



EASA

European Aviation Safety Agency

Requirements for ATC Service Providers concerning the problematic use of psychoactive substances

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Regulatory background

RMT.0148/0149 – Regulatory proposal issued with the EASA Opinion 03/2014
'Requirements for ATM/ANS service providers and the oversight thereof'

In Annex IV – Subpart B – Section 3 Specific HF requirements for ATC providers

EASA Basic Regulation Annex Vb (5)(b)

ATC service provision shall not be undertaken unless the following conditions are met:

the ATC service provider shall have in place procedures to verify that the cognitive judgement of personnel providing ATC services is not impaired or their medical fitness insufficient

ICAO ANNEX I Chapter 1.2.7

1.2.7.1 Holders of licences provided for in this Annex (including ATCOs) shall not exercise the privileges of their licences and related ratings while under the influence of any psychoactive substance which might render them unable to safely and properly exercise these privileges.

1.2.7.2 Holders of licences provided for in this Annex shall not engage in any problematic use of substances.

1.2.7.3 Recommendation — Contracting States should ensure, as far as practicable, that all licence holders who engage in any kind of problematic use of substances are identified and removed from their safety critical functions.



Psychoactive substances - Definitions

Derived from ICAO Annex 1

- ✓ **Psychoactive substances** means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas caffeine and tobacco are excluded
- ✓ **Problematic use of psychoactive substances** means the use of one or more psychoactive substances by an individual 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.



ATS.OR.305 (1) - Policy

The ATC service provider shall develop and implement policy and procedures to ensure that the problematic use of psychoactive substances does not adversely affect the provision of ATC service.

In AMC:

- a) Provision to staff of training/education on the effects of such substances, established Organisation's procedures, individual responsibilities;
- b) Availability of staff support mechanisms for staff;
- c) Assurance that staff is to be treated in a consistent just and equitable manner.

In GM, reference to ICAO Doc 9654 contents concerning the development of the policy and training education programmes

The safety management of the problematic use of psychoactive substances is not limited to testing ATCOs, but it is fostered by actions for prevention, education and support to affected staff



ATS.OR.305 (2) - Procedure

The ATC service provider shall develop and implement an objective, transparent and non-discriminatory procedure for the detection of cases of problematic use by ATCOs

The procedure shall:

- a) be consistent with provision ATCO.A.015 of Reg.2015/340 concerning 'ATCO provisional inability';
- b) be designed without prejudice Directive 95/46/EC on protection of individuals with regard to the processing of personal data and on the free movement of such data;
- c) take into account national legislation concerning testing of individuals;
- d) be approved by the competent authority.

Non-punitive approach – Objective: identification and removal from operations of a potential hazard for the safety of operations



ATS.OR.305 (3) - Procedure

In AMC, elements of the detection procedure are defined, i.e.:

- a) Mechanisms and responsibilities for initiation;
- b) Applicability in terms of timing and locations;
- c) Person(s)/bodies responsible for testing the individuals;
- d) Testing process;
- e) Thresholds for psychoactive substances;
- f) Process to be followed in case of detection of cases of problematic use;
- g) Appeal process

The elements of the procedure are established, but flexibility is allowed to tailor it to the national regulation and local cultural and social considerations

In GM, reference to ICAO Doc 9654 contents concerning the development and the implementation of the detection procedure



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Thank you very much for your attention!

Questions?

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