

## ANNEX

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.

**Annex I to Commission Regulation (EU) No 965/2012 is amended as follows:**

### ANNEX I

#### [Definitions for terms used in Annexes II to VIII]

(...)

(78a) 'misuse of substances' means the use of one or more psychoactive substances by aviation personnel in a way that:

- a. constitutes a direct hazard to the user or endangers the lives, health or welfare of others; and/or
- b. causes or worsens an occupational, social, mental or physical problem or disorder.

(...)

(98a) 'psychoactive substances' means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas caffeine and tobacco are excluded.

(...)

(105a) 'safety-sensitive personnel' means persons who might endanger aviation safety if they perform their duties and functions improperly, including but not limited to crew members, aircraft maintenance personnel and air traffic controllers.

**Annex II to Commission Regulation (EU) No 965/2012 is amended as follows:**

**ANNEX II**

**[PART-ARO]**

(...)

**ARO.RAMP.106 Alcohol testing**

- (a) The competent authority shall conduct alcohol testing of flight and cabin crew.
- (b) The Agency shall provide competent authorities with a list of:
  - (1) European and third-country operators, whose flight and cabin crew members are already subject to alcohol testing as part of a national alcohol testing programme and who shall therefore not be subject to alcohol testing within the ramp inspection programme in order to ensure that crew members are not submitted to double testing.
  - (2) European and third-country operators for the prioritisation of alcohol testing within the ramp inspection programme, based on a risk assessment.
- (c) When selecting operators for alcohol testing of flight and cabin crew, the competent authority shall use the lists established in accordance with (b).
- (d) By way of derogation from (b), in case of a reasonable cause or suspicion, alcohol tests may be performed.
- (e) Whenever data concerning alcohol tests is included into the centralised database in accordance with ARO.RAMP.145(b), the competent authority shall ensure that such data excludes any personal data of the crew member concerned.

## Appendix III<sup>1</sup>

<b>Proof of Ramp Inspection</b>					
Date:	Local Time Start:	Local Time End:	Place:		
Operator:					
AOC Number:	SAFA <input type="checkbox"/> or SACA <input type="checkbox"/>	SAFA Type of Operation: <input type="checkbox"/> Commercial Air Transport (Annex 6 Part I) <input type="checkbox"/> General Aviation (Annex 6 Part II) <input type="checkbox"/> Helicopter Operation (Annex 6 Part III)			
State:		SACA Type of Operation: <input type="checkbox"/> CAT-Aeroplanes <input type="checkbox"/> CAT-Helicopter <input type="checkbox"/> NCC-Aeroplanes <input type="checkbox"/> Other (please specify)			
Route from:			Flight No.:		
Route to:			Flight No.:		
Chartered (where applicable)		by	Operator:		Charterer's State:
Alcohol Test <input type="checkbox"/> YES <input type="checkbox"/> NO					
Aircraft type:	Registration mark:		Construction No.:		
Flight crew state of licensing:	2 <sup>nd</sup> state of licensing: (where applicable)		Aircraft configuration: <input type="checkbox"/> Passenger <input type="checkbox"/> Freight <input type="checkbox"/> Combi		

Information of competent authority  
 (logo, contact details tel./fax/email)

<b>PIC / operator representative</b> (comments / feedback)	Name & Signature (*)	SAFA Inspector(s) name or number:
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(\*) Signature by any member of the crew or other representative of the inspected operator does in no way imply acceptance of the listed findings but simply a confirmation that the aircraft has been inspected on the date and at the place indicated on this document.

This report represents an indication of what was found on this occasion and must not be constructed as a determination that the aircraft is fit for the intended flight. Data submitted in this report can be subject to change upon entering into the centralised database.

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<sup>1</sup> The shown template of the proof of a ramp inspection contained in Appendix III to Annex II to Regulation (EU) No 965/2012 is already based on the revised template published with NPA 2015-18, which differs from the existing Appendix III to Part-ARO, in order to better visualise the proposed changes to the soon to be revised version of Appendix III.

**Annex IV to Commission Regulation (EU) No 965/2012 is amended as follows:**

ANNEX IV

**[PART-CAT]**

(...)

**CAT.GEN.MPA.100 Crew responsibilities**

- (a) The crew member shall be responsible for the proper execution of his/her duties that are:
  - (1) related to the safety of the aircraft and its occupants; and
  - (2) specified in the instructions and procedures in the operations manual.
- (b) The crew member shall:
  - (1) report to the commander any fault, failure, malfunction or defect which the crew member believes may affect the airworthiness or safe operation of the aircraft including emergency systems, if not already reported by another crew member;
  - (2) report to the commander any incident that endangered, or could have endangered, the safety of the operation, if not already reported by another crew member;
  - (3) comply with the relevant requirements of the operator's occurrence reporting schemes;
  - (4) comply with all flight and duty time limitations (FTL) and rest requirements applicable to their activities;
  - (5) when undertaking duties for more than one operator:
    - (i) maintain his/her individual records regarding flight and duty times and rest periods as referred to in applicable FTL requirements; and
    - (ii) provide each operator with the data needed to schedule activities in accordance with the applicable FTL requirements.
- (c) The crew member shall not perform duties on an aircraft:
  - (1) when under the influence of psychoactive substances ~~or alcohol~~ or when unfit due to injury, fatigue, medication, sickness or other similar causes;
  - (2) until a reasonable time period has elapsed after deep water diving or following blood donation;
  - (3) if applicable medical requirements are not fulfilled;
  - (4) if he/she is in any doubt of being able to accomplish his/her assigned duties; or
  - (5) if he/she knows or suspects that he/she is suffering from fatigue as referred to in 7.f of Annex IV to Regulation (EC) No 216/2008 or feels otherwise unfit, to the extent that the flight may be endangered.

(...)

**CAT.GEN.MPA.170 Psychoactive substances ~~Alcohol and drugs~~**

- (a) The operator shall take all reasonable measures to ensure that no person enters or is in an aircraft when under the influence of psychoactive substances ~~alcohol or drugs~~ to the extent that the safety of the aircraft or its occupants is likely to be endangered.
- (b) The operator shall develop and implement a policy on the prevention and detection of misuse of psychoactive substances by flight crew, cabin crew and other safety-sensitive personnel, in order to ensure that the safety of the aircraft or its occupants is not endangered.
- (c) Without prejudice to the applicable national legislation on data protection concerning testing of individuals, the operator shall develop and implement an objective, transparent and non-discriminatory procedure for the prevention and detection of cases of misuse of psychoactive substances by flight and cabin crew and other safety-sensitive personnel.
- (d) The operator shall inform the medical assessor of the licensing authority in case of a confirmed positive test result.

(...)

**CAT.GEN.MPA.175 Endangering safety**

- (a) The operator shall take all reasonable measures to ensure that no person recklessly, intentionally, or negligently acts or omits to act so as to:
  - (a1) endanger an aircraft or person therein; or
  - (b2) cause or permit an aircraft to endanger any person or property.
- (b) The operator shall ensure that a flight crew member has undergone a psychological assessment before commencing line flying in order to:
  - (1) identify psychological attributes and suitability of the flight crew in respect of the work environment; and
  - (2) reduce the likelihood of negative interference with the safe operation of the aircraft.
- (c) Considering the size, nature and complexity of the activity of an operator, an operator may replace the psychological assessment referred to in (b) with an internal assessment of the psychological attributes and suitability of the flight crew member.

(...)

**CAT.GEN.MPA.215 Support programme**

The operator shall enable, facilitate and ensure access to a support programme that will assist and support flight crew members in recognising, coping with, and overcoming any problem which might negatively affect their ability to safely exercise the privileges of their licence. Such access shall be made available to all flight crew members.