



## State Commission on Aircraft Accidents Investigation

### SERIOUS INCIDENT 2022/2133

#### RESOLUTION

of 17<sup>th</sup> February 2023

<b>Type and model of aircraft:</b>	Aeroplane, Tecnam P2008-JC / Aeroplane, F-16 / Aeroplane, F-16
<b>Registration marks:</b>	SP-SMD / Unknown / Unknown
<b>Date of occurrence:</b>	9 May 2022
<b>Place of occurrence:</b>	Airspace east of Śmigiel (WGS84: 52°01'34.79"N 016°29'6.98"E)

After reviewing the notification and collected materials by a member of the State Commission on Aircraft Accidents Investigation (PKBWL), acting pursuant to Article 135 of the Act of July 3, 2002. - Aviation Law (with further amendments) and § 18 of the Regulation of Minister of Transport of 18 January 2007 on air accidents and incidents, State Commission on Aircraft Accidents Investigation determined that:

#### 1. The course of the occurrence was as follows:

On 9 May 2022, a pilot holding a PPL(A) license planned to fly a Tecnam P2008-JC aircraft with registration marks SP-SMD (hereinafter referred to as "Tecnam"), along the route from EPPO, through EPLS and EPOM with landing on EPPO aerodrome. The pilot reviewed the airspace restrictions and filed a flight plan. At 09:31 hrs<sup>1</sup>, the pilot called FIS Poznań to make sure he had up-to-date information on the restrictions.

At 10:27 hrs, after departure of EPPO CTR, the pilot reported his intention to fly according to the flight plan to EPLS. The FIS Poznań officer provided the current QNH value and instructed him to "perform the flight as planned". The FIS officer did not provide, and the pilot did not ask for information about restrictions on the flight route.

At 10:28 hrs, the leader of a pair of Extra300 aircraft performing a flight from EPPG airport with a southeast course reported to FIS Poznań.

The FIS officer provided the Extra300 aircrews with the current QNH and information on active MRT015 and 016 and further suggested climbing to 2000 ft AMSL altitude before reaching the MRTs. When the Extra 300 climbed to 2200 ft AMSL, the FIS officer advised the crews to maintain that altitude due to the next MRT on their flight route.

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<sup>1</sup> The time in the Resolution is expressed in LMT = UTC + 2 h.

At 10:39 hrs, the FIS Poznań officer took care of traffic in the southern part of the Sector, and his assistant spoke to a pilot via phone about the possibility of his flight.

When the Tecnam approached MRT018, flying at an altitude of 1,000 ft AMSL, the pair of F-16 aircraft, after leaving TSA07, was flying in MRT018 in east direction, at an altitude of about 800 ft AMSL, at a speed of about 400 kt. At 10:40:30 hrs, the FIS assistant was called by the Air Defense System controller and asked whether he was following the aircraft approaching MRT018 from the north. The assistant replied that he could not see it. The controller asked whether the assistant could see the F-16 aircraft.

At that time, the F-16 aircrews received information about an aircraft, at a distance of 3 NM at the altitude of 800 ft AMSL, approaching MRT018 with a south heading. After that, a pair of F-16 aircraft was instructed to climb to 1,500 ft AMSL to avoid a collision with the aircraft, which was violating the airspace separated for a military user.

At 10:41 hrs, the military aircrews, during a climb, spotted an aircraft crossing the MRT route at an angle of approximately 90° in a south direction, on the west side of the village of ŚMIGIEL. At the time of airprox, the F-16 aircraft were at an altitude of 1160 ft AMSL, and according to the assessment of their pilots, the Tecnam aircraft flew about 150 ft below them. The pilot of the Tecnam aircraft stated that he spotted one F-16 aircraft about 500 m away and made a right turn.

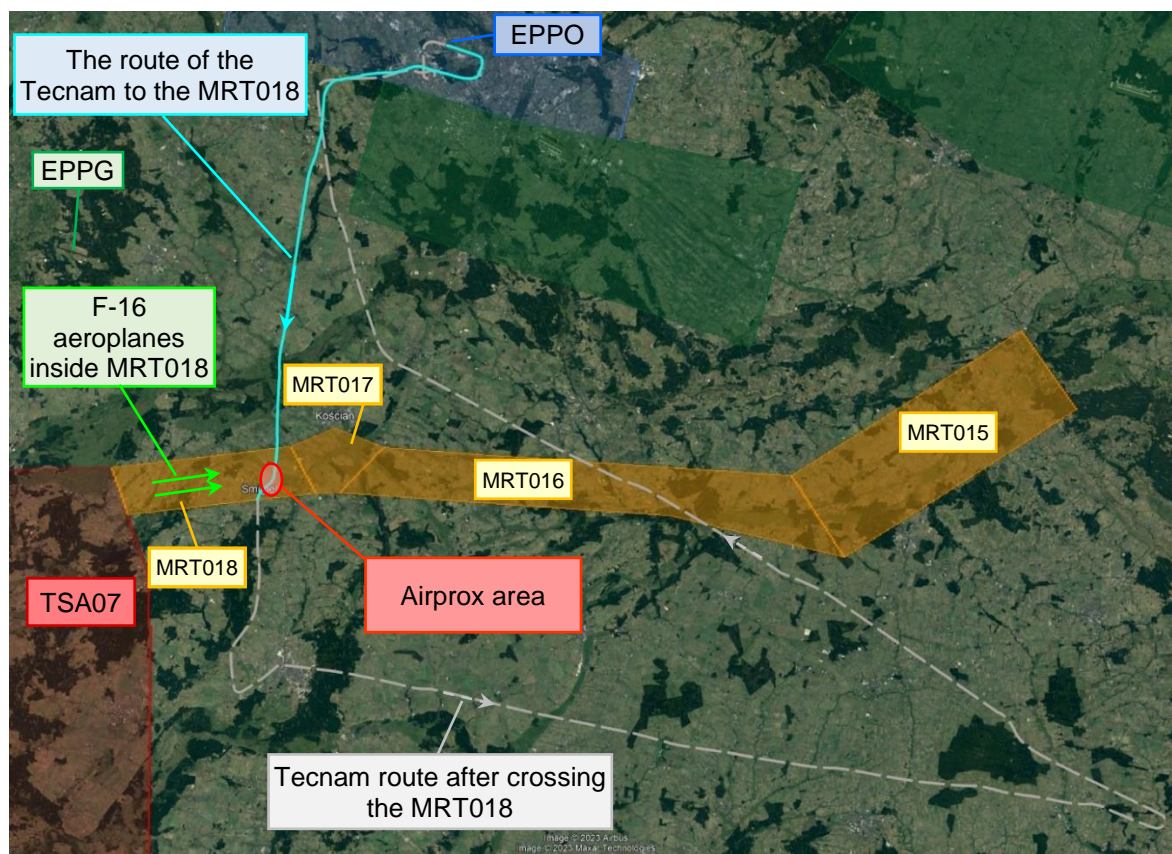


Fig. 1 A sketch of the traffic situation related to the occurrence [source: FlightAware.com, PANSA]

A few seconds after the airprox, the FIS officer instructed the Tecnam pilot to climb to 2,000 ft AMSL, but attempts to establish communication with him were interrupted by responses from a crew of another plane located in the southern part of the FIS Sector.

At 10:42:03 hrs one of the pilots of the F-16 aircraft transmitted information on the FIS Poznań frequency that the MRTs were active, military aircraft had just passed traffic in the area of the city of Kościan, and that it was probably a Cessna aircraft. The pilot also asked to warn aircrews that jets in the MRT are flying at 500 kt 500 ft AGL.

After passing each other, the planes continued flying their planned routes.

The FIS Poznań officer responded with one minute interval to the crews of the Tecnam and the leader of Extra 300. The Tecnam crew received QNH value and information to "perform the flight as planned," and the Extra 300 leader received QNH, a warning of MRT015 and MRT016 activity, and a suggestion to perform a climb to 2000 ft AMSL. When airplanes reached an altitude of 2200 ft AMSL, the FIS officer suggested to maintain this altitude due to another active MRT on their flight route.

The difference in the scope of the information provided to the crews is very clear and indicates unequal treatment of air traffic participants by the FIS officer.

In his explanation, the FIS officer stated that he had informed the Extra 300 leader about the activity of MRT017 and MRT018, although actually, he was talking about MRT015 and MRT016. He assumed that the pilot of the Tecnam could hear the transmission on the FIS Poznań frequency and, assuming, that he was prepared for the flight, should have reacted accordingly.

The transmission of information about restrictions in Class G airspace should have been preceded by a request from the aircraft crew, but it was the FIS officer's duty to respond to the safety hazard.

## **2. Causes of the occurrence:**

- 1) The Tecnam pilot's failure to properly analyze data on the airspace element activity.**
- 2) FIS officer's failure to provide the Tecnam aircrew information on MRT activity on the flight route.**

## **3. Contributing factor:**

Involvement of FIS personnel, a few minutes prior to airprox, in radio communication with the crew of an aircraft in another part of the Sector and conducting a telephone conversation.

## **4. The Commission accepted the following preventive measures proposed by the organizations involved into the occurrence:**

Smart Aviation (Tecnam operator):

- all responsible staff of the organization were reminded to plan flight routes so that they do not pass through inaccessible zones;
- a description of the occurrence was introduced into the theoretical safety training program;
- the occurrence was included in the organization's risk analysis.

Polish Air Navigation Services Agency (PANSNA):

- provided the findings of the investigation Smart Aviation with;

- during the investigation, PANSA investigator discussed with the involved FIS officer, and the investigation records were sent to him.

**5. In addition, the Commission has proposed the following safety recommendations:**

Not formulated.

**Investigator-in-Charge**

**SCAAI Chairman**

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(signature on original)

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