

**CAA Decision to amend AMC and GM for UK Reg (EU) 2017/373  
pursuant to Article 76(3) UK Reg (EU) 2018/1139**

**DECISION No. 7**

**Publication date: 2 September 2021**

---

**Decision amending Acceptable Means of Compliance (AMC) and Guidance Material (GM) for UK Reg (EU) 2017/373 Annex IV Part-ATS regarding the problematic use of psychoactive substances**

**Background**

1. CAA UK-EU Transition Decision No. 1 adopted a form of Acceptable Means of Compliance (“**AMC**”) as means by which the requirements in Regulation (EU) 2017/373 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 (“**UK Reg (EU) 2017/373**”) 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) 2017/373. The CAA has decided to adopt revised AMC and GM in respect of UK Reg (EU) 2017/373.

**Decision**

1. The CAA, under Article 76(3) of Regulation (EU) 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 Reg (EU) 2017/373 Annex IV ‘Part-ATS’ ATS.OR.305 by CAA UK-EU Transition Decision No. 1 dated 22 December 2020.

This Decision will remain in force unless revoked or amended by the CAA.

The AMC and GM attached at Schedule 1 to this Decision comes into force on 7 March 2022.

**Definitions**

All references to UK Reg (EU) 2017/373 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.

A handwritten signature in black ink, appearing to read 'Rob Bishton', with a long horizontal line extending to the right.

Rob Bishton  
For the Civil Aviation Authority and the United Kingdom

Date of Decision: 2 September 2021

Date of Decision Coming into force: 7 March 2022

## 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.

### AMC and GM to ATM/ANS IR Annex IV Part-ATS ATS.OR.305

#### AMC1 ATS.OR.305(a) Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers

#### POLICY AND PROCEDURES

Within the context of the policy, the air traffic control service provider should:

- (a) provide training or educational material to air traffic controllers relating to:
  - (1) the effects of psychoactive substances on individuals and subsequently on air traffic control service provision;
  - (2) established procedures within its organisation regarding this issue; and
  - (3) their individual responsibilities with regard to legislation and policies on psychoactive substances.
- (b) make available appropriate support for air traffic controllers who are dependent on psychoactive substances;
- (c) encourage air traffic controllers who think that they may have such a problem to seek and accept help made available by their air traffic control service provider;
- (d) ensure that air traffic controllers are treated in a consistent, just and equitable manner as regards the problematic use of psychoactive substances; and
- (e) establish and implement principles and procedures for occurrence investigation and analysis to consider the problematic use of psychoactive substances as a contributing factor.

## **GM1 ATS.OR.305(a) Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers**

### **POLICY**

- (a) Guidance for the development and implementation of the policy 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 policy and 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, 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), where extracts from the ICAO Manual of Civil Aviation Medicine are provided.

## **GM2 ATS.OR.305(a) Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers**

### **THIRD PARTY ASSISTANCE TO AIR TRAFFIC CONTROLLERS**

The air traffic control service provider may employ third-party assistance. Such assistance should be made freely available to air traffic controllers who are dependent on psychoactive substances.

## **GM3 ATS.OR.305(a) Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers**

### **INTRODUCING A PROBLEMATIC USE OF PSYCHOACTIVE SUBSTANCES POLICY**

If introducing a problematic use of psychoactive substances policy for the first time, an ATC service provider should communicate the new policy to all safety critical staff who will be affected.

Support should be offered to individuals who self-report a drug or alcohol problem to facilitate their rehabilitation.

The introduction of psychoactive substance testing, and especially random testing, is a sensitive issue. ATC service providers will wish to have regard to the employment, data protection and other considerations which arise and should review their employment contracts to ensure that they permit testing.

Guidance material on the [Employment Practices Code](#) is available from the [Information Commissioner's Office](#), although ATC service providers' attention is drawn to the note on the front cover of the Code.

#### GM4 ATS.OR.305(a) Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers

##### **POLICY**

Within the context of the policy, the air traffic control service provider should make provision for a mechanism to review and monitor the efficacy of the policy and related procedures required in ATS.OR.305.

#### GM1 to point (b) of AMC1 ATS.OR.305(a) Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers

##### **APPROPRIATE SUPPORT FOR AIR TRAFFIC CONTROLLERS DEPENDENT ON PSYCHOACTIVE SUBSTANCES**

Within their policy and/or related procedures, ATC service providers should detail what support is available for air traffic controllers who are dependent on, or who have declared an issue with, psychoactive substances. Such support could include, for example, referral to appropriate medical professionals, support during treatment and appropriate rehabilitation back into the workplace.

#### AMC1 ATS.OR.305(b) Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers

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

The objective, transparent and non-discriminatory procedure should specify:

- (a) the mechanisms and responsibilities for its initiation;
- (b) its applicability in terms of timing and locations;
- (c) the person(s)/body responsible for testing the individual;
- (d) the testing process;
- (e) thresholds for psychoactive substances;
- (f) the process to be followed in case of detection of problematic use of psychoactive substances by an air traffic controller; and
- (g) the appeal process.

## **GM1 to ATS.OR.305(b) Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers**

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

Guidance for the development and implementation of the procedure for detection of cases of psychoactive substances is contained in ICAO Doc 9654 'Manual on Prevention of problematic use of Substances in the Aviation Workplace', First Edition - 1995, particularly in Chapter 5 (pp. 15–23) and Attachment E (pp. 77–85) as regards biochemical testing programmes, with related supporting material.

## **GM1 to point (a) of AMC1 ATS.OR.305(b) Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers**

### **MECHANISMS AND RESPONSIBILITIES FOR INITIATION**

The procedure should clearly describe how an individual will be approached by ATC service provider staff if there is reasonable suspicion that they have committed or may commit an offence under section 92 or 93 of the Road Transport Act 2003, or that the individual may be dependent upon psychoactive substances.

Individuals must be treated in a consistent, just and equitable manner and the procedure must address how the actions of the ATC service provider might differ depending on where the individual under suspicion was located; for example, at a controller working position, within the ANSPs premises, or in an 'off-duty' social setting.

## **GM2 to point (a) of AMC1 ATS.OR.305(b) Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers**

### **MECHANISMS AND RESPONSIBILITIES FOR INITIATION**

The mechanism utilised by the ATC service provider to initiate the testing procedure should consider testing that is undertaken as routine, on a random basis, post-incident/accident or where an employee has cause for concern that an individual is affected by psychoactive substances.

The mechanism for the initiation of the testing procedure should include a responsibility for all employees to report the need for its initiation where there is cause for concern.

## **GM1 to point (c) of AMC1 ATS.OR.305(b) Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers**

### **PERSON/BODY RESPONSIBLE FOR TESTING THE INDIVIDUAL**

In specifying the person(s)/body responsible for testing the individual, the ATC service provider should utilise an accredited UK service provider/laboratory service that operates to the required ISO standard, in order to ensure that the service is fit for purpose.

## GM1 to point (d) of AMC1 ATS.OR.305(b) Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers

### THE TESTING PROCESS

In specifying the testing process, the procedure should include, inter alia:

- (a) frequency of testing;
- (b) the medicines and drugs that are tested;
- (c) the samples that are taken;
- (d) where testing takes place;
- (e) the appropriate use of Point of Contact (POC) testing and Chain of Custody (Evidential) Testing; and
- (f) safeguards for the process e.g. chain of custody, legally secure, quality assurance, robust process, confidentiality.

## GM2 to point (d) of AMC1 ATS.OR.305(b) Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers

### THE TESTING PROCESS

Appropriately trained staff should carry out screening tests usually by mouth swab, breath, blood, hair or urine sample. Tests are becoming simpler to administer and less invasive as the technology continues to improve. Minimal notice should be given of the intention to undertake random testing. The sample collection and testing process should be designed to ensure the result is reliable.

Results of breath alcohol testing with an approved and calibrated intoximeter can be interpreted by a suitably trained and competent person appointed by the ATC service provider.

Results of 'point of contact' testing for substance(s) should be interpreted by a suitably trained and competent person appointed by the ATC service provider, either internal or external to the organisation. Any non-negative tests on 'point of contact' testing should be sent by chain-of-custody to a laboratory. The results of laboratory testing should be interpreted by a suitably qualified Medical Review Officer appointed by the ATC service provider, either internal or external to the organisation.

A confirmed positive result for an aviation licence holder should be reported to the CAA Medical Department.

Deciding which drugs and medicines to test for and the frequency of testing should be determined by the individual operator in conjunction with their medical advisor. This will be influenced by the location of the safety critical workers, by employment and residence, and local factors including the availability of particular substances, accepted regional practices and availability of medicines, certain types of food and drugs. Cultural practices and the diversity of the workforce should also be taken into account.

Monitoring of results should be undertaken regularly and the results of testing workers should influence future testing frequency.

GM1 to point (e) of AMC1 ATS.OR.305(b) Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers

#### **THRESHOLDS FOR PSYCHOACTIVE SUBSTANCES**

The [Railways and Transport Act 2003 Part 5](#) sets out the prescribed alcohol limit for people involved in aviation activities, including ATCOs. The limit for other psychoactive substances that can affect performance is usually zero.

The Medical Review Officer can advise operators on the result of confirmed positive tests in the presence of, for example, declared medication or certain foodstuffs (e.g. poppy seeds); however, the premise that there is no 'safe limit' of psychoactive substances is valid in the context of aviation safety.

GM1 to point (f) of AMC1 ATS.OR.305(b) Responsibilities of air traffic control service providers with regard to the problematic use of psychoactive substances by air traffic controllers

#### **DETECTION OF PROBLEMATIC USE OF PSYCHOACTIVE SUBSTANCES BY AN AIR TRAFFIC CONTROLLER**

The process/es to be followed in case of the detection of problematic use of psychoactive substances by an air traffic controller should be developed taking into account the provisions laid down in point ATCO.A.015 of Regulation (EU) 2015/340 relating to provisional inability.