



**THE NETHERLANDS
SPECIAL MILITARY AVIATION REGULATIONS**

Passenger Transport Policy

**ACCEPTABLE MEANS OF COMPLIANCE (AMC)
& GUIDANCE MATERIAL (GM)**

NLD-SMAR 300 - AMC & GM

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**MILITARY AVIATION AUTHORITY
THE NETHERLANDS (MAA-NLD)**

Status Page

Version	Issue date	Change content	Affected pages
1.0	9-4-2026	Replaces Guidance Material contained in MAR 300 v1.1 dated 1 March 2019 <i>Military Aviation Regulation for passenger transport on Dutch military aircraft</i> , which has become obsolete with the publication of the NLD-SMAR 300.	All

Final Clauses

This Special Military Aviation Regulation is known as NLD-SMAR 300 AMC & GM.

This Special Military Aviation Regulation shall enter into force from the day after the date of issue on the MAA-NLD internet and Ministry of Defence intranet sites.

This Special Military Aviation Regulation will be binding in its entirety and directly applicable to all (Military) Aviation Organisations who are involved in any way with or are acting within The Netherlands Military Aviation System (NLD-MAS) and need to be compliant no later than 9-10-2026.

The Hague, 9-4-2026

The Director of the Military Aviation Authority - The Netherlands



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GM SMAR300.05 Scope

- (a) The Netherlands Special Military Aviation Regulation-300 (NLD-SMAR 300) regulates the transport of passengers with aircraft operated under the Netherlands Military Aviation Regulations and is therefore not applicable to passenger travel with non-military aircraft or foreign military aircraft.

The NLD-SMAR 300 is not applicable to holders of a Military Aviation Authority of the Netherlands (MAA-NLD) organisation approval (operators), that do not carry passengers. This could be the case when the aircraft types operated under the terms of the Military Aviation Organisation Certificate (MAOC) of the operator are not certified and/or not equipped for the transport of passengers. This is typically the case when the aircraft is equipped with seats that may only be occupied by crew members. However, when there is a need to carry a passenger on an empty crew member seat, when making use of the provisions of **SMAR300.25**, the NLD-SMAR 300 is applicable.

Whenever the Accountable Manager (AM) is mentioned in the NLD-SMAR 300 and its AMC & GM, this is to include the deputy AM, in case of unavailability of the AM.

The carriage of passengers is understood to mean either inside the aircraft or by any means to carry passengers on the outside of the aircraft (e.g. Special Patrol Insertion and Extraction; SPIE).

GM SMAR300.15 Passenger categories

- (a) Typically, the design of military aircraft, due to the nature of its intended use, does not comply with the (civil) international safety standards for the transport of passengers. The aircraft design safety standard and mission risk levels vary per aircraft type and mission type. Due to the nature of the missions executed with military aircraft, the safety risk levels involved with some missions may be substantially increased, but still be acceptable for crew members.

Under different operational circumstances, the necessity to carry passengers of different categories will differ and may be dependent on the risks involved. Establishing different passenger categories enables the operator to create a policy tailored for the transport of passengers of different categories in relation to the risks involved with the execution of different missions with different aircraft types.

The following is a further clarification of the category 1 and its subcategory C, and category 2:

- (1) The Category (CAT) 1 (*Members of the Netherlands, or foreign, Armed Forces and Defence Administration*) is understood to encompass all countries of the world and is therefore not restricted to certain countries. Nevertheless, the carriage of persons from certain countries may be restricted by tasking authorities.

- C. The category '*Contracted civilians*' (CAT 1C) is understood to mean civilians specifically contracted, either self-employed or through a company or organisation. This personnel is appointed, to work directly within a military unit or organisation and is tasked by that unit or organisation (e.g. specialists supporting the military unit or organisation). The relationship between this personnel and the Armed Forces or Defence Administration can be seen as a 'semi' employer-employee relationship. It does not encompass individuals or personnel from organisations to perform contracted services to the Armed Forces and Defence Administration organisation and that do not work directly

within a military unit (services such as maintenance of aircraft or infrastructure, training, research and development, etc.). This does not preclude the carriage of the latter persons aboard as additional crew members, when tasked to perform duties in relation to the specific mission (e.g. a contracted maintainer that needs to perform troubleshooting during flight, a contracted researcher performing tests during flight, etc.).

- (2) Category (CAT) 2 passengers are all other types of civilian passengers, grouped together in CAT 2D (*Others*). '*Others*' is a catch-all category that comprises people who do not have a (semi) employer-employee relationship with the government. This category includes passengers on military aircraft, as part of military support, under the principle of good neighbourly relations, building positive impressions, or for charitable purposes. It also includes the categories '*Members of ministries other than the Ministry of Defence (MoD)*', '*Disaster Relief personnel or regional public officials*', '*Journalists*' (as used by the European Air Transport Command; EATC) and other types of passengers not mentioned before.

AMC SMAR300.20 Prerequisites for passenger transport

- (a) To ensure the safety of transported passengers basic prerequisites have to be fulfilled:

- (3) When carrying passengers, the operator shall assess to which extent the specific mission involves risks that could affect the safety of the passengers.

The operator shall weigh mission risks that affect the safety of the passengers against the need to carry the passengers. This may require communication with the requestor of the transport about the necessity to carry the passengers. Only when the necessity to carry passengers during the specific mission offsets the risk to the safety of the passengers, may the passengers in general or passengers of certain subcategories, as applicable, be carried.

NOTE When describing the passenger safety risk assessment in the Operations Manual (OM) the operator should predefine all its typical missions and the involved level of the safety risk for passengers, and also describe a generic process for the assessment of the passenger safety risk for missions that are not predefined (e.g. for exceptional cases).

The operator should thus predefine in the OM passenger safety risk levels, for a standard set of different types of missions for which the involved risk levels regarding the safety of passengers do not substantially vary.

On the other hand, for missions that are not predefined and/or for which accompanying passenger safety risks are dependent on many factors and therefore could be continuously changing, the operator should also describe in the OM a generic passenger safety risk assessment process.

When establishing the passenger safety risk levels the operator should also take in consideration the passenger safety risks related to the technical design of the aircraft type. Therefore the operator should consult the Military Type Certificate Holder (MTCHO), unless the passenger safety risk levels have already been defined by the MTCHO (e.g. in certification documents).

The description of the (predefined and generic) passenger safety risk assessment process in the OM should specifically indicate the persons (function/position) responsible for the execution of the processes and the

communication with the requestor of the transport, regarding the weighing of the necessity to carry passengers versus the passenger safety risks.

Every time a generic risk assessment process is conducted that results in a decision to carry passengers, these results and specific details should be logged as specified in **SMAR300.30**.

GM SMAR300.20 Prerequisites for passenger transport

(a) To ensure the safety of carried passengers three basic prerequisites have to be fulfilled:

- (1) The Operations Manual should indicate that the carriage of the (sub)categories of passengers is allowed on the specific aircraft type for the specific type of mission.
- (2) Important provisions for the need to carry passengers are that the carriage of passengers is '*related to duty*' and/or '*in the interest of the service*'. When the request to carry passengers is made by a person or organisation with the authority to make such a request, this should imply that the carriage of those passengers is '*related to duty*' and/or '*in the interest of the service*'. Therefor the operator is not required to verify these provisions. '*Request*' in this context does not mean the tasking by a tasking authority, or the issue of a flight order by an authorized person, but merely the official request to have passengers carried with an aircraft.

The concepts of '*related to duty*' and '*in the interests of the service*' merit further clarification. It is not possible to formulate an all-encompassing definition. It is, however, possible to isolate some of the factors that should be considered when making an assessment of the criteria.

The first of these is the '*necessity*' requirement. If the passenger carriage is not '*necessary*', it cannot be considered to be '*related to duty*' or '*in the interests of the service*'. Nevertheless, the concept of '*necessity*' should not be interpreted too narrowly. A high degree of desirability – e.g. in cases of humanitarian relief or public relations interests of the Defence organisation – also satisfies the '*necessity*' requirement.

The principles of '*subsidiarity*' – can the objective be met in another way, are there alternatives available? – and '*proportionality*' – can the objective be achieved with fewer resources? – should also be used in considering whether the carriage of the passengers is '*in the interests of duty*'. Those principles could, for example, result in using civilian rather than military aircraft or another form of transport being used (e.g. transport by road, railway or water).

A financial-economic motive can be important in determining whether specific categories of passengers may be carried on a military aircraft. If, for example, a shuttle flight with a military aircraft frequently flies to the area of operations, a cost/benefit analysis could result in all categories of passengers being carried on this aircraft.

To illustrate the situations where the '*interest of the service*' criterion applies, the following may be of some help. In fact, activities that are part of or are an extension of the general tasks of the Defence organisation are always considered to be in the interests of the service. The transport of passengers not employed by the Netherlands armed forces can also be in the interests of the service. That could, for example, include the transport of personnel from foreign armed forces as part of an mission, operation or exercise, or as part of a cooperation agreement in the area of air

transport. Sometimes, it may also be necessary to carry civilians as part of a humanitarian operation (evacuation, transport of casualties, etc.). Flights that contribute to the positive public opinion concerning Defence activities (public relations) may also be permissible, if the flight is primarily in the interest of the Defence organisation. Examples include the transport of persons involved with preparing a media report on the Defence organisation, or transport related to orientation and/or recruitment activities in the interests of the service. Furthermore, it is also possible to carry passengers who are not in the service of the Defence organisation but which are carried because of certain Defence tasks (as mandated by legislation or regulations). When carrying out a Defence task, the '*interests of the service*' criterion always applies. Examples include medical evacuation (Medevac) flights, Search and Rescue (SAR) flights, Very Important Person (VIP) flights, deportation flights and the transport of refugees.

- (3) It might not be desired to carry passengers, or certain (sub)categories of passengers, during missions that involve risks that affect the safety of passengers. These may be missions in a combat or conflict zone with e.g. air-to-air or ground-to-air threats, but may also be peace time missions, such as training missions or exercises, where generally higher risks are accepted than e.g. during regular transport missions. These missions with an increased risk could be hoist and fire bucket operations, underslung load operations, (heavy) receiver Air-to-Air Refueling (AAR), low level flying, Night Vision Goggle operations, formation flying, high G manoeuvring, airdrop operations, short and/or unprepared airfield ('Max Effort') operations, etc.

Note that not all mission related risks affect the safety of the passengers. An environmental or political risk might not affect the safety of the passengers, whereas ground-to-air threats will affect the safety of the passengers. Risks other than passenger safety risks should be addressed as part of the overall mission risk assessment and risk acceptance. Nevertheless, especially political risks and the risk of negative publicity are important considerations for the overall mission risk assessment regarding the carriage of passengers during high risk missions for the risk scenario where the passenger safety becomes actually endangered during the mission (e.g. injuries or worse).

Therefore, in case a request is made to carry passengers, the operator should assess whether the passenger safety risks are offset by the need to transport (a specific category of) passengers. If unknown, the necessity for the carriage of passengers should be verified with the person or organisation requesting the transport. Note that the operator organisation can also be the requestor for the transport of passengers.

AMC SMAR300.25 Exemptions

- (b) For the issue of an exemption '*in writing*' a (physically or digitally) signed document should be used. Alternatively an e-mail may suffice, provided the e-mail has been sent by the AM.
- (d) For a mandate, in case of deployed operations, the same applies as in **SMAR300.25 (b)** above.

GM SMAR300.25 Exemptions

- (b) '*All applicable risks*' also include political or publicity-related risks.

Additional risk mitigating measures may include the de-activation of aircraft controls and systems, if applicable.

(c) When issuing an exemption the AM will have to ensure that:

(1) If applicable, an aeromedical physician declares the passenger(s) physically fit. This is applicable when the 'stresses of flight' are expected to substantially differ from those exposed to during regular transport flights or if a passenger is aware of a personal physical or mental condition that could affect his/her 'fit-to-fly' condition. Passengers should be actively questioned whether he/she is aware if any such condition exists.

(2) Regarding the briefing and/or training of normal and/or emergency procedures, as an example, if for flights above water, when land cannot be reached in a glide or autorotation flight, attention must be devoted to the equipment available for landing on water. If deemed necessary, additional dinghy drill training should be provided. In general, when, either during normal operations or in case of an emergency, the passenger would be required to use specific mission and/or emergency equipment (e.g. oxygen system, G-suit, dinghy, parachute, etc.), it must be ascertained that the passenger understands the procedure for operating the equipment and that the passenger is physically able to execute the required normal and emergency procedures, as applicable.

(d) Deployed operations may mean the deployment of a detachment for a prolonged time (e.g. when ordered by means of a deployment order) or the deployment of a limited number of aircraft and crews for a limited period (e.g. by means of a mission tasking). Examples are a United Nations operation, a peace enforcement operation, training exercises, etc. versus multiple-day training missions (for the unit itself or in support of other units) or third party support missions abroad (medevac, fire bucket operations, etc.).

The specific person to mandate the issue of exemptions to during deployed operations could, for example, be the detachment commander or S3 Air, or the Pilot in Command (PIC) or mission commander.

AMC SMAR300.30 Record keeping

(a) The register should be in the form of a dedicated file for that purpose (e.g. a paper logbook or in digital format, such as an Excel sheet), or the information should be readily available in a separate system (such as a risk management system).

When the operator has predefined in the OM passenger safety risk levels for a standard set of different types of missions, the logging of the information listed in **SMAR300.30** is not required if for the specific mission the OM states that the carriage of passengers in general or of that (sub)category can be conducted without further consideration.