

Annex to draft decision 20xx/xxx/R

'AMC and GM to Part-ARO — Issue 3 — Amendment x'

The Annex to Decision 2014/025/R is hereby amended as follows:

The text of the amendment is arranged to show deleted, new or amended text as shown below:

1. deleted text is marked with ~~strike through~~;
2. new or amended text is highlighted in grey; and
3. an ellipsis (...) indicates that the remaining text is unchanged in front of or following the reflected amendment.

(...)

- (1) **The new *AMC1 ARO.RAMP.106(a)*, on ramp inspections including alcohol testing, is inserted.**

AMC1 ARO.RAMP.106(a) Alcohol testing

GENERAL

- (a) Where the ramp inspection programme includes alcohol testing of a flight or cabin crew member during the performance of any flight-related activities, the following should apply:
 - (1) the testing method should be non-invasive, e.g. by using a breath alcohol analyser, transdermal alcohol sensors or skin contact biosensors;
 - (2) in case of a breath alcohol analyser, the alcohol level should not exceed the lower of the national requirements or 90 µg/L in the breath;
 - (3) the testing methodology should apply recognised quality standards in accordance with applicable national legislation on alcohol testing of individuals;
 - (4) ramp inspectors conducting the test should be adequately trained and qualified;
 - (5) appropriate screening devices should be approved according to applicable national legislation on alcohol testing of individuals; and
 - (6) procedures should specify the handling of test results, in order to determine the true positives, and the process to be followed in case of a confirmed positive test result.
- (b) In case of a blood test to confirm a positive alcohol test, the blood alcohol level should not exceed the lower of the national requirements or 0.2 per thousand.

- (2) **The new *GM1 ARO.RAMP.106(a)*, on how to conduct an alcohol test, is inserted.**

GM1 ARO.RAMP.106(a) Alcohol testing

CONDUCT OF THE ALCOHOL TEST

- (a) Although being part of the ramp inspection programme, alcohol tests should preferably be conducted before reporting for or resuming duty, e.g. in the crew room. If tests are performed on

board the aircraft, the inspector should ensure a test environment avoiding any exposure to passengers.

- (b) In case of a first positive test, the confirmation test, using an evidential breath test (EBT) should be conducted at least 15 minutes, but not more than 30 minutes, after the completion of the initial test. The 15-minute delay prevents any accumulation of alcohol in the mouth from leading to an artificially high reading.
- (c) A refusal by the crew member to cooperate during an alcohol test should be considered as a refusal to grant access in accordance with ORO.GEN.140 (in case of an EU operator) or with Regulation (EU) No 452/2014 (in case of a third-country operator).

(3) The new *AMC1 ARO.RAMP.106(b)*, on the role of the Agency in developing a prioritisation list for alcohol testing, is inserted.

AMC1 ARO.RAMP.106(b) Alcohol testing
PRIORITISATION LIST FOR ALCOHOL TESTING

When conducting the risk assessment to assess European and third-country operators for the prioritisation of alcohol testing, the Agency should assess the robustness and effectiveness of operator testing programmes.

(4) *AMC1 ARO.RAMP.135(b)* is amended to ensure that after a confirmed positive test the operator is required to replace before departure a crew member, who has been positively tested and identified to be under the influence of psychoactive substances.

AMC1 ARO.RAMP.135(b) Follow-up actions on findings
CLASSES OF CATEGORY 3 FINDINGS

- (a) In the case of a category 3 finding, the action(s) taken before departure of the aircraft should be verified.
- (...)
- (c) Whenever the operator is required to take corrective actions before departure (Class 3b), inspectors should verify that the operator has taken such actions. Examples of immediate corrective actions to be taken before departure are:
 - (1) (temporary) repairs to defects according to the manufactures definitions (e.g. AMM and/or SRM);
 - (2) recalculation of mass and balance, performance calculations and/or fuel figures;
 - (3) a copy of a missing licence/document to be sent by fax or other electronic means;
 - (4) proper restraining of cargo; and
 - (5) removal from duty of a crew member who has been identified to be under the influence of psychoactive substances after a confirmed positive test.

If inspectors have imposed corrective actions, they should be mentioned in the 'Class of actions' field on the Ramp inspection report. If the operator took voluntarily corrective actions to address a category 1 or a category 2 finding before the flight, it should be reported in the 'Additional information' field only.

(...)

- (5) **AMC4 ARO.RAMP.115(b)(2)**, containing the **CHECKLIST ON-THE-JOB TRAINING OF INSPECTORS**, is amended to include training of the inspector on alcohol testing.

AMC4 ARO.RAMP.115(b)(2) Qualification of ramp inspectors
CHECKLIST ON-THE-JOB TRAINING OF INSPECTORS

On-the-Job Training of Ramp Inspection Inspectors				
Competent Authority		Senior Ramp inspector:		
Name of trainee:		Place:		
Date:		Ramp Inspection Number:		
Operator:		A/C Registration:	A/C Type:	
A	Flight deck	Check: (Description/ notes)	Observation	Under Supervision
(...)	(...)	•		
Flight crew				
20	Flight crew licence/composition/ alcohol testing	<ul style="list-style-type: none"> • On-board • Form/content/English translation when needed • Validity • Ratings (appropriate type) (pilot-in-command (PIC)/ATPL) • Pilots' age • Possible difference with ICAO Annex 1 (concerning the age of pilots) • In case of validation (all documents needed) • Medical assessment/ check interval • Spare eye glasses if applicable • Minimum flight crew requirements • Alcohol testing 	<input type="checkbox"/>	<input type="checkbox"/>
		Note:		
(...)	(...)			

The Annex to Decision 2014/015/R is hereby amended as follows:

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(...)

Annex to draft decision 20xx/xxx/R

'AMC and GM to Part-CAT — Issue 2 — Amendment x'

- (6) **The new AMC1 CAT.GEN.MPA.170(b), on the policy and procedures to prevent misuse of psychoactive substances, is inserted.**

AMC1 CAT.GEN.MPA.170(b) Psychoactive substances

POLICY AND PROCEDURES ON PREVENTION OF MISUSE OF PSYCHOACTIVE SUBSTANCES

(a) The operator should provide training and/or educational material on:

- (1) the effects of psychoactive substances on individuals and on flight safety;
- (2) established procedures within the organisation to prevent misuse of psychoactive substances;
- (3) individual responsibilities with regard to applicable legislation and policies on psychoactive substances; and
- (4) assistance provided by support programmes and peers.

(b) The operator's policy on prevention of the misuse of psychoactive substances should ensure that flight and cabin crew, as well as other safety-sensitive personnel are dealt with in a consistent, just and fair manner as regards the prevention and detection of misuse of psychoactive substances.

- (7) **The new AMC2 CAT.GEN.MPA.170(b), on the policy to prevent misuse of psychoactive substances, detailing the cases when testing on psychoactive substances is called for, is inserted.**

AMC2 CAT.GEN.MPA.170(b) Psychoactive substances

POLICY TO PREVENT MISUSE OF PSYCHOACTIVE SUBSTANCES

The operator's policy should ensure testing for psychoactive substances in the following cases:

- (a) upon employment by the operator;
- (b) after a serious incident within the meaning of Regulation (EU) No 996/2010 unless there are objective and clear indications that the causes of the event are obviously free from any human factor contributor;

- (c) after an accident within the meaning of Regulation (EU) No 996/2010;
- (d) with due cause, e.g. following reasonable suspicion based on an assessment of appropriately trained personnel; and
- (e) as part of a follow-up after rehabilitation and return to work.

(8) The new **AMC3 CAT.GEN.MPA.170(b)**, referring to the purpose of unannounced testing of crew members after rehabilitation and return to work, is inserted.

AMC3 CAT.GEN.MPA.170(b) Psychoactive substances

UNANNOUNCED TESTING OF CREW MEMBERS AFTER REHABILITATION AND RETURN TO WORK

Unannounced testing of crew members as part of a follow-up after rehabilitation and return to work should:

- (a) mitigate the risk that misuse of psychoactive substances remains undetected and endangers the safety of the aircraft or its occupants; and
- (b) demonstrate that return to work after rehabilitation does not endanger the safety of the aircraft or its occupants.

(9) The new **GM1 CAT.GEN.MPA.170(b)**, referring to existing ICAO guidance on misuse of psychoactive substances, is inserted.

GM1 CAT.GEN.MPA.170(b) Psychoactive substances

POLICY AND PROCEDURES ON PREVENTION OF MISUSE OF PSYCHOACTIVE SUBSTANCES

(a) Guidance for the development and implementation of the policy on prevention of misuse of psychoactive substances is contained in ICAO Doc 9654 'Manual on Prevention of Problematic Use of Substances in the Aviation Workplace', First Edition - 1995, and in particular:

- (1) Attachment A (pp. 27–34) as regards elements for the definition and the implementation of the policy and the programme;
- (2) Chapter 3 (pp. 9–12) as regards the identification, treatment, and rehabilitation of staff, with related supporting material, available in attachment C (pp. 61–68); and
- (3) Attachment D (pp. 69–75) as regards the employment consequences of problematic use of substances.

TRAINING AND EDUCATION PROGRAMMES

(b) Guidance for the development and implementation of training and education programmes is contained in ICAO Doc 9654 'Manual on Prevention of Problematic Use of Substances in the Aviation Workplace', First Edition — 1995, and in particular:

- (1) Chapter 2 (pp. 6–7) as regards the education of the workforce and educational material, with related supporting material available in Attachment A (pp. 35–48); and

(2) Attachment B (pp. 49–59) and Attachment F (pp. 87–94) which includes extracts from ICAO Doc 8984 ‘Manual of Civil Aviation Medicine’.

- (10) The new **GM2 CAT.GEN.MPA.170(b)**, referring to unannounced testing of crew members after rehabilitation and return to work, is inserted.

GM2 CAT.GEN.MPA.170(b) Psychoactive substances

UNANNOUNCED TESTING OF CREW MEMBERS AFTER REHABILITATION AND RETURN TO WORK

Unannounced testing of crew members as part of a follow-up after rehabilitation and return to work may be performed either by a support programme, if it includes a programme to deal with past substance abuse problems, or as part of the operator policy to prevent misuse of psychoactive substances.

- (11) The new **GM3 CAT.GEN.MPA.170(b)**, referring to other forms of random testing of crew members, is inserted.

GM3 CAT.GEN.MPA.170(b) Psychoactive substances

RANDOM TESTING OF CREW MEMBERS

Nothing should prevent an operator from implementing a random testing programme, in order to mitigate the risk that misuse of psychoactive substances remains undetected and endangers the safety of the aircraft or its occupants.

- (12) The new **GM4 CAT.GEN.MPA.170(b)**, referring to coordination between a support programme, the operator and the licensing authority in case of a confirmed positive test result, is inserted.

GM4 CAT.GEN.MPA.170(b) Psychoactive substances

COORDINATION BETWEEN COMPETENT AUTHORITY, OPERATOR AND SUPPORT PROGRAMME IN CASE OF A CONFIRMED POSITIVE TEST RESULT

In case of a confirmed positive test, an agreement should be in place between the operator, the competent authority and the support programme on how to react to a safety threat.

- (13) The new **AMC1 CAT.GEN.MPA.170(c)**, on the mechanisms of an objective, transparent and non-discriminatory testing procedure, is inserted.

AMC1 CAT.GEN.MPA.170(c) Psychoactive substances

OBJECTIVE, TRANSPARENT AND NON-DISCRIMINATORY TESTING PROCEDURE

The operator’s objective, transparent and non-discriminatory testing procedure should specify:

- (a) means to ensure confidentiality and protection of data;
- (b) the mechanism and responsibilities for the testing procedure;
- (c) its applicability in terms of timing and suitable locations;
- (d) that the person(s)/body responsible for testing of the individual should be assigned in accordance with the national legislation. The body responsible for testing should be an independent, accredited body using standard guidelines on psychoactive substance testing in line with national requirements;

- (e) the testing process, and in particular:
 - (1) the psychoactive substances to be tested for;
 - (2) the applicable national legislation or use of recognised quality standards applied to the testing methodology;
 - (3) initial screening and confirmation methods, which should be based on different principles of analytical chemistry or different chromatic separations (e.g. first test immunoassay, confirmation gas chromatography); and
 - (4) handling of test results, which should be conducted by impartial and trained personnel, in order to ensure adherence to the procedure, and to determine the true positives;
- (f) cut-off criteria for a positive psychoactive substance test;
- (g) the process to be followed in case of a confirmed positive test result, including referral to a support programme, where available, and removal of the person from duty; and
- (h) the internal appeal process.

(14) The new *AMC1 CAT.GEN.MPA.175(b)*, detailing the basic principles of a psychological assessment before commencing line flying, is inserted.

**AMC1 CAT.GEN.MPA.175(b) Endangering safety
PSYCHOLOGICAL ASSESSMENT**

- (a) The psychological assessment should be:
 - (1) part of the pilot recruitment process;
 - (2) adapted to the particularity, the complexity and the challenges of the operational environment that the flight crew is likely to be exposed to, resulting from a job analysis identifying the safety-critical dimensions related to the position and the role within the company;
 - (3) either directly performed, or overseen and validated, by a psychologist, with expertise in the psychological selection of aviation personnel and knowledge of the flight crew's operational environment;
 - (4) undertaken less than 24 months before commencing line flying unless the operator can demonstrate that the psychological assessment undertaken more than 24 months ago is still adequate for the risk mitigation as required by ORO.GEN.200(a)(3). Such demonstration should be based on an updated risk assessment based on data gathered from previous recruitments and continuous human performance monitoring since the last psychological assessment.
- (b) A psychological assessment performed by one operator may subsequently be accepted by a different operator, provided that the latter is satisfied that the assessment meets the conditions of point (a).

- (15) The new **GM1 CAT.GEN.MPA.175(b)**, providing guidance on conducting a psychological assessment, is added.

GM1 CAT.GEN.MPA.175(b) Endangering safety

GUIDANCE ON CONDUCTING A PSYCHOLOGICAL ASSESSMENT

- (a) A psychological assessment performed by or on behalf of an operator should not be considered or conducted as a clinical psychological evaluation of mental fitness.
- (b) When assessing the psychological attributes and suitability of the flight crew in respect of the work environment, the operator should assess the flight crew member's professional motivation, coping with social confrontation, coping with information load, coping with time pressure, frustration tolerance, self-discipline, self-criticism, and safety motivation.
- (c) When establishing the policy on psychological assessment of flight crew, the operator should refer to recognised industry standards and best practices in the field of pilot selection and aptitude testing, such as the IATA 'Guidance Material: 'Guidance Material and Best Practices for Pilot Aptitude Testing'.

- (16) The new **AMC1 CAT.GEN.MPA.175(c)**, to enable certain small operators to conduct an internal assessment instead of a psychological assessment, is inserted.

AMC1 CAT.GEN.MPA.175(c) Endangering safety

INTERNAL ASSESSMENT FOR NON-COMPLEX OPERATORS

An operator may replace the psychological assessment with an internal assessment of the psychological attributes and suitability of the flight crew member in the following cases:

- (a) the operator benefits from high employment stability and a low turnover rate of flight crews; and
- (b) the operator is considered to be a non-complex operator, i.e. when it has a workforce of 20 full-time equivalents (FTEs) or less that are involved in the activity subject to Regulation (EC) No 216/2008 and its Implementing Rules.

- (17) The new **AMC1 CAT.GEN.MPA.215**, referring to the basic principles governing a support programme, is added.

AMC1 CAT.GEN.MPA.215 Support programme

PRINCIPLES GOVERNING A SUPPORT PROGRAMME

Access to a support programme should:

- (a) enable self-declaration or referral in case of a decrease in the flight crew member's medical fitness; and
- (b) if appropriate, allow the flight crew member to receive temporary relief from flight duties and be referred to professional advice.

- (18) The new **AMC2 CAT.GEN.MPA.215**, on the principles applying to a support programme with regard to safeguarding confidentiality and protection of data, is added.

AMC2 CAT.GEN.MPA.215 Support programme
CONFIDENTIALITY AND PROTECTION OF DATA

- (a) Without prejudice to applicable national legislation on the protection of individuals with regard to the processing of personal data and on the free movement of such data, the protection of the confidentiality of data should be a precondition for an effective support programme as it encourages the use of such a programme and ensures its integrity.
- (b) Personal data of flight crew who are enrolled in a support programme should be handled in a confidential, non-stigmatising, and safe environment. A culture of mutual trust and cooperation should be maintained so that the flight crew is less likely to hide a condition and more likely to report and seek help.
- (c) Disclosure of data to the operator may only be granted in an anonymised manner such as in the form of aggregated statistical data and only for purposes of safety management so as not to compromise the voluntary participation in a support programme, thereby compromising flight safety.
- (d) Notwithstanding the above, an agreement with related procedures should be in place between the operator and the support programme on how to proceed in case of a safety concern.

- (19) The new **AMC3 CAT.GEN.MPA.215**, on the elements of a support programme and how it should be linked to the operator's management system, is added.

AMC3 CAT.GEN.MPA.215 Support programme
ELEMENTS OF A SUPPORT PROGRAMME

- (a) A support programme should contain as a minimum the following elements:
 - (1) procedures including education of flight crew regarding self-awareness and facilitation of self-referral;
 - (2) assistance provided by professionals, including mental health professionals with relevant knowledge of the aviation environment and trained peers;
 - (3) monitoring of the efficiency of the programme;
 - (4) monitoring and support of the process of returning to work;
 - (5) management of risks resulting from fear of loss of licence; and
 - (6) a referral system to an aero-medical examiner in clearly defined cases (e.g. medical conditions or safety issues).
- (b) A support programme should be linked to the management system of the operator, provided that data is used for purposes of safety management and is anonymised and aggregated to protect confidentiality.

- (20) The new **AMC4 CAT.GEN.MPA.215**, on the training and educational programme regarding a support programme, is added.

AMC4 CAT.GEN.MPA.215 Support programme

TRAINING AND AWARENESS

- (a) The operator should promote access of all flight crew members to the support programme.
- (b) Peers, as well as professionals, including mental health professionals, involved in the support programme, should receive initial and recurrent training related to their role and function within the support programme.

- (21) The new **GM1 CAT.GEN.MPA.215**, on the importance of a proactive and non-punitive support programme supported by everybody involved, including senior management, is added.

GM1 CAT.GEN.MPA.215 Support programme

PROACTIVE AND NON-PUNITIVE SUPPORT PROGRAMME

A support programme is a proactive and non-punitive programme whereby senior management of the operator, trained peer volunteers and in many cases representative organisations of crew members work together to enable self-declaration, referral, advice, counselling and, where necessary, treatment, in case of a decrease in medical fitness.

- (22) The new **GM2 CAT.GEN.MPA.215**, on means to facilitate trust in a support programme, is added.

GM2 CAT.GEN.MPA.215 Support programme

FACILITATION OF TRUST IN THE SUPPORT PROGRAMME

Essential trust between management and crew is the foundation for a successful support programme.

This trust can be facilitated by:

- (a) establishing a platform for multi-stakeholder participation and partnership in the governance process, involving flight crew representatives from one or more operator, representatives of the relevant operator and, possibly, representatives of the competent authority;
- (b) participation of the flight crew representatives in the design, implementation and operation of the support programme;
- (c) a formal agreement between management and crew, identifying the procedures for the use of data, its protection and confidentiality;
- (d) data protection;
- (e) top management's demonstrated commitment to promote a proactive safety culture;
- (f) a non-punitive operator policy that also covers the support programme;
- (g) support programme management by staff either established within the operator or under the authority of a separate independent organisation available to crews from several operators;
- (h) involvement of persons with appropriate expertise when advising crews (for example, pilot peers with similar cultural backgrounds and staff with medical training in e.g. psychology, etc.);
- (i) a well-structured system to protect the confidentiality of personal data; and

- (j) an efficient communication system that promotes the benefits of the support programme, such as high success rates, temporary relief from duties without fear of dismissal, loss of licence, etc.

(23) The new GM3 CAT.GEN.MPA.215, on how to promote the benefits of a support programme and how to train the mental health professionals involved in a support programme, is added.

GM3 CAT.GEN.MPA.215 Support programme

TRAINING AND AWARENESS

- (a) When promoting the benefits of the support programme, the operator should inform all flight crew members at least on the following elements:
 - (1) information on the high success rates of a support programme;
 - (2) awareness of job stressors and life stressors — mental fitness and mental health;
 - (3) coping strategies;
 - (4) potential effects of psychoactive substances and their use or misuse;
 - (5) medication use (prescribed and over-the-counter medication) to ensure the safe exercise of the privileges of the licence whilst taking medication;
 - (6) early recognition of mental unfitness;
 - (7) principles and availability of peer support; and
 - (8) data protection and confidentiality principles.
- (b) Mental health professionals involved in the support programme and dealing with flight crew should be trained on:
 - (1) psychological first aid;
 - (2) legal requirements regarding applicable data protection requirements; and
 - (3) cases where information should be disclosed due to an immediate and evident safety threat and in the interest of public safety.
- (c) Peers involved in the support programme should receive practically oriented basic training in psychological first aid and regular refresher trainings.

(24) The new GM4 CAT.GEN.MPA.215, on additional elements contributing to a successful support programme, is added.

GM4 CAT.GEN.MPA.215 Support programme

ADDITIONAL ELEMENTS CONTRIBUTING TO A SUPPORT PROGRAMME

When implementing a support programme, the operator should pay attention to the following:

- (a) establishment and verification of operational and data protection procedures;
- (b) selection and training of dedicated and experienced staff;
- (c) offer of motivating alternative positions to flight crew in case a return to in-flight duties is not possible; and

(d) limitation of the financial consequences of a loss of licence, for example through extending loss of licence coverage.

- (25) The new **GM5 CAT.GEN.MPA.215**, on the possibility to contract the establishment of a support programme to a third party, is added.

GM5 CAT.GEN.MPA.215 Support programme

POSSIBILITY TO CONTRACT THE ESTABLISHMENT OF A SUPPORT PROGRAMME TO A THIRD PARTY

The operator may contract the establishment of a support programme to a third party. Especially for small-sized operators, the synergies created by a third-party support programme can be beneficial and in some cases may provide the only feasible option to ensure access to a support programme.

- (26) The new **GM6 CAT.GEN.MPA.215**, on the obligation to seek aero-medical advice in case of a decrease in medical fitness.

GM6 CAT.GEN.MPA.215 Support programme

OBLIGATION TO SEEK AERO-MEDICAL ADVICE IN CASE OF A DECREASE IN MEDICAL FITNESS

Joining a support programme does not remove the flight crew member's obligation to seek aero-medical advice in case of a decrease in medical fitness in accordance with MED.A.020 of Regulation (EU) No 1178/2011.

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