
STATUTORY INSTRUMENTS

2021 No. 1203

The Aviation Safety (Amendment) (No. 3) Regulations 2021

PART 3

Amendment of retained direct minor EU legislation

CHAPTER 2

Amendment of [Commission Regulation \(EU\) No 965/2012](#)

Commission Regulation (EU) No 965/2012 (air operations)

7. [Commission Regulation \(EU\) No 965/2012](#) of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) [No 216/2008](#) of the European Parliament and of the Council⁽¹⁾ is amended in accordance with regulations 8 to 11.

Amendment of Article 4 of [Commission Regulation \(EU\) No 965/2012](#)

8. For Article 4 (ramp inspections) substitute—

“(1) Ramp inspections of aircraft operators under the safety oversight of a third country shall be carried out in accordance with Subpart Ramp of Annex II.

(2) The CAA shall ensure that alcohol testing of flight crew members and cabin crew members is carried out with regard to operators under their own oversight as well as with regard to operators under the oversight of a third country.

(3) Alcohol testing referred to in paragraph (2) shall be performed by ramp inspectors within the framework of the ramp inspection programme of Subpart RAMP of Annex II.

(4) Results of tests carried out under paragraph (2) shall be included in the EASA centralised database in accordance with ARO.RAMP.145.”.

Amendment of Annex 1 to [Commission Regulation \(EU\) No 965/2012](#)

9.—(1) Annex 1 (definitions for terms used in Annexes 2 to 8) is amended as follows.

(2) After paragraph (98a), insert—

“(98b) ‘psychoactive substance’ means any alcohol, opioid, cannabinoid, sedative, hypnotic, cocaine, other psychostimulant, hallucinogen or volatile solvent;”;

(3) After paragraph (105), insert—

“(105a) ‘safety-sensitive personnel’ means persons who, if they fail to perform their duties or functions properly, may endanger the safety of an aircraft or its occupants;”.

(1) EUR 2012/965, amended by [S.I. 2019/645](#), [2020/1116](#) and [2021/614](#).

Amendment of Annex 2 to Commission Regulation (EU) 965/2012

10.—(1) Annex 2 (authority requirements for air operations) is amended as follows.

(2) In Subpart RAMP (ramp inspections of aircraft of operators under the regulatory oversight of another State)—

(a) after point ARO.RAMP.105 insert—

“ARO.RAMP.106

Alcohol testing

- (a) The CAA’s programme of ramp inspections shall include arrangements for alcohol testing on flight crew members and cabin crew members, based on random selection or on reasonable suspicion that the individual is under the influence or in excess of the prescribed limit of alcohol.
- (b) The procedures for alcohol testing shall meet recognised quality standards that ensure accurate testing results and these procedures and quality standards shall be detailed in guidance published by the CAA.
- (c) A flight crew member or cabin crew member:
 - (i) who refuses to cooperate with alcohol testing; or
 - (ii) whose alcohol test produces a reading in excess of the prescribed limit of alcohol,
 shall not be allowed to continue their duties on the flight in question.
- (d) When alcohol test data is included in the EASA centralised database in accordance with ARO.RAMP.145, the CAA shall ensure that any personal data of the crew member is excluded.
- (e) “prescribed limit of alcohol” means:
 - (i) in the case of breath, 9 microgrammes of alcohol in 100 millilitres,
 - (ii) in the case of blood, 20 milligrammes of alcohol in 100 millilitres, and
 - (iii) in the case of urine, 27 milligrammes of alcohol in 100 millilitres.”;

(b) in point ARO.RAMP.145—

- (i) in point (a), for “CAA database” substitute “database maintained by the European Aviation Safety Agency and used by the CAA in accordance with working arrangements established in accordance with article 90(2) of Regulation (EU) 2018/1139 (“the EASA centralised database”)”;
- (ii) in point (b), for “CAA database” substitute “EASA centralised database”.

Amendment of Annex 4 to Commission Regulation (EU) No 965/2012

11.—(1) Annex 4 (commercial air transport) is amended as follows.

(2) In Subpart A (general requirements)—

- (a) in point CAT.GEN.MPA.100(c)(1), for “psychoactive substances or alcohol” substitute “a psychoactive substance”;
- (b) for point CAT.GEN.MPA.170 substitute—

“CAT.GEN.MPA.170

Psychoactive substances

- (a) The operator shall take all reasonable measures to prevent a person boarding an aircraft or being on board an aircraft when that person is under the influence of

a psychoactive substance and is behaving in such a way as to risk endangering the safety of the aircraft or of another person on board of the aircraft.

- (b) The operator shall develop and implement a policy on the prevention and detection of misuse of psychoactive substances by flight crew members 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) 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 crew members and cabin crew members and other safety-sensitive personnel under its direct control.
- (d) The operator shall inform the CAA of any case of misuse of psychoactive substances by any person to whom the procedure in point (c) applies as soon as reasonably practicable.”;

(c) after point CAT.GEN.MPA.210, insert—

“CAT.GEN.MPA.215

Support programme

- (a) The operator shall make available to and ensure, enable and facilitate access to a proactive and non-punitive support programme for flight crew members that will assist those persons to recognise, cope with and overcome any problem which could negatively affect their ability to safely exercise the privileges of their licence.
- (b) The operator shall have adequate security measures in place for the protection and confidentiality of personal data contained within the support programme.”.

(3) In Subpart B (operating procedures)—

(a) after point CAT.OP.MPA.300 insert—

“CAT.OP.MPA.303

In-flight check of the landing distance at time of arrival — aeroplanes

- (a) No approach to land shall be continued unless the landing distance available (LDA) on the intended runway is at least 115% of the landing distance at the estimated time of landing, determined in accordance with the performance information for the assessment of the landing distance at time of arrival (LDTA) and the approach to land is performed with performance class A aeroplanes that are certified in accordance with either of the following certification specifications, as indicated in the type-certificate:
 - (1) CS-25 or equivalent;
 - (2) CS-23 at level 4 with performance level “High speed” or equivalent.
- (b) For performance class A aeroplanes other than those referred to in point (a), no approach to land shall be continued, except where:
 - (1) the LDA on the intended runway is at least 115% of the landing distance at the estimated time of landing, determined in accordance with the performance information for the assessment of the LDTA; or
 - (2) if performance information for the assessment of the LDTA is not available, the LDA on the intended runway at the estimated time of landing is at least the required landing distance determined in accordance with point CAT.POL.A.230 or point CAT.POL.A.235, as applicable.

- (c) For performance class B aeroplanes, no approach to land shall be continued, except in either of the following situations:
- (1) the LDA on the intended runway is at least 115% of the landing distance at the estimated time of landing, determined in accordance with the performance information for the assessment of the LDTA; or
 - (2) if performance information for the assessment of the LDTA is not available, the LDA on the intended runway at the estimated time of landing is at least the required landing distance determined in accordance with point CAT.POL.A.330 or point CAT.POL.A.335, as applicable.
- (d) For performance class C aeroplanes, no approach to land shall be continued, except in either of the following situations:
- (1) the LDA on the intended runway is at least 115% of the landing distance at the estimated time of landing, determined in accordance with the performance information for the assessment of the LDTA; or
 - (2) if performance information for the assessment of the LDTA is not available, the LDA on the intended runway at the estimated time of landing is at least the required landing distance determined in accordance with point CAT.POL.A.430 or point CAT.POL.A.435, as applicable.
- (e) Performance information for the assessment of the LDTA shall be based on approved data contained in the AFM. When approved data contained in the AFM are insufficient in respect of the assessment of the LDTA, they shall be supplemented with other data which are either determined in accordance with the applicable certification standards for aeroplanes or determined in line with the AMCs issued by the CAA.
- (f) The operator shall specify in the OM the performance information for the assessment of the LDTA and the assumptions made for its development, including other data that, in accordance with point (e), may be used to supplement that contained in the AFM.”;
- (b) after point CAT.OP.MPA.310 insert—
- “CAT.OP.MPA.311**
- Reporting on runway braking action*
- Whenever the runway braking action encountered during the landing roll is not as good as that reported by the aerodrome operator in the runway condition report (RCR), the commander shall notify the air traffic services (ATS) by means of a special air-report (AIREP) as soon as practicable.”;
- (4) In Subpart C (aircraft performance and operating limitations)—
- (a) in point CAT.POL.A.105, for point (d) substitute—
- “(d) The operator shall take account of charting accuracy when assessing the take-off requirements of the applicable chapters.”;
- (b) after point CAT.POL.A.250 insert—
- “CAT.POL.A.255**
- Approval of reduced required landing distance operations*
- (a) An aeroplane operator may conduct landing operations within 80% of the landing distance available (LDA) if all of the following conditions are complied with:

- (1) the aeroplane has an MOPSC of 19 or less;
 - (2) the aeroplane has an eligibility statement for reduced required landing distance in the AFM;
 - (3) the aeroplane is used in non-scheduled on-demand commercial air transport (CAT) operations;
 - (4) the landing mass of the aeroplane allows a full-stop landing within that reduced landing distance in the prevailing conditions;
 - (5) the operator has obtained prior approval from the CAA.
- (b) To obtain the approval referred to in point (a)(5), the operator shall provide evidence of either of the following circumstances:
- (1) that a risk assessment has been conducted to demonstrate that a level of safety equivalent to that intended by point CAT.POL.A.230(a)(1) or (2), as applicable, is achieved; or
 - (2) that the following conditions are met:
 - (i) special-approach procedures, such as steep approaches, planned screen heights higher than 60 feet or lower than 35 feet, low-visibility operations, or approaches outside stabilised approach criteria approved under point CAT.OP.MPA.115(a), will not be conducted;
 - (ii) short landing operations in accordance with point CAT.POL.A.250 will not be conducted;
 - (iii) landing on contaminated runways will not be conducted;
 - (iv) an adequate training, checking and monitoring process for the flight crew is established;
 - (v) an aerodrome landing analysis programme (ALAP) is established by the operator to ensure that the following conditions are met:
 - (A) no tailwind is forecast at the expected time of arrival;
 - (B) if the runway is forecast to be wet at the expected time of arrival, the landing distance at dispatch shall either be determined in accordance with point CAT.OP.MPA.303(a) or (b) as applicable, or shall be 115 % of the landing distance determined for dry runways, whichever is longer;
 - (C) there are no contaminated runway conditions forecast at the expected time of arrival;
 - (D) there are no adverse weather conditions forecast at the expected time of arrival;
 - (vi) all the equipment that affects landing performance is operative before commencing the flight;
 - (vii) the flight crew is composed of at least two qualified and trained pilots that have recency in reduced required landing distance operations in accordance with the operator's training and checking programme;
 - (viii) based on the prevailing conditions and in the interests of safety, the commander shall make the final decision as to whether or not to conduct reduced required landing distance operations for the intended flight;
 - (ix) any additional landing conditions for the aerodrome, if specified by the competent authority that has certified the aerodrome are taken into consideration.”;

(c) after point CAT.POL.A.350 insert—

“CAT.POL.A.355

Approval of reduced required landing distance operations

- (a) Operations with a landing mass of the aeroplane that allows a full-stop landing within 80% of the LDA require prior approval by the CAA. Such approval shall be obtained for each runway on which operations with reduced required landing distance are conducted.
- (b) To obtain the approval referred to in point (a), the operator shall conduct a risk assessment to demonstrate that a level of safety equivalent to that intended by point CAT.POL.A.330(a) is achieved and at least the following conditions are met:
 - (1) the State of the aerodrome has determined a public interest and operational necessity for the operation, either due to the remoteness of the aerodrome or to physical limitations relating to the extension of the runway;
 - (2) short landing operations in accordance with point CAT.POL.A.350 and approaches outside stabilised approach criteria approved under point CAT.OP.MPA.115(a) and shall not be conducted;
 - (3) landing on contaminated runways and shall not be conducted;
 - (4) a specific control procedure of the touchdown area for each runway intended to be used is defined in the OM and implemented; this procedure shall include adequate go-around and balked-landing instructions when touchdown in the defined area cannot be achieved;
 - (5) an adequate aerodrome training and checking programme for the flight crew is established;
 - (6) the flight crew members are qualified and have recency in reduced required landing distance operations at the aerodrome concerned in accordance with the operator’s training and checking programme;
 - (7) an aerodrome landing analysis programme (ALAP) is established by the operator to ensure that the following conditions are met:
 - (i) no tailwind is forecast at the expected time of arrival;
 - (ii) if the runway is forecast to be wet at the expected time of arrival, the landing distance at dispatch shall either be determined in accordance with point CAT.OP.MPA.303(c), or be 115% of the landing distance determined for dry runways, whichever is longer;
 - (iii) there are no contaminated runway conditions forecast at the expected time of arrival;
 - (iv) there are no adverse weather conditions forecast at the expected time of arrival;
 - (8) operational procedures are established to ensure that:
 - (i) all the equipment that affects landing performance and landing distance is operative before commencing the flight;
 - (ii) deceleration devices are correctly used by the flight crew;
 - (9) specific maintenance instructions and operational procedures are established for the aeroplane’s deceleration devices to enhance the reliability of those systems;

(10) the final approach and landing are conducted under visual meteorological conditions (VMC) only;

(11) any additional landing conditions for the aerodrome, if specified by the competent authority that has certified the aerodrome, are taken into consideration.”.