

20 April 2021

Mr. Dan Dowling
Our Ref: FOI/Req/21/079

Dear Mr. Dowling

I refer to your FoI request received on 24 March 2021, made under the Freedom of Information Act 2014, seeking access to records held by this Department, as follows:

'....in tabular form a list of all landings of American military aircraft in Shannon by day for the month June of 2017 in the form suggested

Date US Military Landings

<i>01/06/2017</i>	<i>1</i>
<i>04/06/2017</i>	<i>1</i>
<i>10/06/2017</i>	<i>3</i>

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The Department of Foreign Affairs keeps records of diplomatic clearance *requests* submitted to seek permission for landings of foreign military aircraft. The requests specify the intended date of landing. Records of the actual landing dates are not within the scope of this Department.

With regard to diplomatic clearance requests for US military aircraft in June 2017, I have identified one record that falls within the scope of your request. This is a list in tabular form of diplomatic clearance requests; the dates reference the intended dates of the landings for which the permission is sought. The record is listed in the schedule attached. I have made a decision to grant access to this record.

Legislative provisions and policy

I would like to take this opportunity to outline the legislative provisions and policy under which this Department operates with regard to the requests of overflights or landings of foreign military aircraft in Ireland.

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.

Applications for permission for foreign military aircraft to overfly Ireland are routinely required to include confirmation that the aircraft meets specific criteria; namely that the aircraft is unarmed, carry no arms, ammunition or explosives; and must not engage in intelligence gathering. Furthermore, applications must also specify that the flights do not form part of a military exercise or operation. 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 landing permissions are considered by the Department of Foreign Affairs.

Right of Appeal

Should you wish to appeal this decision, you may do so in writing to

Freedom of Information Unit,
Department of Foreign Affairs,
76-78 Harcourt Street,
Dublin 2

or by sending an email to foi@dfa.ie

A fee applies for an appeal for access to non-personal information; the level of this fee has been set at €30. (€10 for medical card holders). A copy of the medical card should be provided to avail of the reduced fee. For methods of payment, please contact FOI Unit at foi@dfa.ie

You should make your appeal within 4 weeks (20 working days) from the date of this notification. However, the making of a late appeal maybe 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

Eddie Brannigan
International Security Policy Unit
Department of Foreign Affairs