

**CAA Decision to adopt AMC and GM for UK Reg (EU) No 965/2012
pursuant to Article 76(3) UK Reg (EU) 2018/1139**

DECISION No. 35

Publication date: 27 November 2023

Decision amending Acceptable Means of Compliance and Guidance Material for UK Reg (EU) No 965/2012 Annex II Part-ARO and Annex IV Part-CAT

Background

CAA UK-EU Transition Decision No. 1 adopted a form of Acceptable Means of Compliance (“**AMC**”) as the means by which the requirements in Regulation (EU) No 965/2012 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 (“**UK Reg (EU) No 965/2012**”) could be met. That decision also adopted Guidance Material (“**GM**”) as non-binding explanatory and interpretation material on how to achieve the requirements in **UK Reg (EU) No 965/2012**. The CAA has decided to adopt revised AMC and GM in respect of **UK Reg (EU) No 965/2012**.

Decision

1. The CAA, under Article 76(3) of Regulation (EU) No 2018/1139 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018, has decided to adopt the AMC and GM attached at Schedule 1.
2. This AMC and GM supplements and/or replaces that which was adopted for **UK Regulation (EU) No 965/2012 Annex II Part-ARO and Annex IV Part-CAT** by CAA UK-EU Transition Decision No. 1 dated 22 December 2020.
3. This Decision will remain in force unless revoked or amended by the CAA.

Definitions

All references to *Regulations* are to the UK law bearing that title or number, being EU retained law as retained (and amended in UK domestic law) pursuant to the European Union (Withdrawal) Act 2018.



Rob Bishton
For the Civil Aviation Authority and the United Kingdom

Date of Decision: 27 November 2023

Date of Decision Coming into force: 27 November 2023

Schedule 1

Includes the Acceptable Means of Compliance (AMC) and Guidance Material (GM) documents referenced below.

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

- (a) ~~Text to be deleted is shown struck through~~;
- (b) New text is highlighted in grey;
- (c) ~~Text to be deleted is shown struck through~~ followed by the replacement text which is highlighted in grey.

AMC1 ARO.RAMP.106 Alcohol testing

GENERAL — ALCOHOL TESTING METHODOLOGY

- (a) When alcohol testing is carried out by RAMP inspectors under the RAMP inspection programme, the following alcohol testing methodology should be used to ensure accurate testing results:
 - (1) the alcohol test should be carried out with an appropriate and approved testing device in accordance with national requirements on alcohol testing of individuals;
 - (2) the ramp inspector that carries out the alcohol test should be adequately trained and qualified; and
 - (3) after an initial positive alcohol test, a confirmation test should be carried out
- (b) Testing procedures should specify the following:
 - (1) handling of test results, in order to determine a true positive test; and
 - (2) the process to be followed in case of a confirmed positive test result, including how to inform the crew member concerned about the actual test result.
- (c) Initial and confirmation alcohol tests:
 - (1) the alcohol tests should be carried out using a breath alcohol analyser to ensure that initial alcohol testing is non-invasive;
 - (2) the breath alcohol concentration (BrAC), measured by a breath alcohol analyser during the initial alcohol test, should not exceed the prescribed limit of alcohol; and
 - (3) if the initial test result is in excess of the prescribed limit of alcohol, a confirmation alcohol test should be conducted.
 - (4) The written information provided to the crew member concerned following a positive alcohol test that exceeds the prescribed limit, should contain the time, date and result, including specific readings, of the alcohol test as well as the type of equipment used.
 - (5) A confirmation test should be carried out at least 15 minutes, but not more than 30 minutes, after the completion of the initial positive test. The inspector should observe that the crew member does not eat, drink or ingest anything which may interfere with the results of the confirmation test.
- (d) When a confirmation alcohol test produces a reading in excess of the prescribed limit of alcohol, the CAA will inform the crew member concerned, as well as the competent authority and the operator responsible for that person.

- (e) A refusal by a crew member to have an alcohol test should be regarded as a positive test and considered as a refusal to grant access in accordance with ORO.GEN.140 in the case of a UK operator or in accordance with TCO.115 of UK Regulation (EU) No 452/2014 in the case of a third-country operator.
- (f) The CAA has published guidance on the procedures and quality standards for alcohol testing on the UK Ramp inspection programme page of the CAA website: <https://www.caa.co.uk/commercial-industry/airlines/uk-ramp-inspection-programme/>

GM1 ARO.RAMP.106 Alcohol testing

CONDUCT OF ALCOHOL TEST

- (a) An alcohol test may be carried out at any time during a ramp inspection although it is recommended that it is conducted at the start of the inspection to ensure there is sufficient time available to conduct a confirmation test, should it be required.
- (b) At all times when carrying out an alcohol test, the inspector should ensure that the testing environment is as discreet as possible.

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

PREVENTION OF BOARDING OF PERSONS UNDER THE INFLUENCE OF PSYCHOACTIVE SUBSTANCES

The operator's measures to prevent a person boarding or being on board an aircraft while under the influence of a psychoactive substance, and/or demonstrates behaviours that risk endangering the aircraft or persons on board, should include:

- (a) the provision of information and training to passenger handling staff (where appropriate) and crew members on the recognition of persons who may be under the influence of a psychoactive substance; and
- (b) the procedures to be followed by passenger handling staff (where appropriate) and crew members to prevent such a person from boarding or being on board the aircraft.

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

POLICY FOR THE PREVENTION AND DETECTION OF MISUSE OF PSYCHOACTIVE SUBSTANCES

- (a) The scope of the operator's policy on the prevention and detection of the misuse of psychoactive substances should encompass all flight crew members and cabin crew members and other safety-sensitive personnel under its direct control who, if they fail to perform their duties or functions properly, may endanger the safety of an aircraft or its occupants.
- (b) The operator should ensure that individuals that are subject to the policy are dealt with in a consistent, just and fair manner.
- (c) The operator's policy should include a requirement for testing for psychoactive substances and a requirement for an assessment by appropriately trained personnel, in at least the following circumstances:
 - (1) upon initial employment by the operator;
 - (2) periodically on an unannounced basis;

(3) with due cause or reasonable suspicion

(4) after a serious incident or accident provided that:

(i) testing is possible due to the location of the serious incident or accident;

(ii) the serious incident or accident is not subject to safety investigation in accordance with UK Regulation (EU) No. 996/2010; and

(iii) testing would not be prejudicial to any other national requirements.

(d) The operator's policy should set out the training requirements for the personnel at (a) above on the prevention and detection of the misuse of psychoactive substances. The training requirements should cover:

(1) the effects of psychoactive substances on individuals and the potential effects on flight safety;

(2) the established policy and testing procedures within the organisation to prevent and detect misuse of psychoactive substances;

(3) assistance provided by the operator's occupational health provision, and the support programme in accordance with CAT.GEN.MPA.215; and

(4) individual roles and responsibilities with regard to applicable legislation and organisational policies on psychoactive substances.

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 at least in the following cases:

(a) upon employment by the operator; and

(b) with due cause in the following cases:

(1) following a reasonable suspicion, and following an assessment by appropriately trained personnel; and

(2) after a serious incident or accident within the meaning of Regulation (EU) No 996/2010, provided that testing is possible due to the location of the serious incident or accident.

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

POLICY FOR THE PREVENTION AND DETECTION OF MISUSE OF PSYCHOACTIVE SUBSTANCES

When establishing its policy and procedures for prevention and detection of psychoactive substance misuse, the operator should link its procedures with the necessary support programme established under CAT.GEN.MPA.215. The operator may refer to relevant recognised industry and professional standards and best practice including UK Home Office, CAA and ICAO publications to develop their policy and procedures.

AMC1 CAT.GEN.MPA.170(c) Psychoactive substances**PROCEDURE FOR THE PREVENTION AND DETECTION OF MISUSE OF PSYCHOACTIVE SUBSTANCES**

- (a) The operator's procedure for the prevention and detection of cases of misuse of psychoactive substances by its flight crew members and cabin crew members and other safety-sensitive personnel under its direct control should include the testing requirements which should specify:
- (1) the means to ensure confidentiality and protection of data;
 - (2) the responsibilities and qualifications of the person carrying out a test, which should be in accordance with national legislation and best practice;
 - (3) the timing and suitable locations for testing;
 - (4) that the organisation responsible for testing should be independent and accredited using standard guidelines on psychoactive substance testing;
 - (5) the testing process and in particular:
 - (i) the use of trained personnel to administer and undertake testing;
 - (ii) the collection and processing procedures to be followed;
 - (iii) the psychoactive substances to be tested for, based on the geographical and epidemiological profile of the operators' personnel to be tested, and the defined threshold for being considered positive;
 - (iv) initial screening and confirmation methods used for analysis; and
 - (v) handling and reporting of test results, which should be conducted by impartial and trained personnel, in order to confirm adherence to the procedure, to determine the true positives and to prevent false positives;
 - (vi) internal appeal process
 - (6) the medical and administrative processes to be followed in case of a confirmed positive test result; and
 - (7) the maintenance of the records of testing conducted, and provision of summary reports on request to the CAA.

AMC1 CAT.GEN.MPA.170(d) Psychoactive substances**INFORMING THE CAA OF POSITIVE TESTS**

In the event of a positive test, the operator should inform the CAA Medical Department directly, thereby observing medical confidentiality.

AMC1 CAT.GEN.MPA.215(a) Support programme**PRINCIPLES GOVERNING A SUPPORT PROGRAMME**

- (a) The support programme should:

(1) enable self-declaration or referral in case of an actual or potential decrease in a flight crew's medical fitness with an emphasis on prevention and early support;

(2) if appropriate, allow or facilitate the flight crew to receive temporary relief from or adjustment to flight duties; and

(3) allow or facilitate flight crew to be referred for professional advice.

ELEMENTS OF A SUPPORT PROGRAMME

(b) A support programme should contain as a minimum the following elements:

(1) documented policy and procedures;

(2) training of all flight crew regarding self-awareness and facilitation of self-referral, particularly relating to issues of mental health;

(3) assistance provided by professionals, including mental and psychological health professionals with relevant knowledge of the aviation environment;

(4) involvement of trained peers, where trained peers are available;

(5) monitoring of the efficiency and effectiveness of the programme including monitoring and support of the individual during the process of returning to work;

(6) safety risk management of potential hazards resulting from the fear of loss of licence; and

(7) a referral system to an aero-medical examiner in defined cases that lead to serious safety concerns;

(8) monitoring the efficiency and effectiveness of the programme.

AWARENESS AND TRAINING

(c) The operator should promote access to the support programme for all flight crew.

(d) Professionals and trained peers involved in the support programme should receive initial and recurrent training and supervision related to their role and function within the support programme.

AMC1 CAT.GEN.MPA.215(b) Support programme

CONFIDENTIALITY AND PROTECTION OF DATA

(a) The personal data of flight crew who have contacted or been referred to a support programme should be handled in a confidential, non-stigmatising, and safe environment.

(b) The support programme should engender a culture of mutual trust and cooperation so that the flight crew are less likely to hide a medical condition or personal situation and more likely to report and seek help.

(c) Disclosure of data to the operator without the specific consent of the crew member may only be granted in an anonymised manner such as in the form of aggregated statistical data and only for purposes of the programme's effectiveness in contributing to safety management so as not to deter 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 provider on how to proceed in case of a serious safety concern.

GM1 CAT.GEN.MPA.215(b) Support programme

CONFIDENTIALITY AND PROTECTION OF DATA

Essential trust between management and crew is the foundation for a successful support programme. This trust can be facilitated by:

- (a) the leadership of the operator demonstrating and documenting commitment to the support programme;
- (b) an appropriate degree of separation of the support programme provider from the operational line management to recognise its 'independence' of function;
- (c) establishing a platform for multi-stakeholder participation and partnership in the governance process of the support programme by involving flight crew representatives from one or more operators and representatives of the relevant operator. In some cases, a multi-stakeholder platform may also include representatives of the CAA;
- (d) participation of the representatives of those personnel covered by the support programme in the design, implementation and operation of the support programme;
- (e) a formal agreement between management and crew representative, identifying the procedures for the use of data, its protection and confidentiality;
- (f) clear and unambiguous provisions on data protection, including confidentiality agreements where appropriate;
- (g) support programme management by staff either established within the operator or by a separate independent organisation; and
- (h) involvement of persons with appropriate expertise (for example, pilot peers with similar cultural backgrounds and professional staff with appropriate training in e.g. psychology, etc.) when advising crews:
 - (1) a structured system to protect the confidentiality of personal data; and
 - (2) an efficient communication system that promotes the benefits of the support programme, such as its positive impacts, temporary relief from duties without fear of dismissal, management of risks resulting from fear of loss of licence.