

Safety Recommendation Number:	IRLD2021036
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Safety Recommendation Status:	Implemented, closed

Safety Recommendation:

The IAA should ensure that its review procedures, for operators that carry out multiple mission types, particularly where different regulatory regimes are in place, consider and address all aspects of mission differentiation, to ensure that operators are applying full, appropriate regulatory rigour to all flights.

Response:

On 02 February 2022, and in subsequent engagement with the AAIU, the IAA provided the following response to this Safety Recommendation:

"The IAA accepts this safety recommendation.

Background Information:

- *The scope of the European regulatory framework applicable to civil aviation operations excludes certain activities known as Special Operations, including Search and Rescue, aerial firefighting etc. (ref EASA Basic Regulation 2018/1139, Article 2 Paragraph 3(a)). Such activities are subject to the national regulatory framework.*
- *Civil operators that conduct operations under the EU regulatory regime must comply with the EU regulations. If these operators also conduct activities under the national regulatory regime, they must then comply with the national regulations during these activities. The operator needs to ensure that they fully comply with the different conditions that apply under the two different regulatory regimes in respect of the different activities they undertake.*

Actions Taken (SAR):

- *In 2017, the operator clarified the differentiation between SAR and HEMS/air ambulance missions.*
- *The IAA subsequently verified that the SAR operator has suitable procedures in place to implement the different regulatory regimes associated with different mission types.*
- *The IAA reviewed the operator's manuals ensuring clearer distinction between OM-F governing SAR operations (in compliance with the applicable regulatory regime) and OM-A/G governing CAT and HEMS operations (in compliance with the applicable regulatory regimes).*

- *Manual revisions introduced the requirement to conduct a daily shift risk assessment at the commencement of duty.*
- *The IAA has recently updated its internal procedure (FOD.999) for IAA inspectors on the oversight of SAR operators that conduct multi-mission type operations under different regulatory regimes.*

Outstanding Actions (SAR):

- *The IAA's on-going oversight programme will review the operator's differentiation of mission types.*
- *The SAR rules currently in finalisation will require procedures to ensure differentiation of mission types and application of the appropriate regulatory regime. These rules will be published in Q1 2022.*

Wider Applicability of the safety recommendation:

- *The safety recommendation applies in the case of any aviation activity that is excluded from the scope of the civil aviation regulatory framework (ref EASA Basic Regulation 2018/1139, Article 2 Paragraph 3(a)), and carried out by civil aircraft operators.*

Outstanding Actions (Non-SAR):

- *The IAA is currently updating its internal IAA procedure to cover the process for the approval and continued oversight of an operator (non-SAR, e.g. aerial firefighting) subject to the two different regulatory regimes. The update of this procedure will be completed in Q2 2022."*

On 22 December 2022, the IAA provided the following updated response to this Safety Recommendation:

"Background Information:

- *The scope of the European regulatory framework applicable to civil aviation operations excludes certain activities known as Special Operations, including Search and Rescue, aerial firefighting etc. (ref EASA Basic Regulation 2018/1139, Article 2 Paragraph 3(a)). Such activities are subject to the national regulatory framework.*
- *Civil operators that conduct operations under the EU regulatory regime (e.g. HEMS, Air Ambulance) must comply with the EU regulations. If these operators also conduct activities under the national regulatory regime (e.g. SAR), they must then comply with the national regulations during these activities. The operator needs to ensure that they fully comply with the different conditions that apply under the two different regulatory regimes in respect of the different activities they undertake.*

Actions Taken:

- *In 2017, the operator clarified the differentiation between SAR and HEMS/air ambulance missions.*
- *The IAA subsequently verified that the SAR operator has suitable procedures in place to implement the different regulatory regimes associated with different mission types.*
- *The IAA reviewed the operator's manuals ensuring clearer distinction between OM-F governing SAR operations (in compliance with the applicable national regulatory regime) and OM-A/G governing CAT and HEMS operations (in compliance with the applicable EU regulatory regimes).*
- *The National SAR rules (IAA Aeronautical Notice O76, Appendix 1) addresses the distinction between SAR and HEMS operations.*
- *The IAA updated its internal procedure for IAA inspectors on the oversight of SAR operators that conduct multi-mission type operations under different regulatory regimes.*
- *The IAA reviewed other operators that conduct multiple mission types outside of SAR (for example commercial air transport and survey work/firefighting) and in a small number of cases an exemption had been issued for a specific activity. The IAA confirmed that in all cases the exemption was confined to that specific activity and is subject to an ongoing risk assessment by the operator on a flight-by-flight basis."*

AAIU Comment:

The AAIU notes the IAA's response of 02 February 2022.

The AAIU also notes that activities to address this Safety Recommendation are planned during 2022.

The AAIU considers the status of this Safety Recommendation to be 'In Process of Implementation'.

The AAIU notes the IAA's response of 22 December 2022.

The AAIU consider the status of this Safety Recommendation to be 'Implemented, closed'.