

APPENDIX A

RESPONSES RECEIVED ON DRAFT REPORT 'NEAR MID-AIR COLLISION IN THE ROTTERDAM CONTROL ZONE'

Responses received on draft report of all parties.

The fourth and fifth columns provide the literal text of the responses of the parties. The last column contains an explanation from the Dutch Safety Board of the way the responses were processed.

Nr.	Organisation	Section	Text to be corrected (first ... last word)	Argumentation for response	Adopted	Dutch Safety Board's response
1	Pilot D-EBTO	2.2	<i>D-EBTO was equipped with an TCAS I system as well as a mode S transponder operating in altitude mode. This system generated a traffic warning which helped the pilot of D-EBTO to establish visual contact with N98825 and to start the evasive manoeuvre in order to avoid the conflicting traffic.</i>	Aircraft was equipped with a Garmin GTN750 which allows to control the Garmin GTX345R Transponder (mode S with ADS-B in/out) and to display traffic which is identified by the TCAS I system (Avidyne TAS600). Few seconds after the traffic alert I was able to establish visual contact to the other traffic, only because this system displayed a relative position of the other traffic.	Yes	Text has been amended accordingly.
2	Pilot D-EBTO	3.2	<i>As evidenced by radar data, the transponder of D-EBTO operated correctly in altitude mode. The TCAS I system of D-EBTO generated a traffic warning indicating the relative position of the conflicting traffic on the GTN750 display which allowed the pilot of D-EBTO to establish visual contact. Since no other avoidance manoeuvre was possible the pilot of D-EBTO initiated a steep descend in order to generate a safe vertical separation.</i>	See comment above.	Yes	Text has been reworded accordingly under 'Limitations of see and avoid'.
3	Pilot D-EBTO	3.3	<i>In addition ... descend to 1000 feet as well as to hold over point OSCAR.</i>		Yes	Text has been amended accordingly in Factual Information and Analysis.
4	Pilot D-EBTO	2.1	<i>As no other VFR or IFR traffic was in the vicinity...</i>		Yes	Text has been amended accordingly.
5	Pilot D-EBTO	2.9	<i>The Dutch Safety Board was notified about by one of the pilots about the serious incident two days after the day after the incident had occurred</i>		No	The event occurred on 15 June. It is possible that the pilot sent the notification on 16 June, but the Dutch Safety Board received the notification from the pilot of D-EBTO on 17 June 2022 at midnight.
6	BFU	2.1	<i>I am missing the radio transcript to verify or falsify the intention of the pilot (D-EBTO) to descend for separation. (which would have been a good idea)</i>		Yes	The intention of the pilot is included in History of Flight and is amongst other things based upon the radio telephony (RT). The essence of the RT transcript is combined with the radar plot and included in chapter 2.1, figure 2.
7	BFU	2.1	<i>I am missing the radar plot to verify, what the controller could see.</i>		Yes	The radar plot is included in chapter 2.1, figure 2. The Dutch Safety Board is aware that this is not exactly the same as what ATC had on its radar screen, but it shows the essential information. In addition, during good visibility conditions tower air traffic controllers look outside more than on their radar screen.

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8	BFU		I know, ATC always says: „pilots are responsible for separation.“ But therefore, they have to see each other early enough. That is mostly not the case. ATC had the birds eye view and the possibility to give appropriate traffic information and, if necessary, traffic avoidance advice. One traffic information at 11 km distance, to fullfill the criteria is absolutely not enough (from my point of view).		Yes	In this report the Dutch Safety Board has addressed the responsibility of the VFR pilot to avoid collisions and that it is necessary to see the other traffic in a timely matter. It also addresses that the provision of traffic information was not effective.
9	BFU	2.1	With the call „continue to PAPA, the controller put both aircraft on crossing flight paths, knowing that both are in the same altitude. Latest at this point, he had the full responsibility.		Yes	The responsibility of the ATC is addressed in Analysis chapter 3.3.
10	Ministry of Transport & Watermanagement	Subtitle	The use of the word “design” in the report has an unintended side effect, causing the focus of the investigation to be too focused on the design and conditions of use of the VFR routes.		No	In view of the Dutch Safety Board, even when pilots adhere to standard procedures and instructions, a risk for a mid-air collision exists as allowed by the procedural design.
11	Ministry of Transport & Watermanagement	1	“in relation to the published VFR routes in the Control Zone of Rotterdam The Hague Airport[?]”	Investigation question 2 anticipates the conclusions of the report. By making the question so specific without further introduction, answering it cannot be a goal set at the beginning of the investigation. At the beginning, the only goal that can be set is to answer the general question of what lessons can be learned from the incident. The report indicates that there are many factors that contributed to the airprox, which are not addressed in the report, perhaps because not everything was investigated. Proposal: remove or adjust question 2 and provide a clear explanation for the choice of the investigation question or in case of a limitation of the investigation.	Yes	Question 2 has been deleted.
12	Ministry of Transport & Watermanagement	2.1	Taxying	taxiing	Yes	Text has been amended accordingly.
13	Ministry of Transport & Watermanagement	2.1	handle off	handle	Yes	Text has been amended accordingly.
14	Ministry of Transport & Watermanagement	2.2	Was a German national	Is a German national (deze woordkeuze betekent dat hij niet langer leeft, of niet langer de Duitse nationaliteit heeft).	Yes	Text has been amended accordingly.

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15	Ministry of Transport & Watermanagement	2.4	Toevoegen van toepassing zijnde regelgeving.	<p>The Common Requirements apply for EU member states. This includes (EU) 2017/373 ATS.TR.100.</p> <p>The objectives of air traffic services shall be to:</p> <p>a. Prevent collisions between aircraft (...)</p> <p>d. Provide advice and information useful for the safe and efficient conduct of flights.</p> <p>Further on it is added (ATS.TR.235, ATC clearances):</p> <p>a. ATC clearances shall be based solely on the requirements for providing air traffic control service.</p> <p>1. Clearances shall be issued solely for expediting and separating air traffic and be based on known traffic conditions which affect safety in aircraft operation. Such traffic conditions include not only aircraft in the air and on the manoeuvring area over which control is being exercised, but also any vehicular traffic or other obstructions not permanently installed on the manoeuvring area in use.</p> <p>2. Air traffic control units shall issue such ATC clearances as necessary to prevent collisions and to expedite and maintain an orderly flow of air traffic. In addition to the above rules, IR 923/2012 + amendments, specifically SERA.7001, states the following:</p> <p>d. provide advice and information useful for the safe and efficient conduct of flights;</p> <p>With regard to airspace, SERA.6001 (a) (3) applies:</p> <p>3. Class C. IFR and VFR flights are permitted. All flights are provided with air traffic control service and IFR flights are separated from other IFR flights and from VFR flights. VFR flights are separated from IFR flights and receive traffic information in respect of other VFR flights and traffic avoidance advice on request. Continuous air-ground voice communications are required for all flights. For VFR flights a speed limitation of 250 kts indicated airspeed (IAS) applies below 3,050 m (10,000 ft) AMSL, except where approved by the competent authority for aircraft types, which for technical or safety reasons, cannot maintain this speed. All flights shall be subject to ATC clearance.</p>	Yes	Text has been amended accordingly.
16	Ministry of Transport & Watermanagement	2.4	LVNL Operations Manual	<p>Because this is a shortened investigation and the Operating Manual (OM) Service RD TWR-APP has an important role, it is proposed to also state in this paragraph that the OM Service does not provide any further instructions or explanation about the use of runway 06 in combination with the Mike and Romeo VFR routes. (The OPS manual is not the place to mention the shortcomings of see and avoid. In my opinion, better advice would be for the LVNL training department to design a simulation in which aspiring air traffic controllers experience how 'see and avoid' works in practice.)</p>	Yes	Since it is not common to describe what is missing - in this case in the Operating Manual (OM) - , the Dutch Safety Board has added in chapter 2.4 the difference when runway 24 or runway 06 is in use for crossing or non-crossing arrival and departure routes at the same altitude. This is further addressed in the analysis. The Safety Board agrees that it is beneficial to include the limitations of 'see and avoid' amongst other things in training, see the recommendations.

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17	Ministry of Transport & Watermanagement	2.5.2.	When runway 06.... departure routes.	When assessing the design of the VFR route infrastructure in the EHRD CTR, lenW is of the opinion that it is useful not to primarily look at the simultaneous use of the Mike inbound and outbound route or the Romeo inbound and outbound route, but to consider the combination of Mike and Romeo inbound and outbound routes. This is because both the Mike and Romeo routes start or end on the eastern side of the EHRD CTR. This gives the air traffic controller the flexibility, depending on the traffic situation, to handle inbound and outbound VFR traffic on height-separated routes without major operational disadvantage (detour) for VFR traffic by assigning the Mike and Romeo routes. In other words the existing route infrastructure gives the air traffic controller sufficient options to handle inbound and outbound VFR traffic from respectively. to allocate eastbound routes that are separated in height, while maintaining operational flexibility when traffic conditions permit. However, sub-optimal application of the VFR routes may create an unsafe situation as described in the report. This is correctly stated in chapter 4 (conclusions) on page. 29 of the report (By allowing ... Mike departure) lines 22-24.	No	With reference to the second recommendation to LVNL, the reasoning suggests that the consequences for action on short notice may not be that dramatic for the flexibility of ATC and VFR traffic.
18	Ministry of Transport & Watermanagement	2.5.3	footer	Reference to Art. 5.11 process for this incident is irrelevant because that process is intended for assessing and approving (by the Minister of Infrastructure and Water Management) of airspace changes. It is proposed to delete the reference.	Yes	The text in chapter 2.5.3. has been amended accordingly and replaced by some factual information from appendix B. The text in appendix B has remained intact to illustrate the history and the developments of the procedures for VFR routes.
19	Ministry of Transport & Watermanagement	2.6	footers	Links of the footers	Yes	The links of the footers have been corrected.
20	Ministry of Transport & Watermanagement	2.6	The classification of the airprox is missing	Proposal: as was done with the airprox of 12/6/2014, also state here that the airprox of 6/24/2020 is a serious incident.	Yes	The text has been amended accordingly.
21	Ministry of Transport & Watermanagement	2.6	Missing information from previous OVV reports following similar airproxen in 2015 and 2020.	<p>In the OVV quarterly report 1 of 2015, the incident was described with a separate theme session devoted to 'near collisions in air traffic circuits'. This describes, among other things, the limitations of the 'see-and-avoid' concept and points out that traffic control in the CTR does not monitor the separation between VFR traffic.</p> <p>The OVV quarterly report 3 of 2021 describes the incident in 2020 and states in this investigation: "Both ANWB Medical Air Assistance (MAA) and Air Traffic Control the Netherlands (LVNL) have each conducted their own investigation into the incident and shared the results with the Dutch Safety Board. Both organizations have taken internal measures to reduce the risk of near collisions.</p> <p>For example, ANWB MAA has alerted its crews to the danger of crossing VFR departure and arrival routes and in crew resource management training attention is paid to an adequate division of tasks when solving unusual situations. Further LVNL has introduced a planning overview on the tower at Rotterdam The Hague Airport, which provides insight into the workload of the total of IFR flights, VFR flights and special flights. This incident once again shows that the see-and-avoid principle in VFR airspace is fundamental for safe separation between VFR air traffic."</p>	No	The importance of 'see and avoid' is already adequately addressed in the report.

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22	Ministry of Transport & Watermanagement	Analysis	Missing analysis of previous findings and measures taken following similar airproxen in 2015 and 2020.	The following can be concluded from the descriptions in the OVV quarterly reports of similar airproxen in 2015 and 2020 that have not been extensively investigated (section 2.6 and above): The OVV does mention the limitations of the see and avoid principle, but does not question its use by LVNL as the only safety net in the RD CTR when runway 06 is used simultaneously with the Mike/Romeo VFR routes. Both the ANWB and the LVNL have taken measures. The ANWB addresses the danger of the risks of the simultaneous combination to its crews in training. The LVNL has introduced a planning overview on the tower to provide insight into the workload of the total of IFR flights, VFR flights and special flights. The OVV concludes in its report that the incident once again shows that the see-and-avoid principle in VFR airspace is fundamental for safe separation between VFR air traffic. For the airprox in 2022, to the extent applicable, the use of the planning overview on the tower did not help prevent this occurrence in the RD CTR. The conclusion is also no longer compatible with the statement that the incident (again) shows that the see-and-avoid principle in VFR airspace is fundamental for safe separation between VFR air traffic, at least not when runway 06 and runway 06 are used simultaneously. the MIKE/ROMEO VFR routes.	Partial	This comments confirm for a part what the Dutch Safety Board already concluded in the report, see the report. It is mentioned that the Safety Board considers the TCAS onboard D-EBTO as a safety net, 'see and avoid' as a barrier which is sensitive to failure.
23	Ministry of Transport & Watermanagement	Analysis	Therefore ... VFR-procedures.	With reference to 17, to increase safety, it does not seem useful to change the design of the VFR routes, but rather to pay more attention to the optimal application of the existing VFR route infrastructure in the EHRD CTR. During training, greater emphasis can be placed on simultaneous use of a combination of Mike and Romeo routes, allowing handling of inbound and outbound VFR traffic on altitude-separated routes. For example, in the case of inbound VFR traffic on a Romeo arrival route, departing VFR traffic can be assigned a Mike departure, and vice versa. This is already stated correctly in chapter 4 (conclusions) on page. 29 of the report (By allowing ... Mike departure) lines 22-24.	Partial	The Dutch Safety Board leaves it up to LVNL in what way it wants to achieve more safety by improving the applicable VFR procedures, see the Recommendations. The Safety Board agrees that such a combination would be an option and in line with the Recommendation.
24	Ministry of Transport & Watermanagement	Analysis 3.2	From the perspective.... a soft safety barrier.	This is a conclusion. Add in chapter 4.	Yes	The Conclusions include that the provision of traffic information was not effective to support 'see and avoid'.
25	Ministry of Transport & Watermanagement	Analysis	Missing analysis	Maintaining a safe and efficient flow of traffic By adhering to only the mandated (when in class C airspace) air traffic control service, i.e. provision of flight information to two VFR flights about the other flight, LVNL did not apply ATS.TR.235: Air traffic control units shall issue such ATC clearances as necessary to prevent collisions and to expedite and maintain an orderly flow of air traffic en Provide advice and information useful for the safe and efficient conduct of flights. Frequent calls from the German pilot show that seeing and avoiding the opposing VFR-traffic was difficult. He even initiated a lower altitude, so as to begin a timely separation in height, but that was not allowed by the tower controller. This resulted in the airprox. By instructing both pilots to continue on the same altitude, raises questions of the role of ATC. By allowing both aircraft to continue, followed by an evasive action of one or both aircraft would likely bring one or both aircraft on diverting routes, with the risk of collision or loss of separation to other aircraft in the CTR, for instance close to the departure area of runway 06. This is an (unintended) consequence of the existing procedure affecting flight safety.	Partial	Much of the regulatory framework as provided by the Ministry has been included in the text.

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26	Ministry of Transport & Watermanagement	Analysis	There is ... C-airspace. It is concluded ... inherently unsafe. The design ... traffic information.	The availability of both the Mike and the Romeo routes for VFR traffic from or to the east of the EHRD CTR makes the VFR route infrastructure as a whole sufficiently robust. This allows inbound and outbound traffic to be handled on height-separated routes so that mitigation is available in situations where "see and avoid" and the provision of traffic information by traffic control do not result in sufficient lateral separation. In addition, the tower controller has a radar for flight path monitoring of aircraft in the vicinity of the airport or for navigation assistance. This supporting agent could also have contributed to the prevention of the airprox when used.	Partial	The Dutch Safety Board leaves it up to LVNL in what way it wants to achieve more safety by improving the applicable VFR procedures, see the Recommendations. The Safety Board agrees that such a combination would be an option and in line with the Recommendation.
27	Ministry of Transport & Watermanagement	Analysis	Missing analysis	This incident could have been easily avoided, had the tower controller cleared the N98825 on the MIKE departure. Earlier airproxes in a similar situations, i.e. simultaneous use of the ROMEO arrival and departure, specifically around point OSCAR when departing from runway 06, have shown a significant risk. By not allowing simultaneous use of the ROMEO arrival/departure when runway 06 is in use for a VFR departure, the risk of an airprox around point OSCAR is prevented.	Partial	The Dutch Safety Board leaves it up to LVNL in what way it wants to achieve more safety by improving the applicable VFR procedures, see the Recommendations. The Safety Board agrees that such a combination would be an option and in line with the Recommendation.
28	Ministry of Transport & Watermanagement	Analysis	Commission VFR-routes.	Missing context: given the previous airproxen, a functioning SMS would also trigger the evaluation of the VFR routes involved.	No	With reference to the Conclusions, the non-responsibility for separation is confused with the responsibility for preventing collisions in class C-airspace (CTR).
29	Ministry of Transport & Watermanagement	Conclusions	By allowing... a MIKE departure.	Simultaneous use of the ROMEO arrival and departure is indeed not useful when using runway 06. In my opinion, this goes against the conclusion in lines 6-7. The routes are basically good, but a better strategic choice could have been made by the VKL (see also section 3.3).	Partial	The Dutch Safety Boards leaves it up to LVNL in what way it wants to achieve more safety by improving the applicable VFR procedures, see the Recommendations. DSB agrees that such a combination would be an option and in line with the Recommendation.

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30	Ministry of Transport & Watermanagement		To the Minister ... Rotterdam CTR.	<p>Based on the responsibilities assigned to the aviation system, this should initially be addressed to LVNL. As a certified body, LVNL also has the responsibility and the options to implement this recommendation. The involvement of ILT and, ultimately, lenW will only be discussed if LVNL does not or insufficiently follow up the recommendation.</p> <p>lenW sees no reason to adjust the VFR route structure in the EHRD CTR; this route structure offers flexibility and sufficient safety. However, simultaneous use of the Mike departure/arrival and/or Romeo departure/arrival when using runway 06 requires a different ATC approach. LVNL only relies on the "see and avoid" concept, which has limitations, as the only safety net and, moreover, did not ensure 'a safe and efficient flow of traffic'. This can be done, for example, by including additional explanations and instructions in the Operations Manual RD TWR-APP and addressed through training.</p> <p>This airprox from 2022 and the two comparable airproxes from 2014 and 2020 indicate that there is a structural safety deficit with a potential risk of recurrence. Due to the urgency, a recommendation with a conditional condition is appropriate here, which takes effect immediately: a temporary restriction on simultaneous use of Mike departure/arrival and/or Romeo departure/arrival when using runway 06 (i.e. when using runway 06, e.g. alone use Mike departure in combination with Romeo arrival or vice versa), as long as no mitigating measures have been taken to prevent recurrence.</p> <p>In addition, it is recommended that the LVNL evaluate the correct functioning of their SMS in relation to the airproxen involved and report this to the ILT.</p> <p>In concrete terms (conditional condition not yet included):</p> <p>To LVNL:</p> <ol style="list-style-type: none"> 1. In addition to providing traffic information, LVNL should provide additional information in the operations manual and/or develop a procedural solution, and develop additional training, in order to increase awareness and/or reduce the risk of collision at point Oscar in the RD CTR, when there is traffic on both the Romeo or Mike arrival and departure routes, and RWY 06 is in use for departing (VFR-)traffic. 2. LVNL's ATC training should focus more on strategic deconfliction when handling VFR-traffic, so as to allow for a 'safe and efficient flow of traffic' and the training should include that the 'see and avoid concept' has limitations. 3. LVNL should evaluate its SMS and investigate why similar airproxes and their respective follow-up have not led to changes in the operations manual and/or respective training material, and report the results to the NSA. <p>To ILT:</p> <ol style="list-style-type: none"> 1. As NSA, investigate whether LVNL is sufficiently providing what is meant in ATS.TR.235: Air traffic control units shall issue such ATC clearances as necessary to prevent collisions and to expedite and maintain an orderly flow of air traffic, specifically when only traffic information is given to VFR traffic about other VFR traffic in CTRs, airspace class C and D. 	Partial	The Dutch Safety Board refers to the Recommendations which for a major part covers what is suggested by the Ministry. The Dutch Safety Boards leaves it up to LVNL in what way it wants to achieve more safety by improving the applicable VFR procedures. The functioning of the SMS of LVNL was not part of the scope of the investigation.
31	AOPA			When using runway 06, crossing at OSCAR is not an option if outbound and inbound VFR traffic are reversed in route. It should be noted that for separation, people are used to staying to the right of, in this case, the railway (MIKE) and the highway (ROMEO). This is certainly not an ideal solution, but perhaps something to consider. This also applies to the following comment	No	The Dutch Safety Board leaves it up to LVNL in what way it wants to achieve more safety by improving the applicable VFR procedures, see the Recommendations.

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32	AOPA			1200 (MIKE inbound/taking into account the lower limit of Schiphol CTR 3) or 1300 ft. (ROMEO outbound) could be used as a height to mitigate the risk of a conflict at OSCAR	No	The Dutch Safety Board leaves it up to LVNL in what way it wants to achieve more safety by improving the applicable VFR procedures, see the Recommendations.
33	AOPA			Two (German) pilots met each other. They will (probably) be less known in the area in question. Apparently at least one of the two pilots was concerned about conflicting traffic. Although 'see & avoid' applies within the CTR for VFR traffic, a more active action by ATC would not have been out of place here	Partial	That action by ATC was necessary is better addressed In Analysis chapter 3.3.
34	AOPA			Pilots could be more emphatically reminded to use their landing lights as long as they are in the CTR (it is not known whether the pilots had their landing lights on).	No	As addressed in the report (chapter 2.1), the use of the landing lights is likely but not evidenced. However, when aircraft approach each other under an angle of 90 degrees during sunny conditions, it is questionable whether landing lights could attract attention or could be seen at all.
35	AOPA			Consideration may be given to designating Oscar as a 'hot spot' in AIP/ navigation maps	No	The Dutch Safety Boards leaves it up to LVNL in what way it wants to achieve more safety by improving the applicable VFR procedures, see the Recommendations. However, to indicate the crossing near OSCAR as a hotspot may at best increase awareness but it cannot compensate the limitations of 'see and avoid'. In view of the Safety Board, marking hot spots has insufficient effect on safety.
36	LVNL		In the opinion of LVNL, the design of the VFR routes is not "inherently unsafe". There have apparently been three incidents in eight years, which can be attributed to several factors. Crossing the routes is only one factor. These occurrences must be seen in relation to a total of VFR movements in the CTR Rotterdam; however, these data are missing in this report.	In the opinion of LVNL, the design of the VFR routes is not "inherently unsafe". There have apparently been three incidents in eight years, which can be attributed to several factors. Crossing the routes is only one factor. These occurrences must be seen in relation to a total of VFR movements in the CTR Rotterdam; however, these data are missing in this report. It is suggested to delete this sentence/subtitle.	Yes	The subtitle has been deleted because of other reasons. It is noted that the Dutch Safety Board disagrees with LVNL that the VFR procedures are 'not inherently unsafe'. This is explained in Analysis chapter 3.3.
37	LVNL	Summary		This statement is not substantiated at all based on one incident that is related to these VFR procedures (routes). What is missing are the data that show that pilots did see each other and were able to avoid each other precisely because these procedures (route + instructions) were designed that way.	No	As shown by the event of D-EBTO / N98825 and the two events that had previously occurred, under certain circumstances, there is a risk for a mid-air collision. As mentioned in the report, the number of these serious incidents are relatively low, but 'see and avoid' is a known unreliable tool and mid-air collisions are almost always fatal, See further Analysis chapter 3.3 under 'underlying factors'.
38	LVNL	Summary		Unlike Schiphol Airport, such advice should be addressed to the airport responsible for the design and implementation of the VFR routes. The criteria for a (re)design must be clearly stated in advance (safety, noise, efficiency, etc.)	No	It is unclear what this comments is about.
39	LVNL		Add class C to CTR	In order to describe the situation of the incident correctly and relevantly, it is necessary to mention the airspace class so that responsibilities are clear. If the airspace involved was airspace class A, 'flights conducted under Visual Flight Rules (VFR)' is very different in terms of responsibilities.	Yes	The text has been amended accordingly.

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40	LVNL		He considered the traffic information the controller gave not very helpful [...]	A responsibility of the pilot is not mentioned here, which should actually be the most important lesson from this incident. If the pilot believed that the traffic information was not sufficiently effective, it would have been appropriate to request 'traffic avoidance' instead of continuing to fly. The controller could certainly have come up with a solution (360, climb to a different altitude, etc.)"	No	As explained in the Analysis chapter 3.3 the pilots had no reason to specifically request traffic avoidance. With reference to the regulatory framework, ATC had responsibilities to aid in solving the threat for a mid-air collision but did not act in that way.
41	LVNL		During the approach in the CTR, it appeared that ATC might refuse D-EBTO to land at Rotterdam.	The pilot was certainly allowed to land in Rotterdam, but with handling by Jet Aviation instead of the Rotterdam Flying Club. I appreciate this addition.	Yes	Notice taken, text amended.
42	LVNL	2.4	The footer must be reference EASA Regulation 2017/373 or reference the SERA Regulation	EASA regulations take precedence over ICAO. It is more correct to refer to EASA regulations.	Partial	The Dutch Safety Board agrees with LVNL that EU regulations are leading. The ICAO reference is used for its description and it bears the principle for regulatory framework. EU 2017/373 and SERA are mentioned as well further down in 2.4.
43	LVNL	2.4	Pilots of VFR flights receive traffic information in respect of other VFR flights and traffic avoidance advice on request.	Traffic information definition as included in the SERA regulation	No	It is unclear why the current text is not sufficient.
44	LVNL	2.4	Add note at the end of line 20: SERA 5001	The limits are set in the SERA regulation.	Yes	The text has been amended accordingly.
45	LVNL	2.5	Remove 'Maintain 1500 feet'.	The comment 'maintain 1500 feet' is stated in AIP Aerodromes EHRD AD 2.22 paragraph 4.3 paragraph 6 sub b and only in that situation as described.	No	It is unclear why 1,500 ft should be deleted since it is part of the VFR ROMEO arrival procedure. As far as relevant, the text has been adapted more in accordance with the information in the AIP.
46	LVNL	2.5.2	To add text	The predictability is also certainly intended for pilots by following prescribed routes instead of 'random' navigation.	Yes	The predictability for pilots has been added.
47	LVNL		Instrument landing system (ILS) areas	Since the introduction of the RNP approaches, they have been called "IFR areas".	Yes	The text has been amended accordingly.
48	LVNL		Where the HOTEL arrival and departure route are separated both lateral and vertically, the ROMEO arrival and departure and MIKE arrival and departure are separated laterally.	De Hotel arrival / departure is only separated vertically.'	Yes	The text has been amended accordingly.
49	LVNL	2.5.3 Approval to VFR routes	Remove 'did not trigger a review of the procedures'. Suggested text: The occurrences did, after review, not lead to a change of the procedures.	The incidents were all investigated and assessed in accordance with the applicable Safety Management System. The fact that they did not lead to a review is factually correct, because it was logical given the very low frequency in which a causal relationship with the routes played a role. Please add the ladder.	No	The Dutch Safety Board does not understand why LVNL feels that the low frequency for such serious incidents means that no action would be necessary. These serious incidents have shown that a mid-air collision is certainly conceivable with almost certain fatal results. The risk lies in the potential fatal outcome of the event and therefore it should be mitigated.

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50	LVNL	2.6	This is also reflected in other places in the report	The situation described is known and previously investigated by LVNL. In the opinion of LVNL, the contributing factors in this incident are not related to the VFR route structure in the EHRD CTR, because the EC135 did not approach the airport according to a VFR route. It is therefore not realistic to refer to this incident - in terms of VFR route structure - as comparable to the incident of June 15, 2022.	No	The Dutch Safety Board agrees that the helicopter did not fly the formal MIKE arrival. However, its direct route was partly close to the published MIKE departure route, where it also crossed the MIKE departure route. The crucial commonality of the three occurrences is that in class C airspace arriving and departing VFR flights were cleared in such a way that there was a real risk for mid-air collisions. The text has been changed to better clarify this.
51	LVNL		Pilot's experiences indicated that conflicting traffic is not always detected in time or sometimes not at all.	Sometimes Traffic information is provided at an early stage and it later turns out that the traffic was never in close proximity. It is then logical that the VFR traffic never saw each other. The comment suggests that traffic info is sometimes not useful. According to LVNL, that is not the case.	No	The Dutch Safety Board agrees that this can also be the case, but what is meant here is that traffic information is not always effective for safety. As addressed in the analysis, traffic information is not always supportive to 'see and avoid', also when traffic is in close proximity to other traffic.
52	LVNL	2.8	Pilots of VFR-flights in class C airspace are responsible for maintaining separation and avoid collisions by applying the see-and-avoid principle. Add: for maintaining VFR-VFR separation.	VFR traffic only has that responsibility versus other VFR traffic and not versus IFR traffic.	No	VFR pilots are responsible for avoiding collisions with other traffic and obstacles. Since no reference/criteria exist, 'separation' is not a correct phrase for VFR operations. The text has been amended
53	LVNL	3.3	Adherence to procedures enhanced the risk for conflict. It is suggested to add that in this specific case it led to two aircraft coming close to each other.	Adherence to procedures' is generally good and it is not correct to say that it increases risk.	No	The Dutch Safety Board agrees that adherence to procedures is generally good. But in the event of D-EBTO/N98825 it impaired safety, see Analysis chapter 3.3
54	LVNL	3.1	Generally, it can be said that 'see and avoid' as a safety barrier is sensitive to failure. (this also appears elsewhere in the report)	Traffic information serves to warn a pilot of other known or observed air traffic that may be in the vicinity of the position or intended flight path and to assist the pilot in avoiding a collision. By questioning the principle of 'see and avoid' in this way, it can be concluded on the basis of this report that the basic principles of separation of VFR traffic in general are actually not sufficient. That seems to LVNL to be too strong a conclusion.	No	It should be noted that the effectivity of 'see and avoid' is more challenged when VFR traffic converge, as is the case when traffic is directed (for instance by procedures or) to certain routes, areas and altitudes. In free airspace the chance of an encounter reduces significantly, where the limitations of 'see and avoid' are less tested, see the publications mentioned in the report. As included in chapter 2.8 'see and avoid' is flawed and an unreliable method for collision avoidance.
55	LVNL	3.1	'see and avoid' as a safety barrier is sensitive to failure	Throughout the document it appears as if the VFR routes should ensure separation and that 'see and avoid' would be an additional safety barrier. According to LVNL, 'see and avoid' is the primary means of separation; the VFR routes are tools to increase clarity and predictability. Of course it is correct that 'see and avoid' has limitations.	No	See the last response above. As demonstrated by the airprox events, crossing routes at the same altitude where aircraft fly towards each other with less time for detection (see) and correction (avoid), increases the risk again. It is not without reason that this has particularly occurred when runway 06 (with crossing routes) is in use.

Nr.	Organisation	Section	Text to be corrected (first ... last word)	Argumentation for response	Adopted	Dutch Safety Board's response
56	LVNL	3.3	This is also reflected in other places in the report	In addition to the air traffic controller providing traffic information, a pilot's request for traffic avoidance advice is another important part for a pilot to separate himself from other VFR traffic. The pilots of both aircraft did not ask for traffic avoidance advice and may not have been aware of this in detail - this is not clear from the analysis. Skill of pilots (and air traffic controllers) with the rules and proper implementation is important in the mutual separation of VFR flights. The draft report now places a major focus on the design of the VFR routes, while it is conceptually inevitable that VFR flights sometimes come into close proximity to each other. Pilots' familiarity and skill with the rules is of great importance and could receive more attention in the report.	No	As analyzed in 3.3, the pilots had no reasons to request traffic avoidance. It is unclear to the Dutch Safety Board why familiarity and skills are mentioned here. 'Close proximity' is not a problem as long as there is control, but - as shown by the three occurrences - without control (visual contact in time) a mid-air collision can occur.
57	LVNL	3.2	formally fulfilled	This phrase implies that the ATCo was formally doing well, but that its timing could be better from a practical point of view. This is not clear from the report. Air traffic control provided traffic information four times, the times on pages 11 and 12 in the map indicate that the traffic information was provided at the correct times, namely when there is still sufficient time for the pilots to look out for the other aircraft.	No	As explained in the report (Analysis chapter 3.2), it is understandable that providing traffic information is not always on the most practical or necessary moment and it does not question whether it was timely provided, or not. The Dutch Safety Board concluded that the provision of traffic info was not effective, because only one pilot detected the other aircraft in a late stage of conflict with risk for a mid-air collision, see chapter 3.2 for the context.
58	LVNL	3.2	From the perspective of the pilots the timing of the provided traffic information can be perceived as ineffective.	Both pilots were aware of the presence of the other due to the traffic information provided. That is exactly what the traffic information is intended for under 'see and avoid' VFR flying. The suggestion is to make it clearer under which rules VFR pilots operate and what responsibility this entails.	No	As mentioned in the report the traffic information realised awareness, see chapter 3.2, and its ultimate goal is to establish visual contact in time. However, this was not enough to achieve visual contact in time. For the responsibilities, see chapter 2.4.
59	LVNL	3.2	Given the mutual distance at 6 NM (11 km), the initial traffic information messages were given too early for the pilots to see each other, since this was physically hardly possible. It could only serve awareness.	The first traffic information was intended for exactly this purpose: awareness among VFR pilots. This sentence is worded rather negatively. The traffic information given again later was certainly relevant. The request is to formulate this in a less suggestive way.	No	The Dutch Safety Board agrees that all traffic information is relevant. As mentioned in the report the traffic information realised awareness, see chapter 3.2, and its ultimate goal is to establish visual contact in time. However, this was not enough to achieve visual contact in time.
60	LVNL	3.3	It is noteworthy that the pilot of D-EBTO proactively suggested and requested twice to descend to 1000ft, a measure that could have prevented the incident. This was rejected by ATC in both instances.	The pilot gave no reason why he wanted to descend to 1000ft. The reasons for not allowing the pilot to descend to 1000 feet were clearly stated by LVNL in interviews (circuit traffic, obstacles). The text wrongly suggests that traffic control did not want to cooperate with safety. The request is to include LVNL's explanation for not lowering to 1000 feet in the report.	No	The Dutch Safety Board is convinced that LVNL rejected the request to descend with good intentions. Still, as analysed in chapter 3.3 the developing risk for a mid-air collision required intervention by ATC to prevent this. In review, the traffic and obstacle situation near OSCAR offered options to remedy this situation, for instance by instructing one aircraft to descend to a lower altitude than 1,500 feet.
61	LVNL	3.3	This is also reflected in other places in the report	Section 3.3 (was 3.4 in draft report) and elsewhere in the report describe that the design history of the VFR routes in the EHRD CTR cannot be determined. During the investigation into the incident of 15 June 2022, there was frequent contact between OVV and LVNL, during which LVNL provided a detailed explanation of the background and principles of the VFR route structure in the EHRD CTR. This context is missing from the report, but is important for understanding the situation. The request is therefore to describe that context.	No	The Dutch Safety Board has described facts and context information in chapters 2.4, 2.5.2 and 2.5.3. It is unclear what facts or context the LVNL is missing.

Nr.	Organisation	Section	Text to be corrected (first ... last word)	Argumentation for response	Adopted	Dutch Safety Board's response
62	LVNL		"...the ATC process did not support solving the upcoming conflict at the moment."	Although factually correct, the text is highly suggestive. Please note that this is outside the responsibility of ATC. See also the previous comments about responsibility for VFR flights.	No	This text has been replaced, since the Dutch Safety Board inserted new information (see chapter 2.4) during the writing process, addressing the responsibility of air traffic control in class C airspace for VFR-traffic. The Safety Board disagrees with LVNL about its responsibility, see chapter 3.3, Conclusions and Recommendations.
63	LVNL	3.3	Therefore, it is questionable whether a clear request for traffic avoidance by de pilot of D-EBTO would have made any difference.	This is hindsight speculation from OVV as to whether or not a request for traffic avoidance has been granted. The fact is that it has not been requested. The suggestion is to omit the sentence. A request for traffic avoidance would have given traffic control several options for a solution that would not have led to this incident. Please correct.	Yes	The sentence has been replaced, since the Dutch Safety Board inserted new information (see chapter 2.4) during the writing process, addressing the responsibility of air traffic control in class C airspace for VFR-traffic.
64	LVNL		VFR routes	Please change to 'VFR procedures', for the VFR procedures also include the routes.	Yes	Throughout the report the text has been amended accordingly.
65	LVNL	3.3	It is concluded that - when runway 06 is in use - both the ROMEO and MIKE VFR procedures and routes are inherently unsafe.	In the opinion of LVNL, this conclusion cannot be substantiated. There are many reasons why the routes create clarity and predictability, and therefore also safety. It is of course known that VFR traffic can encounter each other in the air, even outside the VFR routes.	No	The Dutch Safety Board disagrees with LVNL, since adherence to procedures/instructions could not prevent an increasing risk for a mid-air collision. On the contrary, see chapter 3.3 and the Conclusions. Normally, non-adherence contributes to incidents.
66	LVNL	3.3	This safety problem is also latent, because... procedures	In fact, this is not a latent error: the problem is certainly recognized and is therefore known.	Partial	The Dutch Safety Board inserted new information (see chapter 2.4) addressing the responsibility of air traffic control in class C airspace for VFR-traffic in the Analysis, see chapter 3.3. With that change the word 'latent' has been taken out.
67	LVNL	3.3	Therefore, the number...'see and avoid'.	The number of conflict-free VFR flights is of course a useful indicator, also in this case. It is suggested to delete the sentence or perform an analysis relative to the total number of VFR flights.	No	It is unclear what LVNL means here without substantiated facts.
68	LVNL	3.3	invested	"vested" seems like the right word. It would be good to indicate when this will take shape."	Partial	The word (in)vested has been replaced by 'installed.'
69	LVNL	3.3	... a system will have to be set up ...	LVNL's safety management system already includes the reporting and investigation of occurrences during VFR procedures. It is suggested to delete this sentence.	No	It refers to a mandatory periodic review and maintenance of routes which will include VFR routes as well, see chapter 3.3. The safety management system (SMS) of LVNL is expected to include more VFR airprox related events.
70	LVNL	Conclusions	The general safety problem	After the first sentence in this paragraph - which is a summary of the incident - it should certainly be noted that the pilots were not able to observe each other in time, despite traffic information being given four times.	Yes	It has been added that traffic information was provided.

Nr.	Organisation	Section	Text to be corrected (first ... last word)	Argumentation for response	Adopted	Dutch Safety Board's response
71	LVNL	Conclusions	As adherence...unsafe.	Only in this specific case did it appear that adhering to the procedure did not contribute to avoiding the conflict. Suggestion to reformulate it as such. The fact that ROMEO and MIKE VFR procedures are 'inherently unsafe' cannot reasonably be supported statistically with this incident and completely ignores the safety-enhancing effect of VFR procedures.	No	As illustrated by the events in 2014, 2020, and 2022, in view of the Dutch Safety Board the procedures for arriving and departing VFR traffic are inherently unsafe, see Analysis and Conclusions. As mentioned before, these serious incidents have shown that a mid-air collision is certainly conceivable with almost certain fatal results. Regardless of what statistics might tell, the risk lies in the potential fatal outcome of the event and therefore it should be mitigated.
72	LVNL	3.2	The timing...not effective.	According to LVNL, the timing was indeed good - see the previous comments. The fact that the pilots were not able to observe each other in time remains a fact. 'Traffic information' cannot be a guarantee that the pilots will observe each other. It is factually correct that the position of the two aircraft at the time of the conflict was no longer directly 'opposite'	No	The Dutch Safety Board understands that the air traffic controller may choose a moment which suits him or her, see chapter 3.2. This is not a disqualification of ATC. Since traffic information should result into visual contact, the incidents have shown this was not effective with consequences for safety.
73	LVNL	Conclusions	Whilst..as well. Suggestion is to re-write this to 'Despite the traffic informations the pilots could not timely observe each other.'	'Traffic Information' is, just like 'See and Avoid', just one of the tools to make VFR flying safely possible in a CTR. It is known that these in themselves are only moderately effective means of avoiding conflicts between VFR pilots. The suggestion is to describe this in this style instead of the sentence 'traffic information proved to be weak safety barrier as well'.	No	It is not uncommon to use the word 'barriers' in investigation reports, where the analysis of the event was supported by the analysis tool Tripod.
74	LVNL	Recommendations		The draft report now places a major focus on the design of the VFR routes, while it is conceptually unavoidable that VFR flights sometimes come into close proximity to each other, including in class C airspace. There are many conceivable circumstances in which VFR traffic on or flying outside the routes in the CTR can be mutually conflicting. In that circumstance, the principle of traffic information, (the request for) 'traffic avoidance advice' and 'see and avoid' is designed so that pilots can adequately separate themselves from other VFR traffic. In practice, this appears to work well, provided that the various actors are familiar and skilled with the rules. In our opinion, there is insufficient argumentation to state that the VFR routes in the EHRD CTR are inherently unsafe in terms of design and therefore the recommendation to adjust the routes is not appropriate."	No	The Dutch Safety Board has identified - when runway 06 is in use - that for arriving and departing traffic (mostly using standard procedures) a safety risk exists, as crossing routes at the same altitude can occur. Without controlling this randomly developing traffic situation, occasionally potential mid-air collisions (near misses) are not prevented, see Analysis and Conclusions. Additionally, in view of the Safety Board, LVNL is confusing its responsibility to prevent collisions with its non-responsibility to separate VFR traffic. As such the Recommendations are amended. There is no evidence that the skills of the involved pilots played a role.
75	LVNL	Recommendations		The suggestion is to provide the draft recommendation with clearer design criteria regarding safety, efficiency and environmental objectives. Also taking into account the presence of more 'off-route' traffic that can cause more risk.	No	The Dutch Safety Board only addresses the safety aspect by means of referring to the goal of the recommendations. The Safety Board leaves it up to the LVNL in what way it prefers to realize the safety improvement.
76	LVNL	2.1	taxying	taxiing	Yes	The text has been amended accordingly.
77	LVNL	2.2	Vison	vision	Yes	The text has been amended accordingly.
78	LVNL	2.2	resembling	"resembling" a "distance" is verwarrend. Suggestie: vervang door "indicating".	No	The original text of the manufacturer prevails.
79	LVNL	2.8	Glare,	komma verwijderen	Yes	The text has been amended accordingly.
80	LVNL	3.3	Consultation...make	Consultation...makes	Yes	The text has been amended accordingly.

Nr.	Organisation	Section	Text to be corrected (first ... last word)	Argumentation for response	Adopted	Dutch Safety Board's response
81	LVNL	Conclusions	CTR's	CTRs	No	No longer applicable
82	LVNL	Appendix B	In some cases, a safety analysis by the initiator is part of the design.	In 'some cases' is not true. The change process of LVNL for functional changes guarantees that safety analyses ALWAYS a part is by the design. Therefore LVNL uses the 'VEM-Toets'. The 'V' (veiligheid) is 'safety'.	No	This sentence also applies to other initiators than LVNL. The Dutch Safety Board is not contesting the point made by LVNL about its own role in the change process.
83	LVNL	Appendix B	VFR routes	Please change in 'VFR procedures'.	Yes	Throughout the report the text has been amended accordingly.
84	LVNL	Appendix B	... will be conducted by LVNL...	The suggestion is to change this sentence to "it is dependent by the government to..."	No	In the footer it is mentioned that in the Aviation Act it will be amended to officially assign this task to LVNL.
85	LVNL	Appendix B	... VFR routes...	Also here please change 'VFR routes ' into 'VFR procedures'	Yes	Throughout the report the text has been amended accordingly.
86	LVNL	Appendix B	because the routes have not been changed in recent years	Suggestion to change the text "because the routes have not been changed in recent years" to "the procedures had been implemented before this consultation was established".	Yes	The text has been amended accordingly.
87	LVNL			What about the flight preparation of the pilots? This important part is 'flight preparation' for safe 'flight execution'.	No	It is unclear in what way this question would relate to the serious incident at the crossing near OSCAR.

SECOND RESPONSES RECEIVED ON DRAFT REPORT FROM AIR TRAFFIC CONTROL THE NETHERLANDS (LVNL) AND MINISTRY OF INFRASTRUCTURE AND WATER MANAGEMENT

The fourth and fifth columns provide the literal text of the responses of the parties. The last column contains an explanation from the Dutch Safety Board of the way the responses were processed.

Nr.	Organisation	Section	Text to be corrected (first ... last word)	Argumentation for response	Adopted	Dutch Safety Board's response
1	Ministry of Transport & Watermanagement	Subtitle "Indicating inherent unsafe design of VFR routes"	The use of the word "design" in the report has an unintended side effect, causing the focus of the investigation to be too focused on the design and conditions of use of the VFR routes.	I&W remains of the opinion that there is no inherently unsafe design of the VFR routes. By this title, the DSB draws a conclusion beforehand and already sends the reader in a certain and, in the view of I&W, wrong direction. A title must be neutral. As previously proposed, If a subtitle is used at all, the modified proposal is: Indicating the potential shortcomings of 'see and avoid'.	No	In view of the Dutch Safety Board, even when pilots adhere to standard procedures and instructions, a risk for a mid-air collision exists as allowed by the procedural design. The subtitle has been removed.
2	Ministry of Transport & Watermanagement	2.5.2	It is worth mentioning in this paragraph that LVNL does have general design principles. The first of which is "design for safety".		No	This paragraph is about specific design criteria.
3	Ministry of Transport & Watermanagement	2.6	<p>Add the investigation findings from the 2015 and 2020 DSB reports below to chapter 2.6:</p> <p>In the OVV quarterly report 1 of 2015, the airprox was described with a separate theme session devoted to 'near collisions in air traffic circuits'. This describes, among other things, the limitations of the 'see-and-avoid' concept and points out that traffic control in the CTR does not monitor the separation between VFR traffic.</p> <p>The OVV quarterly report 3 of 2021 describes the airprox in 2020 and states in this investigation: "Both ANWB Medical Air Assistance (MAA) and Air Traffic Control the Netherlands (LVNL) have each conducted their own investigation into the incident and shared the results with the Dutch Safety Board. Both organizations have taken internal measures to reduce the risk of near collisions. For example, ANWB MAA has alerted its crews to the danger of crossing VFR departure and arrival routes and in crew resource management training attention is paid to an adequate division of tasks when solving unusual situations. Further LVNL has introduced a planning overview on the tower at Rotterdam The Hague Airport, which provides insight into the workload of the total of IFR flights, VFR flights and special flights. This incident once again shows that the see-and-avoid principle in VFR airspace is fundamental for safe separation between VFR air traffic."</p>	<p>Add missing investigation findings from previous OVV reports following similar airproxen in 2015 and 2020 as described in the adjacent column .</p> <p>This information is also relevant for the analysis, conclusions and recommendations regarding LVNL's safety management system.</p>	Partial	The limitations of see-and-avoid are described elsewhere in the report, as well as the ATC responsibilities. The text of the 2020 event has been amended to include the LVNL investigation and results.

Nr.	Organisation	Section	Text to be corrected (first ... last word)	Argumentation for response	Adopted	Dutch Safety Board's response
4	Ministry of Transport & Watermanagement	3	The analysis lacks further reflection on the DSB-findings of the previously investigated airproxes and their significance for this investigation report. The following can be concluded from the descriptions in the OVV quarterly reports of similar airproxen in 2015 and 2020 that have not been extensively investigated (section 2.6 and above): The OVV does mention the limitations of the see and avoid principle, but does not question its use by LVNL as the only safety net in the Rotterdam CTR when runway 06 is used simultaneously with the Mike/Romeo VFR routes. Both the ANWB and the LVNL have taken measures. The ANWB addresses the danger of the risks of the simultaneous combination to its crews in training. The LVNL has introduced a planning overview on the tower to provide insight into the workload of the total of IFR flights, VFR flights and special flights. The OVV concludes in its report that the incident once again shows that the see-and-avoid principle in VFR airspace is fundamental for safe separation between VFR air traffic. To the extent applicable, the use of the planning overview on the tower did not help prevent the 2022 airprox in the Rotterdam CTR. Also, the conclusion at the time that the see-and-avoid principle in VFR-airspace fundamental is for safe separation between VFR traffic, is not (no longer) compatible with the simultaneous use of runway 06 and the MIKE/ROMEO VFR-routes.	Chapter 3 lacks analysis of previous findings and mitigating actions following similar airproxes in 2015 and 2020, as described in chapter 2.6 including the additions made above. In addition, following international obligations, the LVNL has a safety management system (SMS). The investigation report does not answer the question of why the measures taken earlier failed to prevent the 2022 airprox? The answer to this question is important with regard to whether or not LVNL's SMS functions adequately and the conclusions and recommendations.	Partial	Aspects related to previous events has been added in the analysis. The functioning of the SMS of LVNL was not part of the scope of the investigation.
5	Ministry of Transport & Watermanagement	3.3	Collisions	Collisions	Yes	
6	Ministry of Transport & Watermanagement	3.3	That none of the pilots requested traffic avoidance did not relieve the Air Traffic Services provider (LVNL) of its responsibility to prevent collisions.	One of the pilots asked to descend to 1000 ft, is a request for traffic avoidance.	No	This is not considered a request for traffic avoidance advice from air traffic services perspective.
7	Ministry of Transport & Watermanagement	5	Suggested additional recommendations: 3. LVNL should review whether a similar design (crossing VFR arrival/departure routes) exists around other (LVNL) controlled airports and evaluate their safety. 4. LVNL should review its SMS to determine why the earlier airproxes did not trigger a route design review.	The investigation with the above additions justifies these additional recommendations.	n/a	Noted. The Dutch Safety Board decided to not add additional recommendations.
8	LVNL		2014	The 2014 event is unknown to LVNL. LVNL is unable to verify whether that event is in fact comparable to the 2022 event.	No	In view of the Dutch Safety Board the events are comparable, see Analysis chapter 3.3. In previous comments LVNL wrote that "The incidents were all investigated and assessed in accordance with the applicable Safety Management System".

Nr.	Organisation	Section	Text to be corrected (first ... last word)	Argumentation for response	Adopted	Dutch Safety Board's response
9	LVNL		2020	<p>The 2020 event is not comparable to the 2022 event. The investigation in the draft report focuses mainly on the published VFR routes, as well as the deficiencies of 'see and avoid' and traffic information.</p> <ul style="list-style-type: none"> • No published VFR arrival route was flown in the 2020 event. • In the 2020 event, no traffic information was provided (at a very busy time), even though this should have been done. <p>Suggestion: remove the 2020 event from the report.</p>	No	The Dutch Safety Board agrees that the helicopter did not fly the formal MIKE arrival. However, its direct route was partly close to the published MIKE departure route, where it also crossed the MIKE departure route. The crucial commonality of the three occurrences mentioned in the report is that in class C airspace arriving and departing VFR flights were cleared such a way that there was a real risk for mid-air collisions. The text in the report has been changed to better clarify this.
10	LVNL		See and avoid can be dangerous	<p>Suggestion: 'see and avoid' is not always sufficient to ensure separation (instead of: 'see and avoid' can be dangerous). More importantly, it should be pointed out here that this is not just about 'see and avoid', but a combination of:</p> <ul style="list-style-type: none"> • 'see and avoid' • traffic information • traffic avoidance advice on request 	Partial	The sentence has been amended and reflects that see and avoid is sensitive to failure and therefore an unreliable safety barrier.
11	LVNL		ATC.....a collision	<p>It is inadequate to assert that 'ATC did not aid in solving the upcoming risk for a collision'. ATC provided traffic information on no fewer than two occasions. Suggestion: in retrospect, the traffic information provided by ATC proved insufficient for the pilots to use only 'see and avoid'. They only realised afterwards that they could also have requested traffic avoidance advice.</p>	No	As explained in the Analysis chapter 3.3 the pilots had no reason to specifically request traffic avoidance. With reference to the regulatory framework, ATC had responsibilities to aid in solving the threat for a mid-air collision but did not act in that way. As analysed in chapter 3.3 the developing risk for a mid-air collision required intervention by ATC to prevent this.
12	LVNL		The investigation.....collisions	<p>It is true that VFR pilots are themselves responsible for the 'see and avoid' aspect. The pilots are assisted in this by ATC.</p> <ul style="list-style-type: none"> • ATC is responsible for providing traffic information to assist with 'see and avoid'. • The pilot can request traffic avoidance advice, for example if the traffic information is not considered sufficient. • If possible, a vertical separation of 500 ft is used in some cases (this is more difficult above built-up areas due to the minimum height required and the presence of obstacles). • ATC can also use geographical separation (for example after the request for traffic avoidance advice or under special VFR conditions). • As soon as VFR traffic approaches the circuit and thus comes within sight of ATC, ATC can use visual separation. <p>Suggestion: remove the assertion or amend it with the explanation given.</p>	No	This text addresses the overarching responsibility of air traffic control in class C airspace for VFR-traffic to prevent collisions. The sentence has been amended to better reflect this.
13	LVNL		Summary in general	<p>In the summary, please add that LVNL has complied with the statutory requirements and regulations.</p>	No	The text has been amended to include the overarching responsibility of air traffic control in class C airspace for VFR traffic to prevent collisions.
14	LVNL		2020	<p>See the explanation accompanying page 4, line 21. No Mike arrival was flown in 2020.</p>	Yes	The text has been changed by mentioning it flew a direct course.

Nr.	Organisation	Section	Text to be corrected (first ... last word)	Argumentation for response	Adopted	Dutch Safety Board's response
15	LVNL		Although.....traffic	The pilot of D-EBTO asked to be allowed to descend to 1,000 ft in order to safely avoid the departing traffic (although this was not mentioned specifically during the pilot's communications). This is not factual information. Fact: the pilot asked to be allowed to descend to 1,000 ft. He did not give any reason for this to ATC. Suggestion: 'The pilot later stated to the Dutch Safety Board that this was meant to safely avoid the departing traffic.' Alternatively: Also give all of ATC's reasons for not permitting descent to 1,000 ft in this paragraph (as discussed in interviews and indicated in email exchanges).	No	The text already indicates that this was stated to the Dutch Safety Board by the pilot.
16	LVNL		Not very helpful	NB: if ATC's traffic information is not considered helpful enough, there is always the option of requesting traffic avoidance advice. The report should make clear why the pilot did not do that.	No	As explained in the Analysis chapter 3.3, from their perspective the pilots had no reason to specifically request traffic avoidance. Traffic avoidance request is more appropriate when the VFR pilot is in a circumstance that he is limited for 'see and avoid', for instance in a rain shower or a after a bird hit on the windscreen. Other instances might be VFR helicopter operations for power line or pipeline inspections, or police or medical flights requiring more attention to 'ground related activities', where pilots cannot easily keep other VFR traffic in sight.
17	LVNL		Might refuse.....Airport	We have indicated that while Vliegclub Rotterdam may have been unable to handle D-EBTO, an alternative was immediately offered. D-EBTO was in any case welcome at Jet Aviation.	Yes	Text has been amended.
18	LVNL		Pilots.....separation.	It is correct that D-EBTO and N98825 were responsible for 'see and avoid'. LVNL assisted them with this. See page 4, line 34.	No	There is no factual inconsistency in the report. These statements came from interviews and information exchange.
19	LVNL		There ATC has responsibility to prevent collisions ... orderly flow of air traffic.	It is not correct to conclude that this automatically follows from the need to obtain clearance. The scope of ATC depends on the airspace classification. See SERA 6001(a)(3), SERA 8015(a)(1) and GM1 SERA 8015(a).	Yes	The Dutch Safety Board agrees with LVNL that ATS has no formal responsibility to separate VFR traffic from other VFR traffic in class C airspace, but this should not be confused with its overarching responsibility to prevent collisions.
20	LVNL		Expect for .. to VFR flights	The text of this clause is unrelated to the design criteria for VFR procedures and routes. Please remove the sentence.	No	The aspects mentioned here were indicated during interviews with LVNL staff as part of the investigation as being the only criteria for the design of VFR routes.
21	LVNL		In general, the primary principle for the design ... traffic.	Please indicate the reference in which it is stated that this should be a 'primary principle'.	Yes	Source added: The aspects mentioned here were indicated during interviews with LVNL staff as part of the investigation.
22	LVNL		Two comparable events	2014: LVNL is not familiar with this investigation and was probably not involved in it. 2020: As already noted, this event is not comparable to the 2022 event.	No	The commonality of the three occurrences mentioned in the report is that in class C airspace arriving and departing VFR flights were cleared such a way that there was a real risk for mid-air collisions. The text in the report has been changed to better clarify this.

Nr.	Organisation	Section	Text to be corrected (first ... last word)	Argumentation for response	Adopted	Dutch Safety Board's response
23	LVNL		Aiprox.....incident	Suggestion: remove this Airprox from the report (see also the explanation accompanying page 4, line 21). Also: the VFR MIKE approach does not exist. Should this perhaps be the M arrival? That was specifically not flown by the EC135.	Partial	The commonality of the three occurrences mentioned in the report is that is that in class C airspace arriving and departing VFR flights were cleared such a way that there was a real risk for mid-air collisions. The text in the report has been changed to better clarify this.
24	LVNL		Same altitude (1000ft)	This is incorrect: the EC135 was cleared for 1,500 ft or lower.	Yes	Text has been amended.
25	LVNL		Sometimes not at all	Additional explanation: a tower air traffic controller primarily watches air traffic through an outside window. Traffic information is often provided based on 'conflicts' on the strip board. It regularly happens that traffic information is provided to VFR aircraft that, in retrospect, have not been in close proximity to each other. In these cases, it is logical that VFR aircraft did not see each other.	n/a	Noted. The comment is not related to factual inconsistencies.
26	LVNL		Paragraph 3.1 en 3.2. Limitations of 'see and avoid'. Limited effectiveness of traffic information	The limitations of 'see and avoid' and traffic Information are now discussed in separate sections. With regard to class C airspace specifically, it is important that these ways of/aids for VFR separation are discussed as a coherent whole. Traffic avoidance advice must not be left out here.	No	The comment is not related to factual inconsistencies, but the report structure for the analysis.
27	LVNL		Generally.....failure.	In the overall picture, this safety barrier should also be viewed in conjunction with the other two barriers.	No	In the analysis chapter the different aspects are analysed and in the Conclusions combined and linked to each other. It should be noted that the effectivity of 'see and avoid' is more challenged when VFR traffic converge, as is the case when traffic is directed (for instance by procedures or) to certain routes, reporting points, areas and altitudes.
28	LVNL		Limited effectiveness of traffic information	Traffic information is not sufficient in all cases. Nevertheless, its effectiveness is not in doubt. Suggestion: Effectiveness of traffic information.	No	This section discusses the limited effectiveness for this specific event.
29	LVNL		promptly	Suggestion: remove 'promptly'. The traffic information was given...	Yes	
30	LVNL		Given the mutual distance ... awareness	This is the pilots' opinion. It would be useful to include the definition that applies: SERA article 2. 132. 'Traffic information' means information issued by an air traffic services unit to alert a pilot to other known or observed air traffic which may be in proximity to the position or intended route of flight and to help the pilot avoid a collision; In this case, this traffic information was provided at the right time, in accordance with the regulations. The fact that the pilots could not see each other at the time could (should?) have been a reason for the pilot to ask for traffic avoidance advice.	Partial	Traffic information should help the pilots to avoid a collision. In this respect the timing of the provided traffic information is discussed in the analysis. The last part of the definition of traffic information - to help the pilot avoid a collision - has been added to the text.
31	LVNL		At the moment the traffic information would have been necessary, it was not provided.	Suggestion: remove this sentence. Traffic information was provided again after point FOXTROT (i.e. before point OSCAR and before D-EBTO turned west). The report states that it would have been more convenient to provide traffic information during the turn westward. That would have been too late: traffic information must be provided just before the turn.	Partial	Text has been amended to reflect also the functionality, as the objective of traffic information should be to help the pilot avoid a collision. As mentioned in the report, the traffic information realised awareness, see chapter 3.2, and its ultimate goal is to establish visual contact. However, this was not enough to achieve visual contact in time and the relative positions of both aircraft were significantly changing. As indicated in the analysis, intervention by ATC was necessary as visual contact remained uncertain.

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32	LVNL		The necessary moment would have been ... to timely detect other traffic.	This paragraph describes how, from the pilots' perspective, traffic information could have been provided at exactly the right time. This is practically equivalent to full ATC, whereby ATC instructs pilots exactly as to what they must do. For VFR in class C airspace – where aircraft may select and fly their own routes and the air traffic controller therefore has no 'control' over the flight – it is unreasonable to assume that the pilot will be 'having their hand held' by ATC. However, that is the impression given in this paragraph.	No	This text describes the viewpoint from the pilot, as the provided traffic information should help the pilot avoid a collision. As analysed in chapter 3.3, the developing risk for a mid-air collision required intervention by ATC to prevent this.
33	LVNL			See the explanation accompanying page 21, lines 15/16.	n/a	Noted. The text in the report refers to statements made by pilots from the flying clubs.
34	LVNL		2020	Suggestion: remove the 2020 event from the report.	No	The commonality of the three occurrences mentioned in the report is that is that in class C airspace arriving and departing VFR flights were cleared such a way that there was a real risk for mid-air collisions. The text in the report has been changed to better clarify this.
35	LVNL		Further.....06	Suggestion: remove this sentence. All the air traffic controllers at Rotterdam The Hague Airport are aware that when Runway 06 is in use, there are VFR routes that cross one another. Moreover, this is certainly included in their training. It is not necessary for this to be stated in the Operations Manual.	Partial	The text in the report is factually correct. It has been added that according to LVNL, air traffic controllers know this and therefore there is no need to include this in the manual
36	LVNL		Required intervention.....was left to the pilots	This sentence suggests that ATC took no action to avert a collision, despite ATC providing traffic information on no fewer than two occasions. In addition, neither of the two VFR pilots requested traffic avoidance advice. Did the pilots give an explanation for this, even though neither of them could see the other traffic?	Yes	Agree, 'additional' added.
37	LVNL		This situation in particular required intervention by ATC to aid in preventing a collision, but the safety problem – though unintentionally organized- was left to the pilots.	This sentence is unnecessarily suggestive and incorrect. VFR flying involves 'see and avoid', with assistance from ATC if necessary. Given the interactions between ATC and the pilots mentioned previously, it is clear that the sentence is also incorrect. The phrase 'unintentionally organized' is odd, as it seems to suggest that a security problem was unconsciously 'created'.	No	This is the analysis of the Dutch Safety Board.
38	LVNL		Proactively suggested	This is incorrect. Suggestion: remove 'proactively suggested'. D-EBTO asked once for permission to descend and said once that he wanted to descend at OSCAR. Proactively making suggestions to ATC is fine, but in that case a reason should be given. On this occasion, ATC was given the impression that D-EBTO wanted to descend to 1,000 ft because he was not fully aware of the VFR procedures.	Partial	The Dutch Safety Board is convinced that LVNL rejected the request to descend with good intentions. Still, as analysed in chapter 3.3 the developing risk for a mid-air collision required intervention by ATC to prevent this. Added to the text that the pilot did not mention the reason to the controller.
39	LVNL		Highest obstacle (502ft), was not a problem	Suggestion: remove/amend this information. Obstacles below 328 ft are not on the VFR chart. SERA 5005(f): f) Except when necessary for take-off or landing, or except by permission from the competent authority, a VFR flight shall not be flown: (1) over the congested areas of cities, towns or settlements or over an open-air assembly of persons at a height less than 300 m (1,000 ft) above the highest obstacle within a radius of 600 m from the aircraft; ATC does not permit flying the R arrival/ departure at 1,000 ft at Rotterdam The Hague Airport due to obstacles present in the city of Rotterdam.	No	The Dutch Safety Board is convinced that LVNL rejected the request to descend with good intentions. Still, as analysed in chapter 3.3 the developing risk for a mid-air collision required intervention by ATC to prevent this. In review, the traffic and obstacle situation near OSCAR offered options to remedy this situation, for instance by instructing one aircraft to descend to a lower altitude than 1,500 feet, not necessarily lower than 1,000 feet. In addition, the MIKE procedures are also at 1,000 feet.

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40	LVNL		It is noteworthy ... was not a problem	This sentence ignores the minimum height requirements for VFR, in accordance with SERA 5005(f)(1).	No	As analysed in chapter 3.3, the developing risk for a mid-air collision required intervention by ATC to prevent this. In review, the traffic and obstacle situation near OSCAR offered options to remedy this situation, for instance by instructing one aircraft to descend to a lower altitude than 1,500 feet. In addition, the MIKE procedures are also at 1,000 feet.
41	LVNL		The instructor.....adhered to.	The Dutch Safety Board asserts that ATC twice refused permission to descend to 1,000 ft because of the need to adhere to the published routes and prescribed altitudes. During a number of interviews and email exchanges, we also gave other reasons why D-EBTO was not permitted to descend to 1,000 ft. These cannot be found in the report. Among other things, D-EBTO would join the circuit from PAPA; other VFR traffic would join the circuit from TANGO. ATC instructed traffic from TANGO to descend from 1,500 ft to 1,000 ft so as to ensure a 500 ft difference in altitude with D-EBTO.	No	The reasons are known and general, but denying the actual safety problem for the pilots. As analysed in chapter 3.3, the developing risk for a mid-air collision required intervention by ATC to prevent this. As indicated in the report, obstacles and other traffic near OSCAR were not a problem.
42	LVNL		Gives the impression.....VFR traffic.	Suggestion: remove this sentence. ATC has a responsibility to provide traffic information, as well as traffic avoidance advice on request.	No	This is the Dutch Safety Board's analysis. The Safety Board disagrees with LVNL about its responsibility, see chapter 3.3, Conclusions and Recommendations.
43	LVNL		The Dutch Safety Board agrees with LVNL that ATS has no formal responsibility to separate VFR traffic from other VFR traffic, but this should not be confused with its overarching responsibility to prevent collisions	This text is somewhat strange: LVNL clearly assumed its responsibility for safety at several points. There is no question of any 'confusion'. The safety measures for VFR flights have been set out clearly and at several points in the foregoing.	No	This is the Dutch Safety Board's analysis. The Safety Board disagrees with LVNL about its responsibility, see chapter 3.3, Conclusions and Recommendations.
44	LVNL		This, however, is ... Air Traffic Services.	A general ATC term is used out of context here. The service is clearly described in SERA 6001. The use of radar info is optional for TWR and subject to restrictions. See part c of AMC1 ATS.TR.155(a).	No	The Dutch Safety Board agrees with LVNL that in this case ATC has no formal responsibility to separate VFR traffic from other VFR traffic, as indicated in SERA.6001, but this should not be confused with its overarching responsibility to prevent collisions. The reference to AMC1 ATS. TR.155(a) does not change this.
45	LVNL		The Hague.....not at all.	See the explanation accompanying page 21, lines 15/16.	No	This is a statement from the pilots from the flying clubs.
46	LVNL		Therefore.....avoid.	This only discusses 'see and avoid'. The issue at hand is actually about the combination of 'see and avoid', traffic information, and the possibility for the pilot to request traffic avoidance advice. These three barriers together are a lot more reliable than just 'see and avoid'.	No	This analysis refers to statement made by controllers that the 'see and avoid' barrier has been effective. The number of uneventful VFR movements within the Rotterdam CTR is not automatically a proper indication of the effectiveness of 'see and avoid'.

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47	LVNL		However.....prevailed	See page 13, line 5. In an interview, D-EBTO's pilot apparently indicated to the Dutch Safety Board that he did not find the traffic information that was provided helpful. The Dutch Safety Board also asserts that D-EBTO twice proactively suggested descending to 1,000 ft so as to keep clear of N98825. Because no reasons were given, it was not clear why the pilot wanted to descend. The fact that a standard VFR route was being flown certainly did not mean that no other VFR traffic could be encountered (including off-route VFR traffic!). There was a very good reason why ATC provided traffic information twice. Neither of the VFR pilots involved could see other traffic. In fact, any of these points could have been a reason for the pilot to request traffic avoidance advice.	No	The analysis addresses the aspect that adherence to the procedures and the issued clearance put the two aircraft in this position and a near mid-air collision. From the perspective of a VFR pilot there is no reason to request traffic avoidance for a (predictive) standard route for which a clearance has been received and where good visibility conditions prevailed.
48	LVNL		That none of the pilots requested .. to prevent collisions.	This is not included as such in the provision of services in class C airspace in accordance with SERA 6001. LVNL considers this wording to be incorrect. The text states that the Dutch Safety Board is of the opinion that LVNL failed to discharge its responsibility to prevent collisions. It is obvious that this is not true.	No	The analysis addresses the aspect that adherence to the procedures and the issued clearance put the two aircraft in this position and a near mid-air collision. The Dutch Safety Board agrees with LVNL that in this case ATC has no formal responsibility to separate VFR traffic from other VFR traffic, as indicated in SERA.6001, but this should not be confused with its overarching responsibility to prevent collisions.
49	LVNL		The serious.....collision remained	LVNL is not familiar with the 2014 event. The 2020 event involved off-route traffic and not an M arrival. This event is not comparable to it. There was therefore no reason for LVNL to amend procedures after 2020.	No	See earlier comment from LVNL, where LVNL states that "The incidents were all investigated and assessed in accordance with the applicable Safety Management System. The fact that they did not lead to a review is factually correct, because it was logical given the very low frequency in which a causal relationship with the routes played a role." The Dutch Safety Board does not understand why the low frequency for such serious incidents is so much leading that no action would be necessary. These serious incidents have shown that a mid-air collision is certainly conceivable with almost certain fatal results. The risk lies in the potential fatal outcome of the event and therefore it should be mitigated.
50	LVNL		Commission Implementing Regulation (EU) 2020/469 makes maintenance and periodic review of flight routes mandatory.	Please add a specific reference to where exactly it says this.	Yes	Commission Implementing Regulation (EU) No 2020/469, Article 3(3). Applicable as of 27 January 2022. This Regulation amends Commission Implementing Regulation (EU) 2017/373 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight.
51	LVNL		As outlined in studies 'See and avoid' is sensitive to failure and therefore an unreliable safety tool.	LVNL agrees that 'see and avoid' is not always effective. It is therefore wise not to rely solely on 'see and avoid', but to make use of the latest charts, to make proper flight preparations, to receive traffic information, to ask for traffic avoidance advice if necessary, etc.	n/a	Noted.

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52	LVNL		The provision.....daily practise.	It is not just about 'see and avoid'... Operations in class C airspace encompass: <ul style="list-style-type: none"> • 'see and avoid' • traffic information • traffic avoidance advice on request 	No	This analysis refers to the procedure design and/or operational limitations or considerations put in place.
53	LVNL		Pilots.....VFR traffic,	Pilots are responsible for VFR separation with respect to other VFR traffic. ATC is responsible for assisting in this by: <ul style="list-style-type: none"> • providing traffic information to assist with 'see and avoid'. • The pilot can request traffic avoidance advice, for example if the traffic information is not considered sufficient in the event that traffic has indeed been reported but is not in sight. • If possible, a vertical separation of 500 ft is used in some cases (this is more difficult above built-up areas due to the minimum height required and the presence of obstacles). • ATC can also use geographical separation, for example after the request for traffic avoidance advice or under special VFR conditions. • As soon as VFR traffic approaches the circuit and thus comes within sight of ATC, ATC can use visual separation. Suggestion: replace the final sentence with 'The support from ATC was in this case, as experienced by the pilots, not sufficient to avoid the near miss.'	No	This all is addressed in the Analysis chapter 3.3.
54	LVNL		Despite.....collisions	2014: Not known to LVNL, so no reason for amendments. 2020: This situation is not comparable to the 2022 event (so there was no reason to amend the VFR routes in this case either). 2022: Despite the assistance offered by ATC, the pilots were unable to avoid a near miss.	No	See earlier remarks.
55	LVNL		The non-reponsibility.....C airspace.	At no point did LVNL neglect its responsibility, as it provided traffic information twice. In any case, the sentence does not seem syntactically correct to us. SERA.8015 Air traffic control clearances (a) Air traffic control clearances shall be based solely on the following requirements for providing air traffic control service: (1) Clearances shall be issued solely for expediting and separating air traffic and be based on known traffic conditions which affect safety in aircraft operation. Such traffic conditions include not only aircraft in the air and on the manoeuvring area over which control is being exercised, but also any vehicular traffic or other obstructions not permanently installed on the manoeuvring area in use. (2) ATC units shall issue such ATC clearances as necessary to prevent collisions and to expedite and maintain an orderly flow of air traffic. (3) ATC clearances shall be issued early enough to ensure that they are transmitted to the aircraft in sufficient time for it to comply with them. .. GM1 SERA.8015(a) Air traffic control clearances Clearances to VFR flights in airspace classes C and D do not imply any form of separation: (a) in Class C — between VFR flights; and (b) in Class D — between IFR and VFR flights or between VFR flights. For the case of special VFR flights, refer to SERA.8005(b). Traffic Information: 132. 'traffic information' means information issued by an air traffic services unit to alert a pilot to other known or observed air traffic which may be in proximity to the position or intended route of flight and to help the pilot avoid a collision;	No	This information had already been included in the draft report. The Dutch Safety Board has already mentioned in the report that ATC provided traffic information and that ATC does not have to separate VFR traffic from VFR traffic. The report also addresses that the non-separation of VFR traffic should not be confused with its responsibility to prevent collisions.

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56	LVNL		Conclusie algemeen	ATC has complied with all legislation and regulations in respect of this event. It would be appropriate to state this in the conclusion. The tone of the report and the conclusion so far seems to be that VFR flying is dangerous and that ATC needs to remedy it. Original response in Dutch: ATC heeft voldaan aan alle wet en regelgeving in dit event. Het zou gepast zijn om dit ook in de conclusie te verwoorden. De toon van het rapport en conclusie tot hier lijkt dat VFR vliegen gevaarlijk is en dat ATC dit moet oplossen.	No	The responsibilities of both pilots and ATC are addressed in the Analysis and Conclusions. ATC is involved in both the design VFR procedures and in handling VFR traffic. The current procedures and process cannot rule out increased safety risks for VFR traffic as shown by the near mid-air collision with D-EBTO and N98825 and two previous events.
57	LVNL		The investigation.....prevent a collision.	Traffic avoidance advice at the request of the pilot is again omitted here. This is a very important safety barrier (defined in the AIP) to reduce the risk of collisions.	No	Traffic Avoidance Advise (request) is addressed in the report, see Analysis chapter 3.3. In view of the Dutch Safety Board it should be considered from the perspective of the VFR pilot.
58	LVNL		The investigation also revealed that ATC (LVNL) considers the risk for collision between VFR traffic as a responsibility solely for the VFR pilot.	This wording seems to us to be demonstrably incorrect. It cannot be possible to arrive at this conclusion after the Dutch Safety Board's discussions with our air traffic controllers, the R/T with the traffic information provided, a study of our Operations Manual and comments made earlier.	No	Since this comment contains no new facts for the report, the Dutch Safety Boards can only refer to the Analysis and Conclusions of the report.
59	LVNL		(1)	'Prevent collisions between VFR traffic': This obligation is already included in the various Operations Manuals under the heading Airspace classes and obligations. ATS.TR.100 contains an abstractly defined target ('prevent collisions') that the Dutch Safety Board focuses on. With respect to ATC responsibilities, this obligation is made specific in (among others) SERA 6001. This obligation is already covered by the texts in the Operations Manual under Airspace classes and obligations. SERA 6001: VFR traffic in the CTR: traffic information. Services in Class C airspace do not concern any VFR-VFR separation responsibility. LVNL provides traffic information, as well as traffic avoidance advice at the request of the pilot. All this is already set out in the Operations Manual.	No	In view of the Dutch Safety Board preventing collisions is a common requirement as laid down in the regulatory framework, see Analysis chapter 3.3 and Conclusions.