

# THE CONTROLLER

OCTOBER 2020

JOURNAL OF AIR TRAFFIC CONTROL



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- 2021 Annual Conference in Jamaica
- Technical Area Work Update
- Updates about Court Cases in Russia, Switzerland & Italy
- Flying VFR in the Czech Republic

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**Cover photo: This cover features a photo of Cristian Radu from Romanian Air Traffic Services Administration (ROMATSA R.A.) wearing a COVID-19 protection shield while working at ACC Bucharest. (Credit: self portrait)**

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# A CHANCE TO DO BETTER THAN BEFORE

▶ BY DUNCAN AULD, IFATCA PRESIDENT & CEO

We, the international aviation community are faced with a choice, some would say a question of identity. We are in the middle of an unprecedented crisis in the history of aviation. There is little certainty for the times ahead, except for one thing: We have a chance to do better than before.

Our skies are empty. Airlines are struggling to remain solvent and are laying off staff. Recent weeks show that we can expect 'two steps forward, one step back' for the coming months at least. Some Air Navigation Service Providers, particularly those who are solely reliant upon navigation charges for operating funds, are stripped of operating cashflow. In attempts to stem losses within these service providers, administrative staff, air traffic controller trainees, and even active controllers have been terminated. This, as we have seen many times before, is short sighted and will cripple the recovery of the industry in the coming years and slow the recovery of the global economy.

With global deaths now exceeding 1 million, the international situation is varied and volatile. Some countries have a reasonable control over the spread of the virus, whereas in others the situation is quite the opposite. Unpredictable is the theme for 2020.

The general prediction is that only be limited levels of regional or international travel possible until an effective vaccine is widely administered. This is at the very least months away. That probably implies that that the recovery of air traffic levels to pre-pandemic levels is probably years away. While some suggest that 'the worst is yet to come' for aviation, I am not sure that this is helpful. The fact is that the uncertainty is crippling an industry reliant upon long term forecasts, massive investment, and lengthy personnel training requirements. Some models of ANSP have been woefully underprepared: a single source of finance as a single point of failure is not the resilience expected in aviation.

As some 'curves have flattened' it would seem more logical to switch to mass testing and outbreak management, rather than aiming for complete exclusion of a virus that already exists within the containment lines. ICAO, IATA, and ACI

have been working on models and systems to support return to services with appropriate measures in place. The success of this approach will be subject to consistent and effective implementation and recognition of these measures by States. This is always a challenge for our industry and initiatives to introduce additional measures or exceptions to the standard should be discouraged.

As such measures are rolled out, we should see an uptake in travel and increases in traffic and we must be prepared for this. As has become painstakingly obvious, the health of the airlines and ANSPs are intricately linked. If the ATM system fails to cope with the recovery of traffic, it will cause further harm the future of all aviation professions. If service providers are expected to cater for the highs and the lows, we cannot shed our valuable resources without critical analysis of the long-term impact of such measures.

International aviation is at a crossroads and will likely be drastically different: airlines will focus even more on the viability of routes. Entire generations of aircraft will be retired. It is an opportunity to look at airspace design and procedures, thereby providing better efficiency to the airlines. Such projects can use the freed resources that may be available until traffic returns. This is an investment into the future of the industry, rather than a short-sighted cost saving measure. Aviation is a long-term industry, requiring long-term investment in capital, people and resources.

To cope with this challenge, we need commitment. We need governments to ensure consistent funding for ANSPs under all circumstances. The airspace must remain open and the benefits the governments have gained from 'commercialisation' of the airspace should ensure sufficient buffers when the industry faces times of need. ANSPs must recognise that the best use of their



▶ Photo: Duncan Auld , IFATCA President & CEO

professional resources is within their organisation and find ways to utilise this to improve the system. Airlines must realise that in most places the ANSP is not in a position to provide concessions and needs just as much support as the rest of the industry. As IFATCA, we support the needs of our Member Associations and air traffic controller professionals. As readers, I hope that within conversation and deliberations, you place the focus not of the negatives of the crisis, but on the future, and on improvement of the system.

As aviation professionals must stand together, do not allow us to be divided, this is a difficult time for all of us and we will be challenged. We are stronger together and this is our industry, our passion and our home. This is aviation, we are resilient, that is what we do. Our industry is designed to be able to break and then honestly and constructively review itself and improve, that is the way we are built. ◀

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# AN INTERVIEW WITH FREDERIC DELEAU ABOUT THE CRISIS IN EUROPE



► BY PHILIP MARIEN, IFATCA COMMUNICATIONS COORDINATOR

During the summer break, “The Controller” interviewed Frederic Deleau, IFATCA (Acting) EVP Europe, on the challenges encountered during the COVID-19 crisis and what lessons could be already learnt.

**The Controller: What is going on in Europe regarding the air traffic controllers during the COVID-19 crisis?**

Deleau: As you can expect, we are all impacted by the crisis, both personally and professionally. From a personal level, many countries went into a prolonged lockdown, which had a profound impact on family and social life. The impact on people’s well-being, including our ATCO friends and colleagues is probably underestimated. And despite this lockdown, ATCOs went to work and relentlessly delivered the high-quality service that is expected from them. Air traffic control was recognised by authorities as essential services that helped the recovery. That was a positive point.

However, this did not prevent many Air Navigation Service Providers from implementing measures affecting their staff, including ATCOs. These measures range from immediate salary cuts of up to 60% to laying off 40% of the staff. One service provider laid off all ATCOs, planning to have them sign a new, and of course less favourable, contract. Some ANSPs did this within weeks of the start of the crisis. Others demanded extra flexibility and stopped hiring/training staff: in other words, the usual “Molotov cocktail” that we know causes irreversible damage when the traffic picks up again. It does not even take that the traffic goes back to previous levels, or more, to see the consequences of these short-sighted measures. We have seen and already all endured the consequences of the same path after the financial crisis of 2008 and many other instances before that. This time, it’s even deeper.

All these measures were taken in a very short time. Certain managers seem to use any crisis as an opportunity to either review



Photo by Shutterstock



Photo by ?

► Photos: (Top) E.U. Commission Headquarters in Belgium (Bottom) IFATCA Acting EVP Europe Frederic Deleau

# AN INTERVIEW WITH FREDERIC DELEAU ABOUT THE CRISIS IN EUROPE (CONT.)

the benefits ATCOs enjoy and/or to take financial measures to reduce the overall costs as requested by the European Commission (EC). Liberalisation is in full swing at certain places! A few still resist and manage to keep a sound dialogue opened with their management.

A number of Member Associations requested support from IFATCA. We reminded states and ANSPs, who were concerned about their obligation, to ensure the essential services and to protect their staff accordingly. We also offered to help find balanced approaches. We remain available, and we work hard at global level to bring support.

**The Controller: Can you elaborate a bit more on the measures requested by the European Commission (EC)?**

Deleau: To keep it simple, in early June, the EC tabled two options to the Single Sky Committee (SSC), meaning the Member States.

First, we need to set the scene: The Single European Sky legislation provides the framework for all the work around the modernization of the European Aviation. Adjustment to the basic legislation is carried out via the so-called comitology procedure, where the European Commission (EC) decides together with the Member States on adjustment of the legislation. Part of the legislation includes the so-called performance scheme, which is split in so-called reference periods. In 2020, Reference Period 3 (RP3) started, and it will cover the period from 2020 to 2024. These reference periods outline European targets for various key performance areas (KPA) such as safety, capacity, cost-efficiency and the environment. The Performance Review Body (PRB) advises the EC on possible targets to be achieved for these four KPA.

Following the impact of the COVID-19 crisis and the subsequent drop in traffic due to the closure of most national borders, the EC together with the PRB proposed to the EC Member States adjustments to the legislation. In early June, the EC tabled two options to the Single Sky Committee (SSC): one without the price cap and one with the price cap.

Following a negative reaction to both of these options from the EC Member States and the legal service of the EC, another proposal will be considered in September 2020. All the RP3 legal mechanisms including the price cap would be maintained for 2020 and 2021. However, if accepted by the Member States, the EC could set an EU-level target and break it down per state. It would be very unusual for the EC to set national targets. Further, the PRB has suggested a template where Member States would have to divulge their COVID-19 rescue plans in detail and demonstrate that they have worked to cut costs SIGNIFICANTLY! (Note: The current impact of the COVID-19 crisis per state can be assessed in real time under [https://ansperformance.eu/covid/covid\\_ert\\_rev/](https://ansperformance.eu/covid/covid_ert_rev/))

**The Controller: This crisis is huge so exceptional measures might need to be considered – but who will pay, considering that the airlines already got bailed out and/or got great loan facilities from the EC Member States?**

Deleau: With such a crisis, there is no scripted solution, but it is difficult to understand why the EC has proposed as a first measure to change the rules of its legal framework in order to support the airlines and shift the burden to the ANSPs. The entire aviation value chain is affected. Whereas, according to an IATA paper by Brian Pearce, US\$250 billion in state aid so far has been promised to support U.S. aviation. It is bewildering to see the EC tried to support only one aviation stakeholder at the demise of another part of the value chain, namely ANSPs.

There must be a limit. We are a bit puzzled to see so much EC energy solely directed towards helping the airlines and not solving the liquidity issues of the ANSPs, the airports, baggage handlers, etc. The entire aviation chain is suffering and at risk, but only one part seemingly gets the necessary attention and funding.

It was understood that in case that forecasted traffic did not materialize that some of the losses would be borne by the users. This now will be the case. According to the [www.ansperformance.eu](http://www.ansperformance.eu) portal, the current year-to-date losses are 2.1B Euros (€145.6 M for the ANSPs and €2B for the

airspace users). Depending on the actual traffic during the last part of the year, these figures might increase further. With the initial proposal of the EC, it would have been €2.1B for the ANSPs.

As I said before, the discussions are ongoing. So far, the EC Member States have not accepted the EC proposals.

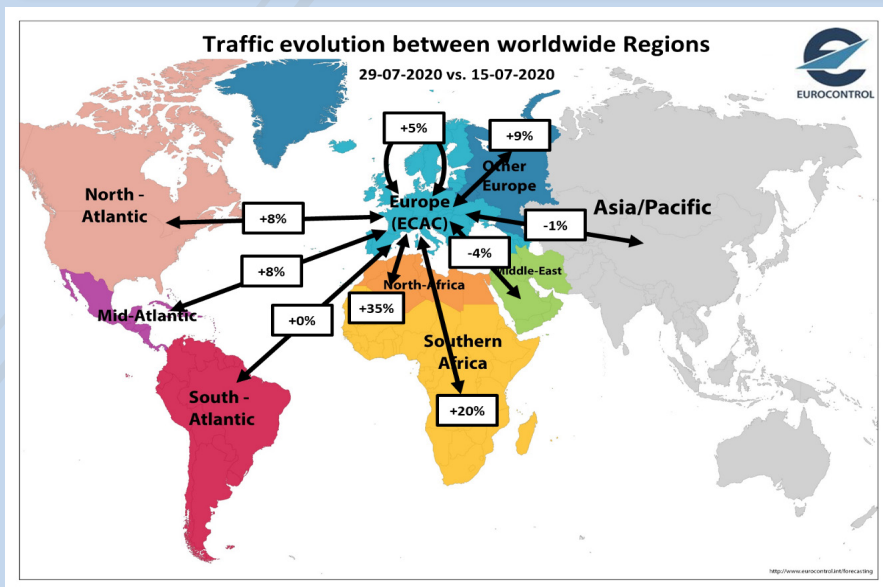
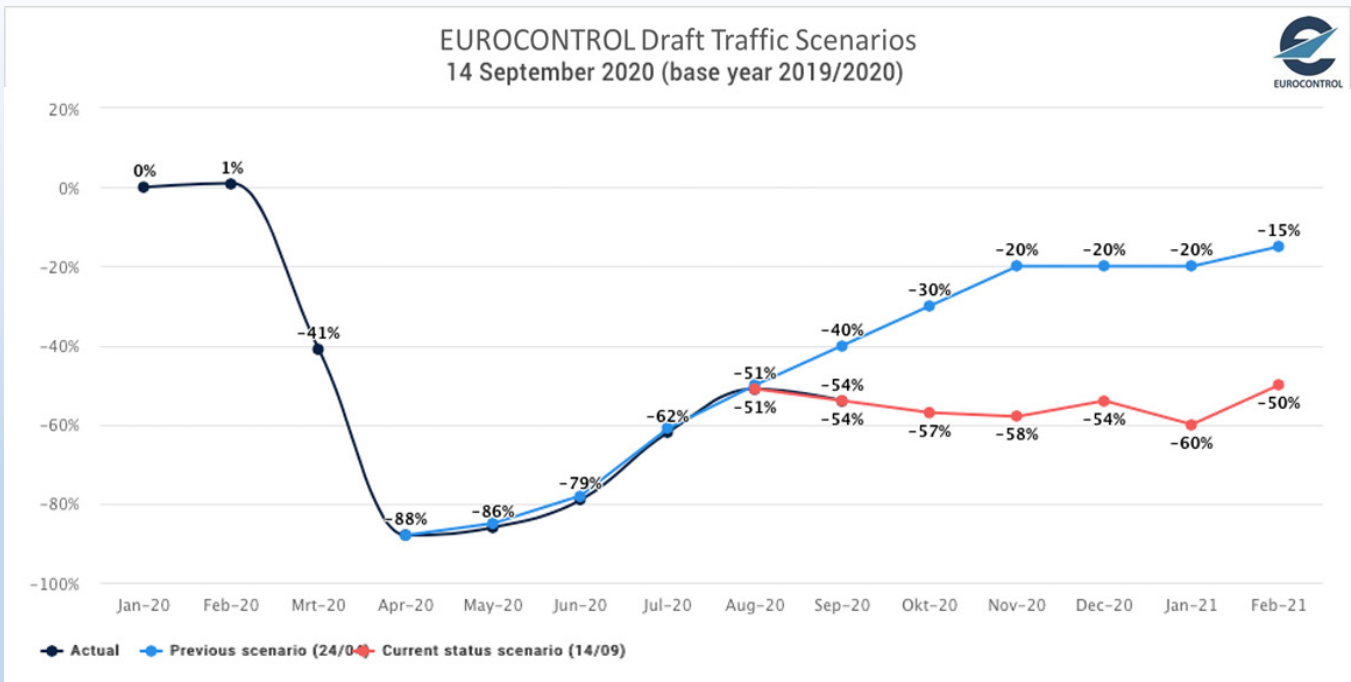
**The Controller: What was the opinion of IFATCA regarding these options?**

Deleau: As you can imagine, we were extremely concerned about the consequences for the ANSPs of such lack of financing. We know all too well where it ends up: cuts, cuts, cuts. And the negative professional consequences will follow very closely. IFATCA sent letters to the EC and to the representatives of the EC Member States to highlight the basic obligations to and the consequences on staff, the network, and ultimately performance.

We also work very closely with the European Transport Workers Federation (ETF) and the Air Traffic Controllers' Unions Coordination (ATCEUC) – the Unions – and other Professional Organisations to address the EC. A petition was launched, meetings took place, and letters were sent at regular intervals to denounce the EC's initiatives to sideline the staff and solely defend the airlines' interests. We participate as much as possible to add logic and common sense into the discussion and defend our professional values wherever and whenever possible.

**The Controller: What else did IFATCA do for its Member Associations during this crisis?**

Deleau: As you know, I took over the responsibilities as acting Executive Vice-President Europe early April 2020. My immediate aim was to stabilise the situation and continue the considerable efforts already engaged by my predecessor. For instance, a very good guideline document was published by IFATCA to help the MAs establish some basic health requirements to help them stay safe at work. I engaged with MAs to secure their voice with the EC and provide them the assistance that they would request. After that initial stabilisation period, we have been consulting – to stay aware of the local conditions and remain open



for any request to help our MAs. We have been informing our MAs about the ongoing situation and the EC initiatives and sharing experiences and developing ideas and initiatives for the (near) future. There is also a Federation beyond Europe and the organisational issues need some attention as well, even during the pandemic.

To summarise: Stabilise, consult, inform, and develop would be the key words. It is "firefighting work" and "academical reflection" all in one.

**The Controller: Were there any other initiatives taken at European level that would have an impact on the network?**

Deleau: The major initiatives came from EUROCONTROL and include: deferral and loan, plus prepare for recovery. IFATCA was consulted by the Director of the EUROCONTROL Network Manager for the recovery part.

► **Charts and photo:** (Top) Draft Traffic Scenarios from EUROCONTROL from 14 Sept. 2020 (Middle) Traffic Evolution Chart from EUROCONTROL from July 2020 (Bottom) IFATCA Acting EVP Europe Frederic Deleau (Photo credit: ?)



EUROCONTROL houses the Central Route Charges Office (CRCO) – the office collecting charges on behalf of the Member States and redistributes them to each state. By March 2020, the CRCO started to receive letters from airlines claiming they will not be able to pay their route charges on-time or anymore. Concerned that the system would collapse – and afraid to have to impound hundreds of aircraft for non-payment by the airlines of their charges – EUROCONTROL therefore proposed to the EC Member States to agree on a deferral of route charges payment due in April until November 2020. To bridge the financial impact this had on the infrastructure, EUROCONTROL proposed

# AN INTERVIEW WITH FREDERIC DELEAU ABOUT THE CRISIS IN EUROPE (CONT.)

a second step, to seek a loan to cover 51% of the operational costs of the ANSPs. The Member States agreed and the loan conditions were finalised at the end of June 2020. Only 10 states took advantage of this program to finance their ANSPs. The others will have to do it internally through their own borrowing or national financing mechanisms.

**The Controller: Are there any lessons that could be already drawn from these episodes?**

Deleau: The obvious one is that the way Air Navigation Services are financed is flawed and a new system must be pursued. It is clearly not viable. A new way of financing the European Air Navigation System is urgently needed sooner rather than later.

It is also clear that we are continuously contemplating a system where “we privatise the gains and we mutualise the losses.” By this, I mean that when it all goes well, the airlines give dividends away to their shareholders. That is not wrong for a private entity. But as soon as it goes sour, they call the states to help, and taxpayers have to participate to rescue private companies, as they are “too big to fail” and represent thousands of (local/national) jobs. It cannot be such a repetitive and rigged game.

Notwithstanding these recurrent experiences, some are still advocating for more liberalised providers and market mechanisms in Air Traffic Management organisations. It is beyond my understanding that, with all the examples of private failures we have experienced in transport and/or safety critical infrastructures in the last decades – instances where the Member States ultimately have been responsible for covering losses to avoid a collapse of (essential) services and the staff having to deal with the consequences – we still hear voices promoting “unbundling of services” and “market share mechanisms,” as robust solutions for OUR future.

Do not get me wrong, there will always be some parts of our industry and services that will be unbundled and outsourced. It is a reality and a pragmatic approach. What do we want? Do we want to play

“Excel sheet management” caring about financial concerns or do we want to build a robust and resilient system that could not only deliver the expected level of service required, but also guarantee the performance, efficiency, flexibility, stability, and growth potential that will deliver benefits for all parties, including the airlines? Solutions exist! They might not please some liberal ideologists, but they have been proven efficient and delivering high performance. Why do not start with what works, what is stable, proven, tangible and secured? It is more than time that people become honest and less “lobby” or “corporate” oriented.

This crisis has shown how weak the current system is and how the so-called “unbundled private” solutions were interdependent on the willingness of certain actors to accept their responsibilities in ALL circumstances, meaning paying the bills, even to the extent, that one has to accept a failure, a bankruptcy, and possibly a stoppage of essential service.

We need changes. The idea I wish to defend is that we need more integration into an independent international cross border platform focused on operational performance that could manage issues with a much better network view, full operational and proactive capacity. As I said before, solutions exist. It now requires sound political decisions.

**The Controller: You mentioned the financing issues during this COVID-19 crisis. Any ideas as to how we could change the current financing system?**

Deleau: What we are experiencing at the moment is exceptional. What I mean is that the ANSPs are basically fully financing the services to airlines.

Even the ones that sit on comfortable cash reserves or companies that made more profits during the crisis are not paying route charges bills until November. In simple terms, the route charges are based on a “distance flown” and maximum take-off weight (MTOW) of the aircraft, not the amount of passengers onboard. Anyway, months after the services were delivered, bills will be paid. This means that the Member States, via their ANSPs’ budgets,

will “subsidise” the services before being repaid their costs. That is, in very simple terms, under “normal” circumstances, the current system in Europe.

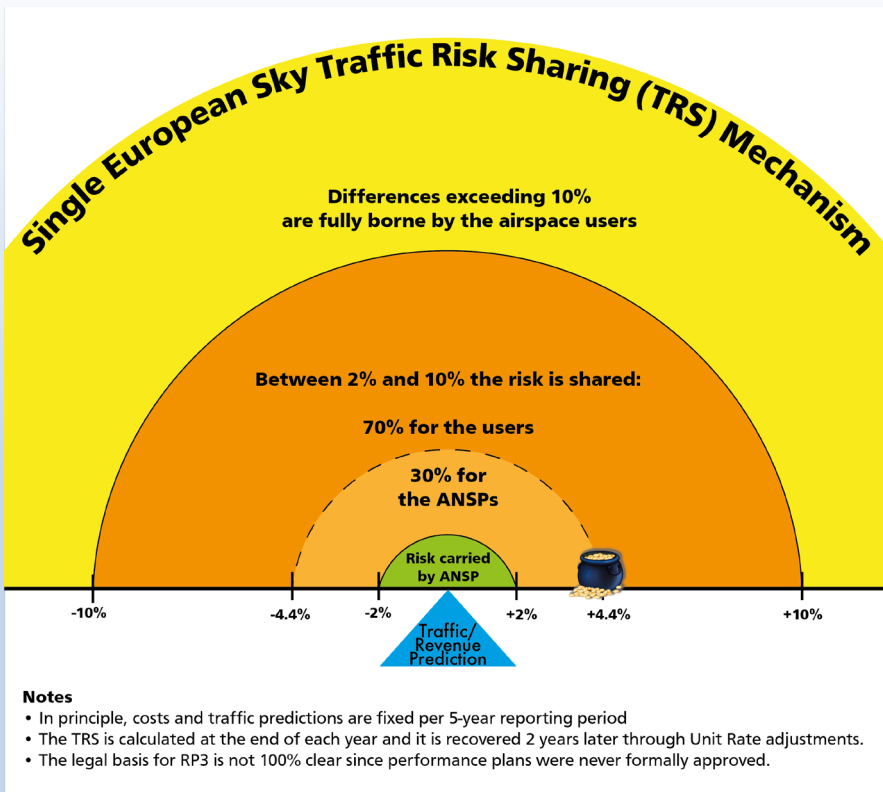
Why couldn’t we envisage a hybrid system where parts of the basic costs would be financed up front, yearly, by the users BEFORE using the service? At the end, aren’t the passengers paying the price of their ticket to airlines BEFORE using the service?

One could imagine an access to the Network, like a “membership fee”, based on the volume of traffic expected established on the fleet size, aircraft types (MTOW), and number of planned flights in the system for each type. This fee then could be reviewed each year like a “performance plan,” but it would become the responsibility of the airlines to ensure accuracy of these predictions and the declarations of the users. There could be adaptations up or down of the “membership fees,” including non-refundable parts under certain circumstances. We could envisage some criteria linked to volume of flights in order to reduce the yearly “membership fees” as incentives. This system would be used to finance the basic service to users and reduce their current charges paid.

In the same way, additional services requested by users from ATC due to lack of onboard equipment (for example MET report for destination airport due to lack of ACARS) should lead to extra charges that would be of such magnitude that airlines would rather equip their fleet with the latest technology than risking these charges on a case-by-case basis. Isn’t it what happens when you forget to print your boarding pass before getting to the airport, or you have some extra kilos to check-in, or you want a bottle of water onboard, etc? This isn’t a shocking idea. That’s step one.

Then, we have to seriously consider the European Union Green Deal requirements while developing new systems and still ensuring stability for the Member States’ continuous investments. A second part could be a specific passenger tax, put additionally on the ticket price to cover the remaining costs and also promote alternative modes of transportation for shorter distances. Depending how long the flight





► **Charts and photo:** (Top) Draft Traffic Scenarios from EUROCONTROL from 14 Sept. 2020 (Middle) Traffic Evolution Chart from EUROCONTROL from July 2020 (Bottom) IFATCA Acting EVP Europe Frederic Deleau (Photo credit: ?)



would be, an additional tax could be levied on each ticket to pay for the air traffic control services. This tax should be inversely proportional to the distance flown in order to promote transport infrastructure emitting less CO2 emission like railways for example. This example also supports some of the criteria embedded in the European Green Deal.

**The Controller: Quite ambitious ideas! What is the likelihood of seeing support for such ideas?**

Deleau: Obviously, this is just an idea. The debate has to start to change the system. We have to fight to bring more stability

and robustness into a system that has demonstrated so many limits. We owe it to all our friends and colleagues that we try to begin the debate with the right rationale. We should imagine a balanced, secure and fair system that would deliver the safety, order and efficiency we all are hoping for. I repeat that solutions exist, and systems that deliver the highest performance already have been a reality for years.

Allow me to paraphrase a speech of John Fitzgerald Kennedy: "We set sail on this new sea because there is new knowledge to be gained, and new rights to be won, and they must be won and used for the progress of all people. The hazards

of the pandemic are hostile to us all. Its resolution deserves the best of all mankind, and the opportunities it presents for peaceful cooperation may never come again. But why, some say, should we try to change the way of dealing with ATM as a human-centred system for the benefits of all? Why choose this as our goal? And they may well ask, why climb the highest mountain? Nearly 100 years ago, we might have asked why fly across the Atlantic? Why always strive to get better? We choose to change our way of dealing with ATM as a human-centred system for the benefits of all in this decade and do the other things, not because they are easy, but because they are hard. We do them, because that goal will serve to organize and measure the best of our energies and skills, because that challenge is one that we are willing to accept, one we are unwilling to postpone, and one we intend to win."

Some of the biggest success stories started with a dream. Right?

**The Controller: What conclusion could you bring to the current situation and what we could envisage for the near future?**

Deleau: My first and most important thought: I hope all of our friends, colleagues and their loved ones will remain safe, healthy and confident during this crisis

Let us be realistic. We cannot anticipate yet, without a vaccine and/or some drugs, how and when we will see the situation improving. Some of us will have terrible times, losing jobs, a substantial part of their incomes, or worse a member of their family or a friend. It is a terrible period. We have no other choice but to stick together, to support each other in various ways.

For the future, we need to change some things, especially those things that obviously did not work. We need to act properly and efficiently to build a more resilient system. We owe it to our friends, colleagues, citizens, to the system, to the users, to all of us,. It cannot be based on ill-fated ideas driven by pure financial objectives and benefits for a few, while putting the system at risk! The best way to serve our friends and colleagues in the long term is to develop a sustainable system that will deliver the conditions of efficiency and performance, still guaranteeing the security everyone needs to grow wealth. ◀

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# ICAO ANALYSIS: ECONOMIC IMPACTS OF COVID-19 ON CIVIL AVIATION FROM SEPTEMBER 2020

In light of the rapidly spreading disease COVID-19, the International Civil Aviation Organization (ICAO) actively monitors its economic impacts on civil aviation and regularly publishes updated reports and adjusted forecasts. Their latest information – from September 2020 – can be viewed here.

When assessing the economic impacts on civil aviation, ICAO works with many different scenarios in order to reflect the very uncertain nature of the current situation and the rapidly changing environment. The actual path will eventually depend upon various factors, inter alia, duration and magnitude of the outbreak and containment measures, availability of government assistance, consumers' confidence and economic conditions.

ICAO is working alongside the Airport Council International (ACI) in monitoring the developments and to leverage their expertise and analysis conducted on the economic impacts of COVID-19 on airports.

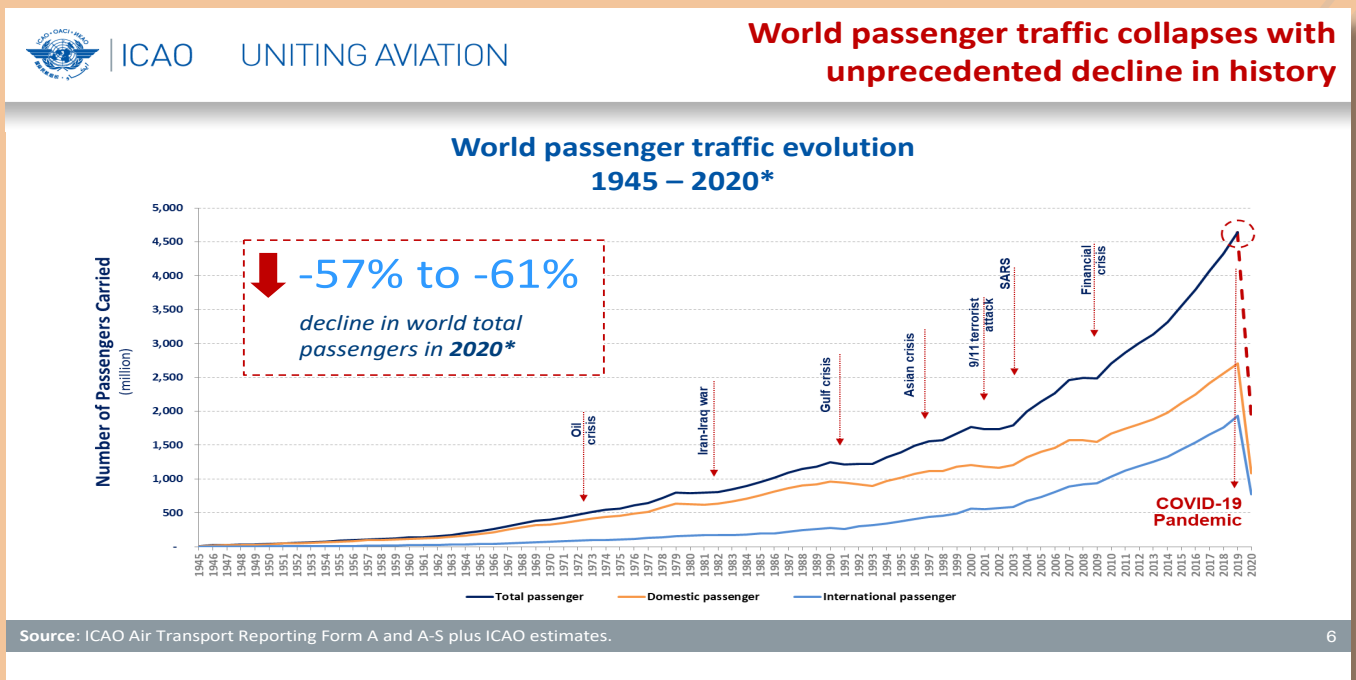
The analytical focus revolves around two scenarios, which shall not be considered as forecasts of what is likely to happen, but merely indicators of possible paths or consequential outcomes out of many. Each scenario considers 4 different paths to take into account differentiated terms of supply (output) and demand (spending). The analytical timeframe has now been extended to Mar 2021 and therefore covers the full year of 2020 and Q1 2021.

The charts on these pages represent these two scenarios:

1. Scenario 1/V-Shaped<sup>1</sup>: follows the normal shape for recession where a brief period of contraction is followed by quick/smooth recovery -- most optimistic path.
2. Scenario 2/U-Shaped<sup>2</sup>: indicates prolonged contraction and muted recovery with a possibility of no return to trend line of growth (L-shaped) -- most pessimistic path.

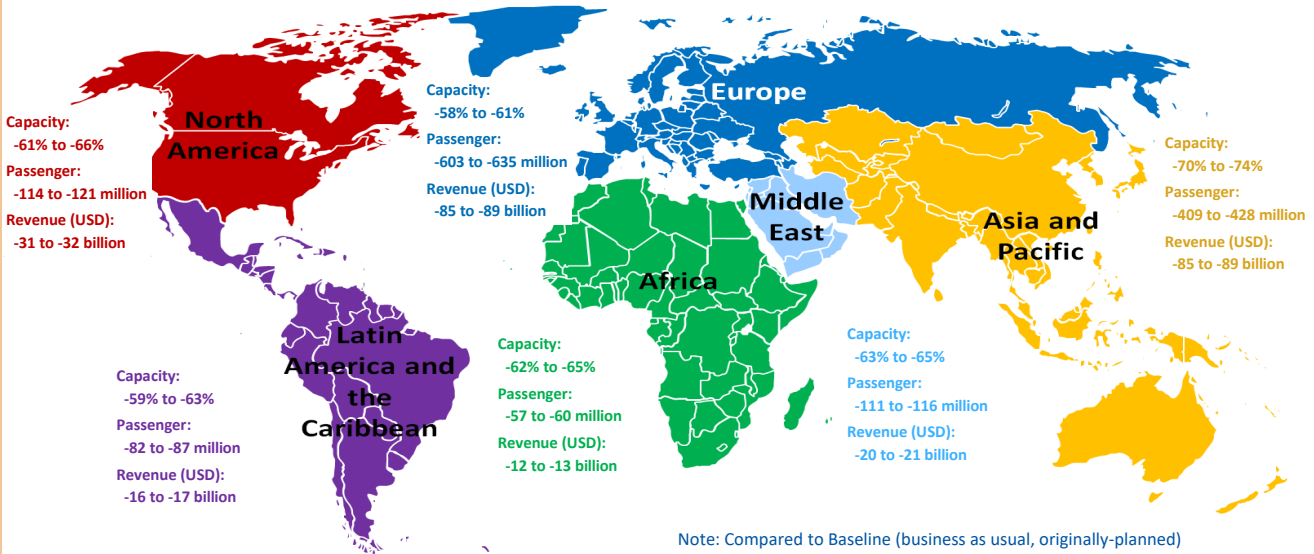
The analysis includes a comparative baseline, which assumes a hypothetical situation without COVID-19 outbreak with forecasts as originally planned. ◀

<https://www.icao.int>





### Estimated impact on international passenger traffic and revenues by region for 2020

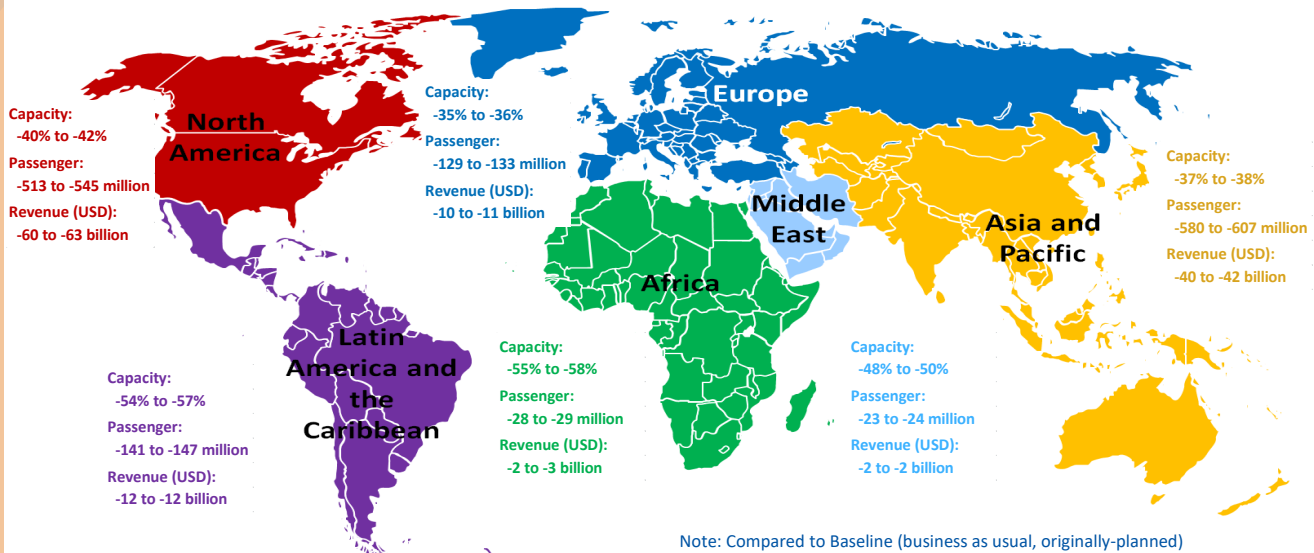


Source: ICAO estimates

11



### Estimated impact on domestic passenger traffic and revenues by region for 2020



Source: ICAO estimates

12

Charts credit: ICAO, Sept. 2020





# IATA ANALYSIS: TRAFFIC FORECAST DOWNGRADED AFTER DISMAL SUMMER

On 29 Sept., the International Air Transport Association (IATA) updated their global forecast for travel. They downgraded their traffic forecast for 2020 to reflect a weaker-than-expected recovery, as evidenced by a dismal end to the summer travel season in the Northern Hemisphere. IATA now expects full-year 2020 traffic to be down 66% compared to 2019. The previous estimate was for a 63% decline.

August passenger demand continued to be hugely depressed against normal levels, with revenue passenger kilometers (RPKs) down 75.3% compared to August 2019.

This was only slightly improved compared to the 79.5% annual contraction in July. Domestic markets continued to outperform international markets in terms of recovery, although most remained substantially down on a year ago. August capacity (available seat kilometers or ASKs) was down 63.8% compared to a year ago, and load factor plunged 27.2 points to an all-time low for August of 58.5%.

Based on flight data, the recovery in air passenger services was brought to a halt in mid-August by a return of government restrictions in the face of new COVID-19 out-

breaks in a number of key markets. Forward bookings for air travel in the fourth quarter show that the recovery since the April low point will continue to falter. Whereas the decline in year-on-year growth of global RPKs was expected to have moderated to -55% by December, a much slower improvement is now expected with the month of December forecast to be down 68% on a year ago.

“August’s disastrous traffic performance puts a cap on the industry’s worst-ever summer season. International demand recovery is virtually non-existent and domestic markets in Australia and Japan actually

► **Photo:** Faced with continuing border closures and throttled traffic, many airlines have taken drastic cost-cutting measures to stem the cash hemorrhaging from their bottom lines. Those include retiring older aircraft earlier than planned, furloughing crew, and even grounding their entire fleets. Photographed here are British Airways A380s parked at Chateauroux, in France. (Photo credit: AIRTEAMIMAGES)



regressed in the face of new outbreaks and travel restrictions. A few months ago, we thought that a full-year fall in demand of -63% compared to 2019 was as bad as it could get. With the dismal peak summer travel period behind us, we have revised our expectations downward to -66%," said Alexandre de Juniac, IATA's Director General and CEO.

## INTERNATIONAL PASSENGER MARKETS

August international passenger demand plummeted 88.3% compared to August 2019, mildly improved over the 91.8% decline recorded in July. Capacity sagged 79.5%, and load factor fell 37.0 percentage points to 48.7%.

**Asia-Pacific airlines'** August traffic sank 95.9% compared to the year-ago period, barely budged from a 96.2% drop in July, and the steepest contraction among regions. Capacity dived 90.4% and load factor shrank 48.0 percentage points to 34.8%.

**European carriers'** August demand plunged 79.9% compared to last year, improved from an 87.0% drop in July, as travel restrictions were lifted in the Schengen Area. However, more recent flight data suggests this trend has reversed amid a return to lockdown and quarantine in some markets. Capacity fell 68.7% and load factor dropped by 32.1 percentage points to 57.1%, which was the highest among regions.

**Middle Eastern airlines** had a 92.3% fall in demand for August, compared with a 93.3% decline in July. Capacity collapsed 81.9%, and load factor sank 47.1 percentage points to 35.3%.

**North American carriers'** traffic tumbled 92.4% in August, little changed compared to 94.4% decline in July. Capacity fell 82.6%, and load factor plunged 49.9 percentage points to 38.5%.

**Latin American airlines** had a 93.4% demand drop in August compared to the same month last year, versus a 94.9% drop in July. Capacity crumbled 90.1% and load factor dropped 27.8 percentage points to 56.1%, second highest among the regions.

**African airlines'** traffic sank 90.1% in August, slightly improved over a 94.6% decline in July. Capacity contracted 78.4%, and load factor fell 41.0 percentage points to 34.6%, which was the lowest among regions.

## DOMESTIC PASSENGER MARKETS

Domestic traffic fell 50.9% in August. This was a mild improvement compared to a 56.9% decline in July. Domestic capacity fell 34.5% and load factor dropped 21.5 percentage points to 64.2%.

US carriers' August traffic was down 69.3% compared to August 2019, only a slight im-

provement compared to July, when traffic fell 71.5%. An increase in outbreaks and quarantines in key domestic markets contributed to the disappointing result.

Russian airlines saw their domestic traffic rise 3.8% compared to August 2019, the first market to see an annual increase since the onset of the pandemic. Falling fares along with a boom in domestic tourism were among the main contributors to the positive swing.

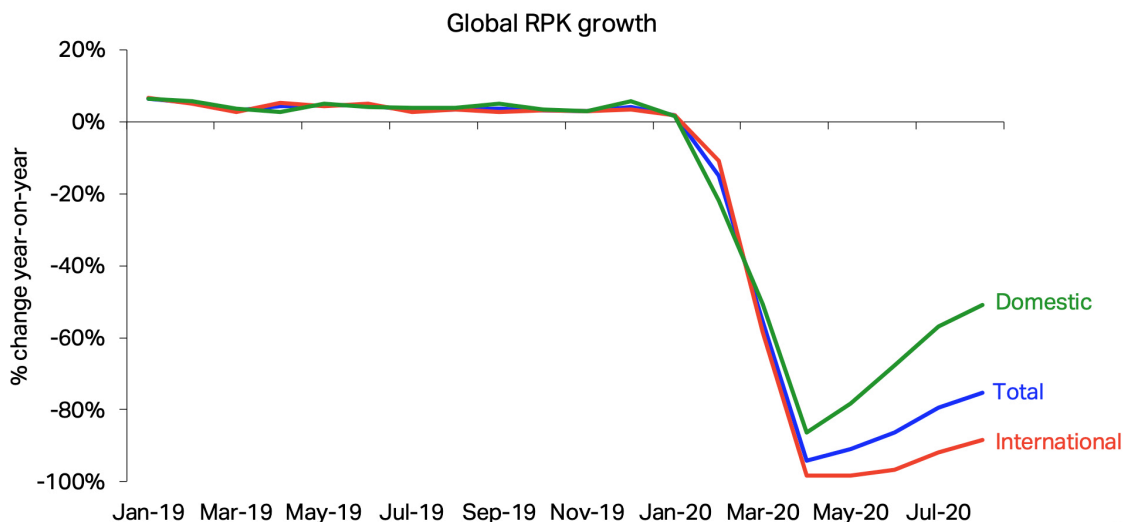
## THE BOTTOM LINE

"Traditionally, cash generated during the busy summer season in the Northern Hemisphere provides airlines with a cushion during the lean autumn and winter seasons. This year, airlines have no such protection. Absent additional government relief measures and a reopening of borders, hundreds of thousands of airline jobs will disappear. But it is not just airlines and airline jobs at risk. Globally tens of millions of jobs depend on aviation. If borders don't reopen the livelihoods of these people will be at grave risk. We need an internationally agreed regime of pre-departure COVID-19 testing to give governments the confidence to reopen borders, and passengers the confidence to travel by air again," said de Juniac.

IATA (International Air Transport Association) represents some 290 airlines comprising 82% of global air traffic. ◀

<https://www.iata.org/>

## Pace of air travel recovery slowed in August Continued weakness on international markets holding back recovery



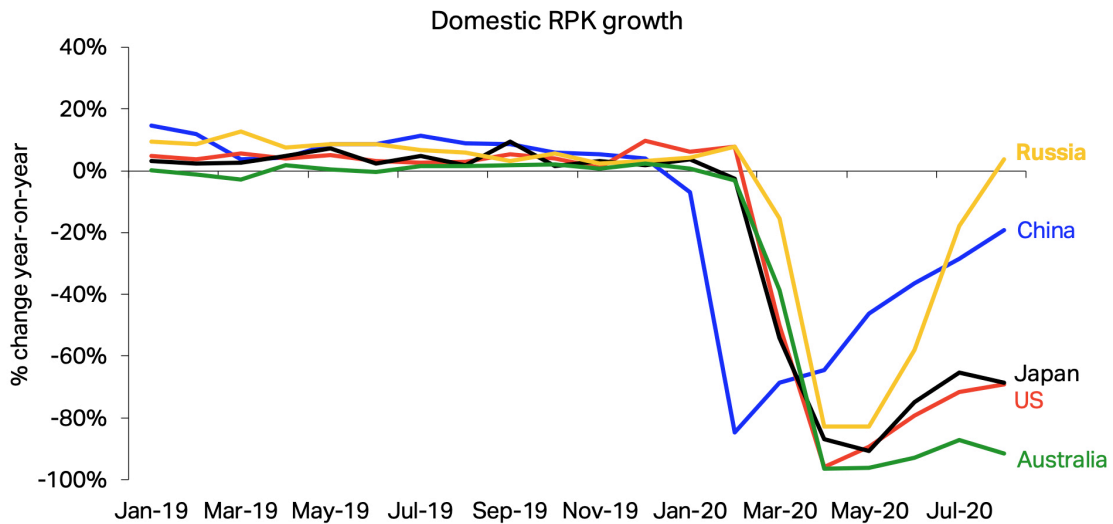
Source: IATA Economics analysis based on data from IATA Statistics



Chart credit: IATA, Sept. 2020

# IATA ANALYSIS: TRAFFIC FORECAST DOWNGRADED AFTER DISMAL SUMMER (CONT.)

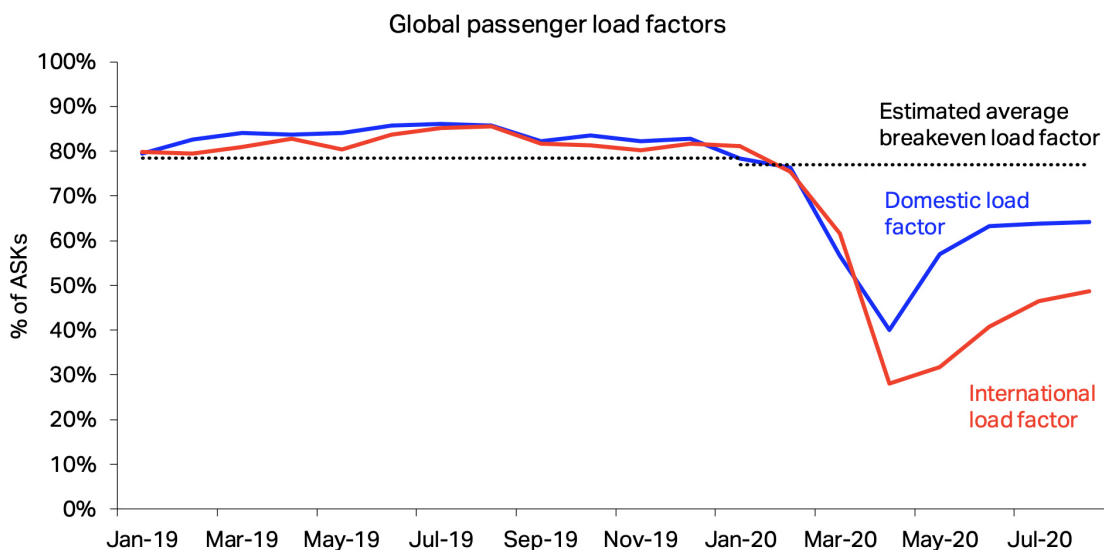
Huge variations on domestic air travel markets  
Russia recovered pre-crisis levels, while Australia remains grounded



Source: IATA Economics analysis based on data from IATA Statistics



Load factors remain well below breakeven  
Airlines need to boost load factors to stop burning through cash

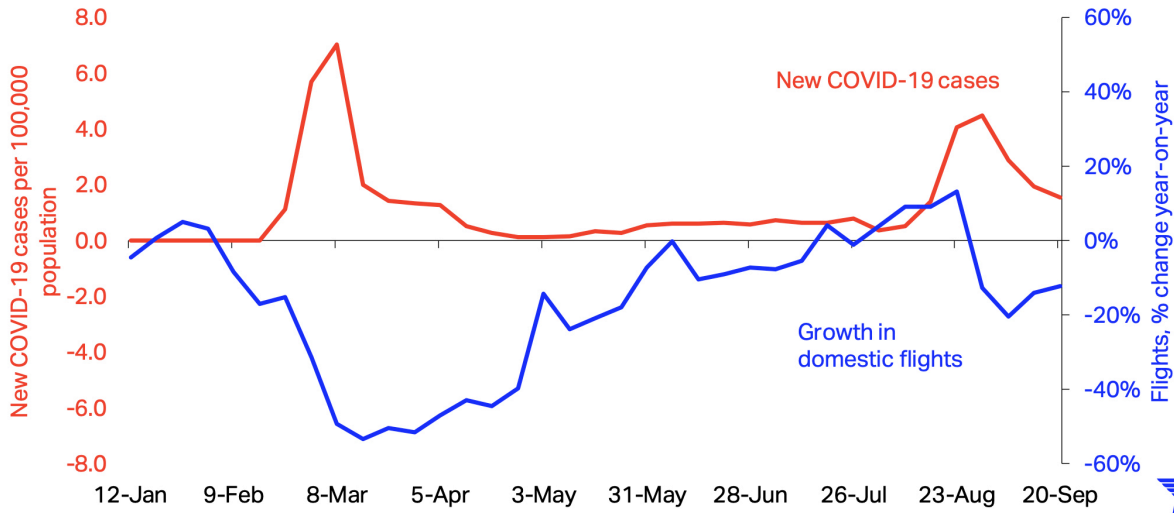


Source: IATA Economics analysis based on data from IATA Statistics



## Even domestic markets sensitive to COVID-19 profile 2<sup>nd</sup> waves COVID-19 cause travel restrictions and damage confidence

Korea domestic air travel market



Source: IATA Economics analysis based on data provided under license by FlightRadar 24, WHO



Charts credit (both pageas): IATA, Sept. 2020

➤ **Photo:** Planes belonging to Delta Air Lines sit idle at Kansas City. At the peak of the crisis, Delta Airline parked nearly half of its fleet. As of September 2020, Delta operates a fleet of 830 aircraft manufactured by Airbus and Boeing. (Photo credit: Getty Images)





# FROM SOMEONE WHO HAS SEEN IT BEFORE

BY PHILIPPE DOMOGALA, SENIOR CORRESPONDENT, IFATCA

*Editor's Note: The opinions expressed are the author's, not necessarily IFATCA's.*

We are all experiencing huge upsets in our operational environment due to the COVID-19 pandemic. There is, of course, the personal risks of infection in working in a closed environment in shifts with different colleagues sharing equipment multiple times every day. This is an immediate threat that has an undeniable impact on people's motivation and ease-of-mind. With a reduction of air traffic between 80 and 50% there also are longer-term risks as this crisis continues for more than a few more months. Some may lose their jobs or end up with significant salary reductions.

There are lessons to be learned from the previous crises, which, unfortunately, I am old enough to have experienced.

The first measure all service providers took during previous downturns was to reduce costs by stopping all training and reducing staff. These training and staffing reductions always created bigger problems later, when traffic did rebound. Traffic invariably

rebounded faster than expected, and the effects of cutting staff lasted for years afterwards. Up until a few weeks ago, some ACCs were still suffering the effects of the measures taken during the 2008 economic crisis.

Having said that, the scale and the magnitude of this COVID-19 crisis appears to be unprecedented. In all previous crises, there was a brief 35-40% traffic reduction, with the recovery generally starting a few weeks afterwards. Things were generally back to normal within a year or so.

This time, Europe is experiencing a traffic reduction that exceeded 90% and is now stagnating at around 50%. All indications are that this crisis will last well into next year, and probably into 2022-23. Airlines have grounded thousands of aircraft and are furloughing their staff. These are circumstances we have not encountered before. Not every airline is going to survive this. In Europe, we have already seen the first casualties: Many of those that were struggling before the coronavirus will most probably not make it. Nearly all European airlines grounded

and parked in the desert large part of their non-cargo fleet, especially the long haul aircraft. This makes a quick restart unlikely, as the airframes require major maintenance checks before being allowed to fly again. Leasing contracts are cancelled, with the aircraft returned to their owners. The current lack of maintenance and regulatory staff could severely hinder a quick rebound if and when the actual health crisis is over. A working group recently highlighted the issue to EASA. If the rebound takes longer than a year, staff will definitely not be there to perform all the necessary tasks to return all the aircraft to the air in a short time.

When will the rebound take place? Many organisations are trying to make predictions: the EUROCONTROL Network Manager foresees a maximum of six months. German service provider DFS produced a plan with various scenarios. These range from vastly





optimistic, based on the so-called Chinese model with an immediate rebound after the governments ease the travel restrictions, to a pessimistic one that lasts well over a year to get back to around 80% of previous traffic levels in a few years. The latest IATA forecast predicts the crisis will last until 2024.

It is everyone's guess which of these scenarios will materialise. Most experts predict that a shift to what they call a "new normal" will only occur when an effective treatment is available. Worldwide travel restrictions are likely to remain in force in one way or another until an effective vaccine is found and is made available to the world population, not just a happy few.

Also, the so-called Chinese model (i.e. a fast rebound) is not readily applicable to Europe. Operations in China are less concerned with commercial interests, and instead follow government instructions, even if it means flying near-empty.

For us in ATC, the lack of traffic has direct consequences. In the short term, there is probably too much staff available. Only a few months ago, many service providers were predicting a hard 2020 summer, with demand exceeding the available capacity. The good news is that this problem has been solved. The bad news is that many service providers are likely to fall back on the same old "solutions" as in the past: stopping training, retiring older staff early, and stopping investments. Some will see it as a way to accelerate solutions like remote towers and other virtual solutions. Demand for those technologies is likely to surge and likely with little-to-no consideration for what happens when demand picks up again.

In the scenario where the crisis persists, working conditions and salaries will come under pressure. There is evidence that this is already happening in at least two European countries: Bosnia-Herzegovina and Sweden. The former has announced drastic salary cuts for their staff. In Sweden, LfV in May announced the intention to lay off 500 people, mostly controllers (amounting to 40% of LfV's total staff). After some more thorough calculations, the number has been corrected to 60. Most of these are expected to be taken care of via retirement, not replacing trainees who fail training etc. However, the next innovative idea from LfV is to relocate ALL ACC service to the center in Malmö and ALL APP service to the center in Stockholm (except for Malmö APP). It's an operation of an unprecedented size involving the retraining and relocating of over 100 ATCOs, major investments in re-constructing the Malmö ATCC building and closing down

the Gothenburg TMC. Staff organisations are having a difficult time understanding when this action could possibly be saving money, if ever.

At the end of September, shortly before releasing this issue, NAVCANADA announced far-reaching measures to restructure the company. In total, some 14% of the staff will be laid off, including many trainees. The flight information centres of Halifax and Winnipeg will be closed.

The financing of Europe's ATC infrastructure, including the staff salaries, is directly linked to the revenue from the route charging system. That revenue dried up when the aircraft stopped flying, and the system postponed charging airlines. This means that the charges for February were due in April. When most airlines indicated they could not pay this bill, the EUROCONTROL Director General proposed further deferring the payments and forcing ANSPs to apply for loans to continue working. This strategy only delays the problem and assumes that recovery will be swift and complete. It is not clear what happens when some of the airlines owing the money do not make it through the crisis. How will Europe retain the necessary ATC capacity, which might be needed on short notice?

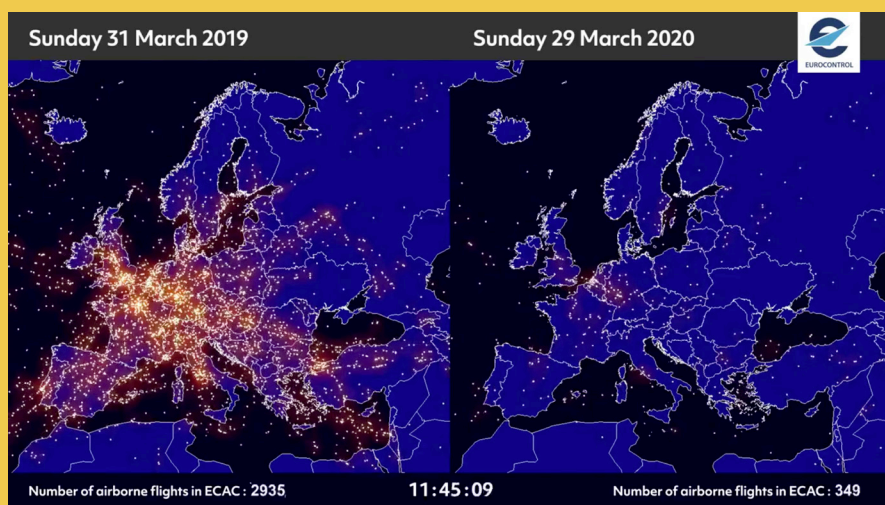
A recent Helios report suggests ways ANSPs can cope with the crisis including: reducing charges for airlines to keep them going, reducing training costs, reducing salaries, forcing staff to take all annual leave before May 2021, and more. I am not sure how this will keep ATC staff motivated and focussed on the job, let alone how it will attract young people to choose a career in ATC.

Air navigation services are essential. Providing Air Navigation Services remains an obligation of States under the ICAO Chicago Convention, regardless of the amount of traffic. States must ensure a minimum service, and it is therefore not up to privatised ANSPs to solve these problems, but up to the States to decide what this entails and thereby directly influence our fate. The current European financing mechanism, based on route charges, is fundamentally flawed and needs a total overhaul.

With all this in mind, I have to admit that the future looks quite bleak. In the most optimistic scenario - back to normal in a few months - staff numbers will be lower than before the crisis and, like in all the previous times, we will not be able to cope with a fast rise in demand. This will once again start the cycle of forced overtime, reducing days off and what have you. In the pessimistic scenario - lasting beyond the end of 2021 - most of us will be looking at degraded working conditions and salaries. Some of us might even be forced to retire or laid off or will seek improved working conditions elsewhere. Reversing these degraded conditions will be an uphill struggle.

As bleak as I paint this picture, please consider them as only my views, based on a few years' experience and having lived through (smaller) crises before. Still, as unexpected as every crisis is, the way it develops is also unpredictable. The only certainty at the moment is that our profession will still be there after this crisis, and it will return stronger than before, as we are essential workers. But how many of us will still be working as controllers is less clear. ◀

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► **Photos:** (Top Left) Airport flight cancellations, (Photo credit: Dreamstime Images) and (Bottom Right) Maps of Europe comparing flight volumes from March 2019 to March 2020 (Photo credit: EUROCONTROL)

# A CHANGE IS GONNA COME

► BY CAPT. JON HORNE, PRESIDENT OF THE EUROPEAN COCKPIT ASSOCIATION



*Editor's Note: The opinions expressed are the author's, not necessarily IFATCA's.*

Unfortunately, this is not going to be a neat editorial with a thoughtful message, or a well-structured narrative and a satisfying ending.

The World Health Organisation has just declared the coronavirus outbreak and spread of COVID-19 a pandemic, and all of our plans, expectations, and usual assumptions are being tossed in the bin. It is foremost a public health emergency, but the effect of the virus and the measures needed to try and mitigate its spread, are an economic emergency too.

For the airline industry, we find ourselves at the forefront of both – as a scrutinised potential vector for transmission and at the leading edge of the wave of economic damage surging forward. Given that the virus is spread by social contact and gathering, with 'social distancing' and personal isolation the main measures to prevent spread, the airline industry is uniquely vulnerable.

We are an industry built upon enabling social ties between friends, family, and business, and conducted through places where large numbers of people gather from all over the world (airports), where personal service is provided in enclosed

spaces with many hundreds of people. Mandated social distancing and isolation cuts through this 'raison d'être' like a knife through butter.

And that is before the fear factor associated with being a potential transmission route, though paradoxically an airliner is a really good place to avoid actually catching it. Unlike an office or meeting room, a bus or a train, it receives a constant fresh supply of dried and sterilised air, that is scrubbed and filtered multiple times as it passes through the cabin from ceiling to floor, before being flushed overboard and replaced every few minutes. The cabin gets cleaned not just once a day, but on every single turnaround, before every time somebody new sits down. Not such a bad environment from a COVID-19 perspective at least.

Any sector of the economy that is there to either enable or provide social connections, or which requires social connection processes to operate and function, is now in serious trouble, but the airline industry is almost certainly first in the firing line.

Make no mistake, this crisis is going to be grim. It is neither a Gulf war nor SARS, not September the 11th, or the 2008 financial crisis, but all of them. It is global rather than localised, it is going to last months

as a minimum. People have simply stopped flying. At the time of writing Italy is in lockdown, and Europe and the U.S. are a matter of weeks behind it on an epidemic curve that they follow inexorably. It cannot be excluded that the severe reduction in flying will be enforced rather than voluntary in the not too distant future.

So, what will happen to airlines? The short answer is that a lot are likely to go bust.

Some observers appear to be thinking fairly short term and somehow hoping that airlines will muddle through, but I believe this is a failure of imagination.

Modelling of the outbreak suggests that in Europe it will rise for a few months, peak, and gradually reduce. If managed well, significant cases may dwindle just after summer (though this is not a given). Unfortunately many airlines make most of their money over the summer, and only break even or lose money in the off season, so for some it is not a case of making it through to the end of this outbreak, to go cash positive again they may need to stretch through to the beginning

► **Photo:** Lufthansa planes park due to the Coronavirus, Covid 19 shutdown on the northwest runway of Frankfurt Airport, FRA, Germany. (Photo credit: Shutterstock)





of summer 2021. That is a tall order, to put it mildly.

So, the game for airlines now is one of survival, and in some ways a simple mathematical task. Whatever cash pile (plus any other liquidity, available loans, repurposed profits such as unissued dividends, etc.) they have now is all they are going to get. They need to still have a small fraction of that left when the upswing comes and people decide to travel again, and they can once again generate more cash than they spend. Whatever it takes to stretch that cash pile from now to then, is what they have to do to survive. Many simply won't be able to do that, and they will go under (or maybe in some more socially minded countries get nationalised).

I appreciate this is a fairly negative analysis, but that does not mean there's nothing we can do. With 'normal' tossed in the bin, now is the time to ask what the point of the enterprises known as airlines really is?

Does society permit them to exist, with all the expensive necessary infrastructure and regulation, just to generate ungodly

bonuses for a tiny number of directors and returns for owners and shareholders? Or do we recognise that these companies have far more value to society as the skeleton on which much of the rest of the economy hangs? As the enabler for that personal social fabric and face to face contact that we are about to realise we take for granted and value above a great many things? Are we about to be reminded that there is more value in a complex enterprise like an airline in the fact that it provides high quality jobs and income to a great many people working inside and around an aircraft, an airport and in the wider economy?

I hope so. And I hope our pilot associations and unions manage to carry that message firmly into the headquarters of airlines in Europe and beyond. This is not the time to think about profits or shareholder return – that will come later. This is the time to use that cash pile to preserve jobs, livelihoods, families, and homes. Not least to fulfil their role in society for all the other people whose livelihoods are dependent on airline employees. This is an imperative in all sectors of the economy, but if airline managers don't get this and act accordingly, they

will see their carriers be the first domino in the economy to fall and start the cascade through other sectors.

Employees, including pilots, have to contribute to this survival of course – that cash pile needs to stretch far enough, whatever it takes, if jobs are to be there on the other side. But we have to, collectively – management and workforce – honestly see what changes we need to make it to the other side, not what one side wants. That cash needs to be deployed solely so that our businesses, and that is to say the people and jobs that make them up, are still there when this crisis abates. This crisis will only be successfully managed in a socially responsible manner.

Those that do survive and can then turn on the taps with availability and good will from their workforce will 'clean up' when the upswing comes. Big time. People will be desperate to holiday and meet after being so restricted. Businesses will want to burst out of the bubble-wrap and make up for the time and money they've lost. Without established competitors able to bring in capacity with volume, the prize is a vastly increased market share and profits for surviving airlines in a brave new world.

The airline industry that emerges from this crisis, will not look like the one that went into it.

A change is indeed gonna come. Grit your teeth and hang onto your hats. ◀

<https://www.eurocockpit.be>



# IFATCA 2021

Hilton Rose Hall Hotel Resort & Spa

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Montego Bay, Jamaica

Sangster Control Tower, Sangster International Airport  
Photo Credit: Shantique Malcolm

Photo credit: Shutterstock



# IFATCA 2021 PRE-CONFERENCE VISIT IN MONTEGO BAY, JAMAICA

➤ BY PHILIPPE DOMOGALA, SENIOR CORRESPONDENT, IFATCA

**The 2020 IFATCA Annual Conference had to be cancelled due to the COVID-19 pandemic. The IFATCA Executive Board remains fully committed to the organization of the Annual Conference in Montego Bay, Jamaica, in May 2021. However, given the ongoing pandemic and the uncertainty of how this will evolve, it recommends not to make travel arrangements at the moment. The board plans a comprehensive evaluation in early February 2021, which should leave enough time to make arrangements to travel to Jamaica.**

In the meantime, here is some of the basic preliminary information about the planned conference, based on my pre-conference visit and the Jamaican Member Association working paper intended for 2020 conference approval.

**The dates of the conference will be 24-28 May 2021.**

The primary conference hotel will be the Hilton Rose Hall Resort and Spa, a large hotel on the beach with 495 rooms that is 13 kilometers from the Montego Bay airport. The Jamaican Member Association has negotiated with the hotel to make 200 rooms available initially, with an option to upgrade to 250 rooms. The negotiated hotel rate per person/night is US\$155 for double occupancy and US\$280 for single occupancy for the first 100 rooms. The rate goes up to US\$310 per room/night for single occupancy after the first 100 rooms are booked. It is an all inclusive hotel, meaning all meals and drinks are included. All taxes and service charges also are included. The conference rooms are located in this hotel. And Internet service is free and fast.

**Three alternate hotels also will be offered:**

The Doctor's Cave Beach Hotel is a normal European Plan (EP) hotel that is 4 kilometers from the airport. It is priced per room/night US\$110 for a single or US\$122 for double occupancy, including all taxes and breakfast. Internet service is free in the lobby. There are 80 rooms available. This small, typical Jamaican hotel is very nice.

Toby's Resort is another local EP hotel that is 3 kilometers from the airport. It is priced per room/night US\$110 for a single or US\$120 for double occupancy. Breakfast is US\$12 per person per day. Internet service is free. There are 60 rooms available here in a motel style in a park. It is also very nice.

The Iberostar Beach Hotel is a large all inclusive hotel. It is priced per person/night US\$150 for double occupancy (about the same as Hilton), but it is only US\$228 for single occupancy. All taxes/service charges and all meals/drinks are included at this price. There are a total of 50 rooms available at this rate. The property is similar to the Hilton. While located only 2-3 kilometers from the Hilton, it is not walkable because it is connected by a highway with no sidewalks.

A (free) bus will be organised by the conference committee. It will connect the three alternate hotels with the Hilton at fixed times, as required by the conference schedule.

For those staying in alternate hotels, an access fee will be necessary to access the conference facilities in the Hilton, as it is an all-inclusive hotel. There unfortunately is no way around this US\$40 per person per day fee, but the organising committee has

secured a sponsorship to cover US\$20 per person per day (if the number doesn't exceed 80 persons).

Registrations fees will vary from US\$260 (Category 1) to US\$190 (Category 3) for early registrations (until 28 Feb. 2021). For accompanying persons in all categories there will be a US\$100 fee that will cover both the welcome and farewell parties. Tours will be offered and arranged daily at extra costs.

Organisers are looking at making it possible to pay for registration with a credit card on their website. The website should be online by October 2020.

Transportation to and from the airport to the hotels will be available through a commercial company called Jamaica Tours Limited (JTL). The cost will be US\$25 round trip. Taxis are expensive in MJB (around US\$50-60 one-way) from airport to Hilton.

## AIRPORT ARRIVALS:

Health requirements: Yellow fever vaccination for those that need it are checked thoroughly. In light of the current state of affairs globally with the novel coronavirus disease (COVID-19), it is likely that the health and immigration requirements for entry into Jamaica may change on short notice. The organising committee will advise the IFATCA EB and C.C. the MAs as necessary.

**Immigration:** Immigration on arrival takes a long time (between 30-60 minutes, depending on time and day). Weekends are traditionally the worst days. There is a private, fast-track service called Club MoBay, which expedites the process both on



# IFATCA 2021 PRE CONFERENCE VISIT IN MONTEGO BAY, JAMAICA (CONT.)

arrival and departure. Club MoBay also allows customers to access arrival and departure lounges. You can book this online prior to arrival, and this is highly recommended and to be done at least a month before arrival. This expedited service has a daily limit in their facility, and it is first come, first serve. The charge for the pass is currently US\$80 for both arrival and departure. The organising committee and JTL are working to see if a discount for IFATCA delegates would be possible.

**Customs:** Like in the USA, they have a separate customs check (i.e. another queue) before exiting the terminal.

**Visas:** No IFATCA Member Associations will be barred from attending the conference once they fulfill the immigration requirements. MAs can check their requirements by entering or copying and pasting the link below in a web browser:

<http://www.pica.gov.jm/immigration/general-immigration-information/requirements-for-travel-to-jamaica/>

Travelers from many countries do not need visas. For those that do, most will be able to get a visa on arrival. However, there are a small number of countries that will need a visa prior to arrival. For these countries, the organizing committee is in communication with and negotiating with the authorities to have the visa upon entry service provided.

We hope to see you all there in 2021! ◀

[philippe.domogala@ifatca.org](mailto:philippe.domogala@ifatca.org)

# THANKS TO THE SINGAPORE CONFERENCE ORGANIZERS

➤ BY THOM METZGER, NATCA, EDITOR OF THE CONTROLLER MAGAZINE

Once it became clear that the outbreak of COVID-19 had impacted the planning of the IFATCA 2020 Conference, the IFATCA Executive Board determined that, in accordance with Article IV, Paragraph 1.1 of the IFATCA Constitution, our Annual Conference could not proceed as planned.

The Executive Board later explored the possibility of organising a replacement event later in the year in line with provisions of the Manual. But it was ultimately decided that also would not be possible.



In IFATCA's social media, the Executive Board thanked the Singapore Association and Organising Committee, all Member Associations, delegates, and conference attendees for their flexibility, patience, and understanding in the unprecedented circumstances related to the global coronavirus pandemic.

IFATCA's leaders also thanked the Singapore Association and Organising Committee for their hard work and commitment to planning what would have been an incredible Annual Conference. Duncan Auld later stated, "Although this decision was unavoidable, we were all incredibly disappointed by the resulting cancellation. The Singapore Association and Organising Committee were ready to welcome IFATCA's Member Associations and show them their impressive hospitality. I know that it would have been one of IFATCA's greatest conferences. We look forward to meeting in person again in 2021." ◀

[editor@ifatca.org](mailto:editor@ifatca.org)



Photos by Philippe Domogala



➤ Photo: Sangster International Airport (MBJ) in Montego Bay, Jamaica



➤ Photo: IFATCA logo Jamaican style



➤ Photo: Hilton Hotel general view



➤ Photo: One of the Hilton Hotel's swimming pools



➤ Photo: Iberostar Hotel



➤ Photo: Toby's Resort Hotel



➤ Photo: Outside the Doctor's Cave Hotel



➤ Photo: Inside the Doctor's Cave Hotel

# TECHNICAL AREA OF IFATCA UNDER CONFINEMENT: THE SHOW MUST GO ON!

➤ **BY IGNACIO BACA. EXECUTIVE VICE-PRESIDENT TECHNICAL**



The coronavirus crisis has disrupted the aviation sector in an unprecedented way: the current crisis is both deep (the traffic has dropped to a minimum level) and extensive (the effects are apparent all around the world). In the first days of 2020, the main issue in civil aviation seemed to be the lack of capacity of the system to cope with the expected traffic increase. Now, instead, global aviation traffic has experienced a dramatic and sudden drop due to the coronavirus spread. The level of traffic will eventually recover, but nobody can know how fast or slow this recovery will be.

The cancellation of every IFATCA event has put a sudden stop to our usual activity. The annual gathering in Madrid during the WAC was among the first events cancelled, but many others followed: workshops, experts' panels, conferences... everything requiring a physical meeting has been postponed or cancelled. But this does not mean that a period of complete inactivity is starting. It only means that the way that work is being completed has changed. These changes have affected the work performed at IFATCA too.

Traditionally, the technical area of IFATCA has been focused in the work developed by the Technical and Operations Committee (TOC) which produces valuable policies gathered in the Technical and Professional Manual for use by every IFATCA member but most especially as guidance for the technical representatives. Some of the policies in the Manual now have become obsolete after many years. For this reason, every year, the members of the TOC

work to revise some of the oldest policies. But even with those regular annual updates, it has become evident that a more in-depth revision is required. After the Conference in Costa Rica, an effort was started to revise the Manual more in depth. This work already has produced a good number of proposals to clean up the Manual. These efforts would have been presented in Singapore, if the Annual Conference had not been cancelled. This task must continue to progress in order to have an updated 'clean' version of the technical part of the Technical and Professional Manual for the 2021 Annual Conference in Jamaica.

A second activity of the TOC is the development of guidance material that can be of use for IFATCA's Member Associations. Policy is, of course, a form of guidance, but guidance material also includes the information papers that are presented every year after the study of particular subjects that, when evaluated, are found to not need the development of a formal policy. The number and quality of information papers is very high, but experience shows that they are rarely used as guidance. For this reason, the TOC is starting to develop guidance material that can take the shape of leaflets, short courses, or webinars. This is a new experiment that hopefully will produce easy-to-handle material for reference.

The technical area is not limited to the TOC. It also includes, for example, two task forces. Most of their work is coordinated through the Internet. Life hasn't changed much for them. After producing guidance material that is now available on IFATCA's webpage, the Drones Task Force has been busy working on comments on proposed European regulation. The Remote Towers Task Force also produced material available on the website. The third IFATCA workshop on digitization was scheduled to be dedicated to remote towers, so a boost of activity was expected, but that workshop like other events was postponed.

The material produced by these teams will be, no doubt, of great value for IFATCA's Member Associations. The material is being developed mostly by taking the most common issues as a starting point. Some associations might have an interest in the study of particular subjects, and feedback is usually requested during Conferences. Because face-to-face communication will be out of the question for some time, in the meantime, if there is a particular topic of interest, any member association can contact its regional EVP, the EVP Technical, any member of TOC, or members of these task forces. ◀

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## SOME WORDS OF THANKS

I would like to use the opportunity brought to me by The Controller to remind its readers about the amount of work and dedication of the volunteers working in the Steering Committee TOC, drones Task Force, remote towers Task Force, ICAO Panel representatives, IFATCA liaison officer at IFALPA and all the expert controllers who cooperate with

the Federation as technical experts. They make excellent work using their always scarce time off to be present at teleconferences, write comments, develop policy, draft position papers and, in normal times, to fly thousands of kilometers just to participate in meetings with barely any time to expend outside the meeting room or their hotel. These are vital tasks to the Federation that are rewarded only once a year by the


possibility to gather for a few days with colleagues from all over the world and present their work to them at the Conference. The coronavirus crisis has prevented them from having this little satisfaction. Allow me to use these lines to thank publicly all of them. Thank you all and keep the great work! ◀

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# ESSENTIAL PROFESSIONALS

## INTERNATIONAL DAY OF THE AIR TRAFFIC CONTROLLER



Throughout the global pandemic, air traffic controllers and other air traffic management staff have continued to perform their duties. In doing so, they enabled people to return home to their loved ones and safely guided medical and cargo flights, helping to save thousands of lives.

On **October 20<sup>th</sup>**, we celebrate the international day of the air traffic controller. These professionals provide their essential service to the aviation industry 24/7 every day of the year.

As a result of the COVID-19 pandemic, our industry is at a crossroads. Air Traffic Controllers worldwide are ready to help reinvent our safety critical profession, changing what is necessary to build an even safer and more resilient air traffic control system.



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# AMERICA'S LAST STRIKE: DOCUMENTARY ABOUT THE 1981 PATCO STRIKE



▶ BY PHILIP MARIEN, IFATCA COMMUNICATIONS COORDINATOR

During the summer, "The Controller" interviewed Danny Alpert about a feature length documentary he is directing and producing.

*On 3 Aug. 1981, members of the USA's Professional Air Traffic Controllers Organization (PATCO) went on strike for a safer work environment, reliable equipment, adequate staffing levels, and fair work and pay rules. Many months of negotiations did not resolve these issues the controllers faced while keeping the system running. Despite having pledged to address PATCO's concerns during his 1980 campaign, once elected, Ronald Reagan did not follow through with his promises to the controllers. PATCO members decided they had no choice but to strike; however, federal government employees were prohibited by law from striking. Reagan declared the strike a "peril to national safety" and ordered them back to work under the terms of the Taft-Hartley Act. Only around 1,300 controllers returned to work.*

*On 5 Aug., following the PATCO workers' refusal to call off the action, Reagan fired the 11,345 striking air traffic controllers and banned them from federal service for life. In the wake of the strike and mass firings, the FAA had to hire and train enough controllers to replace those that had been fired. Their initial estimate was that staffing levels would be restored within two years, but it took a lot longer. In*

*some facilities, the effects still persist to this day.*

*While organized labour honors PATCO members for taking a brave stand for their profession and the safety of the U.S. airspace system, the strike set off a chain of events that would redefine labour relations in America for decades. Historians have argued that the strike and the resulting firing of all striking controllers may have diminished some of the collective bargaining power of all American workers and labour unions in the U.S.*

*Non-fiction media studio Kindling Group is producing a feature-length documentary on the strike and its aftermath. The Controller talked to Danny Alpert, the film's Director and Producer.*

### **The Controller: Can you introduce the project and how it came about?**

Danny Alpert: Ray Nowosielski, the other Director on *The Last Strike*, brought the story to my attention. Growing up, his father and uncles, who were involved in local unions, would talk about the epic nature of the PATCO strike. Both of us were shocked that nobody had made a real film about this. We discovered that the sense of solidarity and

their feeling of righteousness of the people involved is still very strong, 40 years later. Even though they lost, they still feel that they had done the right thing and that they had been on the right side of history. When we did our exploratory interviews, one of them said that every time he gets on an airplane, he still feels like he's crossing the picket line. Many of them feel that they never had closure and never had the chance to tell their side of the story. We aim to cover all of the deceptions, miscalculations, and hubris that led to the worst possible outcome for the controllers involved. We are really looking to tell the story through the voices of the people who were there. So we're obviously interviewing many strikers and air traffic controllers. We're interviewing some Reagan administration people, people from other labour unions from that era, reporters, people in the criminal justice system... Anyone who is able to really take us inside how this happened.

### **The Controller: How difficult was it to find those people and to get them to talk?**

Danny Alpert: There is a definitely a sense of urgency, as the youngest people involved are well into their 60s by now. Joe McCartin, who wrote the book "Collision Course" on



➤ **Photos: (previous page)** PATCO strike; air traffic controllers picket near fence at the FAA tower at DFW Airport in August 1981 (Photo credit: UTA Library, CC BY-NC 4.0) **(this page, top)** Director and producer Danny Alpert **(this page, lower)** PATCO button from the strike.

the conflict is a consulting producer to the project. He has been instrumental in tracing people. When we started reaching out, word got around quickly and people have been very responsive and eager to participate. A Facebook group with about 900 people has sprung up and people have volunteered to tell us their story, share photographs, etc.

**The Controller: Do you think the story is still relevant today?**

Danny Alpert: Oh, absolutely in a number of ways. For us, it is the origin of so many of the issues that we face in the United States today and frankly worldwide around how the economy is structured: the lack of social safety nets, the lack of any job security and obviously the income inequality that most economies, including most Western economies, are facing today. And as we are trying to overcome this global pandemic, there has been a focus on the normally underappreciated workers: the people that we don't think about as we get on the airplane every day or as we shop in the grocery store. Those people all of a sudden are being sort of appreciated and held up in a different kind of way as "essential workers" and putting themselves out there during the pandemic.

If and when we overcome the pandemic, I also have no doubt that their labour and the right to unionize will surge back to the foreground. For the first time in 40 years – really since the PATCO strike – it was beginning to pick up steam in the United States. Young people are really fascinated by the question of why our current situation is what it is – what triggered things to turn out this way? Many of them don't really understand what the situation was like in the late 70s when unions still had the kind of power that they had. The PATCO strike is certainly a pivotal moment in that sense: it has repercussions in terms of the working conditions in the United States right up to today. We see the conflict as the birth story of income inequality, job insecurity and the real economic challenges that the American worker currently faces.

**The Controller: How is the film going to be different from the "Collision Course" book?**

Danny Alpert: Dr. McCartin's book is a great, comprehensive look at how PATCO was formed, its evolution and the strike- running



from the 60s and into the 80s. Our film, on the other hand, focuses on the drama of the few years leading up to and through the strike and on letting the people tell their side of the story to reconstruct what happened and why. It really tries to get inside bit by bit and paint a picture of how they experienced the events from their perspective. You could say that we are sort of peeling away the onion, looking at the different layers of the story to reveal what happened. We will give context where



needed, of course, both to the broader labour movement, the history of aviation and of air traffic control and PATCO where relevant. We will also flash forward to see the echoes of the story today. But the focusing will really be on 1978 to 1982, so the lead up, the strike itself and its immediate aftermath.

**The Controller: Have you discussed your plans and approach with the current air traffic controllers' union, NATCA?**

Danny Alpert: Oh, absolutely! It was clear to us from the beginning that we wanted their participation and partnership on this project. Controllers needed a union and NATCA picked up where PACTO left off. Last year's government shutdowns and the impact it had on workers in the national air travel system and indications for the current administration about plans to do away with federal workers' unions are still threats. We see this documentary as being potentially useful to

the broader labour movement, as well as obviously to air traffic controllers. And so, we very much sought out and wanted to have the partnership of NATCA and they seem very supportive of the idea.

**The Controller: Will the film cover the international impact of the strike?**

Danny Alpert: There was a wave of solidarity but also quite some diplomatic pressure from the Reagan administration. Solidarity is a major theme of the film. Again, to this day, the strikers still feel this incredible sense of solidarity with each other. And while they were disappointed with the lack of support from other American unions, there was a strong solidarity, mainly from their Canadian and European colleagues. So, yeah, I think that will certainly be part of the story that we will want to cover.

**The Controller: The plan is to bring the film out in August 2021, to coincide with the 40th anniversary? Will there be any accompanying material, like a website?**

Danny Alpert: Yes, the 40th anniversary is too good an opportunity to miss both from a historic and a PR perspective. And because of our company's dual mission of creating films and sparking social change, there will be a whole campaign, including a website, screening guides and, facilitation guides for multiple audiences. For example, materials that will help students use the film as an educational tool. We hope that there'll be an extensive screening campaign in union halls as well as a university tour to get young people engaged in the story. And we will also create ancillary material: scenes that don't make it into the film or other short videos that can facilitate conversation about a particular pressing issue, a social media campaign and press coverage in the press and media too.

**The Controller: Thanks for your time. We look forward to seeing the film next year! ◀**

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# RUSSIA SENTENCES CONTROL STAFF

▶ BY PHILIP MARIEN, IFATCA COMMUNICATIONS COORDINATOR



On July 23, 2020, a Russian court convicted three air traffic controllers and imposed jail terms for their alleged role in the deaths of Christophe de Margerie (the chairman and chief executive officer of French oil corporation Total S.A.) and crew members when their aircraft, a Dassault Falcon 50, hit a snowplow on takeoff at Moscow's Vnukovo Airport in October 2014.

On July 23, 2020, a Russian court convicted three air traffic controllers and imposed jail terms for their alleged role in the deaths of Christophe de Margerie (the chairman and chief executive officer of French oil corporation Total S.A.) and crew members when their aircraft, a Dassault Falcon 50, hit a snowplow on takeoff at Moscow's Vnukovo Airport in October 2014.

Snowplow operator Vladimir Martynenko was accused of driving his vehicle while under the influence of alcohol into the path of the jet departing for Paris. After a guilty plea, he and his superior Vladimir Ledenev were sentenced in 2017 to respectively four and three-and-a-half years in prison. Both have since received amnesty and were released.

Three air traffic control staff – Flight Director Roman Dunayev, as well as controllers Alexander Kruglov and Nadezhda Arkhipova – were tried separately, accused of violating safety rules. Authorities had concluded a criminal investigation before the conclusion of the official accident investigation. Based on the conclusions of this criminal investigation, Moscow's Solntsevsky District Court sentenced Arkhipova to 5 years, Kruglov to 5.5 years and Dunayev to 6 years in a type of

open prison with less harsh conditions than a penal colony, according to a court statement. Arkhipova was immediately released in an amnesty.

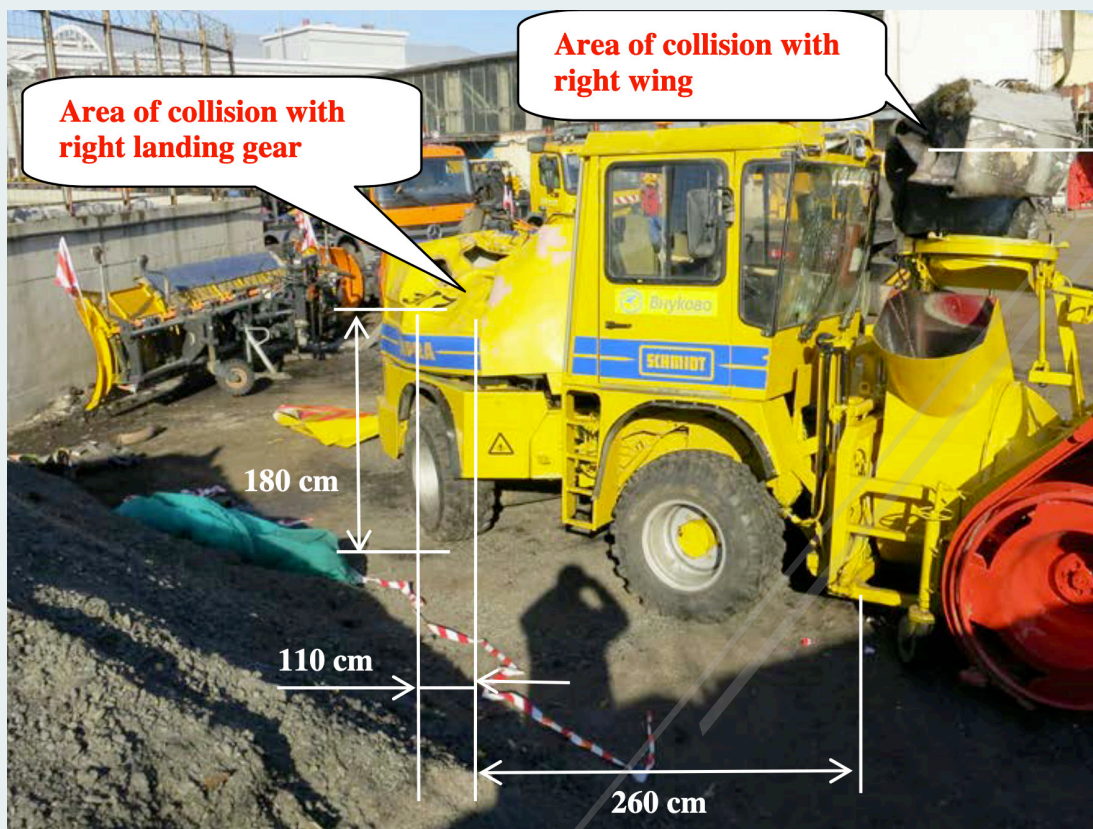
The lawyers for the defense indicated that the three do not agree with this sentence and that they will appeal the verdict, which they call unlawful and baseless. Prosecutors had asked the judge to impose sentences of up to six years and two months in a penal colony.

The Russian Air Traffic Controllers' Trade Union said in a statement that "the sentence should be thrown out and our comrades acquitted and released.

That's what truth and justice requires." Earlier in an open letter to the transport ministry, the trade union said the air traffic controllers were simply "in the wrong place at the wrong time." The flight control staff "acted strictly in accordance with instructions" while the accident was caused by the drunken ground staff, the union said.

On September 29th, the appeal against the three controllers was heard. The court upheld the verdict and the sentencing of the three controllers. IFATCA is in contact with its Russian Member Association to determine the next steps for follow up. ◀

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▶ Photos: Damage to the snowplow according to the official report (Photo credit: Russian Interstate Aviation Committee)

# LATEST DEVELOPMENTS IN SWITZERLAND: THE DELICATE BALANCE – SAFETY VERSUS JUSTICE INTEREST

▶ BY MARC BAUMGARTNER, IFATCA SESAR COORDINATOR



There have been two recent verdicts by the Swiss Federal Supreme Court on air traffic control incidents, one ending in the condemnation of an air traffic controller and one ending with an acquittal. This article describes two different air traffic control incidents and explains the judgements. The article provides a chronology of judgements, including a description of the incidents as well as the graphics and images used by the Swiss Accident Investigation Board. This article was originally authored for the The Aviation & Space Journal (n.1/2020 ISSN 2281-9134). It is presented here with their kind permission. You may find the original here: <http://www.aviationspacejournal.com/>.

## FIRST CASE

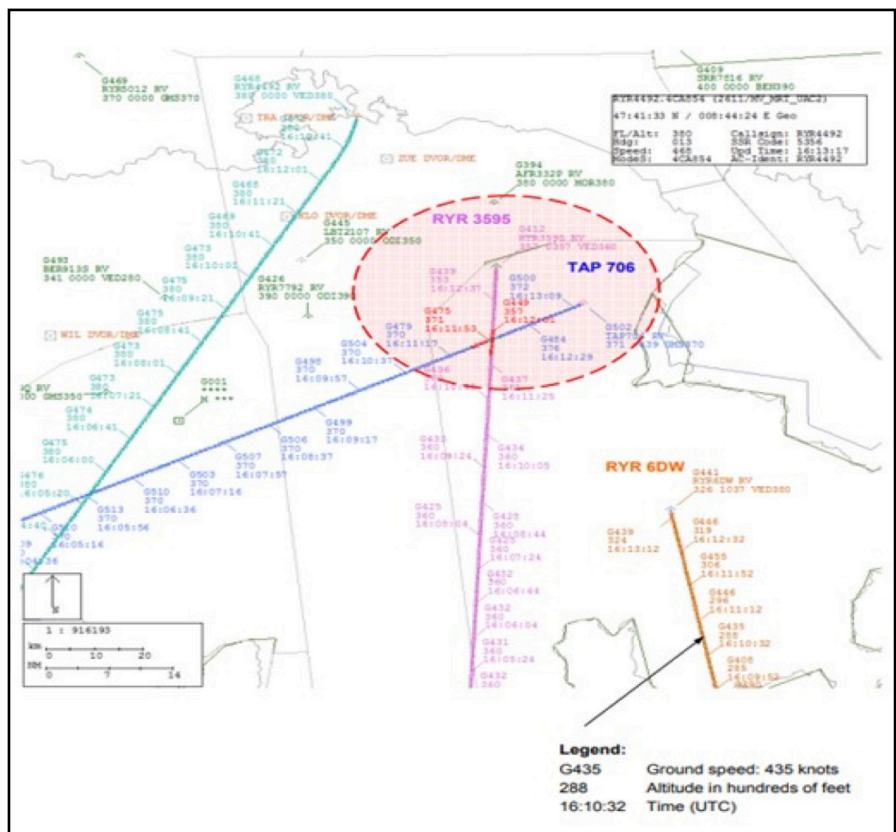
**Summary from the Final Report No 2211 of the Swiss Accident Investigation Board (SAIB), Published on 9 Oct. 2014**

On 12 April 2013, the two commercial aircraft with the flight numbers TAP 706 and RYR 3595 were cruising in Swiss airspace under the control of the Zurich Area Control Centre (ACC).

At 16:00:53 UTC, while at FL 370, the crew of TAP 706, with the radio callsign "Air Portugal seven zero six," an A319 on a scheduled flight from Lisbon (LPPT) to Prague (LKPR), reported to the Zurich ACC Upper Sector M4 air traffic controller (ATCO).

The crew of RYR 3595, with the radio callsign "Ryanair three five niner five," (a B737 on a scheduled flight from Pisa (LIRP) to Lübeck (EDHL) also reported to the ATCO just a short time later at 16:01:11 UTC, while at FL 360.

At 16:10:43 UTC, the crew of RYR 3595 requested clearance to climb to FL 380 due to expected turbulence; though without mention of their radio callsign. The ATCO replied as follows: "Six Delta Whiskey, climb three eight zero." This was the radio callsign for flight RYR 6DW, an aircraft belonging to the same aviation operator reporting to the sector shortly before. The crew of flight RYR 3595 responded to the clearance for flight RYR 6DW as follows: "Flight level three eight zero, Ryanair three five niner five" and initiated a climb. Neither the ATCO nor the crew of RYR 6DW did respond to this readback of RYR 3595.



At 16:11:37 UTC, the ground-based short-term conflict alert for Sector M4 reported an impending conflict between TAP 706 and RYR 3595. After the crew of RYR 3595 answered in the negative to the ATCO's immediate query as to whether they were at FL 360, he instructed them to descend immediately.

The traffic alert and collision avoidance system on both aircraft generated resolution advisories (RAs) shortly afterwards; these were immediately followed by both crews.

▶ **Chart:** Figure 1 Annex of SAIB Report

At 16:11:49 UTC, the closest point of approach between the two aircraft was reached (0.8 NM horizontally and 650 feet vertically).

## CAUSES

The serious incident is attributable to the fact that the crew of a commercial aircraft initiated a climb without clearance, which

# LATEST DEVELOPMENTS IN SWITZERLAND: THE DELICATE BALANCE – SAFETY VERSUS JUSTICE INTEREST (CONT.)

led to a dangerous convergence with another commercial aircraft. The following factors were identified as the cause of the serious incident:

- The crew initiated the climb on the basis of a clearance which had been issued to another commercial flight belonging to the same aircraft operator.
- The air traffic controller did not realise that the clearance issued was not read back by the crew for which it had been intended.

The following was identified as a contributing factor to the serious incident:

- A request by a flight crew for clearance to a higher flight level without specification of their radio callsign;
- The issue of altitude clearance by air traffic control without verification of the crew which had made the request;
- Absent reaction of another crew to whom the clearance was addressed to;
- Insufficient attention was given to the prevailing weather conditions when the decision to combine sectors was made.

The Swiss AIB recalls its role on page 2 of the report:

In accordance with Art 3.1 of the 10th edition, applicable from 18 Nov. 2010, of Annex 13 to the Convention on International Civil Aviation of 7 Dec. 1944, and Article 24 of the Federal Air Navigation Act, the sole purpose of the investigation of an aircraft accident or serious incident is to prevent accidents or serious incidents. This statement in the final report is mandatory per Article 16.1 of EU Regulation 996/20103 which is applicable also in Switzerland, since the Confederation has elected to be part of the EU aviation system. The legal assessment of accident/incident causes and circumstances is expressly no concern of the safety investigation. It is therefore not the purpose of this investigation to determine blame or clarify questions of liability.

If this report is used for purposes other than accident/incident prevention, due consideration shall be given to this circumstance.

## CRIMINAL PROCEEDINGS

The report (Bleienheuft/Wysk 2019) was approved and published by the SAIB on 9 Oct. 2014. On 12 Aug. 2014, the Federal Prosecutor opened an investigation procedure initially against an unknown person. This was – after initially focusing on the pilot – extended to the air traffic controller concerned on 22 Dec. 2016.

In 2017, the Office of the Attorney General of Switzerland issued an order of summary punishment under article 237 of the Swiss Penal code against the pilot of RYR3595 and against the air traffic controller. The Federal Criminal Court upheld the air traffic controller's conviction on his appeal in its ruling of 30 May 2018. The air traffic controller, however, appealed to the Federal Supreme Court, which dismissed his appeal in its ruling of 27 June 2019.

## THE JUDGEMENT

The ATCO petitioned the Federal Supreme Court that he should be acquitted of the allegation of negligent disruption of public transport (CH Penal Code art. 237 al. 1 and 2). He claimed that the judgment of the Federal Penal Tribunal should be lifted. He argued as follows:

### First Point:

- The complainant submits that the lower court did not establish the actual risk of collision. They erroneously relied on the analysis of the SAIB, instead of following his request for evidence and clarifying the actual risk of collision by means of an expert opinion. Further in the complainant's view, the following should also have been clarified in an expert opinion when an evasive action is triggered by the Traffic Collision Avoidance System (TCAS/ACAS).
- The complainant further submits that lower court used the EU Regulation 996/2010 Art 2 (definition) al. 167 which lists an evasive action as a serious incident, this thus however not automatically mean a concrete endangering according to the swiss law.

Note: the lower court has without the knowledge of the complainant requested the SAIB to answer a catalogue of questions:

1. What is the SAIB's opinion on the Evaluation by Eurocontrol of 9 Sept. 2018 (qualification of the incident as ICAO Category B), in particular the Risk Analysis Tool?
2. Does the evaluation of Eurocontrol resulted in change, additions or corrections to the SAIB report No 2211? If so, to what extent?
3. What is SAIB's opinion on the document "Risk Assessment of Incidents and ATM Specific Occurrences"?
4. Did the "Risk Assessment" result in changes, additions or corrections to the SAIB Report No. 2211? If so, to what extent?
5. What is SAIB's response to the Memo of skyguide (Air Navigation service provider of Switzerland) from 27 March 2018?
6. Did this Memo result in changes, additions or corrections to the SAIB Report No. 2211? If so, to what extent?

The SAIB answered these questions without the complainant being aware of it until after the verdict was provided by the lower court. The Federal Supreme Court rejected this complaint.

In connection with the request for evidence submitted by the complainant, the complainant relied on the European Organisation for the Safety of Air Navigation (EUROCONTROL) analysis carried out at his request. While the SAIB classified the incident as an ICAO Category A ("Risk of collision. The risk classification of an aircraft proximity in which serious risk of collision has existed."), EUROCONTROL had concluded that the incident was an ICAO category B ("Safety not assured. The risk classification of an aircraft proximity in which the safety of the aircraft may have been compromised."). In order to clarify this question, the previous instance (sic. Federal Criminal Court named hereafter and only for the article FCC) had been required to obtain an expert opinion. Furthermore, the complainant submits that the FCC erred in its application for supplementary evidence on the question of the circumstances un-

der which the traffic warning and collision avoidance system had been triggered.

The mere fact that EUROCONTROL categorised the incident differently is not sufficient to challenge the SAIB decision. Rather, the analysis by EUROCONTROL needs also to show that the assessment of the SAIB was inadequate or inconclusive. The complainant does obviously not propose this added amendment. In this respect, the FCC relied solely on the findings of the SAIB and was not obliged to provide an expert opinion, as requested by the complainant. In addition, based on the SAIB report the FCC set forth under the circumstances by which the traffic and collision avoidance system was triggered. (Judgment under appeal E. 2.3.2).

**Second Point:**

The complainant alleges a violation of Article 237(2) of the Criminal Code (i.e., concrete endangerment of life and limb, were not proven). The Federal Supreme Court rejected this complaint.

The complainant submits that, despite the fact that the safety distance was not observed, there was no specific risk to the passengers and crews of the two commercial aircraft, and therefore a concrete endangerment in the sense of Article 237 of the Criminal Code must be denied. This is based first of all on the fact that the two aircraft did not change course as a result of the avoidance order and thus (even without altitude correction) the horizontal distance would not have been closer than 1.5 km. In his observations, the complainant submits that without height correction it would not have automatically come to a collision. However, nonetheless an examination of whether a sufficiently concrete risk (i.e. obvious and serious risk, see E. 1.2 above) existed needs to be carried out. One cannot solely rely on the heading to determine the risk of collision as it does not allow for unforeseeable influencing factors to be taken into account in the airspace. For this vertical and horizontal minimum distances have to be provided and observed.

Finally, the complainant criticizes the considerations of the first instance's opinion that the triggering of the evasive order by TCAS indicates the danger. The risk of collision was not avoided due to the technical warning system because no risk of collision existed, regardless of the triggering of the evasive command.

On the contrary, when assessing the actual risk, one should consider that all planes today are equipped with this system, one of the purposes of which is indeed to miti-

gate the effect of honest mistakes by pilots or ATCOs. The complainant submits that the assessment of concrete endangering, should be based solely on the assessment of the facts and not only on the basis of the text in a regulation. Moreover, the evasive action does not change anything, as the planes had not come closer than 1.5 km to each other and, due to the direction of their headings, would not have come closer.

The FCC consideration of the evasive manoeuvre is not objectionable. As stated above it is the massive underrun of the safety distance which triggers the avoidance command, regardless of the course direction. Furthermore, the definition of "serious incident" in Art. 2 No. 16 of the EU Regulation 996/2010 essentially is standardization, based on experience. If the FCC uses the intended categorization of incidents which triggers an evasive manoeuvre (as in the present case) while taking into account the specific circumstances as an indication of the risk, this cannot be criticized. The previous instance rightly assumed that a concrete danger existed in the sense of Article 237 of the Criminal Code.

**Third Point:**

The complainant denies having infringed his duty of care within the meaning of Article 12(3) of the Criminal Code. The Federal Supreme Court rejected this complaint.

The FCC considers that the complainant violated the rules of the air traffic control procedure and thus his duty of care by requesting the crew of the yyy to state their call sign and to ensure that the notified crew of zzz had correctly understood his clearance. The complainant had that specific responsibility for control, which is why he had to reckon with the mistakes made by others.

Finally, the FCC states that the occurrence could have been avoided if the complainant had requested the call sign from the requesting crew of yyy. Thus he could also have prevented a further breach of duty by requesting the readback of zzz. The risk of a collision and the associated endangering of human life was avoidable.

As reference points for the criminal-law assessment of the conduct in question, the standards and recommendations of ICAO must be consulted. Article 3(1) of the Ordinance on Air Navigation Services of 18 December 1995 (VFSD; SR 748.132.1) declares the implementation of air navigation services, including the standards and recommendations of ICAO in the relevant Annexes to the Convention on International Civil Aviation of 6 February 1944 (SR 0.748.0) to be directly applicable. Annex 10

to the Convention, Volume II, lays out the communication procedures, including those with characteristics of air traffic control procedures (i.e. not mandatory standards).

In accordance with point 5.2.1.9.2 (Exchange of Communications) of Annex 10 to the Convention, the following shall apply:

"Acknowledgement of receipt. The receiving operator shall make certain that the message has been received correctly before acknowledging receipt." Paragraph 4.5.7.5.2 of ICAO Doc 4444, Procedures for Air Navigation Services, provides the following: "The controller shall listen to the readback to ascertain that the clearance or instruction has been correctly acknowledged by the flight crew and shall take immediate action to correct any discrepancies revealed by the readback."

With regard to point 5.2.1.9.2 of Annex 10 to the Convention, the FCC considers correctly that knowledge of the identity of the sender is part of the correct understanding of a message. The complainant contests, however, that point 5.2.1.9.2 is not exhaustive. He refers to ICAO Doc 4444 specifically regulated situations, in which a readback is mandatory and argues that the request of the yyy was a mere request for which no readback was necessary. The duty of an air traffic controller is to ensure that he or she is aware of a correctly understood message by the flight crew, but applies action independently of the regulation of mandatory readbacks in specific situations. In connection with the breach of duty of care, the lower court rightly refers to paragraph 5.2.1.9.2 of Annex 10 to the Chicago Convention.

Furthermore, the objection that the only decisive factor is that the crew of the yyy in ignoring the clearance provided to zzz climbed, is unhelpful. The error of the crew of the yyy cannot relieve the complainant of his duties.

The complainant alleges that, because of the poor quality of the radio communications, he did not recognize that the readback came from a crew that was not addressed. He said that he did not understand the readback, but misunderstood it. If he was insecure, he would have inquired. The complainant made the wrong assumption based on the lack of identification of the yyy that the request came from zzz. However it is precisely one of his duties not to work on the basis of assumptions, but to verify them. Furthermore, the lower court correctly stated that precisely because of the poor quality of radio communications, he was obliged to verify his assumption.



# LATEST DEVELOPMENTS IN SWITZERLAND: THE DELICATE BALANCE – SAFETY VERSUS JUSTICE INTEREST (CONT.)

Finally, he submits that, under the principle of legitimate expectations, he could rely on the fact that the other participants behaved correctly. There had been no concrete evidence that someone did not follow the rules and he had no evidence that his clearance for the zzz flight crew could be used by another crew to leave the flight level. In doing so, the complainant disregards the fact at the time of the request, yyy was in violation of the rules. The complainant could not rely on the fact that the request, as accepted by him, came from the zzz and was supposed to exclude possible ambiguities.

The appeal must be dismissed. The costs of the federal court proceedings are to be imposed on the appellant (Art. 66 (1) sentence 1 FSCA).

Guilty of the disruption of public transport by negligence article 237 of Penal Code al. 2 in conjunction with al.1 second paragraph

**- 60 x 300 Swiss Francs (CHF) on probation for 2 years (18, 000 CHF)**

**- Cost of proceedings lower court**

- **Prosecutor (900 CHF)**
- **Court case (2,000 CHF)**

**- Cost of proceeding supreme federal court (3,000 CHF)**

## SECOND CASE: SIMULTANEOUS TAKE-OFF (VALID VERDICT – ATCO ACQUITTED)

**Summary of The Incident, published on 2 May 2012**

On 15 March 2011 at 11:41:15 UTC, the Swiss International Airlines Airbus A320-214 aircraft, with the ATC callsign SWR 1326, received clearance to taxi to the take-off position on runway 16 at Zurich airport. While taxiing to the takeoff position, the air traffic control officer (ATCO) of aerodrome control (ADC) cleared SWR 1326 for take-off at 11:42:19 UTC. The crew of SWR 1326 acknowledged this clearance and initiated their takeoff roll at 11:43:12 UTC.

At 11:43:05 UTC, the Swiss International Airlines Airbus A320-214 aircraft, with the ATC callsign SWR 202W, which was waiting in the takeoff position on runway 28 at the same airport, received clearance for take-off. Due to their directions (i.e. one towards more or less South and the other more or less towards West), these two runways converge and actually cross. The crew ac-

knowledged this clearance and immediately initiated their takeoff roll.

During the takeoff roll, at 11:43:47 UTC, the crew of SWR 202W noticed SWR 1326, which was converging from the right on runway 16, and immediately initiated an aborted takeoff. At approximately the same time, the ADC air traffic control officer gave the crew of SWR 202W the order to immediately abort their takeoff.

The speed of SWR 202W at this time was 135 knots. The aircraft came to a standstill on runway 16 and then taxied to the assigned stand.

The crew of SWR 1326 had not noticed the serious incident and continued their flight to their destination.

Following the aborted takeoff SWR 202W had to cool down the breaks at the parking stand. The crew offered the passengers who did not wish to continue the flight at that moment, to disembark. One of the passengers leaving the aircraft was an online journalist, who published what he had learned from the passenger information received by the crew. Thus, the online media reported about the incident prior to the official internal notification of the incident.



▶ **Chart:** Figure 2 situational display of the incident - source STSB



## CAUSES

The serious incident is attributable to the fact that the air traffic control officer concerned gave takeoff clearance to an aircraft on runway 28 although another aircraft on runway 16, to which he had given takeoff clearance shortly before, was still on its takeoff roll. The result was that an inadvertent convergence of these aircraft occurred, involving a high risk of collision. The following factors significantly contributed to the genesis of the serious incident:

- At a time with a very high volume of traffic at Zurich airport, survey flights were being carried out, which increased the complexity of operation for air traffic control.
- The air traffic control officer concerned was engaged on tasks which did not have a high priority at this time.
- The aerodrome control centre work concept allowed only inadequate mutual support in the case of a high volume of traffic and in general did not feature any monitoring for early detection and correction of errors.
- The air traffic control's collision warning system was inappropriate for resolving the impending conflict. The genesis of the serious incident was favoured by the complex operation on two intersecting runways which is subject to a small error tolerance in the event of a high volume of traffic.

## CRIMINAL PROCEEDINGS

The report 2136 of the SAIB was approved and published by the SAIB on 2 May 2012. On 22 May 2012, the cantonal prosecutor Winterthur/Unterland, Airport Branch, opened an investigation procedure pertaining to an allegation of hindering public transport by negligence, (based on article 237 of the Swiss Penal Code). On the 7 Dec. 2016, the district court of Bülach acquitted the ATCO as follows:

The accused is not guilty nor implicated in the negligent disruption of public transport in accordance with Art. 237 al. 2 and Art 237 al 1 of the swiss penal code. The prosecutor appealed (7 July 2016) this judgement and on 4 Dec. 2018, the cantonal court of Zurich condemned the ATCO (under Article 237 al 2 and Article 237 al 1 of the Swiss Penal Code) to 90 days of 210 CHF fine on probation for two years.

The ATCO appealed and on 29 Oct. 2019, the Federal Supreme Court acquitted the ATCO.

## THE JUDGMENT

The ATCO petitioned the Federal Supreme Court to be acquitted of the allegation of negligent disruption of public transport (CH Penal Code Art. 237 al. 1 and 2). He claimed that the judgment of the Cantonal Court of Zurich should be lifted. He argued as follows:

### First Point:

The applicant alleged infringement of the principle of the right to a fair trial, in particular his rights of defence. He submitted that the lower court based its conviction on a further hypothetical fact. This fact was even implicitly described in the indictment, which claimed that a concrete danger to life and limb would have existed if the launch of SWR 202W had only been aborted on the complainant's order two seconds after the effective abort. However, only the effective and two hypothetical variants (i.e., the take-off roll of aircraft SWR 202W initiated five seconds earlier or the failure of the aborted take-off) should form the basis of the assessment. According to the expert, there was no concrete danger in any of the cases.

The Federal Supreme Court argued, the complainant's objection is unfounded. The accusation against him is that, as the responsible air traffic controller he gave the aircraft on Runway 28 (SWR 202W) the takeoff clearance, while another aircraft (SWR 1326), which he had also given a take-off clearance for shortly before was still in the takeoff run on Runway 16. As a consequence, there had been a high risk of collision, in which event people would most likely have been killed or injured. The conduct of the complainant and the associated danger to air traffic are thus clearly described in the indictment. However, whether the danger that occurred is sufficient to fulfil the elements of the offence pursuant to Article 237 of the Criminal Code and, if applicable, whether the occurrence of the danger was due to negligence, is the sole responsibility of the court. (See below E. 2.1.2.)

From the point of view of the prosecution, it suffices to assert a concrete danger under Art. 237 StGB on the basis of incriminating behaviour. It is not necessary to explain what the danger consisted of or could hypothetically have consisted of. For example, in turbulence due to exhaust jets, braking, evasive action, or, as the lower court apparently assumes, the crew of the aircraft SWR 202W would only have braked on the complainant's instructions. Apart from this, the lower court and the public prosecutor's office must agree that it is impossible to describe all conceivable consequences of behaviour of an accused person that has been

judged to be erroneous. There is no violation of the principle of prosecution. Furthermore, the public prosecutor's office explicitly saw a danger in the fact that the SWR 202W aircraft would have started the take-off run five seconds earlier. This would present the scenario that aircraft SWR 202W would not have braked until two seconds later, on the complainant's order.

In both cases, the aircraft would have been closer to the possible collision point, and the speed in the variant described by the prosecution would have been even higher than in the latter variant. Contrary to the complainant's view (complaint, pp. 8 and 13 et seq.), the question of whether a safe braking manoeuvre would still have been possible for SWR202W at a higher speed was therefore raised from the outset. He was also able to defend himself against the charges that had been brought. It also cannot be seen as a violation of the principle of indictment or of the principle of inquiry. The lower court is not supposed to have taken into account the systematic nature of the bill of indictment and the connection that, in the complainant's view, was evident between the indictment and the expert opinion on the concrete danger. This is a question of the assessment of evidence. (See below.)

### Second Point:

The complainant does not contest the actual course of events. However, he claims that the lower court, in violation of the presumption of innocence, did not take into account various pieces of evidence. This worked to his disadvantage and affirmed a violation of due diligence solely on the basis of the report of the Swiss Safety Investigation Authority (hereinafter SUST) who had arbitrarily assessed this report. Furthermore, there had been no concrete danger to life and limb.

The Federal Supreme Court argued that on the basis of the SUST report, the lower court assumes the following undisputed facts:

On 15 March 2011, at 11:42:19 UTC, (coordinated universal time) in 8058 Zurich Airport, the complainant, as the air traffic controller in charge, gave clearance for take-off to aircraft SWR 1326, which was in the process of taxiing into the take-off position on Runway 16. The crew of SWR 1326 acknowledged this clearance and initiated the takeoff run at 11:43:12 UTC. At 11:43:05 UTC, the complainant had also given clearance for take-off to the aircraft SWR 202W which was waiting in the takeoff position on runway 28. The crew of this aircraft also acknowledged the clearance and initiated the takeoff run. At 11:43:47 UTC, the crew of aircraft SWR 202W noticed SWR 1326 ap-

# LATEST DEVELOPMENTS IN SWITZERLAND: THE DELICATE BALANCE – SAFETY VERSUS JUSTICE INTEREST (CONT.)

proaching from the right on runway 16 and immediately initiated the aborted take-off on its own initiative. At that time the aircraft was about 550 meters from the intersection of runways 16 and 28; its speed was 135 knots or 250.02 km/h. The SWR 202W aircraft came to a standstill on Runway 16, before the intersection of the two runways. The crew of aircraft SWR 1326 did not notice the incident and continued the flight to its destination. No persons were injured.

The complainant is in no doubt that the permission to take off granted by him to aircraft SWR 1326 and SWR 202W in quick succession led to an increase in the risks inherent in traffic at Zurich public airport. He therefore rightly affirms an act of tort under Article 237 of the Criminal Code. Based on the statements of the expert B.\_\_\_\_\_, there is a conclusion that there was no concrete danger for the occupants of the aircraft SWR 202W when the pilots of this aircraft aborted takeoff.

The expert did not consider it likely that people could have been injured by the aborted takeoff of aircraft SWR 202W that had actually taken place. According to the expert's statement, the aborted takeoff per se was not a manoeuvre in which people were directly endangered. Even with the overheating of the aircraft brakes and the calling of the fire brigade, there was no danger to the crew and passengers of the aircraft SWR 202W. This is a normal and routine procedure whereby danger to life and limb of the passengers is negligible.

According to the lower court, the edge vortices and/or exhaust gas jets caused by the aircraft SWR 1326 did not represent a concrete danger to life and limb of the passengers of the aircraft SWR 202W which aborted the takeoff. According to the files, there was wake turbulence (air movements) in the area of the intersection of runways 16 and 28. However, there was no concrete evidence that this wake turbulence had been able to exert any relevant physical forces on the SWR 202W aircraft which had come to a standstill immediately before the runway intersection. According to the expert, the aircraft had "not come too close" to each other.

In the light of the above and based on the facts as they actually occurred, the conduct of the complainant caused no specific threat or disruption to public air transport under Article 237 of the Penal Code. The lower court also assumes this. Contrary to their opinion, however, a hypothetical different course of events cannot be used to substantiate a concrete danger (see 2.1.2 above). The lower court correctly considers that the occurrence of a damaging event, i.e. the injury or death of persons, is not a prerequisite for the fulfilment of the facts. However, the complainant's misconduct of positioning two aircraft simultaneously in the takeoff area and moving towards each other is not more than an abstract danger to public transport. But despite his conduct, thanks to the presence of mind of the crew of the aircraft SWR 202W, no concrete danger to life and limb of persons occurred. It is irrelevant what might have happened if the crew of the aircraft SWR 202W had only initiated the braking manoeuvre on the complainant's order. Nothing else emerges from the doctrine set out in recital 2.1.213 above and from the case-law partly quoted by the previous instance. In particular, BGE 106 IV 121 E. 3c also called for a concrete or serious danger, albeit broadly defined, namely the increased risk of a crash as a result of an unplanned delay. (Sic. the judgement then refers to the other judgement). In the recent judgement 6B\_1220/2018 of 27 June 2019, an automatic avoidance command was then triggered by the traffic warning and collision avoidance system due to a massive loss of the prescribed safety distance, and the incident was classified by the SUST in Category A ("Risk of collision. The risk classification of an aircraft proximity in which serious risk of collision has existed") in accordance with the classification scale of the International Civil Aviation Organisation (ICAO), which in the opinion of the Federal Supreme Court implied the near danger of a collision (E. 1.5.1 and E. 2.3 of the above-mentioned ruling). The lower court did not mention anything comparable, namely a similar approach of the two aircraft, and this is not apparent from the expert opinions (see E. 2.2.2 in fine above). In contrast to the present case, the verdict of guilty in judgement 6B\_1220/2018 was also based on facts which had actually been held. By contrast, the complainant's conviction based on hypothetically different facts violates federal law.

Thus, the Federal Supreme Tribunal states that the complaint is well-founded, nullifies the contested decision, and refers the case back to the lower court for a new order of costs. As a matter of principle, no costs are to be charged in the Federal Supreme Court proceedings and the Canton of Zurich must pay the complainant compensation for the parties (Art. 66, para. 1 and 4, 68, para. 1 and 2 FSCA).

## CONCLUSION

Three air traffic control incidents have been brought in front of Swiss Courts. Two valid judgments by the Federal Supreme Court exist. One acquitted the air traffic controller and the other one condemned the air traffic controller. In the third case the ATCO has been condemned by the district court in Bülach and has appealed to the cantonal court.

Discussion in the Swiss Aviation sector and beyond has taken place calling for adjustments in Swiss laws so they align with new principles of aviation safety and reporting. Bleienheuft and Wysk (2019) explain the need to address some of the transposition of EU Regulation 376/2014 and 996/2010 in Switzerland with regard to the use of safety information and safety data made available to the safety investigation and used by the Swiss justice system. The European Commission should perhaps consider revising Regulation 376/2014 introducing in it a clearer severity classification taxonomy, to mitigate the risk of divergent assessments in the future. Furthermore, Switzerland has filed a difference to ICAO 5.12.14. And last but not least, a political revision process of several Swiss legal instruments has been launched and is currently in the political revision process.

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▶ **Photo:** Su Baccu Malu, which is a peak in the Sette Fratelli Mountains with an elevation of 3,333 feet.



# EUROPEAN COURT OF HUMAN RIGHTS DECLARES CAGLIARI APPEAL INADMISSIBLE

BY OLIVIERO BARSANTI (LEFT) AND NICOLA ROMANO (RIGHT)

On February 24, 2004, a hospital flight coming from Rome, Italy, crashed while on a visual approach to Cagliari Elmas airport. Six occupants of the aircraft – 3 crew and 3 passengers – were killed. Previous issues of *The Controller Magazine* covered the aftermath of the accident, especially in relation to the various court cases that followed and its importance to Just Culture.



## THE ACCIDENT

After Cagliari APP provided the weather information, they cleared CIT124 to continue its descent down to 5,000 feet and for the ILS procedure to land on runway 32. The pilot responded at 05:43 by asking for a visual approach, stating: "CIT 124, we have the field in sight requesting visual approach." Cagliari APP then asked CIT 124 if they were able to maintain obstacle clearance. The answer was affirmative.

Three minutes later, Cagliari APP informed CIT124 not to descend below 2,500 feet, which is a limit specified in the letter of agreement between the approach and the tower. They then transferred the aircraft to the tower frequency for the further descent. The pilot contacted Cagliari Elmas TWR, reporting they were on visual approach. Elmas TWR advised them of the runway in use (32) and the wind conditions and requested the flight report when on short final. The crew acknowledged the information. Two minutes later, while descending over mountainous terrain, the flight collided with the side of Su Baccu Malu, which is a peak in the Sette Fratelli Mountains with an elevation of 3,333 feet.

## LEGAL PROCEEDINGS

The controllers involved were indicted and faced the legal proceedings. The prosecutor tasked a team of expert witnesses to provide a technical report. This report concluded that the two ATCOs followed the relevant operational regulations in force at the time. The judge decided not to take the technical report, as presented by the prosecutor, into account and sentenced the two controllers to two years in jail. The Court of Appeal (2008) and the Court of Cassation (2011) later confirmed the first instance judgement.

In the lead up to the accident, the controllers on duty had provided additional warnings to the pilots. They told them not to descend below a certain altitude, even during the visual approach, in order to comply with written requirements. They also asked confirmation about being in visual contact with the ground obstacles. But the judiciary proceeding took a circular issued from the National Regulator some years before into consideration. This required companies to collect all the relevant information about the topography of the area surrounding an airport before doing visual approaches at night time. This circular was clearly not aimed at controllers.

Nevertheless, the court ruled they had been negligent, which led to the aeronautical disaster and the resulting manslaughter. The guilty verdict was all about having cleared, even though after the pilot's request, a night visual approach "without giving the pilot himself all the relevant information about the terrain orography"[1] as dictated, according to the judge's opinion, by additional requirements included in the aforementioned circular, which the National Regulator actually had intended for a non-controller audience.

## IMPLICATIONS

The Italian Air Traffic Controllers Association, ANACNA, reacted immediately to the implications of the original verdict. Several meetings with all the stakeholders, IFATCA and ICAO included, led to the cancellation of the visual approach procedure in Italy soon after the conviction. The procedure was reinstated in 2017, but only during day time. At night, it is still forbidden. And to this day, the sentencing and the punitive element, has implications for the reporting culture in Italy.

On the positive side, since 2014, the Italian Navigation Code recognises that service providers' operational manuals,



# EUROPEAN COURT OF HUMAN RIGHTS DECLARES CAGLIARI APPEAL INADMISSIBLE (CONT.)

training schemes, and other technical rules are an integral part of the national regulations.

The convicted controllers themselves, strengthened by the general feeling within the professional community that the ruling was unfair, took their case to the European Court of Human Rights (ECHR), in order to get the conviction overruled.

Disappointingly, in December 2019 – more than 15 years after the accident – the European Court of Human Rights ruled the case inadmissible. The Court stated that its ruling would have constituted a fourth proceeding stage, which is not admissible by the European Convention:

The Court finds that, insofar as the applicants complain of the domestic courts' assessment of the evidence and interpretation of the law and challenges the outcome of the proceeding, the application is of a 'fourth-in-

stance' nature. The applicants were able to make submissions before the courts which answered those submissions in decisions that do not appear arbitrary or manifestly unreasonable, and there is nothing to suggest that the proceedings were otherwise unfair. Accordingly, these complaints are manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention.

Still the ECHR decision is, in our opinion, an important milestone in understanding the legislation overarching the aeronautical, or more broadly the transportation world. The Cagliari case demonstrates how the Italian courts permit a judge, who doesn't take technical regulations into consideration, to act as *ludex peritus peritorum* ("The Judge is the expert among the experts"). And, more important, the European Human Rights Court established that, whenever such a national law is correctly applied, they cannot rule against it.

It is definitely worth investigating whether national law affords the same freedom to judges in other countries. This is preferably established before any accident takes place. If such laws exist, they have vast implications for any Just Culture policies that are being pushed by European and other regulations. It creates an uncertainty for the professional expecting to be protected if they report occurrences and, as such, may be detrimental to a healthy safety reporting culture.

*Oliviero Barsanti is the President of ANACNA, the professional association representing the Italian Air Traffic Service Officers, an Air Traffic Controller at ENAV - ACC Rome, IFATCA's representative to the ICAO Flight Operations Panel, and IFATCA Technical and Operational Committee member and Nicola Romano is an Air Traffic Controller at ENAV - ACC Milano. ◀*

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▶ Photo: The wreckage of Flight CIT124



▶ **Photo:** The city skyline at the Astronomical Clock Tower in Old Town Square in Prague, Czech Republic (Photo credit: Shutterstock)

# FLYING VFR IN THE CZECH REPUBLIC

▶ **BY PHILIPPE DOMOGALA, SENIOR CORRESPONDENT, IFATCA**

The Czechs are very aviation-minded people and their country has a very long aviation history dating back to 1910. The history books remember Czech aviation for having had the first female pilot in the world – Bozena Langlerova. The courage of this woman was remarkable considering she crashed during her first flying test and suffered serious injuries. After she recovered, she enrolled for the test once again and got her flying certificate in September 1911. She is an example of how one should never give up!

The country also has a large manufacturer Aero Vodochody. Aero was founded in 1919 and was well known during the Cold War era, for its range of jet-powered trainer aircraft. Today, its famous L-29 and L-39 jet trainers are flown by the Breitling Jet Team and others in air shows around the world.

Because of this great aviation tradition, it was only natural for me to fly to this country to see it for myself using my old Robin DR400.

Czechia – the short name for the Czech Republic – is in the Schengen Area of Europe. The border between Germany and the Czech Republic varied considerably in the last 150 years. Today, only a simple VFR flight plan is necessary to cross the border. There are no customs or immigration. Starting from Germany (near Frankfurt), the first leg brings us to Karlovy Vary (LKKV) formerly Carlsbad, when it was under German control. It is a beautiful baroque city with old buildings in various colours. The airport is located on top of a small hill overlooking the city. There is not much traffic, and they offer inexpensive landing fees and fuel and friendly airport staff, who arranged a taxi and a hotel in the city.



Spending the night there it is like returning a century and half back. It is a bit like the centre of Vienna without the modern stuff. Superb, inexpensive food was available in many restaurants. And there are very affordable hotels that look like museums. This city is a real treasure.

Before leaving early the next morning for Prague, the capital, we have to pay our



▶ **Photo:** Arriving at LKKV in Karlovy Vary (Photo credit: P. Domogala)

▶ **Photo:** View of the old city in Karlovy Vary in the Czech Republic

All photos on this and opposite page: *Philippe Domogala*

# FLYING VFR IN THE CZECH REPUBLIC (CONT.)



respect to a big statue of Gagarin at the entrance of the airport. Gagarin was the first Cosmonaut and is still a hero in the eyes of many Russians. His statue was covered with flowers and books. During the Soviet occupation of Czechia (from 1945-1989), the statue was erected and standing in the middle of the city, but after the Russians left, and Czechia became an independent nation, the new government moved the statue to the airport.

The flight to Prague takes only one hour. Our destination is the small Prague Letňany Airport (LKLT) which lies almost in the middle of the city. Having started operations in 1918, it is the oldest airport in Czechia and still operates with its two grass runways. It was the only airport in Prague until 1937 where the largest Ruzyně airport was built. The Ruzyně airport today is known as Václav Havel Airport Prague (LKPR).

Because of the proximity of the international airport, as well as a close-by military airbase (Kelby or LKKB), we have to descend early and follow a strict arrival procedure. First finding the VFR entry point, a big television antenna in the middle of

woods, is relatively easy. Then following a track toward the military airport of Kelby, we must contact the military tower to get permission to make a mid-field crossing. Right after that, we must contact Letňany Airport AFIS TWR to join the circuit for landing. All of this must be done at 1500 feet to stay below LKPR arrivals.

Upon arrival, one must park on the grass, refuel, and walk to the tower to pay the parking and landing fee. The Aero aircraft manufacturer factory and museum are adjacent to the airfield, and the AFIS agent kindly opened a special gate for us to get directly inside the museum. Controllers often offer other controllers shortcuts!

Every aircraft built by this company is on display in the old hangars. There are also a lot of parked MIG 21s around. Aero was maintaining the Soviet MIGs during the occupation. In fact, some of these MIG aircraft are for sale. I saw and talked to one lucky guy who had managed to cut the cockpit out of one (in almost new condition) and put it on his trailer to bring it home.

After visiting that old factory museum, we took a one-mile walk towards the other aviation museum, the large one at Kelby. This second museum is on the military airfield we overflew a couple of hours before. It is a very large and really beautiful museum with very well restored aircraft, especially from the period from 1910-1945. Some of them are unique in the world.

I was particularly impressed by a monster aircraft called the S-119. One might expect to see it in the U.S. Reno Air Races, but in fact, it was used by the Czech Air Force until 1957. After World War II, the Germans left a few hundred Messerschmitt's Bf109 in the Czech territory. The new Czech Air Force wanted to use them but ran out of engine parts. However, they found lots of Heinkel 111 bombers engines and propellers, so they replaced the original Daimler-Benz engine with Jumo Heinkel engines and propellers, calling it the S-199. Around 500 of such aircraft were rebuilt. Some found their way to Israel where they were used during some of their early wars. They were heavy and not as agile as the originals Bf109, but they looked mightier with that prop!

After the museum visit we went to the city centre, which itself also was a magnificent open air museum. We arrived just in time to see the famous old astronomical clock (built in 1410!) ringing the hour.

Next morning, we took a taxi to our grass airfield, filed a flight plan on the telephone to cross the border to Poland towards Wroclaw. But on studying the weather chart, we saw a front was coming from the North, and on advice of the local me-

teorologist, we decided to cancel that leg and return to Frankfurt directly. It was a Sunday, and the military base was closed. So we were able to get a direct route out of the Praha CTR. Flight information service in Czechia is first class and very helpful. They have lots of general aviation there, especially ultra light aircraft and traffic information can be intense sometimes.

I would highly recommend flying there. The landing fees and AVGAS are less expensive than in most parts of Western Europe, and there are many small airfields ready to accommodate you. English is widely spoken, so communications both in aviation related matters and outside in the cities is unproblematic. We will come back! ◀

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▶ Photos: (left) Prague arrival at the Kelby Airport (right) Domogala at the airfield at the Prague Letňany Airport (LKLT)



▶ Photos: (left) Soviet MIG 21 being sold (right) 109 – S-199 conversion on display at the Aero aircraft manufacturer factory and museum



▶ Photos: (left) Face of the astronomical clock in Prague (right) Prague TMA VFR arrival chart



# BOOK REVIEW: CHICKEN WING COMICS

BY PHILIPPE DOMOGALA,  
SENIOR CORRESPONDENT, IFATCA

One thing that many of us still do during this COVID-19 crisis is read books. Most of you know the chicken wings comic strips that we can see regularly in various aviation magazines and in the famous books they publish. Some of the comic strips include exchanges with ATC that are quite funny.

Now, the authors produced a history book combining cartoons with historic moments to create a kind of alternative history. The book looks at important moments in aviation history and, as they say themselves, take a guess at what really happened and how the main chicken wing character, Chuck, who is not a very good pilot, has seen it.

The result is a very funny book that I would highly recommend that you read or offer as a gift to anyone who loves aviation. The quality is superb with a hard cover and high quality printing.

You can find it in most aviation book shops, but can also order it online (a good idea during the crisis) directly from them from their bookshop at <https://www.chickenwingscomics.com/>.



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▶ Photos: : Cover and one inside page

## AFTER THE WAR ...

The question of how pilots of things that fly for long duration handle bodily functions has always been of interest to the general public, for some reason. Astronauts of the space race era got asked all the time, and the subject was even part of the classic movie *2001: A Space Odyssey* with the scene featuring instructions for a zero-gravity toilet. Today astronauts on the International Space Station make videos about the station's facilities and their functions and put the videos on YouTube. In 1927 news outlets were more discrete, but Lindbergh was asked about the subject occasionally. King George V of the United Kingdom pointedly asked, "How did you pee?" The *Spirit of St. Louis* was designed for one purpose: to hold enough fuel for one person to fly it across the Atlantic non-stop. While others who attempted the Atlantic crossing had comfortable cabins with various creature comforts, Lindbergh had virtually none, including any kind of lavatory equipment. Though they differ on details, sources state that Lindbergh used some kind of simple container that he threw from the aircraft, probably before he made landfall over Europe. Whatever the system, given the instability of the *Spirit of St. Louis*, using the "facilities" must have been a challenge.

MAY 21, 1927 - CHARLES LINDBERGH COMPLETED HIS ATLANTIC CROSSING. A MILESTONE FOR AVIATION, AND ONE STEP CLOSER TO THE INVENTION OF THE AIRCRAFT LAVATORY ...

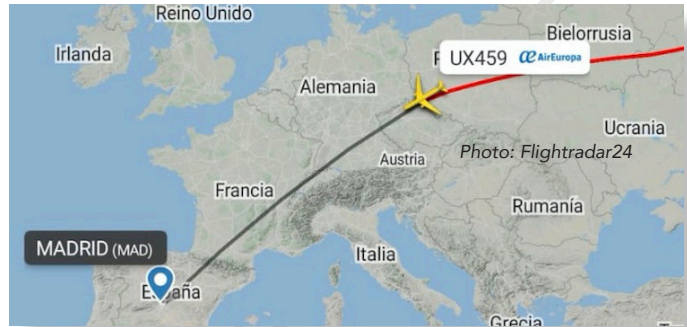


# CHARLIE'S COLUMN

▶ BY CHARLIE@THE-CONTROLLER.NET

## WITH A LITTLE HELP FROM OUR FRIENDS

At the end of March, the lack of medical supplies in Europe was acute, and there was news of a couple of flights carrying supplies from China. Controllers from Madrid were able to locate the first flight in Flightradar24 when it was still overflying Kazakhstan. They wanted to provide it as direct a route as possible, so they called Bourdeaux and negotiated a direct route to the IAF (a waypoint called ASBIN). The French controllers, aware of the cargo in the aircraft and taking advantage of the low level of traffic, coordinated with other colleagues. In the end, half of the controllers on duty in Europe helped coordinate a direct route from Polish airspace to the IAF that day.



## HUSH LITTLE BABY

The COVID-19 crisis has accelerated airlines retiring their larger aircraft. Several companies have mothballed their 747s and A380s in favour of smaller jets. Not wanting to miss a good opportunity when they see one, clever marketing people are now trying to resell older, smaller jets. Of course, some of these may need some small adjustments to make them conform to the new environmental norms that apply today. One of the more promising experiments is this BAC-111, fitted with an experimental hush kit that should allow it to operate in the strictest noise abatement environments!



## CAPTAIN'S MASK

While the full impact of the COVID-19 crisis on society and the economy is not yet clear, it does generate new business opportunities: mouth masks have become mandatory in many places – not in the least in most airports and on flights around the world. And of course, you don't want to miss any opportunity to show who is in charge. So if you hear a muffled voice on the radio, the most likely explanation is that the Captain is still wearing his four-striped mouth mask... Authority has never been more virus-proof!



## TOWER 1 – AIRCRAFT 0

On 19 July 2020, a flight design ultralight impacted the control tower at Eggersdorf-Müncheberg Airfield (EDCE) in Germany. The pilot and his son had to be rescued from the aircraft that got stuck to the upper part of the tower. Luckily, both occupants sustained only minor injuries but the ultralight was destroyed. The cause of the accident is still under investigation. Awaiting what will no doubt be an interesting read, we cannot help but admire the sturdiness of German air traffic control towers. The impact didn't even break any of the windows. The sole controller in the tower was not injured, but may have spilled his coffee.



## WIFE ACCEPTABILITY FACTOR ZERO

In 1995, airline owner Farhad Azima bought a Concorde nose cone. Ever since, he has kept it in a custom build glass hanger in his back garden in Kansas City, Missouri. The cone was once attached to one of the six Concorde test planes that never flew commercially. It is understood that Mr Azima tried to sell it off at an auction last year, reportedly looking for US\$350,000-400,000 for it – a bargain for owning a piece of aviation and engineering history. It is not known what Mrs Azima's thoughts of the collector's item are, but since it is stored somewhere in the back garden, we can only imagine that the phrases 'you bought what?', 'for how much?!?' and 'that thing is not coming near my house' were used at one point or another. ◀

