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I

(Information)

COUNCIL

COUNCIL RESOLUTION

of 21 December 1989

on a global approach to conformity assessment

(90/C 10/01)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

RECALLING its resolution of 7 May 1985 on a new approach to technical harmonization and standards ⁽¹⁾ in which it stated that the new approach should be accompanied by a policy on the assessment of conformity;

RECALLING the objectives of the Single European Act, including the strengthening of economic and social cohesion;

STRESSES the importance of a global approach in this area, as outlined by the Commission in its communication of 24 July 1989 ⁽²⁾, with the aim of creating the conditions which will enable the principle of mutual recognition of proofs of conformity to operate in both the regulatory and the non-regulatory sphere;

TAKING INTO CONSIDERATION the basic lines of that approach,

HEREBY ADOPTS the following guiding principles for a European policy on conformity assessment:

- a consistent approach in Community legislation should be ensured by devising modules for the various phases of conformity assessment procedures and by laying down criteria for the use of those procedures, for the designation and notification of bodies under those procedures, and for use of the EC mark,
- generalized use of the European standards relating to quality assurance (EN 29 000) and to the

requirements to be fulfilled by the abovementioned bodies concerned (EN 45 000), the setting-up of accreditation systems and the use of techniques of intercomparison should be promoted in all Community Member States as well as at Community level,

- the promotion of mutual recognition agreements on certification and testing between bodies operating in the non-regulatory sphere is essential for the completion of the internal market; the setting-up of a flexible, unbureaucratic testing and certification organization at European level with the basic role of promoting such agreements and of providing a prime forum within which to frame them should significantly contribute to the furtherance of that objective,
- possible differences in levels of development in the Community and in industrial sectors with regard to quality infrastructure (especially calibration and metrology systems, testing laboratories, certification and inspection bodies, and accreditation systems) such as are likely to have an adverse effect on the operation of the internal market should be studied with a view to the preparation of a programme of Community measures, possibly including budgetary measures, as soon as possible,
- in its relations with third countries the Community will endeavour to promote international trade in regulated products, in particular by concluding mutual recognition agreements on the basis of Article 113 of the Treaty in accordance with Community law and with the Community's international obligations, while ensuring in the latter case that:

- the competence of the third country bodies is and remains on a par with that required of their Community counterparts,

⁽¹⁾ OJ No C 136, 4. 6. 1985, p. 1.

⁽²⁾ OJ No C 231, 8. 9. 1989, p. 3, and OJ No C 267, 19. 10. 1989, p. 3.

- the mutual recognition arrangements are confined to reports, certificates and marks drawn up and issued directly by the bodies designated in the agreements,
- in cases where the Community wishes to have its own bodies recognized, the agreements establish a balanced situation with regard to the advantages derived by the parties in all matters

relating to conformity assessment for the products concerned.

The Commission is requested to submit recommendations to the Council as soon as possible for detailed negotiating directives under Article 113 of the Treaty.

The Council also calls on the Commission to prepare the measures necessary to put this resolution into practice.

**RESOLUTION OF THE COUNCIL AND THE MINISTERS FOR HEALTH OF THE
MEMBER STATES, MEETING WITHIN THE COUNCIL**

of 22 December 1989

on the fight against AIDS

(90/C 10/02)

THE COUNCIL OF THE EUROPEAN COMMUNITIES
AND THE MINISTERS FOR HEALTH OF THE MEMBER
STATES, MEETING WITHIN THE COUNCIL,

Having regard to the Treaties establishing the European
Communities,

Having regard to their common approach to combating
AIDS, worked out in 1986 and subsequently
expanded⁽¹⁾,

Remain concerned by the increase in the AIDS epidemic
in the Member States of the Community and by its
social, economic, legal and ethical consequences;

Recall their conclusions of 16 May 1989⁽²⁾ affirming
that contamination by drug injection is a major concern
of the health authorities;

Stress the very considerable efforts made by all Member
States in the fields of research, treatment and prevention
as well as the major endeavour to coordinate research at
Community level;

Note that, in spite of encouraging progress achieved in
research, effective vaccines and treatment will not be
widely available for several years;

Reiterate the importance of international cooperation, in
particular with the World Health Organization (WHO)
and the Council of Europe;

Consider it advisable to reaffirm and specify, for the
attention of all European citizens, the principles which
should guide them in preventing and combating AIDS;

Draw attention also to their conclusions of 15 May
1987⁽³⁾ in which they decided to draw up an action and
coordination plan for adoption by the Member States
and at Community level;

Therefore agree to step up the coordination of national
and Community projects and promote activities of
common interest.

A. Common principles for the fight against AIDS

I. Prevention

1. In the fight against AIDS, top priority should,
alongside research, continue to be given to prevention by
means of health information and health education.

2. The information should be clear and full and stress
the fact that HIV infection and the disease of AIDS in
no way justify any reaction of fear or of discrimination.

3. Health-information and health-education measures
should deliver well-aimed messages: on the one hand, it
remains indispensable that the general public and young
people in particular be given repeated general messages
on prevention; on the other hand, local or targeted
measures must bring these messages home.

Special attention should be given to ways of reaching
drug addicts and those living on the fringes of society.

4. Prevention must include improved access to suitable
individual counselling and to the available means of
protection against the virus, such as condoms and safe
injection material.

5. These measures should be thoroughly reviewed on
a regular basis.

II. Use of diagnostic tests

1. Suitable diagnostic tests must be widely available on
a voluntary and confidential basis within the public
health systems.

⁽¹⁾ OJ No C 184, 23. 7. 1986, p. 21,
OJ No C 178, 7. 7. 1987, p. 1,
OJ No C 197, 27. 7. 1988, p. 8,
OJ No C 28, 3. 2. 1989, p. 1, and
OJ No C 185, 22. 7. 1989, p. 3.

⁽²⁾ OJ No C 185, 22. 7. 1986, p. 3.

⁽³⁾ OJ No C 178, 7. 7. 1987, p. 1.

Where advisable, additional arrangements may be made to offer individuals the possibility of being tested anonymously, if possible free of charge.

2. These tests form part of individual preventive measures, always accompanied by information and counselling provided by qualified persons.

3. On the basis of knowledge gleaned to date, no public health reason justifies the systematic and compulsory screening of individuals, i.e. screening without prior information or consent of the persons tested. Such a practice is particularly ineffective as a means of prevention.

4. To improve epidemiological data, in the context of longitudinal or prospective studies and for public health purposes, requires the use of appropriate strategies.

5. Progress in the medical use of substances of human origin (such as blood and its derivatives, organs, tissues and semen) must be actively continued.

Voluntary donation of such substances without remuneration, maintaining screening on the occasion of each donation by means of suitable tests (testing of AIDS viruses), the development of a policy of informing donors in order to exclude risk donors and similarly stringent quality controls throughout the Community make an essential contribution to the safe use of such donations, and particularly to safe transfusion.

III. *The fight against discrimination*

1. Any discrimination against persons with AIDS or HIV-positive persons constitutes a violation of human rights and prejudices an effective prevention policy because of its effects of exclusion and ostracism.

2. The free movement of persons, goods and services in the Community and equal treatment as laid down in the Treaties are, and must continue to be, guaranteed.

3. The greatest possible vigilance must therefore be exercised in order to combat all forms of discrimination, particularly in recruitment, at the workplace, at school and as regards accommodation and sickness insurance.

4. With regard, more particularly, to accommodation and private insurance, solutions should be found which reconcile economic interests with the principle of non-discrimination.

IV. *Medical and social care for HIV-positive individuals and persons with AIDS*

1. In order to enable persons affected to take full advantage of improvements in therapy and diagnosis, the fullest and earliest possible access to care should be made available.

2. In particular, persons who do not have social security cover, as is often the case with drug addicts or former drug addicts, require specific measures, where appropriate.

3. The dissemination of information on solutions which have proved successful in certain countries should be encouraged and backed up, especially at Community level.

4. Non-governmental organizations, whether their members be affected persons or persons concerned by the epidemic, play an essential role in the provision of psychological and social care for affected persons. This role must be encouraged and more widely recognized.

B. *Specific activities: action plan*

I. *Basic operational research*

Community research policy has to date been based in particular on vaccines, treatment and epidemiology and on the ways of involving health services, particularly in developing countries, in combating AIDS.

This policy must be continued and backed by all the necessary means.

II. *Research into, and evaluation of, the socio-economic impact*

Better knowledge of the pathogenesis of AIDS should go hand in hand with a better understanding of the psychosocial, economic and demographic effects of the disease and of its consequences for society in Europe and the world.

The Commission is called upon to consider in particular the following topics in coordinated research projects: analysis and assessment of requirements for caring, research into behaviour and behavioural factors with particular reference to prevention, development of methods for assessing preventive measures, analysis of socio-economic consequences and preparation of forecasts and scenarios in this field.

III. *International cooperation*

The Council takes note of the measures already undertaken under the programme to combat AIDS in developing countries adopted on 21 May 1987.

Without prejudice to the priorities which have still to be determined, the Council considers it advisable to continue and strengthen these measures which must be consistent with the common approach adopted by the Council and the Ministers for Health to this matter.

The Community has a specific role to play in this field in close collaboration with the Member States, the WHO and the other international organizations concerned.

IV. *Monitoring of the epidemiological situation in the Community*

In the light of the considerable work already done to improve the general system for gathering epidemiological data, and notably the conclusions of the Council and the Ministers for Health meeting within the Council on 15 December 1988 and 16 May 1989⁽¹⁾, the Member States and the Commission are requested, each as far as it is concerned, to:

- continue improving the general system for gathering epidemiological data, and particularly national monitoring systems,
- forward regularly to the European Centre for the Epidemiological Monitoring of AIDS (WHO-EC Collaboration Centre in Paris) the available epidemiological data and provide suitable access to the Centre's database,
- develop coordinated epidemiological studies for assessing the present situation and the possible spread of the epidemic,
- take account of the above information when subsequently developing strategies for prevention and care,
- develop, together with experts designated by the Member States and the European Centre, methodological approaches to ensure greater comparability of epidemiological data.

The Commission will ensure that appropriate Community support is given to the European Centre to carry out all these tasks.

V. *Development of measures to combat AIDS*

In the light of the conclusions of the Council and the Ministers for Health meeting within the Council on 16 May 1989⁽²⁾ which:

- requested the Commission to prepare and submit to the Council by the end of 1989 a programme on the prevention of AIDS in intravenous drug users,
- requested the Commission to examine, within the framework of the internal market, the possibilities for harmonization of condoms and HIV self-testing kits,
- instructed the *ad hoc* Working Party on AIDS, in close cooperation with, and with the participation of, the Commission, to develop the exchange of information on the results of the assessment of the national prevention measures including information campaigns, and on awareness measures for health personnel and finally to examine the possibilities for improving at Community level the HIV-related technical safety requirements for organs, tissues, semen and blood:

- (a) the Commission is requested, on the basis of the guidelines laid down by the Council in this resolution and in close cooperation with the Member States and with the possible assistance of experts appointed by each of them, to:
 - develop exchanges of information and experience in priority areas of the fight against AIDS, in particular those indicated in the Annex hereto, and the resultant coordination,
 - draw up and submit to the Council, at the earliest opportunity, proposals defining the details and content of an action plan integrating appropriate measures to prevent and control AIDS, including the coordination of the pilot projects carried out by the Member States and contributions to preparing Community projects on research and international cooperation;
- (b) the *ad hoc* Working Party on AIDS is instructed, in accordance with the conclusions previously adopted by the Council and the Ministers for Health, to continue its work, in particular on exchanges of information and experience, to examine the communications and proposals to be submitted by the Commission and to report to the Council on the implementation of this resolution.

⁽¹⁾ OJ No C 28, 3. 2. 1989, p. 1, and OJ No C 185, 22. 7. 1989, p. 7.

⁽²⁾ OJ No C 185, 22. 7. 1989, p. 3.

*ANNEX***PRIORITY TOPICS FOR THE EXCHANGES OF INFORMATION AND EXPERIENCE****I. Topics which have been the subject of earlier conclusions**

- assessment of national prevention measures, including assessment of information campaigns and problems which may concern women or certain specific categories of person,
- preventive measures aimed at drug addicts,
- technical ways of improving safety in the use of substances of human origin.

II. New topics

- care of infected persons,
 - health information and education for young people,
 - implementation of the conclusions of the Council and the Ministers for Health concerning AIDS and the place of work.
-

COMMISSION

Ecu ⁽¹⁾

15 January 1990

(90/C 10/03)

Currency amount for one ecu:

Belgian and Luxembourg franc con.	42,6748	Spanish peseta	132,305
Belgian and Luxembourg franc fin.	42,6748	Portuguese escudo	179,351
German mark	2,03576	United States dollar	1,21003
Dutch guilder	2,29555	Swiss franc	1,81323
Pound sterling	0,723487	Swedish krona	7,40781
Danish krone	7,88880	Norwegian krone	7,86218
French franc	6,92622	Canadian dollar	1,40037
Italian lira	1518,11	Austrian schilling	14,3268
Irish pound	0,770917	Finnish markka	4,80504
Greek drachma	190,278	Japanese yen	175,999
		Australian dollar	1,52589
		New Zealand dollar	1,98366

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

Note: The Commission also has an automatic telex answering service (No 21791) providing daily data on calculation of monetary compensatory amounts for the purposes of the common agricultural policy.

⁽¹⁾ Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ No L 189, 4. 7. 1989, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

STATE AIDS**Commission communication on the reference and discount rates applicable in France, Ireland and Portugal**

(90/C 10/04)

In its communication of 21 December 1978 ⁽¹⁾, the Commission described the principles it would apply to regional aid systems already in force or to be established in the regions of the Community.

The communication comprised an Annex describing the methods for implementing these principles and, in particular, fixing (points 13 to 15) the reference rates and discount rates to be used for the calculation of the net grant equivalent of the various types of aid in each Member State.

The definition of the reference and discount rates applicable in France and Ireland was modified with effect from 1 January 1989 and that applicable in Portugal was adopted with effect from 1 January 1986.

As a result, the fourth indent of paragraph 14: 'France — The rate used for plant and equipment loans from the Crédit National' should be replaced by 'France — The average rate taken from the quarterly survey of the Banque de France on the cost of medium- and long-term credit to enterprises'.

Similarly, under the sixth indent of the same paragraph: 'Ireland — "AA" rate for loans in excess of seven years as fixed by the Standing Committee of Commercial or Merchant Banks' should be replaced by: 'Ireland — average "AA" rate for loan accounts as set by the Associated Banks'.

An 11th indent should also be added: 'Portugal — The Bank of Portugal discount plus two points'.

⁽¹⁾ OJ No C 31, 3. 2. 1979, p. 9.

Outcome of the invitations to tender (Community food aid)

(90/C 10/05)

as provided for in Article 9 (5) of Commission Regulation (EEC) No 2200/87 of 8 July 1987
laying down general rules for the mobilization in the Community of products to be supplied as
Community food aid

(Official Journal of the European Communities No L 204 of 25 July 1987, page 1)

9 January 1990

Regulation (EEC) No	Action No	Lot	Recipient	Product	Quantity (tonnes)	Delivery stage	Number of tenders	Successful tenderer	Awarded price (ECU/t)
Com. Dec. 22. 12. 1989	947/89	1	CICR/Angola	GMAI	1 400	EMB	5	Champagne céréales AOH Algemene Oliehandel	123,93
	948/89	1	CICR/Angola	HCOLZ	70	EMB	3		760,00
3633/89	748-753/89	1	Euronaid (NGOs)/third countries	SUB	310	EMB	5	n.a.	
3484/89	401/89	1	UNHCR/Uganda	HCOLZ	300	DEST	1	n.a.	
3971/89	844/89	A	Somalia	DUR	2 000	DEB	8	Lecureun	237,47
	845/89	B	Somalia	DUR	2 000	DEB	8	Lecureun	239,47
	846/89	C	Somalia	DUR	2 000	DEB	8	Lecureun	241,41
	847/89	D	Somalia	FBLT/ME	1 700	DEB	8	Cer.far. Srl	259,70
	848/89	E	Somalia	FBLT/ME	1 700	DEB	9	Cer.far. Srl	259,70
	849/89	F	Somalia	FBLT/ME	1 700	DEB	10	Cer.far. Srl	279,70
	899/89	G	Ethiopia	BLT	15 000	DEB	13	UNCAC	193,41
3974/89	302/89	1	UNHCR/Mozambique	HCOLZ	1 030	DEB	6	Sels oel + fett GmbH	666,75
	303/89	1	UNHCR/Swaziland	HCOLZ	30	DEST	4	n.a. (*)	
	617/89	1	UNHCR/Zambia	HCOLZ	80	DEST	4	n.a. (*)	
3925/89	168/89	1	Mozambique	HCOLZ	2 000	DEST	5	Alfred C. Toepfer Int. GmbH	678,57
3922/89	858/89	A	Sudan	BO	200	DEB	10	Laiterie du Parc S.A.	1 850,00
3923/89	859/89	A	Sudan	LEP	600	DEB	8	Unilait France	1 485,75
	860/89	B	Sudan	LEPv	400	DEB	8	Francempa	1 494,00

n.a.: No contract was awarded.

(*) Second invitation to tender to be held on 23 January 1990.

BLT: Common wheat
FBLT: Common wheat flour
CBL: Long grain milled rice
CBM: Medium grain milled rice
CBR: Round grain milled rice
BRI: Broken rice
FHAF: Rolled oats
MAI: Maize
SOR: Sorghum
ME: Meslin
DUR: Durum wheat

FMAI: Maize flour
GMAI: Maize groats
LENP: Whole milk powder
LEP: Skimmed-milk powder
LEPv: Vitaminized skimmed-milk powder
BO: Butteroil
B: Butter
SU: Sugar
GDU: Durum wheat semolina
CT: Tomato concentrate

HOLI: Olive oil
HCOLZ: Refined rape or colza oil
HPALM: Semi-refined palm oil
HTOUR: Refined sunflower oil
CB: Corned beef
DEB: Free at port of landing — landed
DEN: Free at port of landing — ex ship
EMB: Free at port of shipment
DEST: Free at destination
SUB: White sugar

Agreement between the European Economic Community and the Union of Soviet Socialist Republics

(90/C 10/06)

The European Economic Community has negotiated an Agreement on the trade in textile products with the Union of Soviet Socialist Republics. Both parties have agreed on the provisional application of the Agreement from 1 January 1990.

A Council decision of 18 December 1989 has fixed the provisional application of the Agreement between the European Economic Community and the Union of Soviet Socialist Republics on the trade in textile products from 1 January 1990.

II

(Preparatory Acts)

COUNCIL

ASSENT Nos 26 to 32/89

(90/C 10/07)

given by the Council, pursuant to Article 56 (2) (a) of the Treaty establishing the European Coal and Steel Community, to enable the Commission to grant:

(i) the following six global loans:

- Lit 100 thousand million (\pm ECU 67,065 million) to Mediocredito Lombardo (Italy)
- £ 10 million (\pm ECU 14,802 million) to Welsh Development Agency (WDA) (United Kingdom)
- £ 90 million (\pm ECU 133,222 million) to Investors in Industry (United Kingdom)
- Bfrs 650 million (\pm ECU 14,966 million) to Banque Bruxelles-Lambert (Belgium)
- £ 90 million (\pm ECU 133,222 million) to Barclays Bank plc (United Kingdom)
- DM 100 million (\pm ECU 48,147 million) to Bank für Gemeinwirtschaft AG (Federal Republic of Germany)

(ii) the following conversion loan:

- £ 20 million (\pm ECU 29,329 million) to Coca-Cola & Schweppes Beverages Ltd (CC & SB) (United Kingdom)

The Council gave these assents at its 1382nd meeting held on 21 December 1989.

For the Council

The President

E. CRESSON

COMMISSION

Proposal for a Council Directive on mutual acceptance of personnel licences for the exercise of functions in civil aviation

COM(89) 472 final

(Submitted by the Commission on 4 December 1989)

(90/C 10/08)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 84 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas the existence in sufficient numbers of appropriately qualified and licensed personnel is vital for the smooth and safe running of air transport services;

Whereas air transport is a highly dynamic and rapidly developing sector of a particularly international character; whereas, therefore, the balance between supply and demand in personnel can be maintained more efficiently at the Community rather than the national level;

Whereas, therefore, it is essential that the common transport policy in the field of civil aviation is extended to ensure the free movement of personnel within the Community;

Whereas, furthermore, the completion of the internal market by the end of 1992 requires the existence of an efficient air transport system to ensure the unhindered movement of people within the Community;

Whereas the exercise of essential functions in civil aviation is in most Member States possible only to persons who possess a licence;

Whereas the requirements for such licences differ between Member States to the extent that in many instances it is difficult for a national of a Member State to exercise a similar function in another Member State;

Whereas, the qualifications required for licences are not at present laid down by the Community; whereas Member States therefore retain the option of fixing the level of such qualifications with a view to guaranteeing the safety of services provided in their territory; whereas they may not, without infringing their obligations laid down in the Treaty, require a national of a Member State to obtain those qualifications, which in general they determine only by reference to their own national education and training systems, where the person concerned has already acquired all or part of those qualifications in another Member State;

Whereas, therefore, any host Member State in which a function in civil aviation is regulated is required to take account of qualifications acquired in another Member State and to determine whether those qualifications correspond to the qualifications which it requires;

Whereas a Community procedure for the acceptance of licences and qualifications for the personnel exercising functions in civil aviation is appropriate in order to facilitate compliance with Treaty obligations and to ensure unhindered personnel mobility; whereas the acceptance of licences would be further facilitated by the obligation of Member States to respect the minimum requirements for licences in conformity with the eighth edition (July 1988) of Annex 1 to the Convention on International Civil Aviation;

Whereas regarding private pilots the recognition of their licences in all Member States can already be established;

Whereas in order to be permitted to operate aircraft in a Member State other than that where they obtained their licence professional pilots are normally subjected to additional tests; whereas this practice constitutes an obstacle to the free movement of air services and should be rectified; whereas urgent action is therefore required for professional pilots;

Whereas the elimination of the present air congestion problems necessitates the urgent training of a large number of additional air traffic controllers, whose function is vital to the smooth and safe running of air transport services;

Whereas training facilities are not always available in Member States commensurate with demand;

Whereas, in conformity with Article 7 of the Treaty, Member States shall admit nationals of other Member States to public and private training establishments and professional examinations on a non-discriminatory basis;

Whereas in order to achieve full mutual recognition of licences it is essential to specify common requirements for licences and training programmes;

Whereas it is appropriate to delegate the power to specify such requirements to the Commission assisted by a regulatory committee,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive shall apply to licensing procedures and requirements of Member States in the field of civil aviation with respect to flying crew, and personnel employed in aircraft maintenance, air traffic control, flight operations and aeronautical station operations.

2. The provisions of this Directive shall apply only to nationals of a Member State.

Article 2

For the purpose of this Directive:

- (a) *licence* means any valid document, issued by a Member State, authorizing personnel to exercise functions in civil aviation. This definition also includes ratings forming part of the licence;
- (b) *rating* means an authorization entered on or associated with a licence, stating special conditions, privileges or limitations pertaining to such licence;
- (c) *acceptance of licences* means any act of recognition or validation by a Member State of a licence or aspect of a licence issued by another Member State. The acceptance may be effected through the issue of a licence of its own;
- (d) *recognition* means the permission to use in one Member State a licence issued in another Member State for the purpose specified on the licence;
- (e) *validation* means the express indication by a Member State in a licence issued by another Member State that this licence can be used as one of its own for the purpose specified on the licence.

Article 3

1. Where a Member State requires personnel to be licensed in order to engage in functions in civil aviation, it shall accept, without undue delay or additional tests, any licence or aspect of a licence issued by another Member State and concerning the same functions.

2. A Member State shall recognize a licence respecting the standards as set out in Community requirements adopted pursuant to Article 9.

3. Without prejudice to Article 8, any person holding a private pilot licence issued by a Member State shall be permitted to fly aircraft registered in another Member State. This recognition shall be limited to the exercise of the privileges of the holder of a private pilot licence and of associated aircraft ratings under Visual Flying Rules (VFR) by day only in an aircraft certificated for single-pilot operations.

Article 4

1. By derogation from the principles set out in Article 3 (1), if a licence or any aspect of a licence issued by a Member State is based on requirements which are not equivalent to those of the Member State to which the licence is presented for acceptance the latter shall so inform the holder of the licence in writing and indicate the specific additional requirements and/or tests which are necessary for the licence to be accepted.

This information shall at the same time be communicated to the Member State which has issued the licence and to the Commission.

2. An opportunity to pass any additional test shall on request be given to the applicant without delay and in any case before three months have elapsed from the date of the request.

3. When the applicant can show that he meets the additional requirements and/or has passed the required test(s) the Member State concerned shall forthwith accept the licence or aspect of the licence in question.

Article 5

Notwithstanding Article 4, a Member State shall, until Community requirement have been adopted pursuant to Article 9 and when the special validation requirements as set out in the Annex are fulfilled by the holder of the licence:

- (a) validate a licence complying with at least the standards as set out in the eighth edition (July 1988) of Annex 1 to the Convention on International Civil Aviation;
- (b) at most, demand an aptitude test as set out in the Annex with respect to licences which do not meet the minimum requirements established by the eighth edition (July 1988) of Annex 1 to the Convention on International Civil Aviation.

Article 6

Without prejudice to Article 3, each Member State shall, for licensing purposes, accept any aspects of the qualifications, experience and training in civil aviation obtained in other Member States which are equivalent to its own requirements.

Article 7

Member States shall ensure that nationals of other Member States are admitted to public and private training establishments and to examinations and procedures for the licensing of civil aviation personnel on the same basis as applies to their own nationals.

Article 8

1. When a Member State issues a licence on the basis of a licence or aspect of a licence issued by a third country this shall be recorded in the licence. Other Member States shall not be obliged to accept any such licence or aspect of a licence.

2. By derogation from paragraph 1 Member States shall accept licences issued by the Federal Republic of Germany on the basis of a licence issued by the German Democratic Republic.

Article 9

1. The Commission shall at the latest by 31 December 1992 and in accordance with the procedure laid down in Article 10, adopt measures establishing harmonized requirements for licences and training programmes. In preparing the draft of those measures the Commission shall consult with representatives of the professions covered by this Directive.

2. Until such requirements for licences are adopted, the licensing requirements of the Member States must at least meet the level of those requirements laid down in the eighth edition (July 1988) of Annex 1 to the Convention on International Civil Aviation.

3. Without prejudice to Article 5, Member States may decide that licences issued by them before 1 July 1990 remain valid.

Article 10

1. For the purpose of the tasks defined in Article 9 the Commission shall be assisted by a committee composed

of the representatives of the Member States and chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

(b) If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

(c) If on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 11

1. The Member States shall, after consultation with the Commission, take the necessary steps to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 July 1990. They shall immediately inform the Commission thereof.

The measures adopted pursuant to the first subparagraph shall make express reference to this Directive.

2. The Member States shall communicate to the Commission all subsequent laws, regulations and administrative provisions adopted in the field governed by this Directive.

Article 12

This Directive is addressed to the Member States.

ANNEX

Special validation procedure

Role	Special validation requirements				Aptitude test for validation
	Licence	Medical	Age	Experience	
1. Commercial air transport in FAR 25/JAR 25 aeroplanes					
(a) PIC	(a) ATPL-A	(a) Class 1 medical certificate without waiver	(a) 21-60	(a) 1 500 h as PIC on FAR 25/JAR 25 aeroplanes	(a) A flight test including IR test in flight or simulator
(b) Co-pilot	(b) ATPL-A	(b) Class 1 medical certificate without waiver	(b) 21-60	(b) 1 500 h on FAR 25/JAR 25 aeroplanes	(b) A flight test including IR test in flight or simulator
2. Commercial air transport in non-FAR 25/JAR 25 aeroplanes					
(a) PIC	(a) CPL-A (with IR)	(a) Class 1 medical certificate without waiver	(a) 21-60	(a) 1 000 h as PIC in commercial air transport since gaining an IR	(a) A flight test including IR test in flight or simulator
(b) Co-pilot	(b) CPL-A (with IR)	(b) Class 1 medical certificate without waiver	(b) 21-60	(b) 1 000 h in commercial air transport	(b) A flight test including IR test in flight or simulator
3. (a) Aerial work in aeroplanes (excluding flying instruction)	(a) CPL-A	(a) Class 1 medical certificate without waiver	(a) 21-60	(a) 700 h as PIC on conventional aeroplanes including 200 h in the kind of aerial work for which validation is sought, including 50 h in the role in the last 12 months	(a) Flight check in role
(b) Aerial work in helicopters (excluding flying instruction and off-shore operations)	(b) CPL-H	(b) Class 1 medical certificate without waiver	(b) 21-60	(b) 700 h as PIC on helicopters including 200 h in the kind of aerial work for which validation is sought, including 50 h in the role in the last 12 months	(b) Flight check in role

Role	Special validation requirements				Aptitude test for validation
	Licence	Medical	Age	Experience	
4. Commercial air transport or off-shore operations in helicopters					
(a) PIC	(a) ATPL-H (with IR if IFR flights required)	(a) Class 1 medical certificate without waiver	(a) 21-60	(a) 1 500 h as PIC flying related to the kind of operation for which validation is being sought. If IR flight required, have gained 500 h flying experience since gaining an IR	(a) A flight test, including IR test, if appropriate, in flight or simulator
(b) Co-pilot	(b) CPL-H (with IR if IFR flights required)	(b) Class 1 medical certificate without waiver	(b) 21-60	(b) 1 500 h flying related to the kind of operation for which validation is being sought. If IR flight required have gained 500 h flying experience since gaining an IR	(b) A flight test, including IR test, if appropriate, in flight or simulator

Conventional aeroplanes shall mean aeroplanes other than those certificated under JAR 22 and ultralights.

