

## BULLETIN

### AIRCRAFT ACCIDENT INVESTIGATION BOARD/NORWAY (TRANSLATED FROM NORWEGIAN)

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#### Aircraft

- type & reg.: MD-11, OH-LGA and two SU-27 K  
Radio call sign: FIN 133 and unknown  
Date and time: 17 March 1996 at 0954 hours  
Location: 65°57'N, 04°40'E, at Bodø OCA fl 310  
Type of occurrence: Aircraft incident, short distance between aircraft (AIRPROX)  
Type of flight: Scheduled flight Helsinki - Miami/military training flight  
Weather cond.: Above clouds, good visibility  
Flight cond.: VMC  
Flight plan: IFR  
Injury: None  
Aircraft damage: None  
Other damage: None  
Information sources: Report from the Finnair pilot-in-command, report from Bodø ACC, report from Trondheim ACC, report from the Russian military attaché, and the AAIB/N's own investigations

All times given in this report is local time, if not otherwise stated.

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#### SUMMARY

Finnair OH-LGA, a MD 11 aircraft on route with identification FIN 133, was on an IFR flight plan from Helsinki in Finland (EFHK) to Miami in Florida (KMIA) at flight level 310 using transponder code A 3046. FIN 133's track went via Trondheim VOR, TRM directly to 64°N 00E/W. FIN 133 had received oceanic clearance from Bodø ATCC as well as information that the scheduled aircraft had been observed on radar, and that unidentified traffic had also been observed on primary radar following FIN 133. The altitude at which the unidentified traffic was flying was unknown. FIN 133 flew into Bodo OCA at position 63°53'N, 004°54'E.

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The Aircraft Accident Investigation Board has compiled this bulletin for the sole purpose of improving flight safety. The object of any investigation is to identify faults or discrepancies which may endanger flight safety, whether or not these are causal factors in the accident, and to make safety recommendations. It is not the Board's task to apportion blame or liability. Use of this report for any other purpose than for flight safety should be avoided.

At 09:54 hours, at position 63°57'N, 004°40'E, FIN 133 observed two SU-27K Russian fighter aircraft. The aircraft were judged to have passed FIN 133 at the same altitude and at a distance of 50-100 metres. This incident took place immediately after the Finnair 133 had left Trondheim's upper control area (UTA) and entered Bodø's oceanic control area (OCA).

FIN 133 reported this to Bodø ATCC and informed them that they would report the incident in writing (AIRPROX).

According to the Russian report, the fighter aircraft came from the aircraft carrier Admiral Kuznetsov. They were under orders from their military commanders to identify a "target" at an altitude of 10,000 metres. Once the "target" was identified as a civil aircraft, the fighter aircraft broke off to the right and continued patrolling. No simulated attack was made at any point and at no time did they come closer than 500 metres to the Finnair aircraft. There was no contact between the Russian aircraft and any Norwegian control authority.

The aircraft were in the Bodø oceanic control area at the time of the incident. Both Trondheim UTA and Bodø OCA are Class A airspace. Distance is to be kept between all IFR aircraft here, and VFR flights are not permitted.

BSL F 1-2, Air Traffic Regulations, section 2.1.2 apply here:

"For flying over areas not subject to any state sovereignty, the regulations laid down in Annex 2 of Article 12 of the Convention on International Civil Aviation Agreement dated 7 December 1944 apply.

Note1 : The agreement, according to Article 3 of the above-mentioned agreement itself, does not apply to state aircraft (aircraft which are used by the military, the customs and the police). However, the agreement binds individual states through the drawing up of regulations for state aircraft to observe proper respect for the navigational safety of civil aircraft."

## **COMMENTS FROM THE ACCIDENT BOARD**

These regulations mean that separation will be kept between IFR traffic in Class A airspace. At the same time, it is possible for uncontrolled, legal, military aircraft to appear in the cleared area.

Bodø ATCC has informed the AAIB/N that there are approximately 2-3 similar episodes a year. These episodes coincide in particular with rather large military exercises.

It is not possible, based on the information given, for the AAIB/N to determine the actual distance between the aircraft. In this case, the military aircraft carried out a

planned identification, and the AAIB/N thus assumes that there was no danger of collision.