

<b>Safety Recommendation Number:</b>	IRLD2021033
<b>AAIU Event Reference:</b>	IRL00917016
<b>AAIU Report Number:</b>	2021-008
<b>Date of Publication of Safety Recommendation:</b>	5 November 2021
<b>Safety Recommendation Status:</b>	Not accepted, closed

### **Safety Recommendation:**

The European Commission should carry out a review of how SAR is managed in EU member states with a view to identifying best practice/minimum safety standards and, as appropriate, promulgating guidance for SAR operations using civil registered aircraft, which at the moment are excluded from Regulation (EU) No 2018/1139 so that an appropriate and uniform level of basic safety will apply in civil SAR operations throughout Europe.

### **Response:**

On 04 February 2022, the European Commission provided the following response to this Safety Recommendation:

"Search and Rescue (SAR) services have been excluded from the scope of Regulation (EU) 2018/1139, also known as 'EASA Basic Regulation', and are exclusively regulated by the Member States. It is therefore incumbent on the Member States to ensure an appropriate level of safety for these operations. For this reason, the services of the European Commission do not consider it appropriate to carry out the suggested review of how SAR are managed in the different EU Member States. It is also not the role of the Commission to promulgate guidance for such operations.

However, it is our understanding that EASA would be willing to discuss with its Member States Advisory Body the possible organisation of a survey on how SAR services are regulated and managed by the EU Member States in order to identify best practices and improve the level of safety applied in civil SAR operations throughout Europe.

In addition, the Commission services would like to point out that Article 2(6) of Regulation (EU) 2018/1139 gives the possibility for the Member States 'to decide to apply any, or any combination, of Section I, II, III, or VII of Chapter III, to some or all activities referred to in point (a) of the first subparagraph of paragraph 3 [e.g. search and rescue operations] and to the personnel and organisations involved in those activities, where it considers that, in light of the characteristics of the activities, personnel and organisations in question and the purpose and content of the provisions concerned, those provisions can be effectively applied."

### **AAIU Comment:**

The AAIU notes the European Commission's response of 04 February 2022.

The AAIU considers the status of this Safety Recommendation to be 'Not accepted, closed'.