



Civil Aviation Authority  
**SAFETY NOTICE**  
 Number: SN-2021/004



Issued: 26 January 2021

**Update to the introduction of UK Regulation No. 2018/1042 of 23 July 2018 and 2020/745 of 4 June 2020 amending Regulation No. 965/2012**

as retained and amended in UK domestic law under the European Union Withdrawal Act (2018)

**(Flight Crew Support Programmes and Psychological Assessment and Policy to Cover Psychoactive Substances)**

**This Safety Notice contains recommendations regarding operational safety.**

Recipients must ensure that this Notice is copied to all members of their staff who need to take appropriate action or who may have an interest in the information (including any 'in-house' or contracted maintenance organisations and relevant outside contractors).

<b>Applicability:</b>	
<b>Aerodromes:</b>	Not primarily affected
<b>Air Traffic:</b>	Not primarily affected
<b>Airspace:</b>	Not primarily affected
<b>Airworthiness:</b>	Not primarily affected
<b>Flight Operations:</b>	All Commercial Air Transport Operators
<b>Licensed/Unlicensed Personnel:</b>	Flight Crew, Cabin Crew and other safety-sensitive personnel

**1 Introduction**

1.1 The European Union Withdrawal act (2018) has brought across all EU legislation into UK domestic law that was ***in force and applicable*** on or before 31 December 2020. Commission Implementing Regulation (EU) 2020/745 of 4 June 2020 amended the original applicable dates of Regulation (EU) 2018/1042 of 14 August 2020 by introducing a delay of 6 months to 14 February 2021, as a consequence of the Covid-19 crisis. The result is that this applicability date for the regulation fell beyond 31 December 2020 and has not come across as part of the Withdrawal Act. The subject regulation relates particularly to the introduction of support programmes for flight crew, psychological assessment of flight crew and policy for the prevention and detection of misuse of psychoactive substances by flight crew, cabin crew and other safety-sensitive personnel. The UK recognises the importance of supporting flight crew wellbeing through this regulation and this will now be addressed, at a later date to be determined, in discussion under the UK's Rule Making Programme and amendment to the retained air regulation.

1.2 This SN supersedes SN-2020/009.

## 2 Safety Concern

2.1 The psychological well-being and mental health of flight crew, cabin crew and other safety-sensitive personnel is essential to safe air operations. The extent of the on going crisis and the impact on those employed in the aviation industry is likely to place additional psychological strain on everyone involved, with an associated increased threat to safety.

## 3 Recommendations

3.1 CAT operators are strongly recommended to continue to introduce Flight Crew Support Programmes as required by the Regulation and to maintain existing programmes despite a deferred implementation date.

3.2 Operators should also consider the continuing impact of the Covid-19 crisis on cabin crew and other safety-sensitive personnel as well as flight crew. It remains essential that senior management of operators, mental health professionals, trained peers and staff representatives work together to enable self-declaration, referral, advice, counselling and/or treatment, where necessary, in cases where there may be a potential safety issue resulting from a decrease in medical fitness.

3.3 Additionally, CAT operators are encouraged to use this delay to develop their policies on the prevention and detection of the misuse of psychoactive substances and on the psychological assessment of flight crew.

## 4 Further Information

4.1 The associated amendments to the UK Air Operations Regulation as retained and amended in UK domestic law under the European Union (Withdrawal Act 2018) are detailed at [Annex 1](#).

4.2 Additional information on health and wellbeing during and post the Covid-19 crisis is available on the [CAA website](#).

## 5 Queries

5.1 Any queries or requests for further guidance as a result of this communication should be addressed to [PilotPeerAssistance@caa.co.uk](mailto:PilotPeerAssistance@caa.co.uk)

## 6 Cancellation

6.1 This Safety Notice will remain in force until further notice.

## Annex 1

The associated amendments to the UK Air Operations Regulation are:

### CAT.GEN.MPA.170 Psychoactive substances (*amended in grey*)

- (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 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 and cabin crew members and by other safety-sensitive personnel under its direct control, 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 its flight and cabin crew and other safety-sensitive personnel.
- (d) In case of a confirmed positive test result, the operator shall inform its competent authority and the authority responsible for the personnel concerned, such as a medical assessor of the licensing authority.

### 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:
  - (1) endanger an aircraft or person therein; or
  - (2) cause or permit an aircraft to endanger any person or property.
- (b) The operator shall ensure that flight crew 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 point (b) with an internal assessment of the psychological attributes and suitability of flight crew.

### CAT.GEN.MPA.215 Support programme (*new*)

- (a) The operator shall enable, facilitate and ensure access to a proactive and non-punitive support programme that will assist and support flight crew 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.
- (b) Without prejudice to applicable national legislation on the protection of individuals with regard to the processing of personal data and on the free movement of such data, the protection of the confidentiality of data shall be a precondition for an effective support programme as it encourages the use of such a programme and ensures its integrity.