agency adopts the draft regulation. Regardless of whether the rules are adopted, the effects of the U-space Regulation will remain in terms of noise impact, traffic flows, public services and accessibility in the lower airspace.

The description below relates to the effect the Swedish Transport Agency considers that the draft regulation may have on unmanned aviation using the U-space concept.

For the Swedish Transport Agency's overall assessment of the effects of unmanned aviation, see Sections 8.3 and 8.4 of the report '*En konkurrenskraftig drönarbransch i Sverige*' [A competitive drone industry in Sweden'] (TSL 2023-5511).

### 5.1 Companies

( X ) The regulation is deemed to have no significant impact on companies' working conditions, competitiveness or other conditions. All consequences for companies are therefore described under 5.1.

( ) The regulation is deemed to significantly impact working conditions, competitiveness or other conditions for companies. Therefore, the impact assessment does not contain a description under 5.1; instead, all consequences for companies are described in Section C.

#### **Difficult to assess, but likely reasonable costs**

The majority of commercially operated unmanned aircraft are expected to fly in subcategory A2, under standard scenario (STS), or out of sight. These will be affected by the draft regulation when flying in a U-space airspace.

The draft regulation is difficult to assess from a cost perspective, taking into account the fact that the U-space concept is still under development. It is important to clarify that costs arise only when a company chooses to provide U-space services, or if they intend to fly in U-space airspace and use the services therein. However, it is not possible to choose to not use U-space services, which is why the rules become mandatory for almost all unmanned aviation operating within U-space airspace.

The Swedish Transport Agency's assessment is that, based on what we know today, any costs arising from our draft regulation are within the framework of what may be assumed to be reasonable when a provider of U-space services needs to adapt their services to specific U-space airspace or

to a particular country. The same applies to the adjustments that UAS operators, including public authorities, need to make in order to meet the requirements in accordance with Regulation (EU) 2021/664.

#### *Functionality and capability*

The draft regulation means that the companies concerned need to ensure that they have the functionality and capability required by the regulations; primarily in respect of digital systems, but also, to some extent, internal documentation, processes and procedures.

#### *Advance planning*

The Section 11 requirement stating that U-space service providers must give notice of the planned start and end of operations in U-space airspace means that the provider needs to plan ahead to an extent and ensure its operations up to and including a certain date.

#### *Agreements with other data providers; technical equipment*

The supplier's responsibility for the traffic information service under Section 14 applies in relation to UAS operators within the U-space airspace. In order for the traffic information service to be accurate and secure, information about (relevant) traffic outside the U-space airspace must also be included. This requirement may mean that U-space service providers need to sign more agreements with air traffic control service providers in the local area or other data providers, for example. This requirement may also entail an increased need for proprietary technical equipment in order to be able to observe other air traffic, even within the distance outside the U-space airspace deemed appropriate by the U-space service provider.

## 5.2 Individuals

Regulation (EU) 2021/664 shall not be applied by parties flying unmanned aircraft in subcategory A1 of the open category. Private individuals flying for recreational purposes are usually covered by this category, and this situation will continue in the future. Individuals are thus affected by the draft regulation to a limited extent, and only if they fly in such a way that they need to utilise any U-space services.

The main consequence for individuals is that the proposal that UAS operators should provide information about themselves from the national operator register may require an effort that takes some time. This effort is not considered to have any financial impact.

Other consequences are of a more positive nature, in the form of more uniform details in the performance of services between different service providers, which is expected to simplify any use.

The draft regulation is intended to provide U-space service providers and UAS operators with clearer rules and guidance on how certain regulatory requirements are to be interpreted and implemented in a Swedish context. U-space services are provided within a designated area for this purpose (U-space airspace). This in itself may lead to increased use and/or a concentration of unmanned aviation within the designated area. The increased use and concentration may increase noise exposure and perceived visual pollution from unmanned aviation in this area. Since there are no quantifiable estimates on the extent to which unmanned aviation may increase as a result of the establishment of U-space services, no assessment of the above-mentioned effects can currently be carried out.

### 5.3 The State, regions or municipalities

#### *Law enforcement authorities and the Swedish Armed Forces*

The draft regulation is assessed to have a financial impact on law enforcement authorities and the Swedish Armed Forces, as the Swedish Transport Agency wishes to introduce requirements that operational restrictions within U-space airspace, as established in the decision on the establishment of U-space airspace, must be complied with by activities not covered by Regulation (EU) 2018/1139 of the European Parliament and of the Council. This implies that these activities will need to use U-space services in U-space airspace, taking into account aviation safety. The consequence may therefore be that the use of the services entails a cost for operators who are not covered by Regulation (EU) 2018/1139 of the European Parliament and of the Council. The level of the cost depends on the extent to which the services are used, who the different operators choose as their service provider, or, in the case of public procurement, how the services are procured. The costs become even more difficult to estimate since the draft regulation also makes it possible for the operators concerned to be subject to specific operational limitations regarding the operation of UAS in U-space airspace.

Law enforcement authorities need to ensure that they can use U-space services or apply for specific operational restrictions. This has consequences within the organisation in terms of ensuring the ability to either use the services or apply to the Swedish Transport Agency for special operational restrictions. This ability may entail costs and resource requirements, but it is not possible to quantify these or make a more detailed estimate.

#### *Swedish Transport Agency*

Our assessment is that the Swedish Transport Agency will not be adversely affected by the draft regulation. In the long term, the draft regulation is expected to facilitate the Swedish Transport Agency's supervision, which is

a positive consequence. The draft regulation does not entail any increased costs or need for resources or IT solutions.

#### *Municipalities and regions*

The Swedish Transport Agency considers that most municipalities, as well as certain regions and county administrative boards, are active with UAS in the same way as companies, and that they are therefore affected in the same or a similar way as described in Section 5.1.

#### 5.4 Environment

The Swedish Transport Agency's assessment is that the draft regulation will not entail any direct consequences for the environment. Since the draft regulation is intended to simplify implementation of the U-space regulatory framework, the indirect long-term effects may involve an increased concentration of unmanned aviation within areas where U-space services are provided. Possible scenarios involve certain routes where transport needs arise to and from certain points/areas, such as around healthcare facilities, logistics centres or similar locations. The increased concentration may lead to noise impact changes in these particular areas or along such routes.

#### 5.5 External effects

The Swedish Transport Agency's assessment is that the draft regulation will have limited external effects on society in the short term and in relation to modes of transport other than unmanned aviation, which, through the U-space concept, may be strengthened over time. As the draft regulation aims to simplify the implementation of the U-space rules, the indirect long-term effects can be achieved more quickly, such as reduced emissions from fossil fuel-based modes of transport, reduced street noise in cities, better public services, but also changes in noise impact in the airspace and visual disturbance (more aircraft in the airspace).

### **6. Summary of options considered and why the draft regulation is considered the best option**

The consequences of doing nothing, of merely providing information, or Option 1 (general recommendations only) are the same, i.e. the identified ambiguities remain and the UAS industry will not receive the guidance and direction that the Swedish Transport Agency wants to provide. Option 1 also means that the risk of lack of uniformity in the services will persist, since general recommendations are not binding.

The consequences of Option 2 (the Swedish Transport Agency's proposal) are that the ambiguities identified will be addressed, and that a clear and robust framework will be created for the UAS industry and conditions will be created for the U-space concept in Sweden to be as successful as

possible. The consequences for companies, the state, regions and municipalities are expected to be manageable and to have no or little economic impact. Overall, individuals are deemed to be positively affected thanks to more uniform and simpler rules for the use of U-space services.

What the Swedish Transport Agency is advocating is a combination of rules and general recommendations. Our assessment is that general recommendations alone would not contribute to achieving the objectives. However, we should regulate as little as possible. Therefore, where deemed appropriate, we have produced general recommendations.

It is worth emphasising that the purpose of the proposal is to simplify the application of Regulation (EU) 2021/664 with regard to national circumstances. The Swedish Transport Agency hopes that the regulations will make things easier for the industry, as well as improving conditions for the practical implementation of the U-space concept.

## **7. What authorisations form the basis for the authority's decision-making powers?**

Chapter 1, Section 7, Chapter 12, Section 4 and Chapter 14, Section 16 of the Aviation Ordinance (2010:770) and Section 2 (1994:1808) of the Ordinance on competent authorities in the field of civil aviation.

## **8. Are the regulations consistent with the obligations arising from EU law or other international regulations, or does it exceed them?**

The draft regulation is deemed to correspond with the regulations of EU law and international agreements. Regulation (EU) 2021/664 explicitly allows Member States to regulate the update rate of the network identification service and the traffic information service. In addition to this, national supplementary provisions are proposed which are deemed to be compatible with the above-mentioned Regulation. The proposed provisions are not considered to go beyond what is permitted under either secondary or primary legislation.

The regulations contain technical rules and therefore require notification to the National Board of Trade Sweden in accordance with the Technical Rules Ordinance (1994:2029). The provisions do not need to be notified under the Services Directive, as they concern non-economic services of general interest and services in the field of transport, which are not covered by the scope of the Services Directive.

**9. Does special consideration need to be given regarding the date of entry into force, and is there a need for special communication initiatives?**

As far as the Swedish Transport Agency is concerned, there is no reason to take any particular account of the date of entry into force. Currently, Sweden has neither certified U-space service providers nor U-space airspace. Nor is there any information to suggest that any foreign providers intend to establish a presence in Sweden in the foreseeable future. As long as Sweden has no U-space service providers or U-space airspace, the proposals will have no effect on UAS operators.

Our assessment is that there is no particular need for information initiatives. The Swedish Transport Agency has no knowledge of which potential foreign operators exist and which ones – if they intend to operate in U-space airspace in Sweden – will be subject to the draft regulation. Therefore, we consider that it is not possible to implement targeted information initiatives.

**B. Fulfilment of transport policy objectives**

The overall goal of Swedish transport policy is to ensure a socio-economically efficient transport provision that is sustainable in the long term for both citizens and businesses all over the country. The overall goal also includes performance goals and health, environment and safety (HES) goals with a number of prioritised areas.

The performance goal is to create accessibility for people and goods. The design, functioning and use of the transport system shall help to provide everyone with basic accessibility of high quality and usability, as well as contributing to development throughout the country. At the same time, the transport system must be gender-equal, which means it should respond to the transport needs of both men and women in equal measure.

The HES goal concerns health, environment and safety. The design, functioning and use of the transport system shall be adapted to ensure that no one is killed or seriously injured. It shall also contribute to the overall generational goal for the environment and to the attainment of the environmental quality goals, as well as helping to improve health.

**10. How does the regulation affect the performance goal?**

The draft regulation affects the performance goal, primarily in terms of good quality and usability, which in the long run should create positive development potential for the U-space concept.

The regulation is expected to have an impact on users of U-space services (UAS operators) by reducing the risk of a lack of consistency in available services and greater consistency between operators, which may improve the ability to use different providers in different U-space airspace areas.

For citizens and society at large, the draft regulation has the potential to accelerate the development of future logistics solutions that utilise unmanned aviation in the U-space airspace. Increased activity and improved conditions may also strengthen competition and thus create a favourable environment for business in the field of unmanned aviation.

#### **11. How does the regulation affect the HES goal?**

The draft regulation has no direct impact on the HES goal. Since the draft regulation is intended to facilitate implementation of the U-space regulatory framework, an increased level of unmanned aviation may be the indirect long-term effect. However, the environmental impact is highly dependent on the extent to which drones will replace other traffic, or whether they will constitute additional traffic to a greater extent. This is likely to result in changes in noise impact and reduction of greenhouse gas emissions.

However, the impact on the HES goal is difficult to estimate because there are no available quantitative estimates of how much unmanned aviation will increase as a result of the draft regulation. The effect of the draft regulation is likely to be negligible in the short term.

## C. Summary of consequences

| Affected party           | Impacts that cannot be quantified   |  | Quantified impact<br>(SEK thousands)<br>+ / - | Comments   |
|--------------------------|---|--|---|--|
|                          | Advantages  | Disadvantages  |   |  |
| <b>Companies</b>         | <p>Clearer rules regarding details on the performance of duties.</p> <p>No integration with the operator register is required</p>   | <p>Slightly increased need for adaptation of information fields/attributes in some of the services.</p> <p>Processes, procedures and abilities to handle the information received need to be developed.</p>                | -   | <p>The costs of meeting the requirements are difficult to estimate because they largely depend on the systems and conditions that each company has available. However, the Swedish Transport Agency considers costs and workload to be relatively low.</p>   |
| <b>Citizens</b>          | <p>Improved conditions for good access to services provided by unmanned aviation.</p>   | <p>Risk that third parties may experience infringements of privacy, visual disturbance and noise disturbance if traffic volumes in U-space airspace becomes high and operations take place close to uninvolved persons</p> | -   |  |
| <b>The State, et al.</b> | <p>Clearer rules regarding details on the performance of duties and thus the use of the services.</p> <p>Those who are not required to apply the EU Regulations are deemed to be able to benefit from the use of the services while simultaneously contributing to increased flight safety through enhanced visibility in U-space airspace.</p> | <p>The use of the services will incur a cost. Some coordination and effort may be needed to be able to use the services in a U-space airspace.</p>   |   | <p>Again, the costs are difficult to estimate and largely depend on the degree to which government agencies choose to adapt their own operations and use U-space services in U-space airspace; and alternatively (if they choose not to use the services), how they choose to equip their UAS in order to continue operating safely in the U-space airspace.</p> |
| <b>External effects</b>  | -   | -  | -   | -  |
| <b>Total</b>             | -   | -  | -   | -  |

In summary, the draft regulation are expected to have little socio-economic impact and, in any case, no negative impact.

#### **D. Proportionality of the draft**

The draft regulation aims to create a better, more comprehensive and consistent basis for U-space service providers and for UAS operators.

The Swedish Transport Agency's assessment is that the proposals are proportionate and the impacts small. Insofar as there is a need to adapt their systems to provide services in accordance with the draft regulation, we consider the costs to be acceptable and proportionate. Overall, we believe that the positive effects outweigh the negative.

The draft is also considered to be proportionate in relation to the EU Regulation and does not contain any specific requirements that would hinder the establishment or use of U-space services in Sweden.

#### **E. Follow-up and evaluation**

The Swedish Transport Agency should be able to follow up the effects of the regulation at least when supervising U-space service providers. In addition, in order to reach the UAS operators who will be using the U-space services and need to comply with the regulations, the Swedish Transport Agency can measure their impact through aspects such as surveys or targeted questions when supervising UAS operators operating within the specific or certified category in accordance with Regulation (EU) 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft. However, it is not appropriate to specify a final date or year, as there currently are no operators or users of U-space services.

Opinions and thoughts about the regulation can be gathered through the supervision and surveys and then used as a basis for amending the regulations.

The Swedish Transport Agency shall also ensure effective business intelligence and follow regulatory developments within EASA. Any amendments to the EU regulatory framework may mean that we need to evaluate our regulations to ensure that they are up to date, effective and correct.

EASA is currently reviewing the U-space Regulation and its associated AMC and GM<sup>4</sup>. EASA's ambition, first and foremost, is to update the AMC and GM with a view to harmonising the application of the concept among Member States in order to avoid any fragmentation. Updates to the AMC and GM, once adopted and in force, could mean that national regulation of the matters covered by the draft regulation become less relevant. However, it depends on which AMCs and GMs EASA chooses to update.

## **F. Consultation**

According to Chapter 1, Section 7 of the Aviation Ordinance, regulations drawn up by the Swedish Transport Agency with regard to unmanned aviation and which concern military activities are to be issued after consultation with the Swedish Armed Forces. Formal consultation with the Swedish Armed Forces will take place after the external consultation. The Swedish Transport Agency shall also, in agreement with the Swedish Armed Forces, consult the Swedish Armed Forces.

Under Chapter 14, Section 16 of the Aviation Ordinance (2010:770), the Swedish Transport Agency may issue regulations on other aviation for government purposes after consulting the relevant authorities operating other aviation for government purposes, and taking into account Chapter 14, Section 7 of the Aviation Act (2010:500). As a result, the Swedish Transport Agency will consult stakeholders operating other aviation for government purposes in connection with the consultation process.

The Swedish Transport Agency has also received comments on the draft regulation through collaboration with a reference group.

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If you have any questions regarding the impact assessment, or any opinions you would like to share, please contact us: Ola Andersson, case officer/team leader [ola.andersson@transportstyrelsen.se](mailto:ola.andersson@transportstyrelsen.se)  
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<sup>4</sup> Guidance Material.

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