

Annex III to Decision 2018/012/R

'AMC and GM to Part-CAT — Issue 2, Amendment 15'

The Annex to Decision 2014/015/R of 24 April 2014 is hereby amended as follows:

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 **blue**; and
3. an ellipsis (...) indicates that the remaining text is unchanged in front of or following the reflected amendment.

1. AMC1 CAT.GEN.MPA.170(b) is inserted as follows:

AMC1 CAT.GEN.MPA.170(b) Psychoactive substances
POLICY ON PREVENTION OF MISUSE OF PSYCHOACTIVE SUBSTANCES

- (a) The operator's policy on prevention of misuse of psychoactive substances should ensure that flight and cabin crew, as well as other safety-sensitive personnel, are dealt with in a consistent, just and fair manner as regards the prevention and detection of misuse of psychoactive substances.
- (b) The operator's training policy on misuse of psychoactive substances should include training and/or educational material on:
 - (1) the effects of psychoactive substances on individuals and on flight safety;
 - (2) established procedures within the organisation to prevent misuse of psychoactive substances;
 - (3) individual responsibilities with regard to applicable legislation and policies on psychoactive substances; and
 - (4) assistance provided by the support programme in accordance with CAT.GEN.MPA.215.

2. AMC2 CAT.GEN.MPA.170(b) is inserted as follows:

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.

3. GM1 CAT.GEN.MPA.170(b) is inserted as follows:

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

POLICY ON PREVENTION OF MISUSE OF PSYCHOACTIVE SUBSTANCES

Guidance for the development and implementation of the policy on prevention of misuse of psychoactive substances is contained in ICAO Doc 9654 'Manual on Prevention of Problematic Use of Substances in the Aviation Workplace'.

TRAINING AND EDUCATION PROGRAMMES

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'.

4. GM2 CAT.GEN.MPA.170(b) is inserted as follows:

GM2 CAT.GEN.MPA.170(b) Psychoactive substances

OPERATOR RANDOM TESTING PROGRAMME

Nothing should prevent an operator from implementing a random testing programme in accordance with national requirements on testing of individuals, in order to mitigate the risk that misuse of psychoactive substances remains undetected and endangers the safety of the aircraft or its occupants.

5. GM3 CAT.GEN.MPA.170(b) is inserted as follows:

GM3 CAT.GEN.MPA.170(b) Psychoactive substances

MEANING OF 'PERSONNEL UNDER THE DIRECT CONTROL OF THE OPERATOR'

- (a) Personnel under the direct control of the operator means personnel that is directly employed by the operator. This excludes personnel of contractors or subcontractors of the operator unless they act as flight or cabin crew.
- (b) The operator may require the contracted service provider to carry out testing of personnel as part of the contract between the operator and the contracted service provider.

6. GM4 CAT.GEN.MPA.170(b) is inserted as follows:

GM4 CAT.GEN.MPA.170(b) Psychoactive substances

POLICY TO PREVENT MISUSE OF PSYCHOACTIVE SUBSTANCES

After referral and assessment by the medical assessor of the licencing authority, the operator may consider unannounced testing as part of a periodic medical follow-up after rehabilitation and return to work.

7. AMC1 CAT.GEN.MPA.170(c) is inserted as follows:

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

OBJECTIVE, TRANSPARENT AND NON-DISCRIMINATORY TESTING PROCEDURE

The operator's objective, transparent and non-discriminatory testing procedure should specify:

- (a) means to ensure confidentiality and protection of data;

- (b) the responsibilities of the person carrying out a test, which should be in accordance with national legislation;
- (c) the timing and suitable locations for testing;
- (d) that the body responsible for testing should be an independent, accredited body using standard guidelines on psychoactive substance testing in line with national legislation;
- (e) the testing process, and in particular:
 - (1) the psychoactive substances to be tested for;
 - (2) the applicable national legislation and use of recognised quality standards applied to the testing methodology;
 - (3) initial screening and confirmation methods used; and
 - (4) handling of test results, which should be conducted by impartial and trained personnel, in order to ensure adherence to the procedure, to determine the true positives and to prevent false positives;
- (f) applicable limits applying to psychoactive substance tests;
- (g) the process to be followed in case of a confirmed positive test result; and
- (h) the internal appeal process.

8. AMC1 CAT.GEN.MPA.175(b) is inserted as follows:

AMC1 CAT.GEN.MPA.175(b) Endangering safety
PSYCHOLOGICAL ASSESSMENT

- (a) The psychological assessment should be:
 - (1) appropriate to the particularity, the complexity and the challenges of the operational environment that the flight crew is likely to be exposed to, as defined by a job analysis identifying the safety-critical dimensions related to the flight crew's function and role within the operator and should include at least the following assessment criteria:
 - (i) cognitive abilities;
 - (ii) personality traits;
 - (iii) operational and professional competencies; and
 - (iv) social competences in accordance with crew resource management principles;
 - (2) validated and either directly performed or overseen by a psychologist with acquired knowledge in aviation relevant to the flight crew's operating environment and with expertise in psychological assessment, and where possible, the psychological selection of aviation personnel; and
 - (3) undertaken at least within the past 24 months before commencing line flying, unless the operator can demonstrate that the psychological assessment undertaken more than 24 months ago is still adequate for the risk mitigation as required by ORO.GEN.200(a)(3). Such a demonstration should be based on the tests previously performed, an updated

risk assessment based on data gathered from previous operational experience and continuous human performance monitoring since the last psychological assessment.

(b) As regards the psychological assessment, the following should be documented:

- (1) the procedures followed;
- (2) the personnel involved;
- (3) the assessment criteria and instruments used in the assessment; and
- (4) the validity period.

9. GMC1 CAT.GEN.MPA.175(b) is inserted as follows:

GM1 CAT.GEN.MPA.175(b) Endangering safety

GUIDANCE ON CONDUCTING A PSYCHOLOGICAL ASSESSMENT

(a) A psychological assessment performed by one operator may subsequently be accepted by a different operator, provided that the latter is satisfied that the assessment has been performed in accordance with AMC1 CAT.GEN.MPA.175(b).

(b) A psychological assessment conducted by or on behalf of an operator should not be considered or conducted as a clinical psychological evaluation.

(c) When establishing the policy on psychological assessment of flight crews, the operator may refer to recognised industry standards and best practices in the field of pilot selection, aptitude testing and psychological assessment such as:

- (1) IATA 'Guidance Material and Best Practices for Pilot Aptitude Testing'; and
- (2) national or European standards of ethical codes of conduct when conducting a psychological assessment, such as by national or European associations for (aviation) psychology.

10. AMC1 CAT.GEN.MPA.175(c) is inserted as follows:

AMC1 CAT.GEN.MPA.175(c) Endangering safety

INTERNAL ASSESSMENT FOR NON-COMPLEX OPERATORS

(a) An operator may replace the psychological assessment with an internal assessment of the psychological attributes and suitability of the flight crew, if the operator is considered to be a non-complex operator, i.e. when it has a workforce of 20 full-time equivalents (FTEs) or less, that are involved in an activity subject to Regulation (EU) 2018/1139 and its implementing rules.

(b) The internal assessment for non-complex operators should as far as possible apply the same principles as the psychological assessment before commencing line flying for complex operators.

11. AMC1 CAT.GEN.MPA.215 is inserted as follows:

AMC1 CAT.GEN.MPA.215 Support programme

PRINCIPLES GOVERNING A SUPPORT PROGRAMME

The access to a support programme should:

- (a) enable self-declaration or referral in case of a decrease in a flight crew's medical fitness with an emphasis on prevention and early support; and
- (b) if appropriate, allow the flight crew to receive temporary relief from flight duties and be referred to professional advice.

12. AMC2 CAT.GEN.MPA.215 is inserted as follows:

AMC2 CAT.GEN.MPA.215 Support programme
CONFIDENTIALITY AND PROTECTION OF DATA

- (a) The personal data of flight crew who have been referred to a support programme should be handled in a confidential, non-stigmatising, and safe environment.
- (b) A culture of mutual trust and cooperation should be maintained so that the flight crew is less likely to hide a condition and more likely to report and seek help.
- (c) Disclosure of data to the operator may only be granted in an anonymised manner such as in the form of aggregated statistical data and only for purposes of safety management so as not to compromise 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 on how to proceed in case of a serious safety concern.

13. AMC3 CAT.GEN.MPA.215 is inserted as follows:

AMC3 CAT.GEN.MPA.215 Support programme
ELEMENTS OF A SUPPORT PROGRAMME

- (a) A support programme should contain as a minimum the following elements:
 - (1) procedures including education of flight crew regarding self-awareness and facilitation of self-referral;
 - (2) assistance provided by professionals, including mental and psychological health professionals with relevant knowledge of the aviation environment;
 - (3) involvement of trained peers, where trained peers are available;
 - (4) monitoring of the efficiency and effectiveness of the programme;
 - (5) monitoring and support of the process of returning to work;
 - (6) management of risks resulting from fear of loss of licence; and
 - (7) a referral system to an aero-medical examiner in defined cases raising serious safety concerns.
- (b) A support programme should be linked to the management system of the operator, provided that data is used for purposes of safety management and is anonymised and aggregated to ensure confidentiality.

14. AMC4 CAT.GEN.MPA.215 is inserted as follows:

AMC4 CAT.GEN.MPA.215 Support programme
TRAINING AND AWARENESS

- (a) The operator should promote access to the support programme for all flight crew.
- (b) Professionals, including mental and psychological health professionals, as well as trained peers, where trained peers are available, that are involved in the support programme, should receive initial and recurrent training related to their role and function within the support programme.

15. GM1 CAT.GEN.MPA.215 is inserted as follows:

GM1 CAT.GEN.MPA.215 Support programme
SUPPORT PROGRAMME

- (a) A support programme is a proactive programme applying the principles of 'just culture' as defined in Regulation (EU) No 376/2014, whereby the senior management of the operator, mental health professionals, trained peers, and in many cases representative organisations of crew members work together to enable self-declaration, referral, advice, counselling and/or treatment, where necessary, in case of a decrease in medical fitness.
- (b) The support programme should be easily accessible for flight crew, and should provide adequate means of support at the earliest stages.

16. GM2 CAT.GEN.MPA.215 is inserted as follows:

GM2 CAT.GEN.MPA.215 Support programme
FACILITATION OF TRUST IN THE SUPPORT PROGRAMME

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

- (a) 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 competent authority;
- (b) participation of the representatives of those personnel covered by the support programme in the design, implementation and operation of the support programme;
- (c) a formal agreement between management and crew, identifying the procedures for the use of data, its protection and confidentiality;
- (d) clear and unambiguous provisions on data protection;
- (e) senior management's demonstrated commitment to promote a proactive safety culture;
- (f) a non-punitive operator policy that also covers the support programme;
- (g) support programme management by staff either established within the operator or by a separate independent organisation;

- (h) involvement of persons with appropriate expertise when advising crews (for example, pilot peers with similar cultural backgrounds and professional staff with appropriate training in e.g. psychology, etc.);
- (i) a structured system to protect the confidentiality of personal data; and
- (j) 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.

17. GM3 CAT.GEN.MPA.215 is inserted as follows:

GM3 CAT.GEN.MPA.215 Support programme
TRAINING AND AWARENESS

- (a) When promoting the benefits of the support programme, the operator should stress at least the following elements of the programme:
 - (1) positive impacts of a support programme;
 - (2) awareness of job stressors and life stressors — mental fitness and mental health;
 - (3) coping strategies;
 - (4) potential effects of psychoactive substances and their use or misuse;
 - (5) medication use (prescribed and over-the-counter medication) to ensure the safe exercise of the privileges of the licence whilst taking medication;
 - (6) early recognition of mental unfitness;
 - (7) principles and availability of a support programme; and
 - (8) data protection and confidentiality principles.
- (b) Mental health professionals involved in the support programme should be trained on:
 - (1) psychological first aid;
 - (2) applicable legal requirements regarding data protection; and
 - (3) cases where information should be disclosed due to an immediate and evident safety threat and in the interest of public safety.
- (c) Peers involved in the support programme should receive practically orientated basic training in psychological first aid and regular refresher trainings.

18. GM4 CAT.GEN.MPA.215 is inserted as follows:

GM4 CAT.GEN.MPA.215 Support programme
ELEMENTS CONTRIBUTING TO A SUPPORT PROGRAMME

When implementing a support programme, the operator should pay attention to the following:

- (a) establishment and verification of operational and data protection procedures;
- (b) selection and training of dedicated and experienced staff and peers;

- (c) offer of motivating alternative positions to flight crew in case a return to in-flight duties is not possible; and
- (d) limitation of the financial consequences of a loss of licence, for example through extending loss of licence coverage.

19. GM5 CAT.GEN.MPA.215 is inserted as follows:

GM5 CAT.GEN.MPA.215 Support programme

POSSIBILITY TO CONTRACT THE ESTABLISHMENT OF A SUPPORT PROGRAMME TO A THIRD PARTY

The operator may contract the establishment of a support programme to a third party. For a smaller-sized operator, the synergies created by a third-party support programme can be beneficial and in some cases may provide the only feasible option to ensure access to a support programme or to ensure availability of trained peers.

20. GM6 CAT.GEN.MPA.215 is inserted as follows:

GM6 CAT.GEN.MPA.215 Support programme

OBLIGATION TO SEEK AERO-MEDICAL ADVICE IN CASE OF A DECREASE IN MEDICAL FITNESS

Joining a support programme does not remove the flight crew's obligation to seek aero-medical advice in case of a decrease in medical fitness in accordance with MED.A.020 of Commission Regulation (EU) No 1178/2011.

21. GM7 CAT.GEN.MPA.215 is inserted as follows:

GM7 CAT.GEN.MPA.215 Support programme

SCOPE OF THE SUPPORT PROGRAMME

Nothing should prevent an operator from extending the scope of the support programme to include, apart from flight crew, other safety-sensitive categories personnel, e.g. cabin crew or maintenance, as well.

22. GM8 CAT.GEN.MPA.215 is inserted as follows:

GM8 CAT.GEN.MPA.215 Support programme

MEANING OF THE TERM 'PEER'

- (a) In the context of a support programme, a 'peer' is a trained person who shares common professional qualifications and experience, and has encountered similar situations, problems or conditions with the person seeking assistance from a support programme. This may or may not be a person working in the same organisation as the person seeking assistance from the support programme.
- (b) A peer's involvement in a support programme can be beneficial due to similar professional backgrounds between the peer and the person seeking support. However, a mental health professional should support the peer when required, e.g. in cases where intervention is required to prevent endangering safety.