

Cockpit Crew Drug Tests

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The [EASA Air Ops Regulation](#) (Regulation (EU) No 965/2012) lays down detailed provisions, including ramp inspections of aircraft of operators subject to the safety oversight of another Member State or third country. It also prohibits crew members from performing their duties on an aircraft if they are under the influence of psychoactive substances or are unfit for duty due to injury, fatigue, medication, malaise or similar causes.

With [Regulation \(EU\) 2018/1042](#), the European Commission has partially amended the EASA Air Ops Regulation to ensure airworthiness by conducting random and systematic alcohol and drug tests. The related requirements under **CAT.GEN.MPA.170 Psychoactive Substances** with regard to the tasks of air operators reads as follows (excerpts):

“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.

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.

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.”

The Acceptable Means of Compliance and Guidance Material further state (excerpts):

“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.

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.”

The following provisions apply for testing procedures for psychoactive substances:

“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".

On the basis of the aforementioned EU Regulations, drug tests on cockpit crews conducted by both the operator and the supervisory authorities are thus lawful.