

Democratic Socialist Republic of Sri Lanka



Civil Aviation Authority of Sri Lanka

Implementing Standards

(Issued under Section 120, Civil Aviation Act No. 14 of 2010)

Title: Prohibition of use of Alcohol or Psychoactive substances by personnel holding Licence, Rating or Certificates, engaged in safety and /or security sensitive activities relating to civil aviation

Reference No. : CA-IS-2015-PEL-001

S.N. : SLCAIS-035

Date : 29 April 2015

Pursuant to Section 120 of the Civil Aviation Act No.14 of 2010, Director General of Civil Aviation shall have the power to issue, whenever he considers it necessary or appropriate to do so, such Implementing Standards for the purpose of giving effect to any of the provisions of the Civil Aviation Act, any regulations or rules made thereunder including the Articles of the Convention on International Civil Aviation which are specified in the Schedule to the Act.

Accordingly, the undersigned being the Director General of Civil Aviation do hereby issue the Implementing Standards on **Prohibition of use of Alcohol or Psychoactive substances by personnel holding Licence, Rating or Certificates, engaged in safety and /or security sensitive activities relating to civil aviation** contained in the Attachment hereto (Ref: CA-IS-2015-PEL-001-Att-01), for the purpose of giving effect to the provisions in the aforementioned Act, Regulations and the applicable Standards & Procedures described under Article 37 of the Convention, which are herein specified.

This Implementing Standard which is applicable to every holder of Licence, Rating, Certificate of approval to engage in safety or security sensitive tasks related to civil aviation as specified in the Attachment, shall come into force with immediate effect and remain in force unless revoked.

Attention is also drawn to Section 103 of the Act, which states inter alia that failure to comply with the Implementing Standard is an offence.

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Enclosure: Attachment no. CA-IS-2015-PEL-001-Att.01

Implementing Standards

SLCAIS-035: Prohibition of use of Alcohol or Psychoactive substances by personnel holding Licence, Rating or Certificates issued by Director General of Civil Aviation to engage in safety and /or security sensitive activities relating to civil aviation

1 GENERAL

1.1 Applicable Legal Provisions relating to the issue of the Implementing Standards

- A. Section 35, Section 68 (1) and (5) of the Civil Aviation Act No.14 of 2010;
- B. Regulation 245 of the Air Navigation Regulation 1955;
- C. Paragraph 2.5 of the Implementing Standard No.26;
- D. Section 1.2.7.1 of the Annex 1 – “Personnel Licensing” to the Convention;
- E. Section 2.5 of Annex – 2 “Rules of the Air” to the Convention; and
- F. Section 3.4 of the Annex-6 “Aircraft Operation” to the Convention

1.2 Objective

Requirements specified herein are to prevent use of alcohol or psychoactive substances by licensed or certified personnel engaged in activities sensitive to flight safety and /or security including training either in an aircraft or any synthetic device, for the promotion of safety and /or security in air transportation.

1.3 Applicability

- A. The specifications contained in this document is applicable to any person who holds any one or more of the following Licence, Rating or Certificate issued by DGCA Sri Lanka or issued by any other Contracting State or any person as described in paragraph 1.3.(B) below, and who is hereinafter referred to as an ‘Aviation Document Holder’.

- a) Pilot Licence of any description;
- b) Flight Engineer Licence;
- c) Flight Navigator Licence;
- d) Flight Radio Telephony Operator Licence;
- e) Aircraft Maintenance Licence;
- f) Aircraft Maintenance Engineer Licence;
- g) Air Traffic Controller Licence;
- h) Flight Operation Officer Licence;
- i) Aeronautical Station Operator Licence;
- j) Cabin Crew Member Certificate;
- k) Instructor Rating; and,
- l) Certified Security Screener;

- B. This Implementing Standard shall be applicable to personnel engaged in;
 - a) operation of an aircraft under an Aircraft Operator Certificate issued by Director General of Civil Aviation Sri Lanka wherever the aircraft may be;

- b) operation of an aircraft under a Foreign Aircraft Operator Certificate, within Sri Lanka airspace;
 - c) operation of any aeronautical service in Sri Lanka;
 - d) operation of any private or commercial or business aircraft, regardless of the nationality and registration of the aircraft within Sri Lanka airspace;
 - e) operation of an approved Aircraft Engineering, Maintenance or Repair Organization within Sri Lanka.
 - f) operation of any Aviation Training Organization under a Licence, Certificate of Approval or Permit issued by Director General of Civil Aviation
- C. The contents in this Implementing Standard shall be regarded as special conditions applicable to every Aviation Document Holder who holds a Licence, Rating or Certificate issued or rendered valid by the Director General of Civil Aviation of Sri Lanka or by any other Contracting state to engage in safety or security sensitive activities in civil aviation.

2 DESCRIPTION

2.1 Prohibition on Use of alcohol or psychoactive substances by Aviation Document Holder

An Aviation Document Holder engaged in safety and /or security sensitive activities relating to civil aviation shall not exercise or attempt to exercise the privileges attached to the applicable Licence, Rating or Certificate held by him or her whilst under the influence of alcohol or any psychoactive substance which makes him or her impaired with ability of accomplishing the assigned activities to the required safety, security and performance standards.

2.2 Responsibility of compliance with the Implementing Standards

- A. An Aviation Document Holder shall not commence or attempt to commence or remain on duty if he or she is under the influence of alcohol or psychoactive substance
- B. An Aviation Document Holder who becomes aware of another Aviation Document Holder who is under the influence of alcohol or psychoactive substances, shall report such facts immediately to his employer as per the approved procedures, if the former is scheduled to engage in safety or security sensitive activities with the latter jointly and shall act in accordance with the instructions of the employer.
- C. An Aircraft Operator or Aeronautical Service Provider as the case may be shall not engage under any circumstance, any Aviation Document Holder on safety and /or security sensitive activities relating to civil aviation including the conduct of training either on an actual equipment or a synthetic training device, if the Aviation Document Holder is or is believed to be under the influence of alcohol or psychoactive substances.

2.3 Methods of identification

- A. Every Aircraft Operator or the Aeronautical Service Provider as the case may be, shall implement suitable methods which shall include but not necessarily limited to biochemical testing on such occasions as pre-employment, upon reasonable suspicion, after accidents or incidents, at intervals, and at random for the identification of status of compliance of the Aviation Document Holders employed by him with this Implementing Standard.
- B. The methods of identification of an Aviation Document Holder's status of being under the influence of alcohol or psychoactive substance which is to be implemented by an Aircraft Operator or the Aeronautical Service Provider as the case may be, shall be acceptable to the Director General of Civil Aviation.
- C. For the purpose of paragraph 2.3 B, the Aircraft Operator or the Aeronautical Service Provider as the case may be, shall furnish to the Director General of Civil Aviation all the details concerning the intended methodology to be used for testing including the qualification of testing personnel and training provided to them, testing apparatus, equipment and facilities and the procedures to be followed etc. for evaluation of the methodology towards such acceptance.
- D. An Air Operator or Aeronautical Service Provider shall not use any methodology which is not acceptable to the Director General of Civil Aviation for the purpose of testing of the status of an Aviation Document Holder for compliance with this Implementing Standard.
- E. It is the duty of the Aircraft Operator or the Aeronautical Service Provider as the case may be, to inform all the Aviation Document Holders employed by him the methodology being used for the testing of personnel for the purposes of this Implementing Standard. Details about such

metrologies as approved by the DGCA shall be included in the respective Operations Manual or similar document of the air operator or the aeronautical service providers.

- F. When an Air Operator or Aeronautical Service Provider call an Aviation Document Holder who has been kept on standby duties, the Air Operator or the Aeronautical Service Provider as the case may be, shall ensure that Aviation Document Holder was given sufficient time to satisfy the requirements of this Implementing Standard.
- G. An Aviation Document Holder shall ensure that the requirements in This Implementing Standard are complied with when he or she is kept on standby duties.
- H. An Aircraft Operator or Aeronautical Service Provider as the case may be, may introduce suitable preventive measures as described in the ICAO Manual on Prevention of Problematic Use of Substances in the Aviation Workplace (Doc 9654) in respect of Aviation Document Holders employed by him.
- I. Notwithstanding the paragraph 2.3(A) and 2.3 (B) the Director General of Civil Aviation or an officer duly authorized by him may at any time as may be determined by him, subject an Aviation Document Holder to a test or require operator to subject an Aviation Document Holder to a test, for the determination of level of compliance of the Aviation Document Holder with this Implementing Standard.

2.4 Authority for the conduct of tests on Aviation Document Holders

The following personnel are authorized to order to conduct necessary tests in accordance with the approved procedures for determination whether an Aviation Document Holder is under the influence of alcohol or psychoactive substances.

- a) Senior Civil Aviation Inspector;
- b) Accountable Manager of the Air Operator or Aeronautical Service Provider or a person authorized by him in writing;
- c) Designated Check Pilot or a Flight Test Examiner;
- d) Designated Civil Aviation Medical Examiner;
- e) Authorized Security Screener at the Airport;
- f) Law Enforcement Officer;
- g) Any other person duly authorized by the Director General of Civil Aviation in writing;

2.5 Action to be taken on positive evidence

- A. If an Aviation Document Holder is found to be under the influence of alcohol or psychoactive substances, he or she shall be removed from his/her functions immediately and written report to that effect shall be forwarded to the Director General of Civil Aviation together with applicable supporting documents.
- B. Aircraft Operator or Aeronautical Service Provider after removing an Aviation Document Holder who is found to be under the influence of alcohol or psychoactive substance shall not permit the Aviation Document Holder to resume work until a determination is made by the Director General of Civil Aviation on the reported incident and decision is conveyed to the respective aircraft operator or the aeronautical service provider as the case may be.

2.6 Determination of being under the influence of alcohol

For the purpose of this Implementing Standard, an Aviation Document Holder is considered to be under the influence of alcohol,

- A. if, he or she has consumed alcoholic beverages within eight (08) hours prior to reporting for duty or while on duty exercising privileges of the aviation Document issued to him or her.

- B. if an alcohol concentration of 0.04% or greater in a blood or breath specimen obtained from him or her while attempting to report to duty or while on duty.

Note : Alcohol concentration means grams of alcohol per deciliter of blood or grams of alcohol per 210 liters of breath.

- C. if there is evidence confirmed by written statements signed by not less than two other Aviation Document Holders on authorization either by the Accountable Manager of the Air Operator or Aeronautical Service Provider or an officer designated by the Director General of Civil Aviation.
- D. The aircraft operator or aeronautical service providers may resort to the provision under 2.6 (B) above, particularly at times when the conduct of the authorized tests are either impossible or impractical and flight safety and /or security is likely to be jeopardized if the concerned Aviation Document Holder is allowed to engage in the respective duty.

2.7 Obliging by the Aviation Document Holder to a request for testing

- A. Upon a written request made by an authorized person, an Aviation Document Holder shall subject himself or herself to the required tests conducted for the determination of his status relating to the use of alcohol or psychoactive substance.
- B. If the Aviation Document Holder is not willing to undergo such tests, he or she shall give reasons in writing to the Director General of Civil Aviation as to the refusal of undergoing such tests. If Director General of Civil Aviation is not satisfied with the reasoning of such personnel he/she shall be considered as committing an offense under the paragraph (5) of section 68 of Civil Aviation Act number 14 of 2010.
- C. The Aircraft Operator or Aeronautical Service Provider as the case may be, shall not permit any Aviation Document Holder who refuses to undergo the required tests without cogent reasons, either to commence or remain on duty.

2.8 Carriage of persons under intoxication

Except in an emergency, a pilot of a civil aircraft may not allow a person who appears to be intoxicated or who demonstrates by manner or physical indications that the individual is under the influence of drugs (except a medical patient under proper care) to be carried in that aircraft.

2.9 Action by the DGCA

- A. Whenever the Director General of Civil Aviation has a reasonable grounds to believe that an Aviation Document Holder may have violated paragraph 2.2. which is to be read in conjunction with paragraph 2.6., the Director General of Civil Aviation or an official authorized by him shall require the Aviation Document Holder to;
- a) furnish results to the Director General of Civil Aviation or to an official authorized by him; or
 - b) Authorize any clinic, hospital or doctor or other person to subject himself/herself to such tests & release reports to the Director General of Civil Aviation or to an official authorized by him.

- B. Furnish results of each test taken within four hours after acting or attempting to act as an Aviation Document Holder that indicates an alcohol concentration in the blood or breath specimen or presence of any drugs in the body of the Aviation Document Holder.
- C. Any positive test results obtained by the Director General of Civil Aviation under the foregoing paragraph as to the use of alcohol or psychoactive substance by the Aviation Document Holder concerned may result in any of the following,
- D. If the Aviation Document held by the Aviation Document Holder has been issued by the Director General of Civil Aviation of Sri Lanka.
 - a) Suspension of all the Aviation Documents held by the Aviation Document Holder for a period of minimum of one year and a penalty of Rs.100,000/=, if the detection is for the first time;
 - b) Cancellation of all the Aviation Documents held by the Aviation Document Holder if the detection is for the second time.
- E. If the Aviation Document held by the Aviation Document Holder has been issued by another State.
 - a) Imposition of a penalty of Rs.500,000/= on the Air Operator who employed the relevant Aviation Document holder and ban on the Aviation Document Holder of a minimum of five years in engaging safety or security sensitive activities in civil aviation within Sri Lanka Airspace, and
 - b) Any other action in conformity with the provisions made under the respective Air Services Agreement with State concerned.
- F. The Director General of Civil Aviation will not consider an application made to him by any Aviation Document Holder whose Aviation Document was cancelled, for a new Licence, Rating or Certificate until a period of five years is lapsed from the date of such cancellation.
- G. When issuing a new Licence, Rating or Certificate to a person mentioned in paragraph 2.9 (F), the Director General of Civil Aviation will require the person to satisfy all the requirements in full for grant of such Licence, Rating or Certificate without any credit to the qualifications and experience gained by the Aviation Document Holder prior to cancellation of his or her previous Aviation Document.
- H. If the Document Holder is a person working as an employee of a Holder of a License or a certificate Issued by DGCA as indicated in paragraph 1.3 (B) above then the person concerned shall be subjected to action/s as prescribed in the procedure of the operator as approved by DGCA.

2.10 Appeal against the decision of the Director General of Civil Aviation

Any Aviation Document Holder aggrieved by a decision made by the Director General of Civil Aviation may prefer an appeal to the Secretary, Ministry of Civil Aviation within 7 days from the date that he or she receives such decision. Notwithstanding submission of an appeal by an Aviation Document Holder, the decision of the Director General of Civil Aviation will prevail until the appeal is duly probed by the Secretary, Ministry of Civil Aviation and decision is reached and conveyed to the Director General of Civil Aviation in writing.

2.11 Problematic use of (Psychoactive) substances & Drugs

An Air Operator or Aeronautical Service provider shall have a “drug, Psychoactive substance and alcohol policy” in their policy documents developed as per ICAO Manual of Prevention of problematic use of substances in the Aviation workplace. (Doc 9654-AN945).

Policy should include the following elements:

- A. Training, awareness and educational programmes that should cover
 - a) The potential effects of alcohol and drugs or psychoactive substances.
 - b) Medication use (prescribed or bought from a pharmacy) to ensure the safe exercise of licence privileges whilst taking medication; and
 - c) The early recognition and rehabilitation of individuals with an alcohol, drug or usage of psychoactive substances problem; a peer intervention programme may be considered in this context.
 - d) Briefing on self-awareness and facilitation of self-referral for help with an alcohol or drug problem.
- B Procedures for
 - a) Monitoring the efficacy of the alcohol and drugs policy; this is likely to include a drug and alcohol testing programme (‘with cause’, post incident/accident and random).
 - b) Monitoring and support for return to work after rehabilitation for an alcohol or drug problem.
- C. Biochemical testing procedures for monitoring for drug, psychoactive substance and alcohol testing shall include:
 - a) Frequency of testing
 - b) The medicines and drugs that are tested
 - c) Who undertakes testing
 - d) The samples that are taken
 - e) Which safety critical personnel are tested
 - f) When testing is undertaken – e.g. pre-employment, before a duty period, the availability of repeat testing facilities
 - g) Where testing takes place
 - h) Safeguards for the process e.g. chain of custody, legally secure, robust process, confidentiality
 - i) Quality standards including the accreditation of the service and ISO standard
 - j) Procedure to be followed in the event of a positive test

3 DEFINITIONS

The following terms mentioned in this Implementing Standard has the meaning indicated below.

- A. *Psychoactive substances.*** Opioids, cannabinoids, sedatives and hypnotics, cocaine, other psych stimulants, hallucinogens, and volatile solvents, whereas coffee and tobacco are excluded.
- B. *Problematic use of (Psychoactive) substances.*** 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.
- C *Bio-chemical testing***
Process whereby a sample of breath, blood, urine or any other body fluid or tissue is procured from an individual & submitted for biochemical or biophysical laboratory examination & analysis, & where the results of this testing is cited as proof of a certain conduct.
- D *Designated Civil Aviation Medical Examiner.*** A physician with training in aviation medicine and practical knowledge and experience of the aviation environment, who is designated by the Licensing Authority to conduct medical examinations of fitness of applicants for licences or ratings for which medical requirements are prescribed.

-End-