

Safety Recommendation Number:	IRLD2021034
AAIU Event Reference:	IRL00917016
AAIU Report Number:	2021-008
Date of Publication of Safety Recommendation:	5 November 2021
Safety Recommendation Status:	Implemented, closed

Safety Recommendation:

The Minister for Transport, should engage with EASA and the European Commission to ensure that an appropriate SAR regulatory framework, and associated guidance material are in place whether by opt-in to Regulation (EU) No 2018/1139, or otherwise.

Response:

On 01 February 2022, and in subsequent engagement with the AAIU, the Department of Transport provided the following response to this Safety Recommendation:

"On behalf of the Minister I would like to convey the following:

This recommendation is accepted.

In 2019 the Department of Transport engaged in discussion with relevant counterparts in the European Commission and the European Union Aviation Safety Agency (EASA) regarding a possible future EU-wide SAR regulation framework. The European Commission and EASA confirmed that EASA does not have competence under the EASA Basic Regulation to develop such a framework. The European Commission will respond directly to the AAIU in this regard.

More recently the Department engaged with the Director General of the Commission's Directorate-General for Mobility and Transport (DGMOVE) and the Management Board of EASA in relation to this and the other related safety recommendations addressed separately to the Commission and EASA.

The Department has also had preliminary discussions with EASA and the Irish Aviation Authority (IAA) in relation to exercising the option in Regulation 2018/1139 on Common Rules in the Field of Civil Aviation to apply certain elements of that Regulation to coast guard and search and rescue aviation activities, activities that are currently outside the EU regulations.

National primary legislation is required for this, and the necessary enabling provisions are in place in the Air Navigation and Transport Bill 2020 which is currently going through the final stages in the Houses of the Oireachtas (Parliament)."

On 19 September 2023, the Department of Transport provided the following update for this Safety Recommendation:

"The European Commission confirmed in its response to IRLD2021033 that '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'. The European Union Aviation Safety Agency (EASA) does not have the competency under the EASA Basic Regulation to develop a EU-wide SAR regulation framework. However, following engagement at both member state and technical level by officials from the Department of Transport and the Irish Aviation Authority (IAA), EASA recently agreed to the development of guidance material to assist member states. A working group of member states, chaired by the IAA, will draft guidance material and proposed standards for the conduct and oversight of SAR operations by commercial civil helicopter operations in Europe. Terms of reference for the working group are currently being drafted by the IAA and it is anticipated that the work of the working group will be completed by end of Q2 2024.

The process of developing draft guidance material at a European level is now underway at a technical level. The Department will closely monitor the developments in this area which may take a number of years to be adopted by EASA.

At national level the IAA, in collaboration with the Department, has put in place a national SAR regulatory framework, including guidance material, through Aeronautical Notice O.76 (The Conduct of Search and Rescue (SAR) Operations in Ireland). The IAA and the Department will continue to develop and enhance this framework."

AAIU Comment:

The AAIU notes the Minister's response of 01 February 2022.

The AAIU considers the status of this Safety Recommendation to be 'In process of implementation'.

The AAIU notes the Minister's response of 19 September 2023.

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