



An Roinn Gnóthaí Eachtracha agus Trádála
Baile Átha Cliath 2

Department of Foreign Affairs and Trade
Dublin 2

30 October 2015

Our Ref: FoI/Req/2015/097

Mr. Wayne O'Connor,

Dear Mr. O'Connor,

I refer to the request which you have made under the Freedom of Information Act 2014 for access to records held by this Department, as follows:

1. **The total number of foreign military aircraft given permission to use/fly over Irish airspace in each month of 2014 and from January 1, 2015 to the date of this letter.**
2. **A list of the unarmed foreign military aircraft who used Irish airspace in the timeframe above that includes the flight details for each of the aircraft. This should include:**

The nationality of military operating the aircraft

The time spent in Irish airspace

The departure point and destination of the aircraft

The reasons the aircraft was using Irish airspace,

If the flight was given permission to enter/use Irish airspace and Information on what was on board each flight.

3. **The number of foreign military flights that were arranged without permission from Irish authorities during each month over the same period (2014 and January 1, 2015 to the date of this letter).**

I refer also to the acknowledgement of your request which was sent to you on 12 October 2015.

I have identified 2 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant both of the records.

Schedule of records

A schedule is enclosed with this letter, it shows the documents that this body considers relevant to your request.

I would like to take this opportunity to provide information on the legislative provisions and policy under which this Department operates with regard to the requests from foreign military aircraft to overfly Ireland.

Legislative provisions

The Air Navigation (Foreign Military Aircraft) Order 1952 gives the Minister for Foreign Affairs primary responsibility for the regulation of activity by foreign military aircraft in Ireland and in Irish airspace. The Order provides that no foreign military aircraft shall fly over or land in the State without the express invitation or permission of the Minister. It further provides that the aircraft shall comply with such stipulations that the Minister may make.

Policy

Applications for permission for foreign military aircraft to overfly Ireland are required to include stipulations that the aircraft must be unarmed, carry no arms, ammunition or explosives and must not engage in intelligence gathering. Furthermore, applications must also specify the flights in question must not form part of military exercises or operations. These conditions are applied to ensure compatibility with Ireland's longstanding policy of military neutrality which is characterised by non-participation in military alliances. This policy provides a context within which requests for overflights and landings are considered by the Department of Foreign Affairs and Trade.

It is also a policy of the Department that permissions specify that flights comply with all normal flight planning procedures. Routing through Irish airspace and duration of time spent in Irish airspace consequent on the routing are thus matters for Air Traffic Control.

Flights without permission


The Department is not aware of any foreign military overflying Ireland that were arranged without permission in the period in question. However, there were flights in airspace for which Ireland provides air navigation services. Parliamentary Questions on those flights were asked in February 2015. While this information is already in the public domain and outside the remit of the FoI Act, I have included a copy of the Minister's reply for your ease of reference.

Right of Appeal

Should you wish to appeal this decision, you may do so in writing to the Freedom of Information Unit, Department of Foreign Affairs and Trade, 76-78 Harcourt Street, Dublin 2 or by email to foi@dfat.ie. A fee applies for an appeal for access to non-personal information; the level of this fee has been set at €30. For methods of payment, please contact FOI Unit at foi@dfat.ie, or 01-4082857.

You should make your appeal within 4 weeks (20 working days) from the date of this notification. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this Department.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Robert Jackson', is written over a horizontal line.

Robert Jackson
Responding Officer