

2 September 2021

Policy Statement

CAA Policy on the Responsibilities of Air Traffic Control Service Providers Regarding the Problematic use of Psychoactive Substances

1 Introduction

- 1.1 [Regulation \(EU\) 2017/373](#) as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 lays down common requirements for providers of air traffic management (ATM) / air navigation services (ANS) and other air traffic management network functions and their oversight. This Regulation may be cited as the ATM/ANS Implementing Rule (IR).
- 1.2 Annex IV 'Part-ATS' to the (UK) ATM/ANS IR requires air traffic control (ATC) service providers to develop and implement:
 - (a) a policy, with related procedures, in order to ensure that the problematic use of psychoactive substances¹ does not affect the provision of ATC service²; and,
 - (b) a procedure for the detection of cases of problematic use of psychoactive substances by air traffic controllers³, with that procedure being approved by the competent authority.

2 The Effects of Psychoactive Substances

- 2.1 Alcohol impairs performance at any level and the impairment increases exponentially with the amount taken. Many medicines, whether prescribed by a doctor or obtained 'over the counter' or by other means (e.g. over the internet) and illicit drugs also impair performance. In the short term (minutes to hours) judgement and decision-making will be affected, there will be an increase in errors and risk-taking behaviour, mood changes, poor co-ordination, tracking and concentration and slow reaction times. Some effects can persist for several days, particularly poor balance and slow cognition. High or persistent intake over a prolonged period can result in a wide range of chronic and debilitating illness.
- 2.2 It is important to note that the effects of psychoactive substances may be very difficult to recognise, even in close colleagues or friends.

3 Regulatory Requirements

- 3.1 In addition to the requirements detailed within the (UK) ATM/ANS IR Annex IV, additional requirements exist which are applicable to those individuals whose function is critical to the safety of aviation (safety-sensitive personnel). Specifically:
 - (a) UK Reg (EU) No 923/2012 Standardised European Rules of the Air (SERA) SERA.2020 which states that "No person whose function is critical to the safety of aviation (safety-sensitive personnel) shall undertake that function while under the influence of any psychoactive substance, by reason of which human performance is

¹ The term 'psychoactive substances' means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas caffeine and tobacco are excluded (UK Reg (EU) No 923/2012 Article 2(104).

² (UK) ATM/ANS IR Annex IV Part-ATS ATS.OR.305(a).

³ (UK) ATM/ANS IR Annex IV Part-ATS ATS.OR.305(b).

impaired. No such person shall engage in any kind of problematic use of substances.

- (b) UK Reg (EU) 2015/340 ATCO Licensing ATCO.A.015(b) states that “licence holders shall not exercise the privileges of their licence when having doubts of being able to safely exercise the privileges of the licence and shall in such cases immediately notify the relevant air navigation service provider of the provisional inability to exercise the privileges of their licence.” Grounds for doubting the ability to safely exercise the privileges of the licence may be that the licence holder is under the influence of psychoactive substances⁴.
- (c) [The Railways and Transport Safety Act 2003](#) Part 5:
- (1) states that a person commits an offence if they perform an aviation function⁵, or carry out an activity which is ancillary to an aviation function, when their ability to perform the function is impaired because of drink or drugs (which should be interpreted as psychoactive substances).
 - (2) sets out a prescribed alcohol limit for people involved in aviation activities including flight crew, cabin crew and air traffic controllers (ATCOs). The prescribed limit for air traffic controllers is:
 - in the case of breath, 9 microgrammes of alcohol in 100 millilitres;
 - in the case of blood, 20 milligrammes of alcohol in 100 millilitres; and
 - in the case of urine, 27 milligrammes of alcohol in 100 millilitres.
 - (3) authorises the police to test individuals who they reasonably suspect have undertaken an aviation function, or an active ancillary to an aviation function, in relation to an aircraft involved in an accident, or who have committed an offence under section 92 or 93.
 - (4) states that a person guilty of an offence under Part 5 shall be liable (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or (b) on summary conviction, to a fine not exceeding the statutory maximum.

4 Acceptable Means of Compliance and Guidance Material

- 4.1 On 31 December 2020, the CAA adopted the acceptable means of compliance (AMC) and guidance material (GM) originally published by the European Union Aviation Safety Agency (EASA) as its policy with regard to compliance with the relevant EU law that has been retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018. As such, the CAA is able to amend these AMC⁶ and, in order to support ATC service providers in complying with the ATM/ANS IR Annex IV requirements, has developed additional AMC and GM to supplement that provided by EASA.
- 4.2 These AMC and GM describe the features required of the policy and procedures described in paragraph 1.1. The GM refers ATC service providers to ICAO Doc 9654 the Manual of Prevention of Problematic Use of Substances in the Aviation Workplace, which contains material that should inform the development of the policy and procedures described in paragraph 1.1.
- 4.3 The AMC and GM are contained on the CAA’s [UK Regulations](#) website, and the ORS9 Decision enabling these AMC and GM is on the CAA’s ‘Publications’ area of the website under [Official Record Series 9](#).

⁴ GM1 ATCO.A.015(b).

⁵ The term ‘aviation function’ is defined within the Railways and Transport Act 2003 Section 94.

⁶ ‘Acceptable means of compliance (AMC)’ means non-binding standards adopted by the competent authority to illustrate means to establish compliance with Regulation (EC) No 216/2008 and its implementing rules (UK (EU) Reg No 2017/373 Annex I Part-Definitions).

5 CAA Considerations in Approving Procedures for the detection of cases of problematic use of psychoactive substances by air traffic controllers

- 5.1 In accordance with ATS.OR.305(c), the CAA is required to approve an ATC service provider's procedure for the detection of cases of problematic use of psychoactive substances by air traffic controllers.
- 5.2 The ATC service provider shall submit the procedure and associated documentation (and subsequent changes to that procedure) to the CAA for approval accompanied by the [ATM change notification form SRG 1430](#).
- 5.3 The CAA will review the submission using the checklist at [Annex A](#). Where amendments are only of an editorial nature, the CAA will use its discretion in determining the level of review required to approve the procedure.

6 CAA Support for ATC Service Providers and Affected Individuals

- 6.1 Guidance on the introduction and monitoring of the policy in practice is available from the CAA's Medical Department. It is important to maintain a robust, impartial approach in the application of any psychoactive substance policy, including the testing process, and it is recommended that ANSPs seek independent medical assistance in developing and enabling their policies.
- 6.2 The CAA has the services of a Consultant in Addiction Disorders who runs a regular clinic at the CAA Aeromedical Centre, Gatwick. Any ATCO may refer themselves via their AME to this clinic if concerned that they have an alcohol or drug problem. Any individual who has concerns about a colleague may follow the CAA whistle-blower policy or call the CAA's Medical Department directly and speak to a caseworker on 0330 022 1972, selecting option 1 for medical.

The clinic has a successful record of reintroducing 80% of aviation safety critical workers with a treated alcohol or drug problem back into the workplace and continues to monitor and support these individuals long-term.
- 6.3 Aeromedical Examiners have been trained by the CAA to support ANSPs in implementing a drugs and alcohol policy and advise on appropriate referral routes for other safety critical staff.

Annex A

Problematic Use of Psychoactive Substance – ATC Service Provider Procedure Approval Checklist

Compliance with UK Regulation (EU) 2017/373 ATS.OR.305					
Regulation reference	Question	Document / evidence reference	Compliance assessment (Acceptable / Unacceptable)	Comments	Actions required/agreed
ATS.OR.305	Has the ATC service provider developed and implemented a policy with regard to the problematic use of psychoactive substances by air traffic controllers?				
	Does the policy set the context for implementing the requirements of AMC1 ATS.OR.305(a) detailed below				

Compliance with Acceptable Means of Compliance(s) AMC1 ATS.OR.305(a)					
POLICY AND PROCEDURES					
AMC reference	Question	Document / evidence reference	Compliance Assessment (Acceptable / Unacceptable)	Comments	Actions required/agreed
AMC1 ATS.OR.305(a) Part (a)	Does the ATC service provider provide training or educational material to air traffic controllers on the following subjects?				
	The effects of psychoactive substances on individuals and subsequently on the air traffic control service provision.				
	The service providers procedure regarding the Problematic use of Psychoactive Substances.				

	The individual responsibilities with regard to legislation and policies on psychoactive substances?				
AMC1 ATS.OR.305(a) Part (b)	Does the policy or procedure detail how the service provider makes available appropriate support for air traffic controllers who declare an issue with or are dependent on psychoactive substances?				
AMC1 ATS.OR.305(a) Part (c)	Does the policy or procedure detail a requirement to encourage air traffic controllers who think that they may have such a problem to seek and accept help made available by the service provider?				
AMC1 ATS.OR.305(a) Part (d)	Does the policy or procedure detail a requirement that ensures that air traffic controllers are treated in a consistent, just and equitable manner as regards the problematic use of psychoactive substances?				
AMC1 ATS.OR.305(a) Part (e)	Does the policy establish the principle that the procedure relating to occurrence investigation and analysis will consider the problematic use of psychoactive substances as a contributing factor where applicable?				

Compliance with Acceptable Means of Compliance(s) AMC1 ATS.OR.305(b)

PROCEDURE FOR THE DETECTION OF CASES OF PROBLEMATIC USE OF PSYCHOACTIVE SUBSTANCES

AMC reference	Question	Document / evidence reference	Compliance Assessment (Acceptable / Unacceptable)	Comments	Actions required/agreed
AMC1 ATS.OR.305(b) Part (a)	Does the procedure detail in what situations the procedure would be initiated and individual responsibilities for its initiation?				
AMC1 ATS.OR.305(b) Part (b)	Does the procedure detail where and when the procedure is applicable?				

AMC1 ATS.OR.305(b) Part (c)	Does the procedure detail the person or persons or contracted organisation responsible for carrying out the testing of applicable staff members				
AMC1 ATS.OR.305(b) Part (d)	Does the procedure detail how testing will be carried out and specify the types of testing utilised? Does the procedure detail the types of psychoactive substance that will tested for? Where the testing process is contracted out, does the procedure state which quality-accredited laboratory is used?				
AMC1 ATS.OR.305(b) Part (e)	Does the procedure detail the types of psychoactive substance that will tested for? Does the procedure detail the thresholds for those substances?				
AMC1 ATS.OR.305(b) Part (f)	Does the procedure detail the process to be followed in case of detection of problematic use of psychoactive substances by an air traffic controller?				
AMC1 ATS.OR.305(b) Part (g)	Does the procedure detail the appeal process for appealing against the actions taken as a result of the detection of the problematic use of psychoactive substances				

Other additional related requirements

AMC reference	Question	Document / evidence reference	Compliance Assessment (Acceptable / Unacceptable)	Comments	Actions required/agreed
Railways and Transport Act 2003, Section 93, Part 5?	Does the procedure adopt the prescribed limits for the proportion of alcohol in an air traffic controller's breath, blood, or urine as defined in this regulation? (Applicable to.AMC1 ATS.OR.305(b) Part (e)				

<p>AMC1 ATM/ANS.OR.B.005(a)(6 Management system. Part (a))</p>	<p><i>Determine the necessary competence for personnel performing activities supporting services provision.</i></p> <p>Where the testing process is done 'in house' does the procedure state the qualification or training required for the individual(s) who will be conducting the testing? Applicable to AMC1 ATS.OR.305(b) Part (c)</p>				
<p>AMC1 ATM/ANS.OR.B.015 Contracted activities. Part (c)</p>	<p><i>A service provider should ensure that the contracted organisation has the necessary authorisation, declaration or approval when required, and commands the resources and competence to undertake the task</i></p> <p>When contracting out the testing process does the contracted organisation meet the requirements of this AMC. Applicable to AMC1 ATS.OR.305(b) Part (d).</p>				
<p>Reg (EU) No 2015/340 ATCO.A.015 Exercise of the privileges of licences and provisional inability</p>	<p>Does the procedure link to the unit competence scheme in relation to the declaration of provisional inability by an ATCO or the service provider, in relation to the problematic use of psychoactive substances? Applicable to AMC1 ATS.OR.305(b) Part (f).</p>				