



SAR Inspectors Ireland – Oversight of Coast Guard Aviation Services

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Irish Aviation Authority

Agenda:

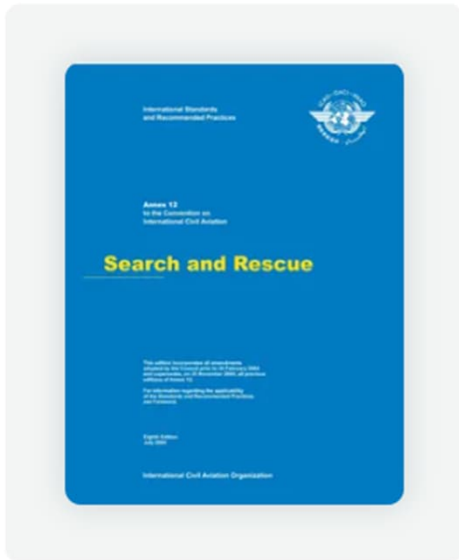
- International Regulation.
- IAA Approach.
- National Legislation.
- Training.
- Case Study – IAA experience – Tom O'Connor.



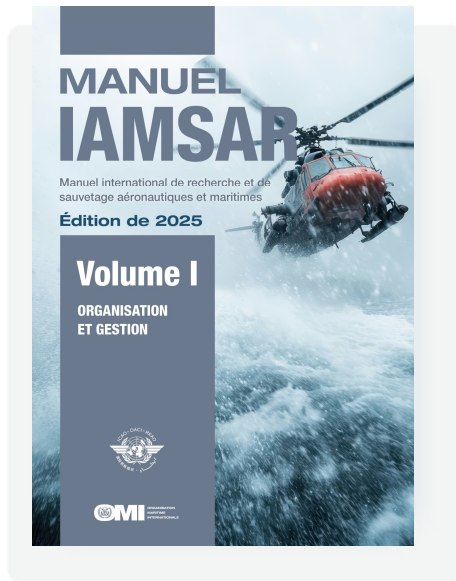
Chicago Convention

Article 25 Aircraft in distress

Each contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to control by its own authorities, the owners of the aircraft or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances. Each contracting State, when undertaking search for missing aircraft, will collaborate in coordinated measures which may be recommended from time to time pursuant to this Convention.



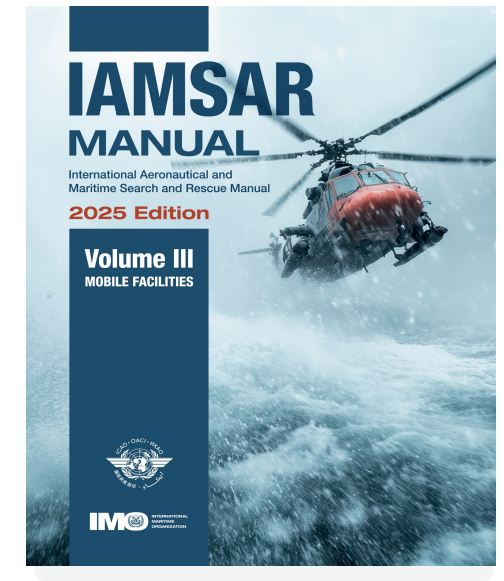
Annex
Annex 12 - Search And Rescue
9th Edition 2024



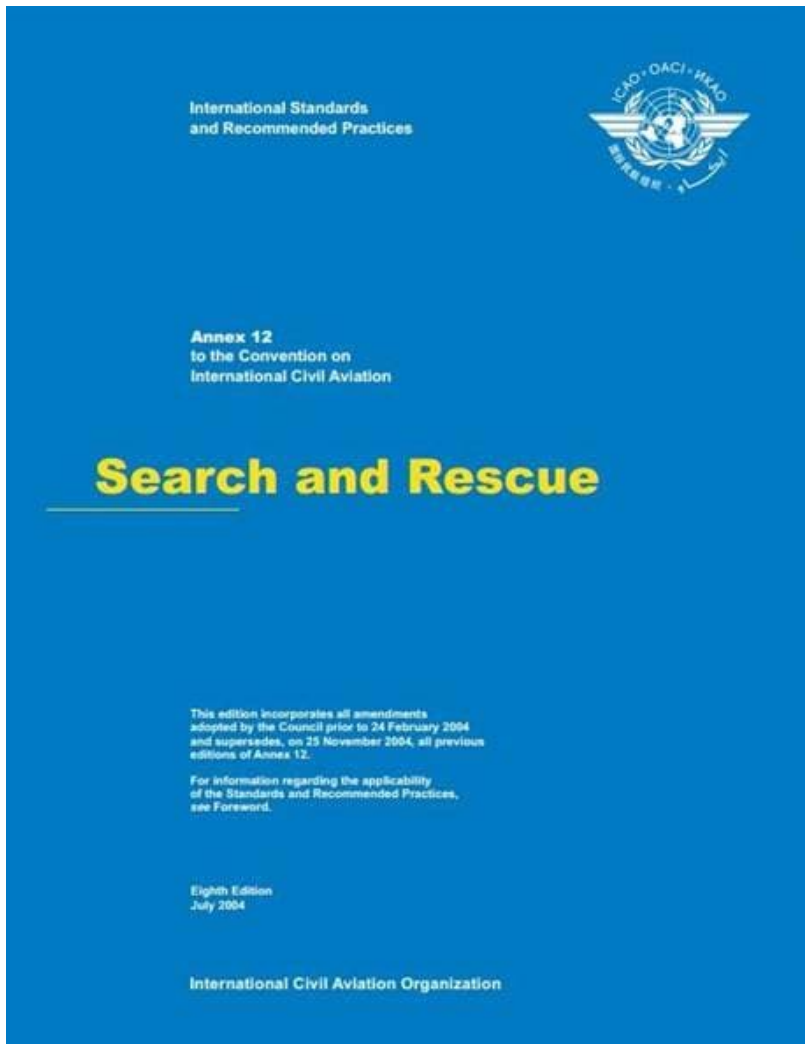
Manual
International Aeronautical and Maritime Search And Rescue Manual - Volume I - Organization & Management (Doc 9731-1)
Edition 2025



Manual
International Aeronautical And Maritime Search And Rescue Manual - Volume II - Mission Co-Ordination (Doc 9731-2)
Edition 2022



Manual
International Aeronautical And Maritime Search And Rescue Manual - Volume III - Mobile Facilities (Doc 9731 - Volume 3)
Edition 2025



Current Edition:

Search and rescue aircraft. An aircraft provided with specialized equipment suitable for the efficient conduct of search and rescue missions.

2.6.3 Each search and rescue aircraft shall be equipped to be able to communicate on the aeronautical distress and on-scene frequencies and on such other frequencies as may be prescribed.

2.6.4 Each search and rescue aircraft shall be equipped with a device for homing on distress frequencies.

Note 1. — Emergency locator transmitter (ELT) carriage requirements are given in Annex 6, Parts I, II and III.

Note 2.— Specifications for ELTs are given in Annex 10, Volume III.

2.6.5 Each search and rescue aircraft, when used for search and rescue over maritime areas, shall be equipped to be able to communicate with vessels.

Chicago Convention

Article 3 Civil and state aircraft

- a) This Convention shall be applicable only to **civil aircraft**, and shall not be applicable to state aircraft.
- b) Aircraft used in military, customs and police services shall be deemed to be state aircraft.
- c) No state aircraft of a contracting State shall fly over the territory of another State or land thereon without authorization special agreement or otherwise, and in accordance with the terms thereof
- d) The contracting States undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft.

ARTICLE 3 OF THE CHICAGO CONVENTION

JIRI HORNIK

Article 3 of the Chicago Convention

A. INTRODUCTION

Article 3 of the Chicago Convention is one of its most controversial provisions. The aim of the article is delimiting the scope of the Convention, which was drafted and subsequently adopted as the 'Convention on Civil Aviation'. Thus, Article 3 (a) explicitly excludes from the application of the Convention State aircraft the legal framework of which was left behind in favour of national legislation. However, where should a line be drawn between civil and State aviation, i.e. the line that would state that a particular aircraft should be operated under either a uniform international regime or under non-uniform national legal frameworks? It is submitted that Article 3 (b) is due to take the place of the provision that will solve this question. Nevertheless, interpretation of the given paragraph of Article 3 varies and the paragraph is attributed with different roles. Therefore, one faces difficulty in determining whether the Chicago Convention clearly states what its scope is. The present state of confusion in the interpretation of paragraphs (a) and (b) is strengthened by the existence of paragraphs (c) and (d), which contain regulatory provisions for State aircraft, though it is excluded from the application of the Convention.

The aim of this paper is to thoroughly analyze Article 3 in order to find the best way of interpreting it. This is the only way a higher degree of legal certainty can be reached and confusion in the legal status of aircraft be eliminated. A question will however be raised at the end, whether international regulation of only some aircraft which navigate in airspace is sufficient, when the remaining aircraft, though navigating the same airspace, are not bound by this regulation, and in many cases not regulated at all. The answer to this question should be sought particularly with regard to the safety of navigation.

B. DEVELOPMENT OF DUALISM

1. Early Drafts

Since the first balloon took off, it was more than clear that this device would not be used only for civil purposes. The advantages of the balloon were within a very

AIR & SPACE LAW, VOL. XXVIII (JUNE 2002)

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International Standards
and Recommended Practices



This edition supersedes, on 8 November 2018, all previous editions of Part II of Annex 6.

For information regarding the applicability of the Standards and Recommended Practices, see Foreword.

INTERNATIONAL CIVIL AVIATION ORGANIZATION

Aerial work. An aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement, etc.



EASA and SAR

2018/1139 Article 2: Scope

3. This Regulation shall not apply to:
 - (a) aircraft, and their engines, propellers, parts, non-installed equipment and equipment to control aircraft remotely, while carrying out military, customs, police, search and rescue, firefighting, border control, coastguard or similar activities or services under the control and responsibility of a Member State, undertaken in the public interest by or on behalf of a body vested with the powers of a public authority, and the personnel and organisations involved in the activities and services performed by those aircraft;



Search and Rescue aircraft in Ireland

Historically SAR aircraft operated by Irish Military Aircraft
Military Aircraft = State Aircraft

1999 - Experienced a fatal SAR aircraft accident – R111
25 Safety Recommendations

http://www.aaiu.ie/sites/default/files/report-attachments/13091-REPORT_2000_011-0.PDF



Search and Rescue aircraft in Ireland

- 2003 - CHC contracted to provide SAR Services.
Air corps withdraw – no State aircraft involved
Aircraft contracted by Irish Coast Guard service
- 2017 – CHC experienced a fatal SAR aircraft accident – R116.
42 Safety Recommendations
 - Conduct review of oversight of SAR aviation activities
 - EU consider regulation of SAR operations



<http://www.aaiu.ie/sites/default/files/report-attachments/Final%20Report.pdf>

Safety Recommendations on SAR Oversight

IRLD2021030:

The IAA should review its arrangements, guidance and procedures for overseeing civilian operators providing SAR services within the State, ...

IRLD2021032:

The Minister for Transport should institute a detailed review of the IAA's regulatory and oversight mechanisms to ensure that they are sufficiently robust and comprehensive, and that interfaces and delineation of responsibilities are clearly defined and understood by the IAA and the entities it regulates.



Safety Recommendation European Commission

IRLD2021033:

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.

IRLD2021034:

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.



SAR Operations



- Not State Flights nor State Aircraft therefore civil aviation rules apply.
- ICAO regulation recognises that SAR operations can be civil aviation.
- EU Basic Regulation excludes SAR.
- Therefore, SAR must be regulated nationally.

National SAR Plan

- Policy in relation to SAR activities in Ireland.
- IAA to establish an equivalent framework to Part-SPA (Subpart SAR), which establishes appropriate guidance and alleviations from EASA regulations to allow SAR operational flights and SAR training flights to operate as a State activity.



EASA HEMS

- EASA has amended the definition of ‘HEMS flight’.
- Includes mountain rescue and other rescue operations that are not considered SAR operations.
- EASA’s published Regulations, for those activities or services that do fall within the scope of the Basic Regulation, also recognise that SAR operations are excluded from the scope of the EASA framework.

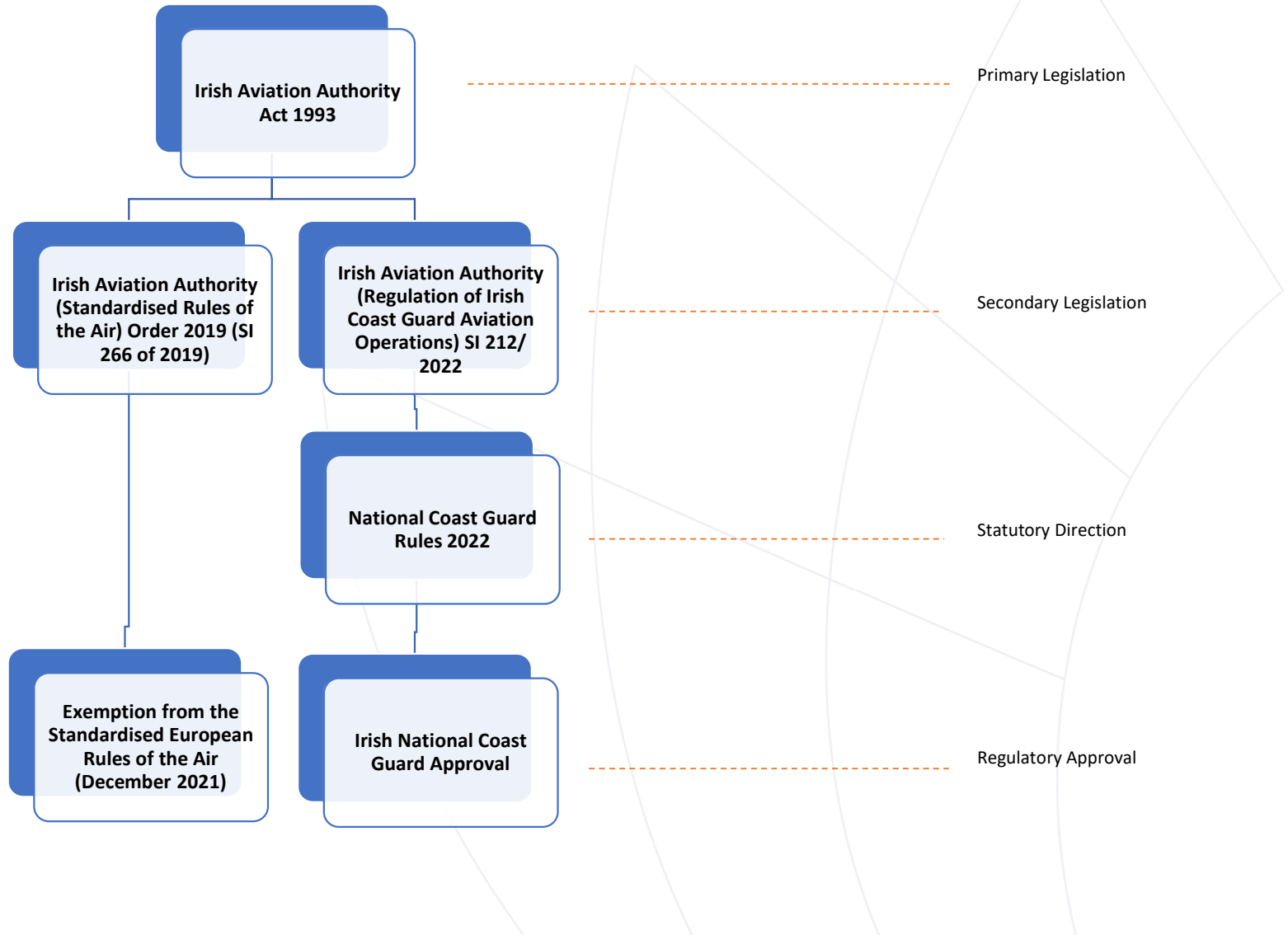


SAR Legislation

- SI 212 and ON 76
- SAR operational flights and SAR training flights
- Remaining operational flight types fall within the scope of the Basic Regulation.
- Increased level of risk is only accepted by the State for SAR Operational flights and SAR training flights as outlined in the National SAR policy.



The Regulation of Search and Rescue in Ireland post to S.I. 212/2022 simplified





Competence of Inspectors

- **ICAO Doc 9734 Safety Oversight Manual**
 - States must ensure inspectors have minimum professional qualifications and receive initial and recurrent training.
- **ICAO Doc 8335 Manual of Procedures for Operations Inspection, Certification and Continued Surveillance**
 - Emphasizes structured training programs for inspectors performing certification and surveillance tasks.
- **EASA – Regulation (EU) 965/2015**
ARO.GEN.200(a)(2) Management system
 - Requires that all Inspectors are appropriately trained and qualified for their roles

Training

- **Gap Analysis**
 - Search and Rescue oversight.
 - Fatigue risk management system oversight.



Training Providers

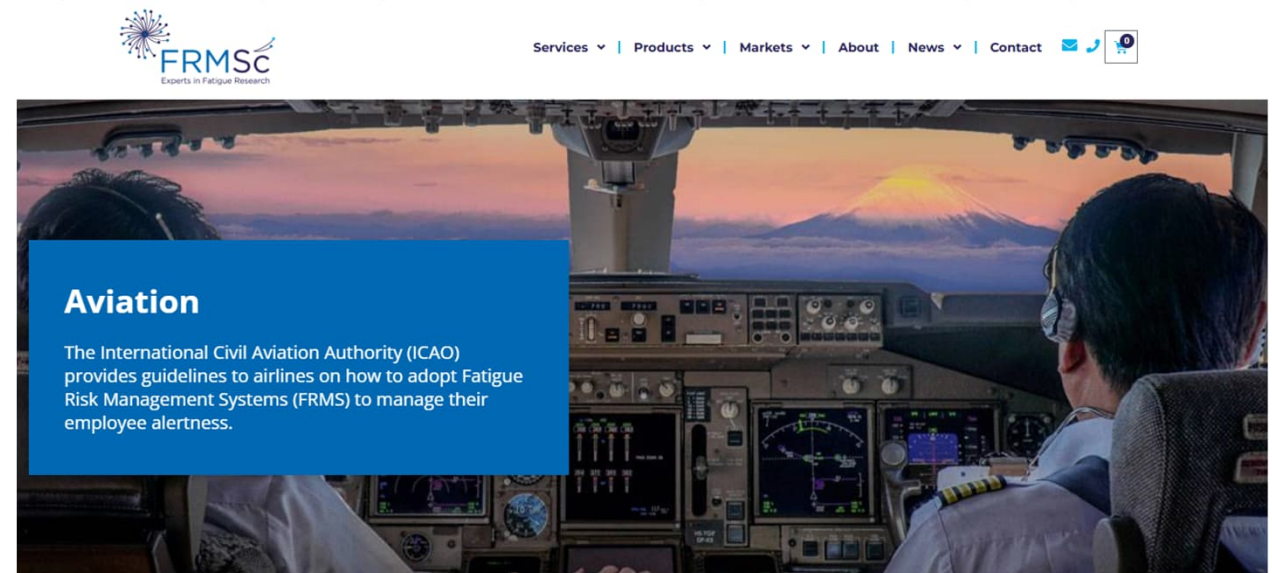
Search and Rescue International

- Provide specialised training programs for regulators and competent authorities involved in SAR oversight and compliance. Designed to help Civil Aviation Authorities and national aviation authorities develop robust SAR frameworks and conduct effective oversight.



FRMSc

- Provide specialised training to develop and implement fatigue management programmes to be included in regulation. FRMS reduces the risk of incidents caused by fatigue and tiredness.



Search and Rescue International

Effective SAR Oversight - 3 days of training

- SAR systems.
- Case studies.
- SAR oversight – System development.
- Mission creep.
- AOC compliance.
- Inspector competence.
- Tasking agency requirements.
- SAR oversight – Oversight programme.
- Hazard ID.
- Risk Assessment.
- Risk mitigation.



<https://www.searchandrescueinternational.com/>

FRMSc

Effective FRMS- 3 days of training

- ICAO SARPS.
- EASA framework.
- FRMS approval process.
- FRMS oversight.
- Fatigue risk assessment
- Fatigue science and its application in aviation.
- Tools for measuring and monitoring fatigue.
- Countermeasures.
- Health effects.
- Training.



<https://www.frmsc.com/>

IAA Coast Guard Aviation SAR and FRMS Project.

Capt. Tom O'Connor



Questions?

