

UNMIK/DIR/2004/9
13 May 2004

ADMINISTRATIVE DIRECTION NO. 2004/9

**IMPLEMENTING UNMIK REGULATION NO. 2004/5 ON THE
PROVISIONAL REGULATION OF CIVIL AVIATION IN KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Interim Administration Mission in Kosovo ("UNMIK") Regulation No. 2004/5 of 23 February 2004 On the Provisional Regulation of Civil Aviation in Kosovo and section 5 of UNMIK Regulation No. 2003/18 of 13 June 2003 On the Establishment of a Civil Aviation Regulatory Office for Kosovo,

Taking into account the contractual arrangements made with a member State of the International Civil Aviation Organization (ICAO) for the provision of certain civil aviation functions in Kosovo by that member State on behalf of UNMIK, including issuing of licenses to, and monitoring of air traffic controllers employed at Pristina Airport in accordance with Standards and Recommended Practices of Annex 1 of the Convention on International Civil Aviation, including any Annex or amendment thereto,

For the purpose of ensuring that persons undertaking certain duties affecting the safety of airports, air traffic services or aircraft in Kosovo can discharge their duties safely and properly,

Hereby issues the following Administrative Direction:

Section 1
Definitions

1.1 For the purposes of the present Administrative Direction:

"Alcohol" means the intoxicating agent in beverage alcohol, such as beer, wines, spirits, liqueurs, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol;

“CARO” means the Civil Aviation Regulatory Office established by UNMIK Regulation No. 2003/18;

“Prohibited Substance” means opioids, cannabinoids, cocaine, and other psychostimulants, such as sedatives, hypnotics, hallucinogens and volatile solvents, when abused to achieve distortion of consciousness, but not including coffee, tea and tobacco;

“Relevant Personnel” means any person that is performing, ready to perform or immediately available to perform Safety-sensitive Functions.

“Safety-sensitive Functions” means:

- (a) flight crewmember duties;
- (b) flight attendant duties;
- (c) flight instruction duties;
- (d) aircraft dispatcher duties;
- (e) aircraft maintenance or preventative maintenance duties;
- (f) ground security co-ordinator duties;
- (g) aviation screening duties; and
- (h) air traffic control duties.

1.2 In the present Administrative Direction:

(a) words denoting gender shall include the other gender and words denoting the singular shall include the plural and vice versa.

(b) references to sections and sub-sections are to the sections and sub-sections herein.

(c) headings are included for convenience only and do not affect the meaning of the present Administrative Direction.

Section 2 Prohibitions

2.1 Relevant Personnel shall not consume Alcohol or a Prohibited Substance:

- (a) while on duty;
- (b) within eight (8) hours before they report to duty; and
- (c) within six (6) hours of finishing duty, if they may reasonably be expected to believe that their conduct at work may lead to an investigation pursuant to Section 3.

The application of this section 2.1 is without prejudice to any other regulations, rules or directives applicable to a Relevant Personnel under any relevant international and national law or standards, or the rules established by the Relevant Personnel's employer.

2.2 Relevant Personnel shall not undertake Safety-sensitive Functions, or continue to undertake Safety-sensitive Functions, if he is unable to discharge his duties safely and properly due to the consumption of Alcohol or a Prohibited Substance or to illness, injury, fatigue or any other reason.

2.3 Without prejudice to the generality of section 2.2, a Relevant Personnel shall be deemed to be unable to discharge his duties safely and properly if tests indicate:

- (a) there is an Alcohol level of more than four-tenths of one per centum (0.04%) or, in the case of air traffic controllers holding Icelandic Air Traffic Control (ATC) licenses, two-tenths of one per centum (0.02%) in his bloodstream or there is sufficient Alcohol in his bloodstream to lead to that blood Alcohol level; and

- (b) the presence of a Prohibited Substance or a metabolite of a Prohibited Substance.

Section 3

Tests for Alcohol and Prohibited Substance

Relevant Personnel shall at any time, at the request of CARO or the senior manager of the airport at which the Relevant Personnel is working, undergo a reasonable medical examination, including breathing, blood and urine tests, if there is reason to believe that such Relevant Personnel may be under the influence of Alcohol or a Prohibited Substance.

Section 4
Notification of Illnesses, Conditions and Injuries

Any Relevant Personnel who has a condition, illness or injury that might affect his ability to discharge his duties safely and properly and any physician of such Relevant Personnel shall immediately inform CARO and the senior manager of the airport where such Relevant Personnel is undertaking Safety-sensitive Functions, of such condition, illness or injury.

Section 5
Administrative Fines

5.1 CARO may suspend or revoke the application in Kosovo of any certificate, rating or license issued to any Relevant Personnel who fails to comply with sections 2 or 4 or submit to any medical examination or test required pursuant to section 3 and require him to pay a fine of up to at least €500 but not more than €1,000.

5.2 CARO may also require the airport, where any Relevant Personnel who fails comply with sections 2 or 4 or submit to any medical examination or test required pursuant to section 3 is undertaking Safety-sensitive Functions, to ensure that such Relevant Personnel is temporarily or permanently precluded from carrying out Safety-sensitive Functions at that airport.

5.2 Disciplinary proceedings may be commenced against the Relevant Personnel by his employer under sections 5.1 and 5.2.

Section 6
Entry into Force

The present Administrative Direction shall enter into force on 13 May 2004.

Harri Holkeri
Special Representative of the Secretary-General