

Sentenza di Cagliari, ANACNA si rivolge all'IFATCA , ICAO e altri

To the IFATCA President, Alexis Brathwaite
Deputy President, Patrik Peters
EVP Europe, Zeljko Oreski
LO to the EU, Paul Neering

copy to the ICAO
European Commission
EASA

ENAC
ENAV
Italian Air Force
ANSV-National Flight Safety Agency

1

Subject: ANACNA, the Italian Association of Air Traffic Controllers, analyses the motivations of the Cagliari accident sentence.

The Court of Appeal of Cagliari, on March the 18th, in just 100 minutes of hearing, delivered the verdict on the airplane crash occurred in Cagliari the 24th of April 2004, actually confirming the sentence imposed in the first degree trial (3 years reduced to 2 for having chosen the abbreviated procedure).

Stubbornly going in countertendency with respect to most of the highly advanced aeronautical Countries that, in the interests of safety and prevention, recommend avoiding unscrupulous criminalization while encouraging the "just culture" principles diffusion, what occurred brought us to support the need for an extremely crucial and rapid process of modernization of Italian legal system moving forward to a judicial system capable of understanding the aviation system as a whole, the complexity and its linked riskiness.

Since this rough verdict is able to become a juridical reference case in future trials, ANACNA noted that the Italian ATCOs will no longer have any assurance that compliance with technical standards - in the case in question, tied to the clearance issued to carry out a Visual Approach procedure, as international rule daily applied all over the world - is anymore sufficient to protect them from the bolts from the blue of special rules re-written in our courts. For this reason ANACNA addressed a strong appeal to all Italian Air Traffic Controllers, both military and civilian ones, committed every day with professionalism and competence to ensure the safety of thousands of flights crossing the national skies, not to issue any permission to carry out any visual approach, until clarity on this unbelievable verdict will be done.

Following the last press release issued the 21st of March 2010 on this trial verdict: "*The Court of Appeal of Cagliari rewrites the rules of the air traffic control: authorizing the visual approach is a crime*", ANACNA goes back to the motivations delivered on April by the Cagliari Court of Appeal with a document aiming to analyze in depth its contents.

Aerohabitat CentroStudi
(P.O. Box) C.P. 182 - 00125 Roma - Sede via Achille Funi 40 - 00125 Roma - Italy

Cell: 338/7047363-338/7047364 - e-mail: ahmain@aerohabitat.org / ahmain@aerohabitat.eu
web: www.aerohabitat.eu www.aerohabitat.org - C.F. 03856251008 - P.I. 03856251008

Keeping in mind the overall ATM community as well as the citizens expectations, we hope this contribute will be of some help to better understand this disconcerting story.

Attached to this letter, this document is also available for download from the following link:
http://www.anacna.it/documents/Cagliari/2010_06_28_Comm_Motiv_sent_app_LIEE_en.pdf

Rome, 19/07/2010

Yours sincerely,
Bruno Barra ANACNA President



2

ANACNA (the Italian national association of Assistants and Air Traffic Controllers) is the only technical-professional body of air traffic control in Italy not pursuing any political, trade union nor profit scopes. It gathers a thousand of professionals, civil and military, controllers and assistants. ANACNA cooperates with all the bodies and organizations operating in the field of air traffic management aiming at the safety and efficiency of air navigation and the development of the methods and procedures related to a safe, economic and orderly air flow in Italy, as well. ANACNA is also very much active in the international field being in partnership with IFATCA, the International Federation of air traffic controller, since 1964.

23 luglio 2010