



Safety recommendation no. 536

Date of the publication	18.12.2017
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Safety deficit	<p>Shortly before 19:05 on 26th August 2016, the pilot of the Robin DR 400/180 R aircraft registered as HB-EQN took off for a sightseeing flight with three passengers on board at maximum engine power and into a light headwind. Immediately after taking off, the aircraft began to bank to the left with a high angle of attack and hardly gained any altitude. Owing to a drift to the left over sloping terrain, the flight phase at an unstable speed rapidly worsened outside of the ground effect, with the result that the aircraft stalled, tilted over the left wing and, from a low altitude, crashed onto the hard, dried-out soil of a sunflower field.</p> <p>As a consequence of the pitching motion of the aircraft that occurred on impact, the occupants sustained injuries of varying severity depending on the restraint systems fitted to the respective seats:</p> <ul style="list-style-type: none">• Thanks to the 4-point belt system installed and worn, the pilot did not suffer any head injuries.• The passengers sustained serious back and head injuries; in the case of the female passenger in the front, right-hand seat, the impact of her head against the instrument panel resulted in a very severe traumatic brain injury and led to her death a few days later. <p>The STSB established that – as part of the adopted EU regulation 2016/1199 – the revised requirement, which makes only a 3- or 4-point restraint system mandatory for aircraft with a certificate of airworthiness dated from 25th August 2016 onwards, represents a clear backward step in respect of the protection from serious physical injuries afforded to aircraft occupants. Equally, against this backdrop, the function of the occupants is irrelevant and the restriction on flight crew seats following the introduction of EU regulation 965/2012, which entered into force on 28th October 2012, for 'Non-Commercial Air Operations with Other-Than-Complex Motor-Powered Aircraft [PART-NCO]' is inexplicable.</p>
Safety recommendation	<p>The European Aviation Safety Agency (EASA) should take measures to ensure that all those on board, particularly those on the front seats, are protected from significant injuries to the head and upper body.</p>
Addressees	EASA Europäische Agentur für Flugsicherheit
Stage of the implementation	<p>Not implemented. In a letter dated 8 February 2018, the European Aviation Safety Agency (EASA) responded that the requirements stipulated in the federal aviation requirements (FAR) and certifications standards (CS) are identical, and concern design specifications, which must be observed as part of the certification of</p>

an aircraft. Irrespective of these certification criteria however, the STSB considers the revised requirement as part of the issued EU Regulation 2016/1199 – which makes only a 3- or 4-point restraint system mandatory for aircraft with a certificate of airworthiness dated from 25 August 2016 onwards – as being a clear backward step in respect of the protection from serious physical injuries afforded to aircraft occupants. Equally, against this back-drop, the function of the occupants is irrelevant and the restriction to flight crew seats following the introduction of EU Regulation 965/2012 is not safety conscious. For these reasons, the STSB is of the opinion that the present safety deficit still holds true. Therefore, the safety recommendation is considered as not implemented.

**Investigation report concerning
the safety recommendation**

Vorbericht
