

Follow-up to recommendations: Crashed while picking up banner at Breda International Airport

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1. About this report

On 31 May 2018, a Piper PA-25-235 'Pawnee' took off from Breda International Airport (Seppe) for an advertising banner towing flight. The pilot positioned the aeroplane to pick up the advertising banner. Shortly after the pick-up, the aeroplane lost airspeed and started to descend. Just outside the airfield's perimeter, the aircraft entered a spin to the right and impacted the ground in an almost vertical attitude. The pilot was fatally injured. The aeroplane was destroyed by the crash and subsequent fire.

In its report, the Dutch Safety Board came to the following conclusions:

The aeroplane stalled and crashed because it was equipped with an improper propeller for banner towing operations. As the aeroplane was flying slowly and the engine did not have enough power to produce sufficient rpm, the propeller could not produce enough thrust for the aeroplane to safely accelerate and climb after the pick-up of the banner. Furthermore, the aeroplane was flown with more than its maximum take-off weight, which worsened the thrust deficient situation. The experienced pilot had no options to seize back control of the aeroplane.

The operator's safety management regarding safety risks in maintenance and flight operations was not in order. Safety responsibilities had been delegated to the maintenance organization, the on-demand hired engineer and the pilots. Furthermore the operator did not foster an environment where safety was an integral part of maintenance and flying operations.

The Human Environment and Transport Inspectorate (ILT) had not performed active oversight on the operator from the moment the company was founded in 2008 until the day of the accident. The history of unnoticed safety deficiencies signifies the importance of active oversight in the general aviation sector to identify and reduce the safety risks for specialized operations and third parties.

2. General conclusion on follow-up to the recommendations

Despite a reminder, the operator in question did not respond to the recommendations. At the time of writing this memorandum, this operator is not on the ILT's list of Specialized Operations¹ (SPO) organizations and is therefore not allowed to carry out SPOs itself. Nevertheless, given the seriousness of the occurrence, the Board is surprised that the operator has not responded at all to the recommendations.

Based on the response of the Minister of Infrastructure and Water Management and the response to a requested update on some points, it appears that good steps have been made towards an effective supervision programme. General Aviation ramp inspections are being conducted and all SPO declarants have been inspected, in principle by a physical audit.

Overview of follow-up per recommendation

In evaluating the extent to which recommendations from aviation reports have been followed up on, the Dutch Safety Board is bound by the assessment criteria of the European classification system, in line with EU Regulation No. 996/2010. The European classifications with the corresponding assessment criteria appear in an appendix to this memorandum.

Recommendation to	(Core of) Recommendation	Compliance
CNE Air	Implement a fit for purpose safety management system to ensure that maintenance and operational hazards are known and that risks are managed. Make sure that the responsibility for safety management is appropriately appointed within the company. Finally, foster communication within the company and with people who work with the company, such as hired pilots and technicians, about operational safety matters.	Awaiting response
Minister of Infrastructure and Water Management	Improve the level of safety in the sector of Specialized Operations (SPO) and the safety of third parties by setting up and implementing an effective oversight programme. The oversight programme should include flight, ground and ramp inspections.	Adequate
	Strengthen the current ILT oversight capacity on SPO operators to match the array of oversight activities as	Adequate

¹ EASA: Specialized operations (SPO) means any operation other than commercial air transport where the aircraft is used for specialized activities such as agriculture, construction, photography, surveying, observation and patrol and aerial advertisement.

demanded by European regulation. At a minimum, the goal must be to have all SPO operators entered in the oversight program and adequately inspected before March 2022.

Specialized Operations Operators	Specialized Operations (SPO) operators are urged to apply pertinent lessons from this accident to improve the safety of their operations.	Not applicable ²
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Follow-up per recommendation

Recommendation 1

To CNE Air

Implement a fit for purpose safety management system to ensure that maintenance and operational hazards are known and that risks are managed. Make sure that the responsibility for safety management is appropriately appointed within the company. Finally, foster communication within the company and with people who work with the company, such as hired pilots and technicians, about operational safety matters.

Response from CNE Air

Despite reminders, no response was received from CNE Air.
This operator is currently no longer on ILT's list of SPO organizations.

Assessment of follow-up

In accordance with the European classification, the follow-up to the recommendation has been classified as awaiting response.

Explanation of the assessment

The Dutch Safety Board cannot assess the follow-up to this recommendation as no response was received from CNE Air. Despite the fact that CNE Air is not on ILT's list of SPO organizations, the Board feels it would have been fitting if CNE Air had responded to the recommendations. The Board considers the fact that this did not happen remarkable, bearing in mind the seriousness of the occurrence.

² The report and this recommendation were sent to a total of 25 SPO operators. No feedback was requested in the letters sent to the operators.

Recommendation 2

To the Minister of Infrastructure and Water Management

Improve the level of safety in the sector of Specialized Operations (SPO) and the safety of third parties by setting up and implementing an effective oversight programme. The oversight programme should include flight, ground and ramp inspections.

Response from the Minister of Infrastructure and Water Management

The minister responded on 26 August 2021. The minister indicated that the supervision programme is aimed at improving the level of safety in the SPO sector (such as aerial advertising and banner towing) and the safety of third parties. The SPO supervision programme has the ability to conduct ground inspections through audits and the ability to conduct flight and ramp inspections based on risk assessments. The latter two types of inspections, based on risk assessments, had not been carried out up until the time of the minister's response. No modifications to the supervision programme were announced in the minister's original response.

Given the time elapsed since the minister's response, the current status has been requested on a number of points. General Aviation ramp inspections have since been started and include SPO operations that are taking place at the time of the visit. Three airports were visited in 2023, and for 2024 the ILT intends to conduct two to three inspection rounds.

Assessment of follow-up

In accordance with the European classification, the follow-up to the recommendation is classified as adequate.

Explanation of the assessment

Conducting flight, ground and ramp inspections was not a priority until 2021. An additional request has shown that General Aviation ramp inspections are being conducted since this year and that the ILT also intends to conduct inspection rounds in 2024. The Board believes it is important that these inspection rounds continue to be conducted in the future.

Recommendation 3

To the Minister of Infrastructure and Water Management

Strengthen the current ILT oversight capacity on SPO operators to match the array of oversight activities as demanded by European regulation. At a minimum, the goal must be to have all SPO operators entered in the oversight program and adequately inspected before March 2022.

Response from the Minister of Infrastructure and Water Management

Since 2017, all SPO operators who have submitted an 'Own Statement' have been included in the supervision programme by the ILT. ILT's oversight capacity for SPO operators is set up to perform all oversight activities required by European regulation as a minimum. The operators who have submitted an 'Own Statement' as SPO operator before March 2018, have been inspected by a physical audit. During the COVID pandemic period, a number of inspections took place through a desk audit in combination with online interviews. The additional information sent shows that the aviation authority has gained strength since 2021. This has made it possible for the inspection rounds mentioned in recommendation 2 to take place.

Assessment of follow-up

In accordance with the European classification, the follow-up to the recommendation is classified as adequate.

Explanation of the assessment

All SPO operators have been inspected and supervision capacity has improved.

Recommendation 4
To Specialized Operations Operators

Specialized Operations (SPO) operators are urged to apply pertinent lessons from this accident to improve the safety of their operations.

The report and this recommendation were sent to a total of 25 SPO operators. No feedback was requested in the letters sent to the operators.

Appendix 1: Aviation assessment criteria

For the assessment of the responses to the recommendations for the aviation sector, the Dutch Safety Board must use the guideline issued by ENCASIA concerning the EU regulation on investigation and prevention of accidents and incidents in civil aviation (Regulation (EU) no. 996/2010). ENCASIA is the European Network of Civil Aviation Safety Investigation Authorities. The classifications and associated assessment criteria are as follows:

Category	Guidance
Adequate	<p>The response clearly shows that the safety issue identified by the recommendation has been addressed.</p> <p>The response shows that there is a high probability the action will be taken in the future to address the safety issue or intent.</p> <p>The response may not meet the intent of the recommendation as written but does address the underlying safety issue or has been superseded by other evidence/action.</p>
Partially adequate	<p>The response goes some way to addressing the intent of the recommendation or safety issue in that some action is taking place, but there is:</p> <ul style="list-style-type: none"> • a likelihood the action may not take place, or • little or no likelihood of any further action by the addressee.
Not adequate	<p>The recommendation response did not address the intent or safety issue, or the recommendation was rejected by the addressee and is not likely to be acted upon by them.</p>
Awaiting response	<p>Awaiting the first response from the addressee.</p>
Superseded	<p>The safety recommendation has been superseded.</p>

The recommendations, accompanying reactions and classifications are recorded in the European SRIS database (Safety Recommendations Information System), publicly available via <https://sris.aviationreporting.eu/safety-recommendations>.