

Ref.: AACK/DSF/OR-2015-001

Date: 6 March 2015

Incident report on unauthorised landing at closed aerodrome (Gjakova aerodrome) involving Tecnam P2002 Sierra (OK-RUU-10) on 19 February 2015

1. Objective of this investigation

The sole objective of the investigation of this incident is prevention of occurrence of similar incidents in the future. It is not the purpose of this investigation to apportion blame or liability (Ref.: Annex 13 to the Convention on International Civil Aviation).

2. Synopsis

The crew of Tecnam P2002 Sierra (OK-RUU-10) was authorised by the Civil Aviation Authority of the Republic of Kosovo (CAAK) and Kosovo Force (KFOR) to perform a GAT VFR flight from Prishtina International Airport (BKPR), overflying around the city of Gjakova and landing back to BKPR. The aircraft departed BKPR at 09:03 (UTC). The crew was briefed accordingly by the Air Traffic Control (ATC) with the KFOR local procedures when flying in the Controlled Terminal Area (CTA) and the uncontrolled Foxtrot airspace. After 40 minutes of flight, the Pilot-in-Command (PIC) called the ATC and requested to extend the filed flight plan for 2hrs. 30min. The ATC clearance for this extension was granted. During the extension period of the filed flight plan the ATC was unable, in several cases, to establish radio contact with the OKRUU10, which led to activation of Alert Phase 1 of the Airport Emergency Plan (AEP) by the ATC. The investigation confirmed that the aircraft performed an unauthorised landing at closed aerodrome (Gjakova aerodrome). Upon arrival at BKPR, CAAK grounded the aircraft, the PIC was interviewed, and written statement was requested explaining the contributing factors that led to landing at closed aerodrome. The CAAK launched a formal investigation into this incident.

3. History of Flight

The following course of events is based on the documents submitted to the CAAK by the operator of the aircraft and ATC, the interview of the PIC and the Voice Data Recordings.

On Wednesday, 18 February 2015, at 22:16 (LT), CAAK received a request for a GAT VFR flight on 19 February 2015 departing from BKPR, overflying around city of Gjakova and landing back to BKPR. On the e-mail request, the PIC confirmed that he is aware and in possession of the current Kosovo Briefing Chart (noting and avoiding the A0038/15 & A0042/15 nearby the planned route),

current NOTAMs and that he will receive further briefing (including weather) in the early morning of intended date of flight, and that the flight plan has been filed via the AIS/FMU office. *(E-mail request appended as Attachment 1)*

On Thursday, 19 February 2015, at 07:05 (UTC), the GAT VFR flight (i.e. departure BKPR, overlying Gjakova, back to BKPR for landing) was approved by KFOR J3-Air Unit as per the request. *(KFOR J3 Air approval Appended as Attachment 2)*

At 07:32 (UTC), after evaluating all required documents as per the Law on Civil Aviation and relevant implementing regulations (i.e. pilot certificate, medical certificate, language proficiency certificate, insurance certificate, airplane journey logbook, aircraft technical certificate, airworthiness and CRS certificate, aircraft station licence) submitted by the PIC, and following already granted approval by KFOR J3 Air, the CAAK authorised a GAT VFR flight OK-RUU-10, (involving departure from BKPR, overlying Gjakova, and back to BKPR for landing). The CAA authorisation also required the PIC to comply with the CAA Regulation No. 6/2013 on the Rules of the Air, Kosovo AIP, NATO SPINS (version 3.0 dated 14 November 2014) and with the ATC clearances. *(CAAK authorization appended as Attachment 3)*

Before the departure, the PIC was duly briefed by the Aeronautical Information Services (AIS) officer on the Kosovo airspace restrictions such as restricted operation zones, meteorological data, valid NOTAMs and the ATC frequencies to be used during the flight. It was also made clear verbally to the PIC that Gjakova aerodrome is closed and landing there is prohibited.

Two flight plans (FPL) were filed by the PIC. On the first FPL the Estimated Time of Departure (ETD) was at 07:30 (UTC) and on the second FPL the ETD was at 08:45 (UTC). On both FPLs the operating rules were filed as VFR flight at 3,000 ft with the following routing: departure from BKPR, overlying Gjakova and back to BKPR for landing. The Estimated Elapsed Time (EET) for the flight was 00hrs. 45 min. BKPR was filed as alternate airport, two persons on board and fuel available for 04hrs. 30 min. *(Flight plans appended as Attachment 4)*

3.1. Excerpts from the ATC Voice Data Recording

At 08:43 (UTC) the ATC approved the startup for the OKRUU10.

At 09:01 (UTC) the ATC cleared the aircraft for take-off from Runway 35.

At 09:03 (UTC) the ATC requested the PIC to start monitoring the KFOR frequency and a confirmation by the PIC that he is familiar with the KFOR local procedures, which was not clearly confirmed by the PIC. The ATC further advised the PIC with regards to the KFOR local procedures and the requirement for blind transmission every five minutes when leaving ATC controlled zone. The PIC then confirmed that he will comply with the local KFOR procedures.

At 09:06 (UTC) ATC confirmed that radar contact was established with the aircraft. The PIC reported that he was 5 NM from the PRT, climbing to 3,000 ft. and flying direct to Gjakova. The ATC advised the PIC to switch to KFOR frequency (129.0) and blindly transmit as required by KFOR local procedures for VFR flights.

At 10:17 (UTC) the PIC contacted ATC reporting that he is 2 NM north of city of Gjakova, flying VFR on Foxtrot airspace and requesting the extension of the VFR Flight plan for 02hrs 30min. ATC confirmed the extension of the flight plan and that the information will be passed to ARO office.

At 10:21:26 (UTC) ATC attempted to establish radio contact with OKRUU10. No reply received.

At 10:21:42 (UTC) ATC attempted to establish radio contact with OKRUU10. No reply received.

At 10:43 (UTC) ATC attempted to establish radio contact with OKRUU10. No reply received.

At 10:46:04 (UTC) ATC attempted to establish radio contact with OKRUU10. No reply received.

At 10:46:18 (UTC) ATC attempted to establish radio contact with OKRUU10. No reply received.

At 10:54 (UTC) ATC attempted to establish radio contact with OKRUU10. No reply received.

At 11:09 (UTC) ATC attempted to establish radio contact with OKRUU10. No reply received.

At 11:30 (UTC) ATC attempted to establish radio contact with OKRUU10. No reply received.

At 12:46 (UTC) ATC attempted to establish radio contact with OKRUU10. No reply received.

At 12:47 (UTC) ATC attempted to establish radio contact with OKRUU10. No reply received.

At 13:31 (UTC) the ATC informed the CAAK duty officer that the radio contact was lost with the OKRUU10 and that the Alert 1 – “Uncertainty Phase” of Airport Emergency Plan was activated.

At 13:35 (UTC) the ATC informed the CAAK duty officer that the contact was established with the PIC on his cellular phone, therefore the Alert 1 is deactivated in accordance with Airport Emergency Plan.

At 13:38 (UTC) the PIC contacted ATC reporting 6 NM north from Rahovec on VFR flight direct to BKPR and requested entering TMA at 3000 ft. The ATC cleared the PIC to continue on Foxtrot airspace and requested blind transmission reporting on KFOR frequency 129.0.

At 13:43 (UTC) the PIC reported the position 10 NM west of BKPR. ATC advised the PIC to contact Tower on frequency 120.125 before approaching the controlled area Prishtina CTA.

At 13:46 (UTC) the PIC reported the position 4 NM west of airport with the runway insight and changing the frequency to ATC Tower.

At 13:47 (UTC) the PIC reported his position 3 NM west of Prishtina. The ATC Tower cleared to land OKRUU10.

At 13:49 (UTC) the OKRUU10 landed at BKPR.

Complete voice recording CD of the ATC-PIC communication is appended as attachment 5.

3.2. CAAK investigation on the spot

CAAK learned from the local media that the aircraft had landed at Gjakova aerodrome at 11:17 (UTC). At 11:30 (UTC), three senior CAAK Inspectors departed immediately to the Prishtina Airport to conduct an interview with the PIC of OKRUU10 after landing at BKPR and further investigate this incident as needed. Inspectors arrived at BKPR at 11:55 UTC.

At 14:20 (UTC) CAAK Inspectors started interviewing the PIC at the ATC facilities at BKPR. Initially the interview was focused on the extension of the flight plan, loss of radio communication

with ATC that subsequently led to the activation of the Alert Phase 1 of Airport Emergency Plan. Further, the authenticity of local media news on the landing of the aircraft was discussed with the PIC.

At 14:30 (UTC), after the information on unauthorized landing at Gjakova aerodrome was confirmed by the PIC, the latter was requested for a written statement on the events that led to his course of action for unauthorized landing at a closed aerodrome (Gjakova aerodrome). The CAAK Inspectors decided to ground the aircraft. The copy of the "Decision to Ground the Aircraft" was handed over to the PIC. (*Appended as Attachment 6*)

At 15:00 (UTC), once the CAAK Inspectors were ensured that all the preliminary information required was addressed in the written statement by the PIC and that the PIC is capable to safely continue his journey, the aircraft was released back to service. The copy of "Decision to Release the Aircraft" was handed over to the PIC. (*Appended as Attachment 7*)

At 15:38 (UTC) the aircraft departed from BKPR outbound for Skopje (LWSK).

At 15:49 (UTC) OKRUU10 reported 10 NM to XAXAN. The ATC advised to contact Skopje Approach at 120.3

Few minutes later, OKRUU10 left the Kosovo airspace.

4. Analysis

Approvals issued by CAAK and KFOR did not authorize OKRUU10 landing at Gjakova aerodrome. The information obtained from the voice recorder confirmed that ATC did not give clearance to OKRUU10 to land at Gjakova aerodrome.

Since there is no radar coverage in this uncontrolled zone below 2,000 ft and since the PIC did not notify the ATC on his intention to land nor on actual landing at Gjakova, this information was not available in real time to CAAK through the established official channels of communication.

CAAK learned from the local media that the aircraft has landed at Gjakova aerodrome at 11:17 (UTC).

Three senior CAAK Inspectors departed immediately to the airport, to conduct an interview with the PIC of OKRUU10 and further investigate this incident as needed.

At 12:47 (UTC) the Air Traffic Controller on duty submitted to CAAK an occurrence report on suspected unauthorised landing of OKRUU10 at Gjakova aerodrome (*Appended as Attachment 8*)

At 13:40 (UTC) CAAK Inspectors advised the Chief Air Traffic Controller that upon landing, OKRUU10 is not authorised to depart from BKPR until further notice is given by the CAAK Inspectors.

After landing of OKRUU10, CAAK Inspectors interviewed the PIC at the ATC facilities.

During the interview, the CAAK Inspectors decided to ground the aircraft. The PIC was requested to give a written statement.

On his written statement the PIC stated the following:

"While flying VFR around (through) uncontrolled F airspace (providing location report at 129.0 in regular timeframes) I was overflying the region around the city of Gjakova providing a proper clearance from the ground. While encountering turbulence I have been asked by the passenger to land the aircraft. There was a nearby runway which I overflew to make sure it is possible to land at the airfield. I have noticed fire crew as well as border control are present at the airfield. Hence I contacted the Prishtina Approach and requested to extend the flight plan. The communication was unreadable (at 1 on 2 at most) and I have not received read back at that point I have took the decision to land at the runway 35." (The statement of the PIC is appended as Attachment 9)

Based on the meteorological data obtained by the MET Office at BKPR, the following meteorological conditions were recorded for 19 February 2015:

METAR

19/02/2015 09:00->	BKPR 190900Z VRB01KT CAVOK M01/M09 Q1033 NOSIG RMK 17010095=
19/02/2015 10:00->	BKPR 191000Z VRB03KT CAVOK 00/M11 Q1032 NOSIG RMK 17010095=
19/02/2015 10:30->	METAR BKPR 191030Z 06004KT 020V090 CAVOK 01/M10 Q1032 NOSIG RMK 17010095=
19/02/2015 11:00->	BKPR 191100Z VRB02KT CAVOK 02/M11 Q1031 NOSIG RMK 17010095=
19/02/2015 11:30->	METAR BKPR 191130Z 06004KT 010V080 CAVOK 03/M10 Q1031 NOSIG RMK 17010095=
19/02/2015 12:00->	BKPR 191200Z VRB02KT CAVOK 04/M11 Q1030 NOSIG RMK 17010095=
19/02/2015 12:30->	METAR BKPR 191230Z VRB01KT CAVOK 04/M11 Q1030 NOSIG RMK 17010095=
19/02/2015 13:00->	BKPR 191300Z VRB01KT CAVOK 05/M11 Q1029 NOSIG RMK 17010095=
19/02/2015 13:30->	METAR BKPR 191330Z VRB02KT CAVOK 05/M12 Q1029 NOSIG RMK 17010095=
19/02/2015 14:00->	BKPR 191400Z VRB01KT CAVOK 05/M13 Q1028 NOSIG RMK 17010095=
19/02/2015 14:30->	METAR BKPR 191430Z 12004KT CAVOK 06/M12 Q1028 NOSIG RMK 17010095=
19/02/2015 15:00->	BKPR 191500Z 09004KT CAVOK 06/M12 Q1028 NOSIG RMK 17010095=
19/02/2015 15:30->	METAR BKPR 191530Z VRB03KT CAVOK 05/M10 Q1027 NOSIG RMK 17010095=
19/02/2015 16:00->	BKPR 191600Z VRB02KT CAVOK 04/M10 Q1027 NOSIG RMK 17010095=
19/02/2015 16:30->	METAR BKPR 191630Z VRB01KT CAVOK 02/M08 Q1027 NOSIG RMK 17010095=

TAF

19/02/2015 05:00->	TAF BKPR 190500Z 1906/2006 VRB03KT CAVOK BECMG 1908/1910 36008KT=
19/02/2015 11:00->	TAF BKPR 191100Z 1912/2012 VRB05KT CAVOK=

After collecting the required preliminary information from the PIC, CAAK inspectors released the aircraft back to service.

It follows from above that the flight in question was duly approved by appropriate authorities in line with the operational rules set forth in NATO-SPINS, latest edition 14 Nov 2014. However, the deviation from the flight plan and subsequent landing at Gjakova aerodrome represent reckless and negligent operation of aircraft by the PIC, unless it is proven that a reasonable hazard had justified such an action on that day.

The statement of the PIC given to the local media upon landing at Gjakova aerodrome indicates that the flight performed on that day did not encounter any difficulties prompting for an unplanned emergency landing (*Local media video is appended as Attachment 10*).

It was known to the PIC that Gjakova aerodrome is closed for traffic. Gjakova aerodrome lies in an uncontrolled zone not covered by the radar and radio frequency transmission. It is because of these conditions that NATO SPINS 4.4 Flight Operations Procedures for VFR GAT flights in Kosovo require blind radio transmission every five (5) minutes. Thus, in case the aircraft have encountered any difficulties prompting for an emergency landing, the PIC should have

transmitted this information to ATC in Prishtina, which ultimately did not occur. All these facts indicate that the landing of the aircraft was purportedly planned beforehand and not prompted by turbulent weather as stated by the PIC in his written statement given to CAAK Inspectors. In addition to it, there were media and high ranked police officers who have awaited the landing of the aircraft in a ceremonial manner in honor of the VIP passenger on board. This is supported by the evidence on a video released by the local media, moreover, it can be seen that the PIC has flown the aircraft once again upon landing and therefore conducted another unauthorized takeoff and landing at Gjakova aerodrome (*refer to Attachment 10*).

Therefore, it can be concluded that the PIC when deviating from his flight plan has acted in violation of the approval granted in accordance with the operational procedures in force; and when performing two (2) landings and take offs at the closed Gjakova aerodrome he has acted in violation of the rules and regulations on aerodromes and while undertaking such an action he has exposed his and the life of the passengers on board and property of the people to serious danger.

Ultimately, these two actions amount to reckless and negligent use of aircraft sanctioned by Article 77 of the Law on Civil Aviation. In short, PIC shall be held responsible for the violation of the law and respective regulations in force.

5. Legal provisions governing GAT VFR Flights in Kosovo

Law No. 03/L-051 on Civil Aviation and respective subsidiary legislation

Article 3.1 Civil aviation activities in Kosovo air space shall be carried out in accordance with the provisions of the present law, The Convention on International Civil Aviation of 7 December 1944, and the Agreement on the Establishment of a European Common Aviation Area.

Article 75 Compliance with Visual or Instrument Flight Rules; (CAA Regulation No. 6/2013 on Rules of the Air)

Article 77 Negligent or Reckless use of Aircraft; "Aircraft shall not be operated in a negligent or reckless manner that endangers the life or property of any person".

CAA Regulation No. 1/2008 on Aerodromes as amended with Regulation no. 4/2012 on Certified Aerodromes;

CAA Regulation No. 3/2012 on Approved Aerodromes;

CAA Regulation no. 7/2014 Aircraft Operations (Annex 6 to the Convention); Part II - General International Aviation - Aircraft Article II - General Aviation Operations

- a) Chapter 2.1, Article 2.1.1 Compliance with laws, regulations and procedures, Recommendation 2.1.1.5 shall be applied as a Standard, without changes to the text;

NATO/KFOR rules in force

NATO SPINS (Edition 14 November 2014)

4.4 Flight Procedures for VFR-GAT in airspace over Kosovo. Operators intending to operate VFR-GAT in airspace below FL205 over KOSOVO must comply with the following procedures and requirements:

- Submit flight approval request to FMU PRISTINA International Airport at least three (3) days in advance prior to activation of the flight plan. FMU PRISTINA will coordinate the request with KFOR J3 AIR and Civil Aviation Authority for approval;
- Sign a ROL (see paragraph 1.4);
- An approved VFR Flight Plan (both inbound and outbound);
- Two operational VHF radios on board;
- Transmission every five (5) minutes indicating their position, altitude and direction of flight;
- When the final landing is completed anywhere in KOSOVO outside PRISTINA CTR, ensure the flight plan is closed by calling PRISTINA APP via RTF 119.175 VHF or via phone PRISTINA ARO: +38.138.595.8311 or +38.138.595.8211.

NOTE: For the applicable AIP refer to web address: www.caa-ks.org

4.6.2 General Comments. All operators must refer to applicable AIP for specific procedures on PRISTINA Airport operations. Operations include military KOSOVO Forces, direct support missions (both civil and military), civilian and commercial flights (state, humanitarian, MEDEVAC and technical flights).

6. Punitive provisions

It follows from above that the actions of the PIC on 19 February 2015 represent violation of the law and respective regulations issued by CAA, namely Regulation 7/2014 on operation of aircraft and Regulation 1/2008, Regulation 3/2012 and Regulation 4/2012 on aerodromes. These violations are considered to amount to the reckless and negligent use of aircraft by PIC sanctioned by Article 77 of the Law on Civil Aviation. To this end, the CAA may impose an administrative fine upon the PIC in accordance with Article 96.2 and 97.2 of the Law on Civil Aviation and other administrative actions as deemed necessary to safeguard the civil aviation operations in Kosovo.

In addition, the PIC has violated NATO/KFOR Operational rules in force as set out above.

7. Conclusions

Based on the written statement submitted by the PIC, the reason for landing at closed Gjakova aerodrome was turbulence, followed by the request of the passenger to land at the nearby runway. However, this statement fails to stand ground and is therefore considered false and as such not acceptable by the CAAK. Should the PIC have encountered difficulties then he should have transmitted the information to the ATC in Prishtina, which did not occur. In that case, the actions of the PIC undertaken on that day may have been justified, however, that did not happen. From a video report on this event, broadcasted by the local media and in possession of the CAAK, it is obvious there was an organized preplanned event at Gjakova aerodrome for the landing of OKRUU flight and that the PIC has undertaken another take-off and landing at Gjakova aerodrome.

In sum, PIC has committed an action of landing at a closed aerodrome (Gjakova aerodrome) in breach of the specific conditions granted in the flight approval issued to PIC, which clearly stated

the route to follow (i.e. depart BKPR, overflying Gjakova, landing back at BKPR). Such an action amount to reckless and negligent use of aircraft sanctioned by Article 77 of the Law on Civil Aviation. To this end, despite the fact that PIC has possessed a regular approval to operate the aircraft in the area issued by the authorities in accordance with NATO SPINS, it can be concluded that upon undertaking two (2) landings and take-offs at Gjakova aerodrome, which is closed for traffic, he has acted in violation of the law and respective regulations, and has therefore, committed two (2) violations which can be charged on PIC as described hereunder:

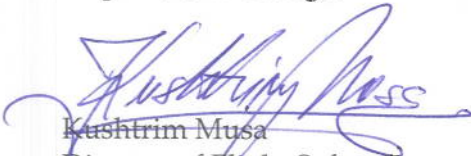
Landing at an non-operational aerodrome - in breach of the rules provided for in CAA Regulation 1/2008 on Aerodromes as amended with Regulation no. 4/2012 on Certified Aerodromes; CAA Regulation No. 3/2012 on Approved Aerodromes.


Negligent or reckless use of aircraft - Article 77 of Law on Civil Aviation, Negligent or Reckless use of Aircraft, "Aircraft shall not be operated in a negligent or reckless manner that endangers the life or property of any person".

8. Safety Recommendations

1. The relevant information of Gjakova aerodrome should be included in the next edition of Kosovo AIP with a clear note that it remains closed for traffic.
2. Coordinate with KFOR J3 Air to reflect the Recommendation 1 above in the next amendment of NATO SPINS.
3. Pursue the process of normalization of the lower airspace of Kosovo for the purpose of, inter alia, enabling its use for GAT VFR in line with ICAO SARPs and EU's relevant *acquis*.
4. Publication of Kosovo airspace ICAO VFR charts by the appropriate authorities.
5. Inform the State of registry of the aircraft and the licensing State authority of the PIC on this incident.
6. Director General of CAAK to take immediate administrative actions aimed at safeguarding civil aviation in Kosovo by imposing a temporary flight restriction in the airspace of Kosovo to the PIC involved in this incident.

Inspectors in Charge:


Kushtrim Musa
Director of Flight Safety Department
Kosovo CAA


Burim Dinarama
Director of Aerodromes Department
Kosovo CAA