

Federal Court rejects appeal by air traffic controller - conviction legally binding

Geneva, 4 July 2019 - On 12 April 2013, two aircraft of the Irish Ryanair and the Portuguese TAP unintentionally converged in the complex airspace over the Napf region (Lucerne). The safety nets on the ground and in the air worked as planned, so that the situation could be defused quickly. There was no personal injury or damage to property. In April 2019, the Federal Criminal Court in Bellinzona sentenced the air traffic controller on duty to a heavy fine for negligent disruption of public transport. The Federal Court has now confirmed this ruling. This is the first time in Switzerland that an air traffic controller has been convicted with legal effect. Skyguide is disappointed with this decision and will now analyse what this means for air navigation services operations in the future.

Safety is always top priority for skyguide. Every effort is made to prevent errors and improve the aviation system. Nevertheless, human error can never be ruled out. Here, modern technological safety nets support the daily work of air traffic controllers. In order to learn the necessary lessons from such mistakes and to continuously improve the system, the "Just Culture" safety culture that is practised in aviation is crucial.

This enables employees to report mistakes without fear of disciplinary consequences, unless they were committed deliberately or through gross negligence. From these voluntary, honest and comprehensive reports, the organization can quickly derive improvements and take supportive measures. Skyguide will continue to adhere to this "just culture" in order to ensure safe and efficient air navigation services in Switzerland in the future. Over the past fifty years, this safety culture and the learning processes it entails have made aviation the safest means of transport.

In the present case, the air traffic controller and one of the pilots involved reported the incident openly and honestly, thereby initiating an internal and external investigation. The air traffic control safety nets have recognised the convergence of the two aircraft and, as planned, have helped to alleviate the situation. Legal proceedings and convictions do not make aviation safer but endanger the continuous development of high safety standards in Swiss air traffic. The question must therefore be allowed as to whether criminal law is the right means of dealing with an incident in which the security system has functioned as expected and in which no personal injury or damage to property has occurred.

The continued employment of the air traffic controller is not called into question by this conviction.

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Skyguide is responsible for providing air navigation services in Switzerland and in certain adjacent parts of neighbouring countries. With its workforce of some 1 500 employees who are active at 14 locations in Switzerland, skyguide safely and reliably guides some 1.3 million civil and military flights a year through Europe's busiest airspace. Skyguide is well integrated into the international air navigation services community and, with its innovative and customer-minded solutions, helps enhance Switzerland's appeal as a place to live, work and do business. The company is majority-owned by the Swiss Confederation, and is headquartered in Geneva.
